



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4388

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.51 new

Amends the Administration Article of the Illinois Public Aid Code. Provides that the Department of Human Services shall require a drug test to screen each individual who applies for Temporary Assistance for Needy Families, and that subject to federal approval, the Department shall require a drug test to screen each individual who applies for benefits under the federal Supplemental Nutrition Assistance Program. Contains provisions concerning notice; persons required to comply with the drug testing requirements; persons exempt from the drug testing requirements; reimbursements for the cost of the drug testing; and other matters. Effective July 1, 2018.

LRB100 15557 KTG 30633 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 12-4.51 as follows:

6 (305 ILCS 5/12-4.51 new)

7 Sec. 12-4.51. Drug screening for applicants.

8 (a) The Department of Human Services shall require a drug
9 test to screen each individual who applies for Temporary
10 Assistance for Needy Families (TANF) under Article IV of this
11 Code.

12 Subject to federal approval, the Department shall require a
13 drug test to screen each individual who applies for benefits
14 under the federal Supplemental Nutrition Assistance Program
15 (SNAP).

16 The cost of drug testing shall be the responsibility of the
17 individual tested.

18 An individual subject to the requirements of this Section
19 includes any parent or caretaker relative who is included in an
20 assistance unit that receives TANF cash assistance under
21 Article IV of this Code, including an individual who may be
22 exempt from work activity requirements due to the age of the
23 youngest child or who may be exempt from work activity

1 requirements as provided under Section 9A-4 of this Code.

2 An individual who tests positive for controlled substances
3 as a result of a drug test required under this Section is
4 ineligible to receive TANF benefits or SNAP benefits for one
5 year after the date of the positive drug test, unless the
6 individual meets the requirements of subsection (c).

7 (b) The Department shall:

8 (1) provide notice of drug testing to each individual
9 at the time of application; the notice must advise the
10 individual that drug testing will be conducted as a
11 condition for receiving TANF benefits or SNAP benefits and
12 that the individual must bear the cost of the testing; if
13 the individual tests negative for controlled substances,
14 the Department shall increase the amount of the initial
15 TANF benefit or SNAP benefit by the amount paid by the
16 individual for the drug testing; the individual shall be
17 advised that the required drug testing may be avoided if
18 the individual does not apply for TANF benefits or SNAP
19 benefits; dependent children under the age of 18 are exempt
20 from the drug testing requirement;

21 (2) require that for 2-parent families, both parents
22 must comply with the drug testing requirement;

23 (3) require that any teen parent who is not required to
24 live with a parent, legal guardian, or other adult
25 caretaker relative must comply with the drug testing
26 requirement;

1 (4) advise each individual to be tested, before the
2 test is conducted, that he or she may, but is not required
3 to, advise the agent administering the test of any
4 prescription or over-the-counter medication he or she is
5 taking;

6 (5) require each individual to be tested to sign a
7 written acknowledgment that he or she has received and
8 understood the notice and advice provided under paragraphs
9 (1) and (4);

10 (6) ensure each individual being tested a reasonable
11 degree of dignity while producing and submitting a sample
12 for drug testing, consistent with the State's need to
13 ensure the reliability of the sample;

14 (7) specify circumstances under which an individual
15 who fails a drug test has the right to take one or more
16 additional tests;

17 (8) inform an individual who tests positive for a
18 controlled substance and is deemed ineligible for TANF
19 benefits or SNAP benefits that the individual may reapply
20 for those benefits one year after the date of the positive
21 drug test, unless the individual meets the requirements of
22 subsection (c); if the individual tests positive again, he
23 or she is ineligible to receive TANF benefits or SNAP
24 benefits for 3 years after the date of the second positive
25 drug test, unless the individual meets the requirements of
26 subsection (c); and

1 (9) provide any individual who tests positive with a
2 list of licensed substance abuse treatment providers
3 available in the area in which he or she resides; neither
4 the Department nor the State is responsible for providing
5 or paying for substance abuse treatment as part of the
6 screening conducted under this Section.

7 (c) An individual who tests positive under this Section and
8 is denied TANF benefits or SNAP benefits as a result may
9 reapply for those benefits after 6 months if the individual can
10 document the successful completion of a substance abuse
11 treatment program. An individual who has met the requirements
12 of this subsection and reapplies for TANF benefits or SNAP
13 benefits must also pass an initial drug test and meet the
14 requirements of subsection (a). Any drug test conducted while
15 the individual is undergoing substance abuse treatment must
16 meet the requirements of subsection (a). The cost of any drug
17 testing and substance abuse treatment provided under this
18 Section shall be the responsibility of the individual being
19 tested and receiving treatment. An individual who fails the
20 drug test required under subsection (a) may reapply for
21 benefits under this subsection (c) only once.

22 (d) If a parent is deemed ineligible for TANF benefits or
23 SNAP benefits as a result of failing a drug test conducted
24 under this Section:

25 (1) the dependent child's eligibility for TANF
26 benefits or SNAP benefits is not affected; and

1 (2) the parent shall designate another individual to
2 receive benefits for the parent's minor child; the
3 designated individual must be an immediate family member
4 or, if an immediate family member is not available or the
5 family member declines the option, another individual,
6 approved by the Department, may be designated; the
7 designated individual must also undergo drug testing
8 before being approved to receive benefits on behalf of the
9 child; if the designated individual tests positive for
10 controlled substances, he or she is ineligible to receive
11 benefits on behalf of the child.

12 (e) The Department shall adopt rules to implement this
13 Section.

14 Section 99. Effective date. This Act takes effect July 1,
15 2018.