

By: Blanco

H.B. No. 2673

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain persons for the supplemental nutrition assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Sections 33.018 and 33.0181 to read as follows:

Sec. 33.018. INAPPLICABILITY OF CERTAIN FEDERAL LAW IN DETERMINING SNAP ELIGIBILITY. (a) As authorized by 21 U.S.C. Section 862a(d)(1)(B) and subject to Subsection (b), 21 U.S.C. Section 862a(a)(2) applies in determining the eligibility of a person for the supplemental nutrition assistance program only for a five-year period beginning on the date the person is convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. Section 802.

(b) A person who has been convicted of a felony described by Subsection (a) is eligible for the supplemental nutrition assistance program only if, after the five-year period described by Subsection (a), the person submits to a drug test and the test does not indicate the presence in the person's body of a controlled substance not prescribed for the person by a health care practitioner or marihuana.

Sec. 33.0181. INELIGIBILITY DUE TO CERTAIN CRIMINAL CONVICTIONS. A person is permanently ineligible for the

1 supplemental nutrition assistance program if the person is  
2 convicted of:

3 (1) murder under Section 19.02, Penal Code;

4 (2) capital murder under Section 19.03, Penal Code;

5 (3) continuous sexual abuse of a young child or  
6 children under Section 21.02, Penal Code;

7 (4) indecency with a child under Section 21.11, Penal  
8 Code;

9 (5) sexual assault under Section 22.011, Penal Code;

10 or

11 (6) aggravated sexual assault under Section 22.021,  
12 Penal Code.

13 SECTION 2. The changes in law made by this Act apply only to  
14 a determination of eligibility of a person for supplemental  
15 nutrition assistance benefits made on or after the effective date  
16 of this Act. A determination of eligibility made before the  
17 effective date of this Act is governed by the law in effect on the  
18 date the determination was made, and the former law is continued in  
19 effect for that purpose.

20 SECTION 3. If before implementing any provision of this Act  
21 a state agency determines that a waiver or authorization from a  
22 federal agency is necessary for implementation of that provision,  
23 the agency affected by the provision shall request the waiver or  
24 authorization and may delay implementing that provision until the  
25 waiver or authorization is granted.

26 SECTION 4. This Act takes effect September 1, 2015.