



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1719

Introduced 2/15/2013, by Sen. Kyle McCarter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Aid Code. Provides that as a condition of initial eligibility for cash assistance benefits provided under the Temporary Assistance for Needy Families Program (TANF) or, subject to federal approval, benefits provided under the federal Supplemental Nutrition Assistance Program (SNAP) (formerly known as the Food Stamp Program), 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.

LRB098 07235 KTG 37297 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 1-10.5,
6 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 cash assistance benefits provided under
10 Article IV of this Code or, subject to federal approval,
11 benefits provided under the federal Supplemental Nutrition
12 Assistance Program (SNAP) (formerly known as the Food Stamp
13 Program), an applicant must pass a drug screening as provided
14 in Section 12-4.4b of this Code. As a condition of continued
15 eligibility for cash assistance benefits provided under
16 Article IV of this Code or, subject to federal approval, SNAP
17 benefits, a recipient must pass random drug screenings as
18 prescribed by the Department of Human Services.

19 (305 ILCS 5/1-10.6 new)

20 Sec. 1-10.6. TANF recipients; actively seeking work;
21 rules. The Department of Human Services shall adopt rules
22 requiring applicants for cash assistance benefits provided

1 under Article IV of this Code or, subject to federal approval,
2 applicants for benefits provided under the federal
3 Supplemental Nutrition Assistance Program (SNAP) (formerly
4 known as the Food Stamp Program) to actively seek work in order
5 to qualify for such benefits. The rules adopted by the
6 Department shall be in compliance with those rules under the
7 Unemployment Insurance Act and adopted by the Department of
8 Employment Security requiring unemployed individuals to
9 actively seek employment in order to qualify for unemployment
10 insurance benefits, and shall include any exceptions, as the
11 Department of Human Services deems appropriate, to those rules
12 under the Unemployment Insurance Act and adopted by the
13 Department of Employment Security requiring unemployed
14 individuals to actively seek employment in order to qualify for
15 unemployment insurance benefits.

16 The Department shall adopt rules that allow recipients of
17 cash assistance benefits provided under Article IV of this Code
18 or SNAP benefits to experience a gradual reduction in benefits
19 as earnings increase.

20 (305 ILCS 5/4-8a new)

21 Sec. 4-8a. Prohibited purchases. No recipient of cash
22 assistance benefits provided under this Article shall use his
23 or her cash assistance benefits to purchase lottery tickets or
24 to patronize any casino or licensed establishment that operates
25 video gaming terminals for the purpose of engaging in gambling

1 or video gaming activities. The Department shall adopt any
2 rules necessary to implement this provision.

3 For purposes of this Section, "video gaming terminal" has
4 the meaning ascribed to that term under the Video Gaming Act.

5 (305 ILCS 5/8A-4B new)

6 Sec. 8A-4B. Penalty for unauthorized possession and use of
7 cash benefits. Notwithstanding any provision of law to the
8 contrary, any person who possesses for an unlawful purpose
9 another person's Electronic Benefit Transfer card (EBT) or LINK
10 card in order to use or transfer in any manner not authorized
11 by law or the rules and regulations of the Department of Human
12 Services the cash assistance benefits held on that EBT or LINK
13 card is guilty of a violation of this Article and shall be
14 subject to the penalties established under Section 8A-6.

15 (305 ILCS 5/8A-5A) (from Ch. 23, par. 8A-5A)

16 Sec. 8A-5A. Unauthorized possession of identification
17 document. Any person who possesses for an unlawful purpose
18 another person's identification document issued by the
19 Illinois Department shall be guilty of a Class 4 felony. For
20 purposes of this Section, "identification document" includes
21 but is not limited to an authorization to participate in the
22 federal Supplemental Nutrition Assistance Program (SNAP)
23 (formerly the Food Stamp Program) ~~food stamp program~~ or the
24 federal surplus food commodities program, or a card or other

1 document which identifies a person as being entitled to public
2 aid under this Code.

3 Notwithstanding any provision of this Section to the
4 contrary, any person who possesses for an unlawful purpose
5 another person's Electronic Benefit Transfer card (EBT) or LINK
6 card issued by the Department of Human Services shall be guilty
7 of a Class 3 felony.

8 (Source: P.A. 86-1012.)

