

SB0077



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0077

Introduced 1/12/2017, by Sen. Kyle McCarter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Aid Code. Provides that as a condition of initial eligibility for medical assistance benefits provided under the State's Medical Assistance program or, subject to federal approval, benefits provided under the federal Supplemental Nutrition Assistance Program (SNAP), an applicant must pass a drug screening. Provides that as a condition of continued eligibility for such benefits, a recipient must pass random drug screenings as prescribed by the Department of Human Services. Requires the Department to adopt rules requiring applicants for TANF benefits or SNAP benefits to actively seek work in order to qualify for such benefits. Provides that the rules adopted by the Department shall be in compliance with those rules under the Unemployment Insurance Act and adopted by the Department of Employment Security requiring unemployed individuals to actively seek employment in order to qualify for unemployment insurance benefits. Requires the Department to adopt rules that allow recipients of TANF benefits or SNAP benefits to experience a gradual reduction in benefits as earnings increase. Increases the penalties for using another person's cash assistance benefits or SNAP benefits. Contains provisions requiring photo identification when using a LINK card to obtain SNAP benefits or cash. Provides that no recipient of TANF benefits shall use his or her benefits to purchase lottery tickets or to patronize any casino or licensed establishment that operates video gaming terminals for the purpose of engaging in gambling or video gaming activities.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 changing Sections 8A-5A and 8A-6 and by adding Sections 1-10.5,
6 1-10.6, 4-8a, 8A-4B, 12-4.4a, and 12-4.4b as follows:

7 (305 ILCS 5/1-10.5 new)

8 Sec. 1-10.5. Drug screening. As a condition of initial
9 eligibility for medical assistance benefits provided under
10 Article V of this Code or, subject to federal approval,
11 benefits provided under the federal Supplemental Nutrition
12 Assistance Program (SNAP), an applicant must pass a drug
13 screening as provided in Section 12-4.4b of this Code. As a
14 condition of continued eligibility for medical assistance
15 benefits provided under Article V of this Code or, subject to
16 federal approval, SNAP benefits, a recipient must pass random
17 drug screenings as prescribed by the Department of Human
18 Services.

19 The substance abuse testing required under this Section
20 shall not apply to dependent children under 18 years of age,
21 persons with children in the assistance unit, persons with
22 disabilities, persons 65 years of age or older, or persons who
23 reside at a facility licensed under the Nursing Home Care Act

1 or the ID/DD Community Care Act.

2 (305 ILCS 5/1-10.6 new)

3 Sec. 1-10.6. TANF recipients; actively seeking work;
4 rules. The Department of Human Services shall adopt rules
5 requiring applicants for cash assistance benefits provided
6 under Article IV of this Code or, subject to federal approval,
7 applicants for benefits provided under the federal
8 Supplemental Nutrition Assistance Program (SNAP) to actively
9 seek work in order to qualify for such benefits. The rules
10 adopted by the Department shall be in compliance with those
11 rules under the Unemployment Insurance Act and adopted by the
12 Department of Employment Security requiring unemployed
13 individuals to actively seek employment in order to qualify for
14 unemployment insurance benefits, and shall include any
15 exceptions, as the Department of Human Services deems
16 appropriate, to those rules under the Unemployment Insurance
17 Act and adopted by the Department of Employment Security
18 requiring unemployed individuals to actively seek employment
19 in order to qualify for unemployment insurance benefits.

20 The Department shall adopt rules that allow recipients of
21 cash assistance benefits provided under Article IV of this Code
22 or SNAP benefits to experience a gradual reduction in benefits
23 as earnings increase.

24 (305 ILCS 5/4-8a new)

1 Sec. 4-8a. Prohibited purchases. No recipient of cash
2 assistance benefits provided under this Article shall use his
3 or her cash assistance benefits to purchase lottery tickets or
4 to patronize any casino or licensed establishment that operates
5 video gaming terminals for the purpose of engaging in gambling
6 or video gaming activities. The Department shall adopt any
7 rules necessary to implement this provision.

8 For purposes of this Section, "video gaming terminal" has
9 the meaning ascribed to that term under the Video Gaming Act.

