**A** **BILL**

TO AMEND SECTION 43‑5‑1190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR FAMILY INDEPENDENCE BENEFITS, SO AS TO CLARIFY THE CONDITIONS FOR RECEIVING SUCH BENEFITS WHEN A PERSON IS CONVICTED OF AN ALCOHOL OR DRUG RELATED OFFENSES AND TO PROVIDE THAT THE PERSON IS ELIGIBLE FOR SUCH BENEFITS IF THE PERSON IS NOT CONVICTED OF ANOTHER ALCOHOL OR DRUG‑RELATED OFFENSE IN THE YEAR FOLLOWING RELEASE FROM INCARCERATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 43‑5‑1190 of the 1976 Code, as amended by Act 133 of 1997, is further amended to read:

“Section 43‑5‑1190. (A) A Family Independence recipient who, while receiving FI benefits, has been identified as requiring alcohol and other drug abuse treatment service or who has been convicted of an alcohol related offense or a controlled substance violation or gives birth to a child with evidence of the effects of maternal substance abuse and the child subsequently is shown to have a confirmed positive test performed pursuant to subsection (C) on a suitable specimen within twenty‑four hours of birth, is ineligible for FI assistance unless the recipient submits to random drug tests and/or participates in an alcohol or drug treatment program approved by the Department of Alcohol and Other Drug Abuse Services. Upon completion of the program, if a subsequent random test or subsequent conviction for a controlled substance violation occurs the recipient is ineligible for FI benefits. Benefits may be reinstated at a later time upon reapplication, if the recipient first undergoes a conciliation assessment, including review ~~and/or~~ or modification, or both, of the prescribed individual treatment program and agreement, and then agrees to comply with ~~its~~ the terms of the prescribed individual treatment program and agreement and demonstrates compliance for a period of not less than sixty days.

(B) Notwithstanding subsection (A), in the case of a person incarcerated for an alcohol related offense or a controlled substance violation, one year after release from incarceration the person is eligible for Family Independence benefits and is no longer required to submit to drug testing if the person has not been convicted of a subsequent alcohol or drug related offense.

(C) Testing of a child’s specimen pursuant to ~~this section~~ subsection (A) must be conducted by a medical laboratory certified by the College of American Pathologists or the National Institute of Drug Abuse for Forensic Urine Drug Testing.”

SECTION 2. This act takes effect upon approval by the Governor.

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