



Rep. David Reis

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09900HB2751ham001

LRB099 07808 KTG 32355 a

1 AMENDMENT TO HOUSE BILL 2751

2 AMENDMENT NO. _____. Amend House Bill 2751 by replacing
3 everything after the enacting clause with the following:

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 treatment program.

8 (a) As used in this Section:

9 "Cannabis" has the same meaning ascribed to it in the
10 Cannabis Control Act.

11 "Controlled substance" means a controlled substance as
12 defined in the Illinois Controlled Substances Act.

13 "Methamphetamine" has the same meaning ascribed to it
14 in the Methamphetamine Control and Community Protection
15 Act.

16 (b) As a condition of continued eligibility for benefits

1 provided under this Article, any recipient of benefits 18 years
2 of age or older who is convicted of a misdemeanor violation of
3 the Illinois Controlled Substances Act or the Cannabis Control
4 Act shall participate in a substance abuse treatment program
5 that has a duration of not less than one year and that is
6 licensed by the Department of Human Services under the
7 Alcoholism and Other Drug Abuse and Dependency Act. Any
8 individual who fails to comply with this Section is subject to
9 immediate termination of his or her benefits. Any individual
10 who is convicted of a second or subsequent misdemeanor
11 violation of the Illinois Controlled Substances Act or the
12 Cannabis Control Act after participating in and completing a
13 substance abuse treatment program as required under this
14 subsection shall agree to periodic drug testing under the
15 program established in subsection (c) as a condition of
16 continued eligibility for benefits provided under this
17 Article.

18 (c) The Department shall develop and establish a program to
19 periodically test for the illegal use of a controlled
20 substance, cannabis, or methamphetamine by an individual who:

21 (1) receives TANF assistance under this Article on
22 behalf of a child;

23 (2) is at least 18 years of age; and

24 (3) is convicted of a second or subsequent misdemeanor
25 violation of the Illinois Controlled Substances Act or the
26 Cannabis Control Act after participating in and completing

1 a substance abuse treatment program as required under
2 subsection (b).

3 The Department shall implement this program no later than July
4 1, 2016.

5 (d) An individual described in subsection (c) shall take a
6 substance abuse subtle screening inventory test administered
7 in written or electronic form by a local office of the
8 Department.

9 (e) A local office of the Department shall provide the
10 following information in writing to an individual described in
11 subsection (c):

12 (1) The individual is required to take a written or
13 electronic substance abuse subtle screening inventory
14 test.

15 (2) The individual may be subject to random drug
16 testing based on the results of the test described in
17 paragraph (1) of this subsection.

18 (3) The individual may be subject to drug testing if
19 the local office of the Department believes, based on
20 reasonable suspicion as set forth in subsection (f), that
21 the individual is engaged in the illegal use of a
22 controlled substance, cannabis, or methamphetamine.

23 (4) If the individual tests positive on a drug test
24 administered under this Section, the individual may be
25 ineligible:

26 (A) for TANF assistance; and

1 (B) to receive TANF assistance on behalf of a
2 child.

3 (5) If the individual tests positive on a drug test
4 administered under this Section, the amount of the cost of
5 the drug test shall be withheld from any future TANF
6 assistance the individual receives if the individual
7 continues to receive TANF assistance.

8 (6) If the individual tests positive on a drug test
9 administered under this Section, the amount of the cost of
10 any subsequent drug test the individual is required to
11 undergo shall be withheld from the TANF assistance the
12 individual receives, if the individual continues to
13 receive TANF assistance, regardless of whether the
14 individual tests positive or tests negative on the
15 subsequent drug test.

16 (f) A local office of the Department is considered to have
17 reasonable suspicion to believe that an individual is engaged
18 in the illegal use of a controlled substance, cannabis, or
19 methamphetamine if one or more of the following apply:

20 (1) The individual has been charged with an offense
21 under the Illinois Controlled Substances Act, the Cannabis
22 Control Act, or the Methamphetamine Control and Community
23 Protection Act.

24 (2) The results of the substance abuse subtle screening
25 inventory test indicate that the individual is at risk for
26 the illegal use of a controlled substance, cannabis, or

1 methamphetamine.

2 (3) The individual has previously failed a drug test
3 administered under this Section.

4 (g) If a local office of the Department has knowledge that
5 an individual has been formally charged with an offense
6 described in paragraph (1) of subsection (f), the local office
7 shall administer a drug test to the individual.

8 (h) If a local office of the Department has reasonable
9 suspicion to believe from the results of a substance abuse
10 subtle screening inventory test that an individual is engaged
11 in the illegal use of a controlled substance, cannabis, or
12 methamphetamine, the individual shall be placed in the pool of
13 individuals who are subject to drug testing as described in
14 subsection (j).

15 (i) If a local office of the Department has reasonable
16 suspicion to believe that an individual is engaged in the
17 illegal use of a controlled substance, cannabis, or
18 methamphetamine as the result of failing a drug test
19 administered under this Section, the individual shall be placed
20 in the pool of individuals who are subject to random drug
21 testing as described in subsection (k).

22 (j) The Department shall administer a drug test to at least
23 50% of the pool of individuals described in subsection (h). An
24 individual may not be tested more than once under this
25 subsection.

26 (k) The Department shall administer random drug tests to

1 50% of the pool of individuals described in subsection (i) each
2 month.

3 (l) A local office of the Department shall provide a list
4 of substance abuse treatment programs licensed by the
5 Department under the Alcoholism and Other Drug Abuse and
6 Dependency Act to any individual who tests positive under this
7 Section.

8 (m) An individual who tests positive under this Section and
9 provides evidence that he or she is participating in a
10 substance abuse treatment program shall continue to receive
11 TANF assistance.

12 (n) The Department shall adopt any rules necessary to
13 implement this Section."