

1 HB14
2 196375-2
3 By Representative Hanes
4 RFD: State Government
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8 SYNOPSIS: This bill would require each adult recipient
9 of public benefits to comply with mandatory
10 community service program requirements in order to
11 be eligible for the benefits.

12 This bill would provide that any recipient
13 of public benefits who does not comply shall be
14 ineligible to receive public assistance for a
15 specified period of time based on the frequency of
16 noncompliance.

17 This bill would provide an exception from
18 the mandatory community service program required
19 under certain conditions.

20 This bill would require certain applicants
21 for Temporary Assistance for Needy Families (TANF),
22 administered by the Department of Human Resources,
23 to be drug tested if the applicant has been
24 convicted of a drug offense within a specified
25 period of time.

26 This bill would provide that an applicant
27 who tests positive for a drug without a valid

1 prescription shall become ineligible for program
2 benefits upon a subsequent positive drug screening.

3 This bill would authorize an individual who
4 is a parent of a minor child and tests positive for
5 drugs to designate a third party to receive the
6 public assistance for the benefit of the minor
7 child.

8 This bill would require each department or
9 agency of the state that provides public assistance
10 to comply with the mandatory community service
11 requirements of this act.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to public assistance; to require each
18 recipient of public benefits to comply with community service
19 program requirements in order to be eligible for the benefits;
20 to provide that an individual who does not comply shall be
21 ineligible to receive public assistance for a specified period
22 of time based on the frequency of noncompliance; to provide
23 procedures and exceptions for such mandatory community service
24 programs to be developed by the Alabama Department of Human
25 Resources; to require certain applicants for Temporary
26 Assistance for Needy Families (TANF) to be drug tested if the
27 applicant has been convicted of a drug offense; to provide

1 that an applicant who tests positive for a drug without a
2 valid prescription is ineligible for TANF program benefits
3 under certain conditions; and to authorize a parent who tests
4 positive for drugs to designate a third party to receive
5 public assistance for the benefit of minor child family
6 members.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. As used in this act, the following words
9 shall have the following meanings:

10 (1) DRUG. The term includes either of the following:

11 a. A controlled substance for which a medical
12 prescription or other legal authorization is required for
13 purchase or possession, including, but not limited to:
14 amphetamine, tetrahydrocannabinol, oxycodone, cocaine,
15 phencyclidine, an opiate, barbiturate, benzodiazepine,
16 methamphetamine, propoxyphene, tricyclic antidepressant, or a
17 metabolite of any of these substances.

18 b. A drug whose manufacture, sale, use, or
19 possession is forbidden by law.

20 (2) DRUG OFFENSE. The term includes any violation of
21 Article 5, commencing with Section 13A-12-210, of Chapter 12
22 of Title 13A, Code of Alabama 1975.

23 (3) DRUG SCREENING. Any chemical, biological, or
24 physical instrumental analysis administered by a laboratory
25 certified by the United States Department of Health and Human
26 Services or other licensing agency in this state for the

1 purpose of determining the presence or absence of a drug or
2 its metabolites.

3 (4) FEDERAL PUBLIC BENEFITS. The term as it is
4 defined in 8 U.S.C. §1611.

5 (5) RECIPIENT. An individual who is 18 years of age
6 or older, is not physically or mentally disabled, and receives
7 federal, state, or local benefits.

8 (6) STATE or LOCAL PUBLIC BENEFITS. The term as
9 defined by 8 U.S.C. §1621.

10 Section 2. (a) Except as provided in subsection (f)
11 or where exempted by federal law, on and after July 1, 2019,
12 each recipient of federal, state, or local public benefits
13 administered by an agency or a political subdivision of this
14 state shall participate in a community service program
15 administered by the Department of Human Resources.

16 (b) (1) The Department of Human Resources shall
17 cooperate with the Alabama Department of Labor to establish
18 and administer a community service program with the standards
19 and procedures necessary to accomplish the requirements of
20 this section. The Department of Human Resources shall
21 establish a minimum number of hours of regulated community
22 service that recipients of local, state, or local federal,
23 public benefits must participate in, to be determined by the
24 age of the recipient. Notwithstanding the foregoing, each
25 recipient shall work a minimum of 20 hours of community
26 service each week to maintain his or her eligibility.

1 (2) The Department of Human Resources, on a monthly
2 basis, shall publish a list of nonprofit 501(c)(3) programs
3 that are eligible for community service work required under
4 this section. No eligible nonprofit program shall be required
5 to accept a recipient of public assistance for community
6 service, but shall be encouraged to do so. Volunteer service
7 at a public or private school shall qualify for mandatory
8 community service required under this section. Volunteer
9 service at a church or other place of worship where the
10 recipient of public assistance is a member does not qualify
11 for mandatory community service required by this section.

12 (3) The Department of Human Resources shall adopt
13 rules prescribing forms and procedures for the verification of
14 community service required by this section.

15 (c) An individual who receives federal, state, or
16 local public benefits and who does not comply with the
17 mandatory community service requirements established by this
18 section shall be ineligible to receive the benefits for a
19 period of time as follows:

20 (1) For the first noncompliance, a period of 90
21 days.

22 (2) For the second noncompliance, a period of 180
23 days.

24 (3) For the third or subsequent noncompliance, a
25 period of one year, after which time the individual shall be
26 required to submit to a mandatory community service program

1 before he or she is eligible to receive federal, state, or
2 local public benefits.

3 (d) A recipient who receives federal, state, or
4 local public benefits who refuses to submit to the mandatory
5 community service program shall be ineligible to receive the
6 benefits for a period of one year.

