

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 394

BY SENATORS TAKUBO, IHLENFELD, JEFFRIES, MARONEY,
WELD, WOELFEL, PALUMBO, PLYMALE, STOLLINGS,
HAMILTON, HARDESTY, BALDWIN, AND TRUMP

[Introduced January 23, 2019; Referred
to the Committee on Health and Human Resources; and
then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §9-2-3a, relating to permitting the state to opt out of a federal statute that would
 3 otherwise not allow a state resident who has been convicted of a felony involving a
 4 controlled substance from receiving benefits under the Supplemental Nutrition Assistance
 5 Program provided that certain conditions are met.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND
 RESPONSIBILITIES GENERALLY.**

§9-2-3a. Authorized exemption from federal law.

1 A person who is otherwise eligible to receive benefits under the supplemental nutrition
 2 assistance program (SNAP) shall be exempt from the application of section 115(a) of the Personal
 3 Responsibility and Work Opportunity Act of 1996, P.L. 104-193, and shall not be denied such
 4 assistance solely based upon a felony conviction which has as an element the possession, use
 5 or distribution of a controlled substance, provided that such person’s underlying conviction did not
 6 involve drug diversion of the SNAP benefits or other illegal use of the SNAP benefits.

NOTE: The purpose of this bill is to permit the state to opt out of a federal statute that would otherwise not allow an individual living in the state who has previously been convicted of a felony involving a controlled substance from receiving benefits under the supplemental nutrition program provided that certain conditions are met.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.