

1 HB14  
2 196375-2  
3 By Representative Hanes  
4 RFD: State Government  
5 First Read: 05-MAR-19  
6 PFD: 01/10/2019

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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  
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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.