

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1441
SENATE BILL 1170

AN ACT TO PROVIDE FEDERAL FOOD STAMP PROGRAMS IN ALL COUNTIES OF
THE STATE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 108 of the General Statutes is hereby amended by adding Article 4 immediately following G.S. 108-86 and to be entitled: "Family Food Assistance Program." and to read as follows:

"Article 4. Family Food Assistance Program.

"§ 108-87. **Creation of food stamp program.** — The Department of Human Resources may, not later than July 1, 1974, place into operation in each of the several counties of the State a Food Stamp Program as authorized by the Congress of the United States. The Department of Human Resources is designated as the State agency responsible for the supervision of such programs. The boards of county commissioners through the county departments of social services are held responsible for the administration and operation of the programs.

"§ 108-88. **Determination of eligibility.** — Any person who believes that he or another person is eligible to receive food stamp assistance may submit an application for such assistance to the county department of social services in the county in which the applicant resides. The application shall be made in such form and shall contain such information as the Social Services Commission may require. Upon receipt of an application for food stamp assistance, the county department of social services shall make a prompt evaluation or investigation of the facts alleged in the application in order to determine the applicant's eligibility for such assistance and to obtain such other information as the Department of Human Resources may require. Upon the completion of such investigation, the county department of social services shall, within a reasonable period of time, determine eligibility.

"§ 108-89. **Appeals.** — If an application is not acted upon by the county department of social services within a reasonable time after the filing of the application, or is denied in whole or in part, or if an award of food stamp assistance is modified or cancelled, the applicant or recipient may appeal to the Department of Human Resources in the manner and form prescribed by the rules and regulations of the Social Services Commission. Each applicant or recipient shall be notified of his right to appeal when applying for assistance and upon any subsequent action of the county department of social services on his case. Any food stamp assistance applicant or recipient who is dissatisfied with the final adverse decision of the Department of Human Resources may file a petition within 30 days after receipt of written notice of such decision for a hearing in the Superior Court of Wake County or of the county from which the case arose. Such court shall set the matter for a hearing within 30 days after receipt of such petition and after reasonable written notice to the Department of Human Resources, the county department of social services, and the appellant. The court may take testimony and examine into the facts of the case to determine whether the appellant is entitled to food stamp assistance under federal and State law, and under the rules and regulations of the Social Services Commission. The court may affirm, reverse or modify the final order of the Department of Human Resources.

"§ 108-90. **Penalties for false representation.** — (a) Whoever knowingly obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or

representation or by impersonation, or in any manner not authorized by this Article or the regulations issued pursuant thereto, any food coupons to which he is not entitled or food coupons of a greater value than that to which he is justly entitled, shall be guilty of a misdemeanor, and upon conviction or plea of guilty shall be fined or imprisoned or both in the discretion of the court.

(b) Whoever presents, or causes to be presented, food coupons for payment or redemption, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Article or the regulations issued pursuant to this Article shall be guilty of a misdemeanor and upon conviction or plea of guilty shall be fined or imprisoned or both in the discretion of the court.

(c) Whoever receives any food coupon for any consumable item knowing that such food coupon was procured fraudulently under subsections (a) and/or (b) of this section shall be guilty of a misdemeanor and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court.

(d) Whoever receives any food coupon for any consumable item whose exchange is prohibited by the United States Department of Agriculture shall be guilty of a misdemeanor and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court."

Sec. 2. This act shall become effective July 1, 1974.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.