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LRB096 07773 DRJ 23413 a

1 AMENDMENT TO HOUSE BILL 389

2 AMENDMENT NO. _____. Amend House Bill 389, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Public Aid Code is amended by
6 adding Section 4-1.13 as follows:

7 (305 ILCS 5/4-1.13 new)

8 Sec. 4-1.13. Substance abuse testing.

9 (a) The Department of Human Services may require substance
10 abuse testing as a condition for assistance under the Temporary
11 Assistance For Needy Families (TANF) program under this Article
12 IV.

13 (b) The Department shall implement a pilot program of
14 substance abuse testing as a condition for TANF eligibility in
15 at least 3 counties, including random substance abuse testing.
16 The program shall be implemented statewide, once the Department

1 has certified that all of the following have been completed:

2 (1) The pilot program has been evaluated by the
3 Department and the evaluation has been submitted to the
4 General Assembly.

5 (2) The evaluation includes at least the factors
6 enumerated in paragraphs (1) through (4) of subsection (e),
7 as well as an analysis of the pilot program.

8 (3) Six months have passed since the evaluation
9 required in paragraph (1) of this subsection has been
10 submitted to the General Assembly.

11 (c) An individual shall not be considered to have tested
12 positive for substance abuse until the sample has been retested
13 to rule out a false positive using the same sample obtained in
14 the original test. An individual who tests positive shall agree
15 to and participate in substance abuse assessment and shall
16 comply with a required substance abuse treatment plan. Failure
17 to comply with a substance abuse assessment or treatment plan
18 shall be penalized in a manner consistent with a violation of
19 Section 4-1.9. The Department may adopt rules to exempt an
20 individual from the substance abuse testing authorized by this
21 Section if the individual has been ordered to participate, and
22 is participating, in a substance abuse rehabilitation program.

23 (d) Before implementing substance abuse testing under this
24 Section, the Department shall notify the General Assembly of
25 the planned implementation.

26 (e) If the Department implements substance abuse testing as

1 authorized and required by this Section, the Department shall
2 submit an annual report on the testing program to the General
3 Assembly. The annual report shall include at least all of the
4 following information for the preceding year:

5 (1) The number of individuals tested, the substances
6 tested for, the results of the testing, and the number of
7 referrals for treatment.

8 (2) The costs of the testing and the resulting
9 treatment.

10 (3) Sanctions, if any, that have been imposed on
11 recipients as a result of the testing program.

12 (4) The percentage and number of households receiving
13 TANF that include an individual who has tested positive for
14 substance abuse under the program.

15 (f) The substance abuse testing authorized and required by
16 this Section does not apply to an individual 65 years of age or
17 older or to a resident of a facility licensed under the Nursing
18 Home Care Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.".