

House Bill 2490

Sponsored by Representative BENTZ (at the request of Ron Edge) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits Department of Human Services to require applicants for or recipients of aid under temporary assistance for needy families program who are convicted of possession or distribution of controlled substances to submit to random drug tests. Requires person to enroll in rehabilitation program if person tests positive for drugs. Requires person to comply with requirements of rehabilitation program as condition for continued receipt of aid.

A BILL FOR AN ACT

1
2 Relating to felony drug convictions; amending ORS 411.119.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 411.119 is amended to read:

5 411.119. (1) Except as provided in [*subsection (2)*] **subsections (2) and (6)** of this section, a
6 person who is otherwise eligible to receive public assistance, including supplemental nutrition as-
7 sistance, or medical assistance may not be denied assistance because the person has been convicted
8 of a drug-related felony.

9 (2) The Department of Human Services may suspend a person's supplemental nutrition assistance
10 if:

11 (a) The person has been convicted of the manufacture or delivery of a controlled substance un-
12 der ORS 475.752 (1)(a) to (c); and

13 (b) The person is on probation, parole or post-prison supervision and the agency supervising the
14 person makes a recommendation to the department, pursuant to subsection (3) of this section, that
15 the department suspend the person's supplemental nutrition assistance.

16 (3) When making a recommendation to the department regarding the continuation or suspension
17 of a person's supplemental nutrition assistance, a supervising authority shall consider, at a mini-
18 mum, whether there is reason to believe:

19 (a) That the person traded the person's supplemental nutrition assistance for controlled sub-
20 stances; and

21 (b) That, as a result of the trading, a member of the person's household who is a dependent of
22 the person did not receive the supplemental nutrition assistance for which the member is eligible.

23 (4) The department shall reinstate the supplemental nutrition assistance of a person whose
24 benefits were suspended under subsection (2) of this section if the department receives a recom-
25 mendation from the supervising authority to reinstate the benefits pursuant to subsection (5) of this
26 section.

27 (5) When making a recommendation to the department regarding the reinstatement of supple-
28 mental nutrition assistance, the supervising authority shall consider, at a minimum, the following:

29 (a) Whether members of the person's household are also receiving supplemental nutrition as-
30 sistance; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) Whether the person is enrolled in and successfully participating in a rehabilitation program.

2 (6) **The department may require a person who has been convicted of a felony for pos-**
3 **session or distribution of a controlled substance to submit to random drug testing as a con-**
4 **dition of receiving aid under the temporary assistance for needy families program. If the**
5 **person tests positive on a drug test, the department shall require the person to enroll in a**
6 **rehabilitation program as a condition for the continued receipt of aid. A person who is re-**
7 **quired to enroll in a rehabilitation program and fails to comply with the requirements of the**
8 **program shall be denied aid under the temporary assistance for needy families program until**
9 **the person demonstrates compliance with the rehabilitation program.**

10 (7) **The results of any drug test performed pursuant to this section shall be used solely**
11 **for the purpose of determining eligibility for aid and may not be used against the person in**
12 **any criminal prosecution.**

13