9 (305 ILCS 5/8A-6) (from Ch. 23, par. 8A-6)

10 Sec. 8A-6. Classification of violations.

11 (a) Any person, firm, corporation, association, agency,
12 institution or other legal entity that has been found by a
13 court to have engaged in an act, practice or course of conduct
14 declared unlawful under Sections 8A-2 through 8A-5 or Section
15 8A-13 or 8A-14 where:

16 (1) the total amount of money involved in the
17 violation, including the monetary value of cash assistance
18 benefits or federal SNAP benefits (formerly food stamps)
19 ~~food stamps~~ and the value of commodities, is less than
20 \$150, shall be guilty of a Class 4 felony ~~Class A~~
21 ~~misdemeanor~~;

22 (2) the total amount of money involved in the
23 violation, including the monetary value of cash assistance
24 benefits or federal SNAP benefits (formerly food stamps)
25 ~~food stamps~~ and the value of commodities, is \$150 or more

1 but less than \$1,000, shall be guilty of a Class 3 ~~Class 4~~
2 felony;

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

9 (4) the total amount of money involved in the
10 violation, including the monetary value of cash assistance
11 benefits or federal SNAP benefits (formerly food stamps)
12 ~~food stamps~~ and the value of commodities, is \$5,000 or more
13 but less than \$10,000, shall be guilty of a Class 1 ~~Class 2~~
14 felony; or

15 (5) the total amount of money involved in the
16 violation, including the monetary value of cash assistance
17 benefits or federal SNAP benefits (formerly food stamps)
18 ~~food stamps~~ and the value of commodities, is \$10,000 or
19 more, shall be guilty of a Class X ~~Class 1~~ felony and,
20 notwithstanding the provisions of Section 8A-8 except for
21 Subsection (c) of Section 8A-8, shall be ineligible for
22 financial aid under this Article for a period of two years
23 following conviction or until the total amount of money,
24 including the value of federal food stamps, is repaid,
25 whichever first occurs.

26 (b) Any person, firm, corporation, association, agency,

1 institution or other legal entity that commits a subsequent
2 violation of any of the provisions of Sections 8A-2 through
3 8A-5 and:

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

10 (2) the total amount of money involved in the
11 subsequent violation, including the monetary value of cash
12 assistance benefits or federal SNAP benefits (formerly
13 food stamps) ~~food stamps~~ and the value of commodities, is
14 \$150 or more but less than \$1,000, shall be guilty of a
15 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 (formerly
19 food stamps) ~~food stamps~~ and the value of commodities, is
20 \$1,000 or more but less than \$5,000, shall be guilty of a
21 Class 1 ~~Class 2~~ felony;

22 (4) the total amount of money involved in the
23 subsequent violation, including the monetary value of cash
24 assistance benefits or federal SNAP benefits (formerly
25 food stamps) ~~food stamps~~ and the value of commodities, is
26 \$5,000 or more but less than \$10,000, shall be guilty of a

1 Class X ~~Class 1~~ felony.

2 (c) For purposes of determining the classification of
3 offense under this Section, all of the money received as a
4 result of the unlawful act, practice or course of conduct can
5 be accumulated.

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

7 (305 ILCS 5/12-4.4a new)

8 Sec. 12-4.4a. LINK card; photo identification
9 requirements.

10 (a) Beginning on the effective date of this amendatory Act
11 of the 98th General Assembly, in order to use an Electronic
12 Benefit Transfer card (EBT) or LINK card to obtain SNAP
13 benefits (formerly known as food stamps) or cash, the user must
14 show a current and valid photo identification. A person may not
15 use an EBT or LINK card to obtain SNAP benefits or cash if:

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

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

21 (b) Every EBT or LINK card issued by the Department of
22 Human Services on or after the effective date of this
23 amendatory Act of the 98th General Assembly must include on its
24 face the name of every household member entitled to use the
25 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 under
5 the Temporary Assistance for Needy Families Program (TANF).

6 Subject to federal approval, the Department shall require a
7 drug test to screen each individual who applies for benefits
8 provided under the federal Supplemental Nutrition Assistance
9 Program (SNAP) (formerly known as the Food Stamp Program).

10 The cost of drug testing shall be the responsibility of the
11 individual tested.

12 (1) An individual subject to the requirements of this
13 Section includes any parent or caretaker relative who is
14 included in a TANF cash assistance unit, including an
15 individual who may be exempt from work activity
16 requirements due to the age of the youngest child or who
17 may be exempt from work activity requirements as specified
18 by the Department.

