



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0658

Introduced 2/8/2021, by Rep. Blaine Wilhour

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.

LRB102 10558 KTG 15887 b

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
6 1-10.5, 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
14 for 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
22 Code or SNAP benefits to experience a gradual reduction in
23 benefits 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
5 operates video gaming terminals for the purpose of engaging in
6 gambling or video gaming activities. The Department shall
7 adopt any rules necessary to implement this provision.

8 As used in this Section, "video gaming terminal" has the
9 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
20 under 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 ~~food stamp~~
5 ~~program~~ or the federal surplus food commodities program, or a
6 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
11 LINK card issued by the Department of Human Services shall be
12 guilty 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
5 value of commodities, is \$150 or more but less than
6 \$1,000, shall 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
10 value of commodities, is \$1,000 or more but less than
11 \$5,000, 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
15 value of commodities, is \$5,000 or more but less than
16 \$10,000, 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
20 value of commodities, is \$10,000 or more, shall be guilty
21 of a Class X ~~Class 1~~ felony and, notwithstanding the
22 provisions of Section 8A-8 except for Subsection (c) of
23 Section 8A-8, shall be ineligible for financial aid under
24 this Article for a period of two years following
25 conviction or until the total amount of money, including
26 the value of federal food stamps, is repaid, whichever

1 first occurs.

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

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

11 (2) the total amount of money involved in the
12 subsequent violation, including the monetary value of cash
13 assistance benefits or federal SNAP benefits ~~food stamps~~
14 and the value of commodities, is \$150 or more but less than
15 \$1,000, shall be guilty of a Class 2 ~~Class 3~~ felony;

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

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

26 (c) For purposes of determining the classification of

1 offense under this Section, all of the money received as a
2 result of the unlawful act, practice or course of conduct can
3 be accumulated.

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

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

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

8 (a) Beginning on the effective date of this amendatory Act
9 of the 102nd General Assembly, in order to use an Electronic
10 Benefit Transfer (EBT) card or LINK card to obtain
11 Supplemental Nutrition Assistance Program (SNAP) benefits or
12 cash, the user must show a current and valid photo
13 identification. A person may not use an EBT or LINK card to
14 obtain SNAP benefits or cash if:

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

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

20 (b) Every EBT or LINK card issued by the Department of
21 Human Services on or after the effective date of this
22 amendatory Act of the 102nd General Assembly must include on
23 its face the name of every household member entitled to use the
24 card.

1 (305 ILCS 5/12-4.4b new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 positive for a controlled substance as a result of a drug test
2 required under this subsection. Upon successful completion of
3 a substance abuse treatment program as prescribed by the
4 Department, the recipient may reapply for those 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
10 this 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
14 Community 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