10 (305 ILCS 5/8A-4B new)

11 Sec. 8A-4B. Penalty for unauthorized possession and use of
12 cash assistance benefits. Notwithstanding any provision of law
13 to the contrary, any person who possesses for an unlawful
14 purpose another person's Electronic Benefit Transfer (EBT)
15 card or LINK card in order to use or transfer in any manner not
16 authorized by law or the rules and regulations of the
17 Department of Human Services the cash assistance benefits held
18 on that EBT or LINK card is guilty of a violation of this
19 Article and shall be subject to the penalties established under
20 Section 8A-6.

21 (305 ILCS 5/8A-5A) (from Ch. 23, par. 8A-5A)

22 Sec. 8A-5A. Unauthorized possession of identification
23 document. Any person who possesses for an unlawful purpose
24 another person's identification document issued by the

1 Illinois Department shall be guilty of a Class 4 felony. For
2 purposes of this Section, "identification document" includes
3 but is not limited to an authorization to participate in the
4 federal Supplemental Nutrition Assistance Program (SNAP) ~~food~~
5 ~~stamp program~~ or the federal surplus food commodities program,
6 or a card or other document which identifies a person as being
7 entitled to public aid under this Code.

8 Notwithstanding any provision of this Section to the
9 contrary, any person who possesses for an unlawful purpose
10 another person's Electronic Benefit Transfer (EBT) card or LINK
11 card issued by the Department of Human Services shall be guilty
12 of a Class 3 felony.

13 (Source: P.A. 86-1012.)

14 (305 ILCS 5/8A-6) (from Ch. 23, par. 8A-6)

15 Sec. 8A-6. Classification of violations.

16 (a) Any person, firm, corporation, association, agency,
17 institution or other legal entity that has been found by a
18 court to have engaged in an act, practice or course of conduct
19 declared unlawful under Sections 8A-2 through 8A-5 or Section
20 8A-13 or 8A-14 where:

21 (1) the total amount of money involved in the
22 violation, including the monetary value of cash assistance
23 benefits or federal Supplemental Nutrition Assistance
24 Program (SNAP) benefits ~~food stamps~~ and the value of
25 commodities, is less than \$150, shall be guilty of a Class

1 4 felony ~~Class A misdemeanor~~;

2 (2) the total amount of money involved in the
3 violation, including the monetary value of cash assistance
4 benefits or federal SNAP benefits ~~food stamps~~ and the value
5 of commodities, is \$150 or more but less than \$1,000, shall
6 be guilty of a Class 3 ~~Class 4~~ felony;

7 (3) the total amount of money involved in the
8 violation, including the monetary value of cash assistance
9 benefits or federal SNAP benefits ~~food stamps~~ and the value
10 of commodities, is \$1,000 or more but less than \$5,000,
11 shall be guilty of a Class 2 ~~Class 3~~ felony;

12 (4) the total amount of money involved in the
13 violation, including the monetary value of cash assistance
14 benefits or federal SNAP benefits ~~food stamps~~ and the value
15 of commodities, is \$5,000 or more but less than \$10,000,
16 shall be guilty of a Class 1 ~~Class 2~~ felony; or

17 (5) the total amount of money involved in the
18 violation, including the monetary value of cash assistance
19 benefits or federal SNAP benefits ~~food stamps~~ and the value
20 of commodities, is \$10,000 or more, shall be guilty of a
21 Class X ~~Class 1~~ felony and, notwithstanding the provisions
22 of Section 8A-8 except for Subsection (c) of Section 8A-8,
23 shall be ineligible for financial aid under this Article
24 for a period of two years following conviction or until the
25 total amount of money, including the value of federal food
26 stamps, is repaid, whichever first occurs.

