By: Cook of Harris S.B. No. 364

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for financial assistance of persons following certain drug-related convictions.

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

SECTION 1. Subchapter B, Chapter 31, Human Resources Code, is amended by adding Section 31.0321 to read as follows:

Sec. 31.0321. ELIGIBILITY FOLLOWING CERTAIN DRUG-RELATED CRIMINAL CONVICTIONS; ANNUAL REPORT. (a) In this section:

(1) "Chemical dependency" and "treatment facility" have the meanings assigned by Section 462.001, Health and Safety Code.

(2) "Chemical dependency treatment provider" means a licensed physician, psychologist, professional counselor, or chemical dependency counselor.

(b) As authorized by 21 U.S.C. Section 862a(d)(1)(A), and to the extent provided by this section, 21 U.S.C. Section 862a(a)(1) does not apply when determining the eligibility of a person for financial assistance.

(c) A person who has been convicted of, and released on parole or placed on community supervision for, any 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, is eligible for financial assistance if the person:

(1) meets all other eligibility requirements for

financial assistance under this chapter; and

(2) submits to the commission, in the form and manner prescribed by commission rules, written certification from a chemical dependency treatment provider that, based on the provider's assessment of the person:

(A) the person does not require chemical dependency treatment; or

(B) the provider recommends the person receive chemical dependency treatment and the person:

(i) is actively participating in a treatment program provided by a treatment facility; or

(ii) successfully completed a treatment program provided by a treatment facility after the assessment was conducted.

(d) The executive commissioner shall adopt rules necessary to implement this section.

(e) Not later than December 1 of each year, the commission shall prepare and submit to the legislature a written report on the effect of implementing this section, including:

(1) the number of persons described by Subsection (c) who were determined eligible for financial assistance under this chapter during the preceding state fiscal year;

(2) for persons described by Subsection (c) who were determined eligible for financial assistance under this chapter, an analysis on the effect, if any, receiving the assistance had on the persons' family stability and dependence on other public assistance programs;

(3) any challenges the commission encountered in implementing this section; and

(4) any recommendations for legislative or other action.

SECTION 2. As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall:

(1) conduct outreach to potential recipients of financial assistance under Chapter 31, Human Resources Code, to inform the potential recipients about the change in eligibility criteria under Section 31.0321(c), Human Resources Code, as added by this Act; and

(2) collaborate with community organizations and local governments that provide reentry services to persons described by Section 31.0321(c), Human Resources Code, as added by this Act, to provide information and assistance to those persons on the availability of and the application process for financial assistance benefits under Chapter 31, Human Resources Code.

SECTION 3. The changes in law made by this Act apply only to an initial determination or redetermination of eligibility of a person for financial assistance under Chapter 31, Human Resources Code, made on or after the effective date of this Act.

SECTION 4. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5. This Act takes effect September 1, 2027.