

(b) Subject to § 50A of this article and as permitted under 21 U.S.C. § 862a(d)(1), the State hereby removes itself from the application of § 115 of the Federal Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193, in order to allow the Department to provide cash assistance and food stamps to a [custodial parent] RESIDENT who has previously been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance.

(c) (1) Notwithstanding subsection (b) of this section, if a [custodial parent] RESIDENT applies for public assistance and has been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance since August 22, 1996, the [custodial parent] RESIDENT shall be subject to testing for substance abuse, as provided by the Department, and to treatment, as required under § 50A of this article, for a period of 2 years starting from the date of application, to the extent permissible by federal law.

(2) Notwithstanding subsection (b) of this section, if a resident [custodial parent] receiving cash assistance or food stamps is found to be in violation of §§ 5-602 through 5-609, § 5-612, or § 5-613 of the Criminal Law Article, or 21 U.S.C., § 841, after July 1, 2000, the recipient:

(i) Shall be ineligible for cash assistance or food stamps for one year from the date of the conviction; and

(ii) Shall be subject to testing for substance abuse, as provided by the Department, and to treatment, as required under § 50A of this article, for a period of 2 years starting from the later of:

1. The date the individual is released from incarceration;
2. The date the individual completes any term of probation;

or

3. The date the individual completes any term of parole or mandatory supervision.

(3) An applicant or recipient subject to this subsection who fails to comply with the testing required under this subsection or the treatment required under § 50A of this article or who tests positive for the abuse of controlled dangerous substances shall be subject to the sanctions provided under § 50A of this article.

(4) In consultation with the Department of Health and Mental Hygiene, the Secretary shall adopt regulations establishing the testing methods and procedures, consistent with § 50A of this article, to be required by the Department under this subsection, including the intervals of testing and methods required.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 26, 2005.