

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 9, 1998

ALL-COUNTY LETTER 98-16

TO: ALL-COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation
 Change
 Court Order
 Clarification Requested by
 One or More Counties
 Initiated by CDSS

SUBJECT: PUBLIC LAW 105-33 THE BALANCED BUDGET ACT OF 1997
 (SECTION 115 DENIAL OF ASSISTANCE AND BENEFITS FOR
 CERTAIN DRUG RELATED CONVICTIONS)

REFERENCE: ACL 97-41, FOOD STAMP PROGRAM IMPLEMENTATION OF PHASE
 II REGULATIONS OF THE PERSONAL RESPONSIBILITY AND
 WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

This letter provides the County Welfare Departments (CWDs) with instructions to implement a provision of Public Law 105-33, the Balanced Budget Act of 1997. This provision impacts one of the emergency regulations (Manual Section [M.S.] 63-402.229) related to the treatment of a convicted drug felon in the Food Stamp Program which became effective September 1, 1997 (ORD #0497-12, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 - Phase II).

M.S. 63-402.229 provides that an individual convicted of any felony offense that has as an element the possession, use, or distribution of a controlled substance is to be permanently disqualified from the Food Stamp Program for convictions which occur after August 22, 1996.

Public Law 105-33, the Balanced Budget Act, now requires a convicted drug felon to be permanently disqualified from the Food Stamp Program if the conviction is for conduct occurring after August 22, 1996. State regulations are being processed on an emergency basis to reflect the new provision. CWDs should apply this new provision effective September 1, 1997.

Households that had food stamp benefits reduced, denied, or terminated on or after September 1, 1997 due to the disqualification of one or more members, because of the previous drug conviction eligibility criteria, but who would now be eligible for benefits under the new drug conviction criteria, shall be entitled to have their benefits restored.

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If you have any questions regarding the implementation guidelines, please contact Maria Tarango of the Food Stamp Program Policy Implementation Unit at (916) 654-1883.

A handwritten signature in cursive script that reads "Bruce Wagstaff". The signature is written in black ink and is positioned above the printed name.

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division