1 (b) Any person, firm, corporation, association, agency,
2 institution or other legal entity that commits a subsequent
3 violation of any of the provisions of Sections 8A-2 through
4 8A-5 and:

5 (1) the total amount of money involved in the
6 subsequent violation, including the monetary value of cash
7 assistance benefits or federal SNAP benefits ~~food stamps~~
8 and the value of commodities, is less than \$150, shall be
9 guilty of a Class 3 ~~Class 4~~ felony;

10 (2) the total amount of money involved in the
11 subsequent violation, including the monetary value of cash
12 assistance benefits or federal SNAP benefits ~~food stamps~~
13 and the value of commodities, is \$150 or more but less than
14 \$1,000, shall be guilty of a Class 2 ~~Class 3~~ felony;

15 (3) the total amount of money involved in the
16 subsequent violation, including the monetary value of cash
17 assistance benefits or federal SNAP benefits ~~food stamps~~
18 and the value of commodities, is \$1,000 or more but less
19 than \$5,000, shall be guilty of a Class 1 ~~Class 2~~ felony;

20 (4) the total amount of money involved in the
21 subsequent violation, including the monetary value of cash
22 assistance benefits or federal SNAP benefits ~~food stamps~~
23 and the value of commodities, is \$5,000 or more but less
24 than \$10,000, shall be guilty of a Class X ~~Class 1~~ felony.

25 (c) For purposes of determining the classification of
26 offense under this Section, all of the money received as a

1 result of the unlawful act, practice or course of conduct can
2 be accumulated.

3 (Source: P.A. 90-538, eff. 12-1-97.)

4 (305 ILCS 5/12-4.4a new)

5 Sec. 12-4.4a. LINK card; photo identification
6 requirements.

7 (a) Beginning on the effective date of this amendatory Act
8 of the 100th General Assembly, in order to use an Electronic
9 Benefit Transfer (EBT) card or LINK card to obtain Supplemental
10 Nutrition Assistance Program (SNAP) benefits or cash, the user
11 must show a current and valid photo identification. A person
12 may not use an EBT or LINK card to obtain SNAP benefits or cash
13 if:

14 (1) the name on the photo identification presented by
15 the user does not match the name of any person designated
16 on the face of the EBT or LINK card as a person entitled to
17 use the card; or

18 (2) the photo does not match the user of the card.

19 (b) Every EBT or LINK card issued by the Department of
20 Human Services on or after the effective date of this
21 amendatory Act of the 100th General Assembly must include on
22 its face the name of every household member entitled to use the
23 card.

24 (305 ILCS 5/12-4.4b new)

1 Sec. 12-4.4b. Substance abuse testing.

2 (a) The Department of Human Services shall require a drug
3 test to screen each individual who applies for benefits
4 provided under the medical assistance program under Article V
5 of this Code, with certain exceptions as provided in paragraph
6 (1) of subsection (b) and in subsection (f).

7 Subject to federal approval, the Department shall require a
8 drug test to screen each individual who applies for benefits
9 provided under the federal Supplemental Nutrition Assistance
10 Program (SNAP), with certain exceptions as provided in
11 paragraph (1) of subsection (b) and in subsection (f).

12 The cost of the drug testing shall be the responsibility of
13 the individual tested.

14 An individual who tests positive for a controlled substance
15 as a result of a drug test required pursuant to this Section
16 shall be ineligible to receive medical assistance benefits or
17 SNAP benefits for one year after the date of the positive drug
18 test, unless the individual meets the requirements of
19 subsection (c).

20 (b) The Department shall do all of the following:

21 (1) Provide notice of drug testing to each applicant at
22 the time of application. The notice shall advise the
23 applicant that drug testing will be conducted as a
24 condition for receiving medical assistance benefits or
25 SNAP benefits and that the applicant shall bear the cost of
26 the testing. The applicant shall be advised that the

1 required drug testing may be avoided if the applicant does
2 not apply for medical assistance benefits or SNAP benefits.
3 Dependent children under 18 years of age shall be exempt
4 from the drug-testing requirement.

5 (2) Advise each applicant to be tested, before the test
6 is conducted, that the applicant may, but shall not be
7 required to, advise the agent administering the test of any
8 prescription or over-the-counter medication the applicant
9 is taking.

10 (3) Require each applicant to be tested to sign a
11 written acknowledgment that the applicant has received and
12 understands the notice and advice provided pursuant to
13 paragraphs (1) and (3) of this subsection.

14 (4) Ensure each applicant being tested a reasonable
15 degree of dignity while producing and submitting a sample
16 for drug testing, consistent with the need of the State to
17 ensure the reliability of the sample.

