



2020 South Dakota Legislature  
**Senate Bill 96**  
**ENROLLED**

AN ACT

**ENTITLED An Act to prohibit the denial of benefits based solely on a controlled substance felony.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

**Section 1.** That § 28-7A-3 be AMENDED:

**28-7A-3. Promulgation of rules.**

The department may promulgate rules, in accordance with chapter 1-26, regarding:

- (1) Assistance eligibility qualifications except as otherwise provided in § 28-7A-4.1, application procedure, and assistance level;
- (2) Employability assessment, work activities, and supportive services;
- (3) Conditions of continued eligibility, eligibility time limits, eligibility recertification periods, and exemptions;
- (4) Program participation requirements, criteria for disqualification, and good cause exemptions;
- (5) Disqualification for intentional program violation or failure to comply with program requirements;
- (6) Benefit recovery and recoupment policies and procedures;
- (7) Methods of distribution and payment of moneys appropriated by the Legislature or received from the federal government for the granting of temporary assistance for needy families;
- (8) Development of applications, reports, and other forms;
- (9) Enforcement of child support obligations including distribution of collections, cooperative agreements with courts and law enforcement officials, and such other rules as may be found necessary or desirable to qualify for federal financial participation;
- (10) Collection, audit, and reporting of facts and statistics relating to the field of public

assistance;

- (11) Compliance with federal reporting and documentation requirements necessary to qualify for federal funds; and
- (12) Any other standards of operation and administration within the mandate of this chapter, as necessary or desirable to qualify for federal financial participation.

**Section 2.** That a NEW SECTION be added:

**28-7A-4.1. Exemption--Controlled substance felony--Denial of benefits--  
Prohibition.**

As permitted in accordance with 21 U.S.C. § 862a(d)(1)(A), this state exempts itself from the application of 21 U.S.C. § 862a(a)(1).

The department may not deny benefits otherwise available under this chapter to an applicant solely because the applicant has been convicted, under state or federal law, of an offense that is classified as a felony and which has as an element the possession, use, or distribution of a controlled substance, as defined in § 34-20B-3 or 21 U.S.C. § 802.

An Act to prohibit the denial of benefits based solely on a controlled substance felony.

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I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 96

2020 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2020  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 96

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State