



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0134

Introduced 1/14/2013, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.45 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). Contains provisions concerning notice; persons required to comply with the drug testing requirements; persons exempt for the drug testing requirements; reimbursements for the cost of the drug test; and other matters. Effective July 1, 2013.

LRB098 03853 KTG 33870 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 12-4.45 as follows:

6 (305 ILCS 5/12-4.45 new)

7 Sec. 12-4.45. 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 a
13 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 the
17 individual tested.

18 (1) An individual subject to the requirements of this
19 Section includes any parent or caretaker relative who is
20 included in an assistance unit that receives TANF cash
21 assistance under Article IV of this Code, including an
22 individual who may be exempt from work activity
23 requirements due to the age of the youngest child or who

1 may be exempt from work activity requirements as provided
2 under Section 9A-4 of this Code.

3 (2) An individual who tests positive for controlled
4 substances as a result of a drug test required under this
5 Section is ineligible to receive TANF benefits or SNAP
6 benefits for one year after the date of the positive drug
7 test, unless the individual meets the requirements of
8 paragraph (10) of subsection (b).

9 (b) The Department shall:

10 (1) Provide notice of drug testing to each individual
11 at the time of application. The notice must advise the
12 individual that drug testing will be conducted as a
13 condition for receiving TANF benefits or SNAP benefits and
14 that the individual must bear the cost of testing. If the
15 individual tests negative for controlled substances, the
16 Department shall increase the amount of the initial TANF
17 benefit or SNAP benefit by the amount paid by the
18 individual for the drug testing. The individual shall be
19 advised that the required drug testing may be avoided if
20 the individual does not apply for TANF benefits or SNAP
21 benefits. Dependent children under the age of 18 are exempt
22 from the drug testing requirement.

23 (2) Require that for 2-parent families, both parents
24 must comply with the drug testing requirement.

25 (3) Require that any teen parent who is not required to
26 live with a parent, legal guardian, or other adult

1 caretaker relative must comply with the drug testing
2 requirement.

3 (4) Advise each individual to be tested, before the
4 test is conducted, that he or she may, but is not required
5 to, advise the agent administering the test of any
6 prescription or over-the-counter medication he or she is
7 taking.

8 (5) Require each individual to be tested to sign a
9 written acknowledgment that he or she has received and
10 understood the notice and advice provided under paragraphs
11 (1) and (4).

12 (6) Assure each individual being tested a reasonable
13 degree of dignity while producing and submitting a sample
14 for drug testing, consistent with the State's need to
15 ensure the reliability of the sample.

16 (7) Specify circumstances under which an individual
17 who fails a drug test has the right to take one or more
18 additional tests.

19 (8) Inform an individual who tests positive for a
20 controlled substance and is deemed ineligible for TANF
21 benefits or SNAP benefits that the individual may reapply
22 for those benefits one year after the date of the positive
23 drug test, unless the individual meets the requirements of
24 paragraph (10) of this subsection. If the individual tests
25 positive again, he or she is ineligible to receive TANF
26 benefits or SNAP benefits for 3 years after the date of the

1 second positive drug test, unless the individual meets the
2 requirements of paragraph (10) of this subsection.

3 (9) Provide any individual who tests positive with a
4 list of licensed substance abuse treatment providers
5 available in the area in which he or she resides. Neither
6 the Department nor the State is responsible for providing
7 or paying for substance abuse treatment as part of the
8 screening conducted under this Section.

9 (10) An individual who tests positive under this
10 Section and is denied TANF benefits or SNAP benefits as a
11 result may reapply for those benefits after 6 months if the
12 individual can document the successful completion of a
13 substance abuse treatment program. An individual who has
14 met the requirements of this paragraph and reapplies for
15 TANF benefits or SNAP benefits must also pass an initial
16 drug test and meet the requirements of subsection (a). Any
17 drug test conducted while the individual is undergoing
18 substance abuse treatment must meet the requirements of
19 subsection (a). The cost of any drug testing and substance
20 abuse treatment provided under this Section shall be the
21 responsibility of the individual being tested and
22 receiving treatment. An individual who fails the drug test
23 required under subsection (a) may reapply for benefits
24 under this paragraph (10) only once.

25 (c) If a parent is deemed ineligible for TANF benefits or
26 SNAP benefits as a result of failing a drug test conducted

1 under this Section:

2 (1) The dependent child's eligibility for TANF
3 benefits or SNAP benefits is not affected.

4 (2) An appropriate protective payee shall be
5 designated to receive benefits on behalf of the child.

6 (3) The parent may choose to designate another
7 individual to receive benefits for the parent's minor
8 child. The designated individual must be an immediate
9 family member or, if an immediate family member is not
10 available or the family member declines the option, another
11 individual, approved by the Department, may be designated.
12 The designated individual must also undergo drug testing
13 before being approved to receive benefits on behalf of the
14 child. If the designated individual tests positive for
15 controlled substances, he or she is ineligible to receive
16 benefits on behalf of the child.

17 (d) The Department shall adopt rules to implement this
18 Section.

19 Section 99. Effective date. This Act takes effect July 1,
20 2013.