19 (2) An individual who tests positive for a controlled
20 substance as a result of a drug test required pursuant to
21 this Section shall be ineligible to receive TANF benefits
22 or SNAP benefits for one year after the date of the
23 positive drug test, unless the individual meets the
24 requirements of subsection (c).

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

1 (1) Provide notice of drug testing to each applicant at
2 the time of application. The notice shall advise the
3 applicant that drug testing will be conducted as a
4 condition for receiving TANF benefits or SNAP benefits and
5 that the applicant shall bear the cost of the testing. The
6 applicant shall be advised that the required drug testing
7 may be avoided if the applicant does not apply for TANF
8 benefits or SNAP benefits. Dependent children under 18
9 years of age shall be exempt from the drug-testing
10 requirement.

11 (2) Require that for 2-parent families, both parents
12 shall comply with the drug-testing requirement.

13 (3) Require any minor parent who is not required to
14 live with a parent, legal guardian, or other adult
15 caretaker relative to comply with the drug-testing
16 requirement.

17 (4) Advise each applicant to be tested, before the test
18 is conducted, that the applicant may, but shall not be
19 required to, advise the agent administering the test of any
20 prescription or over-the-counter medication the applicant
21 is taking.

22 (5) Require each applicant to be tested to sign a
23 written acknowledgment that the applicant has received and
24 understands the notice and advice provided pursuant to
25 paragraphs (1) and (4) of this subsection.

26 (6) Assure each applicant being tested a reasonable

1 degree of dignity while producing and submitting a sample
2 for drug testing, consistent with the need of the State to
3 ensure the reliability of the sample.

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

7 (8) Inform an applicant who tests positive for a
8 controlled substance and is deemed ineligible for TANF
9 benefits or SNAP benefits that the applicant may reapply
10 for those benefits one year after the date of the positive
11 drug test, unless the applicant meets the requirements of
12 subsection (c) of this Section. If the applicant tests
13 positive again, the applicant shall be ineligible to
14 receive TANF benefits or SNAP benefits for 3 years after
15 the date of the second positive drug test, unless the
16 applicant meets the requirements of subsection (c) of this
17 Section.

18 (9) Provide any applicant who tests positive with a
19 list of licensed substance abuse treatment providers
20 available in the area in which the applicant resides.
21 Neither the Department nor the State shall be responsible
22 for providing or paying for substance abuse treatment as
23 part of the screening conducted pursuant to this Section.

24 (c) An applicant who tests positive pursuant to this
25 Section and is denied TANF benefits or SNAP benefits as a
26 result may reapply for those benefits after 6 months if the

1 applicant verifies the successful completion of a substance
2 abuse treatment program. An applicant shall not be considered
3 to have tested positive for substance abuse until the sample
4 has been retested to rule out a false positive using the same
5 sample obtained in the original test. An applicant who has met
6 the requirements of this subsection and reapplies for TANF
7 benefits or SNAP benefits shall be required to pass an initial
8 drug test and meet the requirements of this Section. Any drug
9 test conducted while the applicant is undergoing substance
10 abuse treatment shall meet the standards of this subsection
11 concerning false positives and any additional standards or
12 requirements the Department adopts by rule concerning
13 drug-testing as provided under subsection (e). The cost of any
14 drug testing and substance abuse treatment provided pursuant to
15 this Section shall be the responsibility of the individual
16 being tested and receiving treatment. An individual who fails
17 the drug test required pursuant to subsection (a) of this
18 Section may reapply for benefits one time.

19 (d) If a parent is deemed ineligible for TANF benefits or
20 SNAP benefits as a result of failing a drug test conducted
21 pursuant to this Section:

22 (1) the eligibility of the dependent child for TANF
23 benefits or SNAP benefits shall not be affected; and

24 (2) an appropriate protective payee shall be
25 designated to receive benefits on behalf of the child. The
26 parent may choose to designate an individual to act as the

1 protective payee and receive benefits for the minor child
2 of the parent. The designated individual shall be an
3 immediate family member or, if an immediate family member
4 is not available or the family member declines to act as
5 the protective payee, another individual, approved by the
6 Department, may be designated. The designated individual
7 shall undergo drug testing before being approved to receive
8 benefits on behalf of the child. If the designated
9 individual tests positive for a controlled substance, the
10 individual shall be ineligible to receive benefits on
11 behalf of the child.

12 (e) The Department shall adopt any rules necessary to
13 implement this Section, including rules concerning
14 drug-testing standards and requirements.

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