



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0265

Introduced 1/29/2021, by Rep. Thomas M. Bennett

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.54 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 (TANF), 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 (SNAP). Provides that an individual who tests positive for controlled substances as a result of a drug test is ineligible to receive TANF benefits or SNAP benefits for one year after the date of the positive drug test, with certain exceptions. 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, 2021.

LRB102 10554 KTG 15883 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 12-4.54 as follows:

6 (305 ILCS 5/12-4.54 new)

7 Sec. 12-4.54. 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  
13 a 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  
17 the individual tested.

18 An individual subject to the requirements of this Section  
19 includes any parent or caretaker relative who is included in  
20 an 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  
20 exempt 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  
24 to 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  
8           and is denied TANF benefits or SNAP benefits as a result may  
9           reapply for those benefits after 6 months if the individual  
10           can 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           2021.