

HOUSE AMENDMENT NO. \_\_\_\_  
TO  
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Offered By

AMEND House Amendment No. \_\_\_\_ to Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 10, Line 18, by inserting after said line the following:

"Further amend said bill, Page 3, Section 43.507, Line 31, by inserting after all of said section and line the following:

~~"208.247. [1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty or nolo contendere to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department:~~

~~(1) Meets one of the following criteria:~~

~~(a) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health; or~~

~~(b) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity; or~~

~~(c) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse; or~~

~~(d) Is determined by a division of alcohol and drug abuse certified treatment provider not to need substance abuse treatment; and~~

~~(2) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse, and the division of probation and parole; and~~

~~(3) Does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense after release from custody or, if not committed to custody, such person does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense, within one year after the date of~~

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 ~~conviction. Such a plea or conviction within the first year after conviction shall immediately~~  
2 ~~disqualify the person for the exemption; and~~

3 (4) ~~Has demonstrated sobriety through voluntary urinalysis testing paid for by the~~  
4 ~~participant.~~

5 2. ~~Eligibility based upon the factors in subsection 1 of this section shall be based upon~~  
6 ~~documentary or other evidence satisfactory to the department of social services, and the applicant~~  
7 ~~shall meet all other factors for program eligibility.~~

8 3. ~~The department of social services, in consultation with the division of alcohol and drug~~  
9 ~~abuse, shall promulgate rules to carry out the provisions of this section including specifying criteria~~  
10 ~~for determining active participation in and completion of a substance abuse treatment program.~~

11 4. ~~The exemption under this section shall not apply to an individual who has pled guilty or~~  
12 ~~nolo contendere to or is found guilty of two subsequent felony offenses involving possession or use~~  
13 ~~of a controlled substance after the date of the first controlled substance felony conviction]~~ Pursuant  
14 to the option granted to the state under 21 U.S.C. Section 862a(d)(1), an individual convicted under  
15 federal or state law of a felony offense involving possession, distribution, or use of a controlled  
16 substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against  
17 eligibility for the supplemental nutrition assistance program for such convictions."; and"; and

18  
19 Further amend said bill by amending the title, enacting clause, and intersectional references  
20 accordingly.

21  
22 THIS AMENDS 0077S05.08H