99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2463

Introduced 2/17/2015, by Rep. Adam Brown

SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.49 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 from the drug testing requirements; reimbursements for the cost of the drug testing; and other matters. Effective July 1, 2015.

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FISCAL NOTE ACT MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

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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 12-4.49 as follows:

6	(305 ILCS 5/12-4.49 new)
7	Sec. 12-4.49. 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	An individual subject to the requirements of this Section
19	includes any parent or caretaker relative who is included in an
20	assistance unit that receives TANF cash assistance under
21	Article IV of this Code, including an individual who may be
22	exempt from work activity requirements due to the age of the
23	youngest child or who may be exempt from work activity

1	requirements as provided under Section 9A-4 of this Code.
2	An individual who tests positive for controlled substances
3	as a result of a drug test required under this Section is
4	ineligible to receive TANF benefits or SNAP benefits for one
5	year after the date of the positive drug test, unless the
6	individual meets the requirements of subsection (c).
7	(b) The Department shall:
8	(1) provide notice of drug testing to each individual
9	at the time of application; the notice must advise the
10	individual that drug testing will be conducted as a
11	condition for receiving TANF benefits or SNAP benefits and
12	that the individual must bear the cost of the testing; if
13	the individual tests negative for controlled substances,
14	the Department shall increase the amount of the initial

14the Department shall increase the amount of the initial15TANF benefit or SNAP benefit by the amount paid by the16individual for the drug testing; the individual shall be17advised that the required drug testing may be avoided if18the individual does not apply for TANF benefits or SNAP19benefits; dependent children under the age of 18 are exempt20from the drug testing requirement;

21 (2) require that for 2-parent families, both parents 22 must comply with the drug testing requirement;

23 <u>(3) require that any teen parent who is not required to</u>
24 <u>live with a parent, legal guardian, or other adult</u>
25 <u>caretaker relative must comply with the drug testing</u>
26 <u>requirement;</u>

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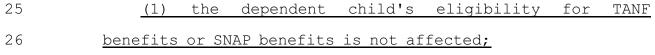
1	(4) advise each individual to be tested, before the
2	test is conducted, that he or she may, but is not required
3	to, advise the agent administering the test of any
4	prescription or over-the-counter medication he or she is
5	taking;
6	(5) require each individual to be tested to sign a
7	written acknowledgment that he or she has received and
8	understood the notice and advice provided under paragraphs
9	(1) and (4);
10	(6) ensure each individual being tested a reasonable
11	degree of dignity while producing and submitting a sample
12	for drug testing, consistent with the State's need to
13	ensure the reliability of the sample;
14	(7) specify circumstances under which an individual
15	who fails a drug test has the right to take one or more
16	additional tests;
17	(8) inform an individual who tests positive for a
18	controlled substance and is deemed ineligible for TANF
19	benefits or SNAP benefits that the individual may reapply
20	for those benefits one year after the date of the positive
21	drug test, unless the individual meets the requirements of
22	subsection (c); if the individual tests positive again, he
23	or she is ineligible to receive TANF benefits or SNAP
24	benefits for 3 years after the date of the second positive
25	drug test, unless the individual meets the requirements of
26	subsection (c); and

1	(9) provide any individual who tests positive with a
2	list of licensed substance abuse treatment providers
3	available in the area in which he or she resides; neither
4	the Department nor the State is responsible for providing
5	or paying for substance abuse treatment as part of the
6	screening conducted under this Section.
7	(c) An individual who tests positive under this Section and
8	is denied TANF benefits or SNAP benefits as a result may
9	reapply for those benefits after 6 months if the individual can
10	document the successful completion of a substance abuse
11	treatment program. An individual who has met the requirements
12	of this subsection and reapplies for TANF benefits or SNAP
13	benefits must also pass an initial drug test and meet the
14	requirements of subsection (a). Any drug test conducted while
15	the individual is undergoing substance abuse treatment must
16	meet the requirements of subsection (a). The cost of any drug

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17 <u>testing and substance abuse treatment provided under this</u> 18 <u>Section shall be the responsibility of the individual being</u> 19 <u>tested and receiving treatment. An individual who fails the</u> 20 <u>drug test required under subsection (a) may reapply for</u> 21 benefits under this subsection (c) only once.

22 <u>(d) If a parent is deemed ineligible for TANF benefits or</u> 23 <u>SNAP benefits as a result of failing a drug test conducted</u> 24 <u>under this Section:</u>



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1	(2) an appropriate protective payee shall be
2	designated to receive benefits on behalf of the child; and
3	(3) the parent may choose to designate another
4	individual to receive benefits for the parent's minor
5	child; the designated individual must be an immediate
6	family member or, if an immediate family member is not
7	available or the family member declines the option, another
8	individual, approved by the Department, may be designated;
9	the designated individual must also undergo drug testing
10	before being approved to receive benefits on behalf of the
11	child; if the designated individual tests positive for
12	controlled substances, he or she is ineligible to receive
13	benefits on behalf of the child.
14	(e) The Department shall adopt rules to implement this
15	Section.
16	Section 99. Effective date. This Act takes effect July 1,
17	2015.