18 (5) Specify circumstances under which an applicant who
19 fails a drug test has the right to take one or more
20 additional tests.

21 (6) Inform an applicant who tests positive for a
22 controlled substance and is deemed ineligible for medical
23 assistance benefits or SNAP benefits that the applicant may
24 reapply for those benefits one year after the date of the
25 positive drug test, unless the applicant meets the
26 requirements of subsection (c) of this Section. If the

1 applicant tests positive again, the applicant shall be
2 ineligible to receive medical assistance benefits or SNAP
3 benefits for 3 years after the date of the second positive
4 drug test, unless the applicant meets the requirements of
5 subsection (c) of this Section.

6 (9) Provide any applicant who tests positive with a
7 list of licensed substance abuse treatment providers
8 available in the area in which the applicant resides.
9 Neither the Department nor the State shall be responsible
10 for providing or paying for substance abuse treatment for
11 an applicant as part of the screening conducted pursuant to
12 this Section.

13 (c) An applicant who tests positive pursuant to this
14 Section and is denied medical assistance benefits or SNAP
15 benefits as a result may reapply for those benefits after 6
16 months if the applicant verifies the successful completion of a
17 substance abuse treatment program. An applicant shall not be
18 considered to have tested positive for substance abuse until
19 the sample has been retested to rule out a false positive using
20 the same sample obtained in the original test. An applicant who
21 has met the requirements of this subsection and reapplies for
22 medical benefits or SNAP benefits shall be required to pass an
23 initial drug test and meet the requirements of this Section.
24 Any drug test conducted while the applicant is undergoing
25 substance abuse treatment shall meet the standards of this
26 subsection concerning false positives and any additional

1 standards or requirements the Department adopts by rule
2 concerning drug-testing as provided under subsection (e). The
3 cost of any drug testing and substance abuse treatment provided
4 pursuant to this Section shall be the responsibility of the
5 individual being tested and receiving treatment. An individual
6 who fails the drug test required pursuant to subsection (a) of
7 this Section may reapply for benefits one time.

8 (d) Subject to federal approval, as a condition of
9 continued eligibility for medical assistance benefits provided
10 under Article V of this Code or benefits provided under the
11 federal Supplemental Nutrition Assistance Program (SNAP), a
12 recipient of such benefits must pass random drug screenings as
13 prescribed by the Department of Human Services, with certain
14 exceptions as provided in subsection (f). A recipient of
15 medical assistance benefits or SNAP benefits who tests positive
16 for a controlled substance as a result of a drug test required
17 pursuant to this subsection shall experience an immediate
18 termination of his or her medical assistance or SNAP benefits,
19 and the Department shall refer the recipient to a substance
20 abuse treatment program. Subject to federal approval, the
21 Department shall cover the cost of substance abuse treatment
22 for the recipient from funds that would have been used for the
23 recipient under the medical assistance program provided under
24 Article V of this Code or under the federal Supplemental
25 Nutrition Assistance Program (SNAP) had the recipient not
26 tested positive for a controlled substance as a result of a

1 drug test required pursuant to this subsection. Upon successful
2 completion of a substance abuse treatment program as prescribed
3 by the Department, the recipient may reapply for those
4 benefits.

5 (e) The Department shall adopt any rules necessary to
6 implement this Section, including rules concerning
7 drug-testing standards and requirements.

8 (f) In addition to the exemption provided in paragraph (1)
9 of subsection (b), the substance abuse testing required by this
10 Section shall not apply to persons with children in the
11 assistance unit, persons with disabilities, persons who are 65
12 year of age or older, or persons who reside at a facility
13 licensed under the Nursing Home Care Act or the ID/DD Community
14 Care Act.

1 INDEX

2 Statutes amended in order of appearance

3 305 ILCS 5/1-10.5 new

4 305 ILCS 5/1-10.6 new

5 305 ILCS 5/4-8a new

6 305 ILCS 5/8A-4B new

7 305 ILCS 5/8A-5A from Ch. 23, par. 8A-5A

8 305 ILCS 5/8A-6 from Ch. 23, par. 8A-6

9 305 ILCS 5/12-4.4a new

10 305 ILCS 5/12-4.4b new