



1 not legally prescribed, including amphetamines,  
2 tetrahydrocannabinol, oxycodone, cocaine, phencyclidine (PCP), any  
3 opiate, barbiturate, benzodiazepine, methamphetamine, propoxyphene,  
4 and any tricyclic antidepressants *Provided:* That if the mother  
5 agrees to undergo a course of substance abuse education and  
6 treatment as prescribed in article fifteen, chapter sixty-two of  
7 this code, or the substantial equivalent, she shall be found to be  
8 eligible to apply for the benefits, subject to the imposition of  
9 further mandatory drug testing not inconsistent with the provisions  
10 of this code.

11 (b) Other members of a household that includes a person who has  
12 been declared ineligible for temporary assistance for needy families  
13 assistance shall, if otherwise eligible, continue to receive  
14 temporary assistance for needy families benefits.

15 (c) No dependent child's eligibility for TANF benefits may be  
16 affected by a parent's failure to pass a drug test.

17 (d) An appropriate protective payee shall be designated to  
18 receive benefits on behalf of the child.

19 (e) The mother may choose to designate another individual to  
20 receive benefits for her minor child. The designated individual must  
21 be an immediate family member or, if an immediate family member is  
22 not available or the family member declines the designation, another  
23 individual, approved by the division, may be so designated. The  
24 designated individual must also undergo drug testing before being

1 approved to receive benefits on behalf of the child. If the  
2 designated individual tests positive for controlled substances, he  
3 or she is ineligible to receive benefits on behalf of the child.

4 (f) Reapplication following ineligibility.-- (1) Any applicant  
5 for, or recipient of federal-state or state assistance in the form  
6 of temporary assistance for needy families cash benefits, who is  
7 determined ineligible to receive benefits by the commissioner  
8 following the delivery of an infant addicted to certain controlled  
9 substances, not legally prescribed, including amphetamines,  
10 tetrahydrocannabinol, oxycodone, cocaine, phencyclidine (PCP), any  
11 opiate, barbiturate, benzodiazepine, methamphetamine, propoxyphene,  
12 and any tricyclic antidepressants, is ineligible to receive, and  
13 prohibited from reapplying for, benefits for a period of two years  
14 from the date that commissioner determined the applicant or  
15 recipient to be ineligible. Any applicant or recipient determined  
16 to be ineligible under this section shall submit to a mandatory drug  
17 test as part of a reapplication for federal-state or state  
18 assistance in the form of temporary assistance for needy families  
19 cash benefits; and

20 (2) Any individual who is forbidden to receive benefits under  
21 this section may reapply for benefits no sooner than six months  
22 after the commissioner declares he or she is ineligible for benefits  
23 if the individual can document the successful completion of a drug  
24 treatment program as specified in this section. An individual who

1 has met the requirements of this subsection and reapplies for  
2 benefits must also pass an initial drug test. The cost of any drug  
3 testing and drug treatment provided under this section shall be the  
4 responsibility of the individual being tested and receiving  
5 treatment. An individual may reapply for benefits pursuant to the  
6 exception contained in this subsection only once.

7       (g) The commissioner is responsible for ensuring the  
8 confidentiality of any and all drug test results administered as  
9 part of the program. Drug test results shall only be used for the  
10 purpose of denying, or determining eligibility for continued receipt  
11 of, federal-state or state assistance in the form of temporary  
12 assistance for needy families cash benefits. At no time may drug  
13 test results be released to any public or private person or entity  
14 or any law-enforcement agency, except as otherwise authorized by  
15 this code.

NOTE: The purpose of this bill is to create a procedure for any applicant or recipient of TANF benefits who fails an initial drug test and will be required to undergo treatment and to pass a second drug test to maintain eligibility for or recipients of such benefits. Failing the secondary drug test results in ineligibility for benefits for a period of two years, and requires a mandatory drug test as part of a reapplication for benefits. The bill provides for protective or vendor payments to a third-party payee for the benefit of the members of the household. The bill also ensures confidentiality of records.

This section is new; therefore, it has been completely underscored.