



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4810

Introduced 1/12/2010, by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/4-1.13 new

Amends the Illinois Public Aid Code. Provides that the Department of Human Services may require substance abuse testing as a condition for assistance under the Temporary Assistance For Needy Families (TANF) program. Provides that the Department shall implement a pilot program of substance abuse testing as a condition for TANF eligibility in at least 3 counties, followed by statewide implementation after certain steps have been completed. Contains provisions concerning test results. Requires an annual report to the General Assembly. Provides that these provisions do not apply to an individual 65 years of age or older or to a resident of a facility licensed under the Nursing Home Care Act or the MR/DD Community Care Act. Effective immediately.

LRB096 16231 KTG 31530 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 4-1.13 as follows:

6 (305 ILCS 5/4-1.13 new)

7 Sec. 4-1.13. Substance abuse testing.

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

12 (b) The Department shall implement a pilot program of  
13 substance abuse testing as a condition for TANF eligibility in  
14 at least 3 counties, including random substance abuse testing.  
15 The program shall be implemented statewide, once the Department  
16 has certified that all of the following have been completed:

17 (1) The pilot program has been evaluated by the  
18 Department and the evaluation has been submitted to the  
19 General Assembly.

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

23 (3) Six months have passed since the evaluation

1 required in paragraph (1) of this subsection has been  
2 submitted to the General Assembly.

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

15 (d) Before implementing substance abuse testing under this  
16 Section, the Department shall notify the General Assembly of  
17 the planned implementation.

18 (e) If the Department implements substance abuse testing as  
19 authorized and required by this Section, the Department shall  
20 submit an annual report on the testing program to the General  
21 Assembly. The annual report shall include at least all of the  
22 following information for the preceding year:

23 (1) The number of individuals tested, the substances  
24 tested for, the results of the testing, and the number of  
25 referrals for treatment.

26 (2) The costs of the testing and the resulting

1 treatment.

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

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

7 (f) The substance abuse testing authorized and required by  
8 this Section does not apply to an individual 65 years of age or  
9 older or to a resident of a facility licensed under the Nursing  
10 Home Care Act or the MR/DD Community Care Act.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.