



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4004

Introduced 1/18/2012, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

305 ILCS 5/4-1

from Ch. 23, par. 4-1

305 ILCS 5/4-1.13 new

Amends the Temporary Assistance for Needy Family Article of the Illinois Public Aid Code. Requires the Department of Human Services to develop a program to screen and test each applicant or recipient who is otherwise eligible for TANF benefits and who the Department has reasonable suspicion to believe, based on the screening, engages in the unlawful use or consumption of controlled substances. Provides that any applicant or recipient who is found to have tested positive for the unlawful use or consumption of a controlled substance shall, after an administrative hearing conducted by the Department, be declared ineligible for TANF benefits for a period of one year from the date of the administrative hearing decision. Grants the Department the authority to require an applicant or recipient who tested positive for the unlawful use or consumption of a controlled substance to enter a substance abuse program approved by the Department as a condition of continued eligibility for TANF benefits. Effective immediately.

LRB097 14832 KTG 59861 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 changing Section 4-1 and adding Section 4-1.13 as follows:

6 (305 ILCS 5/4-1) (from Ch. 23, par. 4-1)

7 Sec. 4-1. Eligibility requirements. Financial aid in
8 meeting basic maintenance requirements for a livelihood
9 compatible with health and well-being shall be given under this
10 Article to or in behalf of families with dependent children who
11 meet the eligibility conditions of the following Sections
12 preceding Section 4-2 ~~Sections 4-1.1 through 4-1.11~~. It shall
13 be the policy of the Illinois Department to provide aid under
14 this Article to all qualified persons who seek assistance and
15 to conduct outreach efforts to educate the public about the
16 program. The Department shall provide timely, accurate, and
17 fair service to all applicants for assistance. Persons who meet
18 the eligibility criteria authorized under this Article shall be
19 treated equally, provided that nothing in this Article shall be
20 construed to create an entitlement to a particular grant or
21 service level or to aid in amounts not authorized under this
22 Code, nor construed to limit the authority of the General
23 Assembly to change the eligibility requirements or provisions

1 respecting assistance amounts. The General Assembly recognizes
2 that the need for aid will fluctuate with the economic
3 situation in Illinois and that at times the number of people
4 receiving aid under this Article will increase.

5 The Illinois Department shall advise every applicant for
6 and recipient of aid under this Article of (i) the requirement
7 that all recipients move toward self-sufficiency and (ii) the
8 value and benefits of employment. As a condition of eligibility
9 for that aid, every person who applies for aid under this
10 Article on or after the effective date of this amendatory Act
11 of 1995 shall prepare and submit, as part of the application or
12 subsequent redetermination, a personal plan for achieving
13 employment and self-sufficiency. The plan shall incorporate
14 the individualized assessment and employability plan set out in
15 subsections (d), (f), and (g) of Section 9A-8. The plan may be
16 amended as the recipient's needs change. The assessment process
17 to develop the plan shall include questions that screen for
18 domestic violence issues and steps needed to address these
19 issues may be part of the plan. If the individual indicates
20 that he or she is a victim of domestic violence, he or she may
21 also be referred to an available domestic violence program.
22 Failure of the client to follow through on the personal plan
23 for employment and self-sufficiency may be a basis for sanction
24 under Section 4-21.

25 (Source: P.A. 96-866, eff. 7-1-10.)

1 (305 ILCS 5/4-1.13 new)

2 Sec. 4-1.13. Drug screening and testing; continued
3 eligibility. The Department shall develop a program to screen
4 and test each applicant or recipient who is otherwise eligible
5 for benefits under this Article and who the Department has
6 reasonable suspicion to believe, based on the screening,
7 engages in the unlawful use or consumption of controlled
8 substances. In implementing the provisions of this Section the
9 Department shall not discriminate against any applicant or
10 recipient on the basis of race or ethnicity.

11 Any applicant or recipient who is found to have tested
12 positive for the unlawful use or consumption of a controlled
13 substance, which was not prescribed for such applicant or
14 recipient by a licensed health care provider, shall, after an
15 administrative hearing conducted by the Department, be
16 declared ineligible for benefits under this Article for a
17 period of one year from the date of the administrative hearing
18 decision.

19 The Department shall have the authority to require, if it
20 so chooses, an applicant or recipient who tested positive for
21 the unlawful use or consumption of a controlled substance which
22 was not prescribed for such applicant or recipient by a
23 licensed health care provider to enter a substance abuse
24 program approved by the Department as a condition of continued
25 eligibility for benefits under this Article.

26 In accordance with the rules and regulations of the

1 Department, other members of a household which includes a
2 person who has been declared ineligible for benefits under this
3 Section shall, if otherwise eligible, continue to receive
4 benefits as protective or vendor payments to a third-party
5 payee for the benefit of the members of the household.

6 The Department shall have the authority to promulgate any
7 rules necessary to implement this Section.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.