

CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 01/29/2013 NEED RESPONSE BY:
2. REQUESTOR NAME: Michael Salomonson	6. COUNTY/ORGANIZATION: Siskiyou County
3. PHONE NO.: 530-841-2717	7. SUBJECT: Convicted Drug Felon Question
4. REGULATION CITE(S): MPP §63-300.5(e)(11)(E), 63-402.229	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). W&IC 18901.3, 7 CFR 273.11(m), 21 U.S.C. § 862a

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Scenario: Customer applies for CalFresh benefits and during his intake interview states that he was convicted of a drug related felony. The customer states that he was convicted of possession for personal use only. The intake worker has the customer complete the FS 26. The customer completes the form and states that he has not ceased the use of controlled substance because he has a prescription for medical marijuana. The intake worker denies the CalFresh application because the customer has not ceased the use of a controlled substance and therefore is determined to be a disqualified drug felon for the CalFresh program. Is this a correct action under MPP §63-300.5(e)(11)(E)?

10. REQUESTOR'S PROPOSED ANSWER:

With enactment of W&IC 18901.3, California exercised its option under 21 U.S.C. § 862a to exempt certain drug felons from federal prohibitions against receiving CalFresh benefits. Because of this, I believe the federal restrictions (7 CFR 273.11(m), 21 U.S.C. § 862a) no longer apply for those individuals who meet California's requirements under MPP §63-300.5(e)(11). Since W&IC 18901.3 specifies "Other evidence that the illegal [my emphasis on "illegal"] use of controlled substances has ceased..." and use of medical marijuana is now legal in California, I believe a medical marijuana user could receive CF.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The applicant has met the condition of number five of Welfare and Institutions Code Section 18901.3(d) and may therefore participate in CalFresh. By possessing a prescription for his controlled substances he has provided (5) Other evidence that the illegal use of controlled substances has ceased.

FOR CDSS USE

DATE RECEIVED:

January 29, 2013

DATE RESPONDED TO COUNTY/ALJ:

February 8, 2013

**CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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