7 (e) This section shall be enforced without regard to
8 race, religion, gender, ethnicity, or national origin.

9 (f) A recipient shall not be required to complete
10 the mandatory community service requirements of this act in
11 order to be eligible for any of the following:

12 (1) Assistance for health care items and services
13 that are necessary for the treatment of an emergency medical
14 condition, as defined in 42 U.S.C. § 1396b(v)(3), of the
15 recipient and are not related to an organ transplant
16 procedure.

17 (2) Short-term, noncash, in-kind emergency disaster
18 relief.

19 (3) Public health assistance for immunizations with
20 respect to immunizable diseases and for testing and treatment
21 of symptoms of communicable diseases, without regard to
22 whether the symptoms are caused by a communicable disease.

23 (4) Programs, services, or assistance, such as soup
24 kitchens, crisis counseling and intervention, and short-term
25 shelters that do any of the following:

26 a. Deliver in-kind services at the community level,
27 including through public or private nonprofit agencies.

1 b. Do not condition the provision of assistance, the
2 amount of assistance provided, or the cost of assistance
3 provided on the individual recipient's income or resources.

4 c. Are necessary for the protection of life or
5 safety.

6 d. Provide prenatal care.

7 e. Provide public postsecondary education.

8 (g) Each state agency or department that administers
9 any program of federal, state, or local public benefits shall
10 provide an annual report to the Department of Human Resources
11 with respect to the agency's or department's compliance with
12 this section. The Department of Human Resources shall adopt
13 rules to provide for the requirements of the annual report.

14 (h) Any and all errors and significant delays in
15 benefits caused by compliance with this section shall be
16 reported to the Governor who shall monitor mandatory community
17 service errors and significant delays and report annually to
18 the Legislature on such errors and significant delays to
19 ensure that the application of this section is not wrongfully
20 denying benefits to residents of this state.

21 (i) The provisions of this section shall be
22 implemented after the date the department or other appropriate
23 state agency whose duty it is to extend public benefits has
24 received all federal waivers that are necessary to implement
25 the provisions of this section from the United States
26 Department of Health and Human Services.

1 Section 3. (a) Commencing on October 1, 2019, the
2 Department of Human Resources shall implement and administer a
3 drug screening program for an individual applying for
4 temporary cash assistance who is otherwise eligible for the
5 Temporary Assistance for Needy Families (TANF) program if the
6 individual has a conviction for a drug offense within five
7 years prior to the date of the application for TANF program
8 benefits.

9 (b) The Department of Human Resources shall require
10 each applicant for TANF program benefits to disclose, under
11 penalty of perjury, any criminal conviction for a drug offense
12 or a federal criminal offense related to the use or
13 distribution of a drug.

14 (c) The cost of the initial drug screening of each
15 applicant shall be the responsibility of the Department of
16 Human Resources. The cost of any subsequent drug screening is
17 the responsibility of the individual screened. The department
18 shall reimburse the person for the cost of the drug screening
19 if the person tests negative for a drug.

20 (d) (1) An applicant for TANF program benefits under
21 this section who refuses to take a drug screening or who
22 delays the drug screening beyond the time set by the
23 Department of Human Resources is ineligible to receive TANF
24 program benefits until the applicant complies with the drug
25 screening requirements of this section.

26 (2) a. An applicant who tests positive for a drug as
27 a result of a drug screening required under this section and

1 who is unable to produce a valid prescription for the drug
2 shall receive a warning that any subsequent positive drug
3 screening will result in a loss of benefits.

4 b. Upon a second positive drug screening, the
5 applicant shall be ineligible for TANF program benefits for
6 one year after the date of the positive drug screening
7 results.

8 c. Upon a third positive drug screening, the
9 applicant shall be permanently ineligible for TANF program
10 benefits.

11 d. No individual shall be subjected to more than two
12 additional drug screenings in a calendar year.

13 (3) An individual who is denied TANF program
14 benefits under this section may request an administrative
15 hearing to review the denial.

16 (e) The results of a drug screening under this
17 section are not admissible in a criminal proceeding, but are
18 admissible without further authentication or qualification in
19 an administrative hearing of the Department of Human Resources
20 and judicial review of department determinations.

21 (f) The Department of Human Resources shall do all
22 of the following:

23 (1) Provide notice of the potential for drug
24 screening to each applicant for TANF program benefits at the
25 time of application. The notice shall advise the applicant
26 that a drug screening may be conducted as a condition for
27 receiving benefits under certain conditions and that the

1 applicant shall bear the cost of the drug screening after the
2 initial screening. The applicant shall be advised that the
3 required drug screening may be avoided if the applicant does
4 not apply for TANF program benefits.

5 (2) Require each applicant who will be drug screened
6 to sign a written acknowledgment that he or she has received
7 notice of the Department of Human Resources drug screening
8 policy and that he or she understands the drug screening
9 requirement.

10 (g) If an applicant is deemed permanently ineligible
11 for TANF program benefits as a result of failing a third drug
12 screening conducted under this section, the TANF benefits of
13 any dependant children of the applicant or the benefits of any
14 other adult family member of the applicant are not affected.

15 (1) An appropriate protective payee shall be
16 designated to receive benefits on behalf of any dependent
17 children of the applicant.

18 (2) The applicant may choose to designate another
19 individual to receive benefits for any dependent children of
20 the applicant. The designated individual shall be an immediate
21 family member or, if an immediate family member is not
22 available or the family member declines the option, another
23 individual may be designated. The designated individual must
24 be approved by the department.

25 Section 4. The Department of Human Resources shall
26 adopt rules for the implementation and administration of this
27 act.

1 Section 5. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.