

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1824

By: Bass

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6 AS INTRODUCED

7 An Act relating to the Temporary Assistance for Needy
8 Families (TANF) program; amending 56 O.S. 2011,
9 Section 230.52, which relates to eligibility for the
10 TANF program; adding drug-testing requirement as a
11 condition for eligibility in the TANF program;
12 requiring drug testing for all TANF applicants;
13 specifying who shall pay for required drug test;
14 specifying which individuals are subject to the drug-
15 testing requirement; making certain persons
16 ineligible for TANF benefits for specified period of
17 time; specifying requirements of the Department of
18 Human Services in administering required drug tests;
19 providing for alternate payees for children in the
20 TANF program when a parent tests positive for
21 controlled substances; directing the Commission for
22 Human Services to promulgate certain rules; providing
23 for codification; and providing an effective date.

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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 56 O.S. 2011, Section 230.52, is
20 amended to read as follows:

21 Section 230.52. A. Except for specific exceptions, conditions
22 or restrictions authorized by the Statewide Temporary Assistance
23 Responsibility System (STARS) and rules promulgated by the
24 Commission for Human Services pursuant thereto, the following are

1 the minimum mandatory requirements for the Temporary Assistance for
2 Needy Families (TANF) program:

3 1. A recipient shall be eligible to receive assistance pursuant
4 to the TANF program only for a lifetime total of five (5) years,
5 subject to the exemptions allowed by federal law. Child-only cases
6 are not subject to the five-year limitation;

7 2. A recipient shall be subject to the drug-testing and related
8 eligibility requirements specified in Section 2 of this act;

9 3. Single parents receiving temporary assistance pursuant to
10 the TANF program shall participate in work activities for a minimum
11 of twenty (20) hours per week during the month. Two-parent families
12 receiving temporary assistance pursuant to the TANF program shall
13 participate in work activities for a minimum of thirty-five (35)
14 hours per week during the month;

15 ~~3.~~ 4. A recipient must be engaged in one or more of the work
16 activities set out in paragraph 4 5 of this subsection as soon as
17 required by the Department of Human Services pursuant to the TANF
18 program, but not later than twenty-four (24) months after
19 certification of the application for assistance, unless the person
20 is exempt from work requirements under rules promulgated by the
21 Commission pursuant to the STARS;

22 ~~4.~~ 5. The Department shall develop and describe categories of
23 approved work activities for the TANF program recipients in
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1 accordance with this paragraph. Work activities that qualify in
2 meeting the requirements include, but are not limited to:

- 3 a. (1) unsubsidized employment which is full-time
4 employment or part-time employment that is not
5 directly supplemented by federal or state funds,
6 (2) subsidized private sector employment which is
7 employment in a private for-profit enterprise or
8 a private not-for-profit enterprise that is
9 directly supplemented by federal or state funds.
10 Prior to receiving any subsidy or incentive, the
11 employer shall enter into a written contract with
12 the Department, and
13 (3) subsidized public sector employment which is
14 employment by an agency of a federal, state, or
15 local governmental entity which is directly
16 supplemented by federal or state funds. Prior to
17 receiving any subsidy or incentive, the employer
18 shall enter into a written contract with the
19 Department.

20 Subsidized hourly employment or unsubsidized hourly
21 employment pursuant to this subparagraph shall only be
22 approved by the Department as work activity if such
23 employment is subject to:
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- (a) the federal minimum wage requirements pursuant to the Fair Labor Standards Act of 1938, as amended,
- (b) the federal Social Security tax and Medicare tax, and
- (c) regulations promulgated pursuant to the federal Occupational Safety and Health Act of 1970 and rules promulgated by the State Department of Labor pursuant thereto,

- b. a program of work experience,
- c. on-the-job training,
- d. assisted job search which may include supervised or unsupervised job-seeking activities,
- e. job readiness assistance which may include, but is not limited to:
 - (1) orientation in the work environment and basic job-seeking and job retention skills,
 - (2) instruction in completing an application for employment and writing a resume, and
 - (3) instruction in conducting oneself during a job interview, including appropriate dress,
- f. job skills training which is directly related to employment in a specific occupation for which there is a written commitment by an employer to offer

1 employment to a recipient who successfully completes
2 the training. Job skills training includes, but is
3 not limited to, customized training designed to meet
4 the needs of a specific employer or a specific
5 industry,

6 g. community service programs which are job-training
7 activities provided in areas where sufficient public
8 or private sector employment is not available. Such
9 activities are linked to both education or training
10 and activities that substantially enhance a
11 recipient's employability,

12 h. literacy and adult basic education programs,

13 i. vocational-educational programs, not to exceed twelve
14 (12) months for any individual, which are directed
15 toward vocational-educational training and education
16 directly related to employment,

17 j. education programs which are directly related to
18 specific employment opportunities, if a recipient has
19 not received a high school diploma or General
20 Equivalency Degree, and

21 k. child care for other STARS recipients. The recipient
22 must meet training and licensing requirements for
23 child care providers as required by the Oklahoma Child
24 Care Facilities Licensing Act;

1 ~~5.~~ 6. Single, custodial parents with a child up to one (1) year
2 of age may be exempt from work activities for a lifetime total
3 exemption of twelve (12) months;

4 ~~6.~~ 7. In order to receive assistance, unmarried teen parents of
5 a minor child at least twelve (12) weeks of age must participate in
6 educational activities or work activities approved by the state;

7 ~~7.~~ 8. For single-parent families, except for teen parents,
8 educational activities, other than vocational-technical training, do
9 not count toward meeting the required twenty (20) hours of work
10 activity. For two-parent families, educational activities, except
11 vocational-technical training, do not count toward meeting the
12 required thirty-five (35) hours of work activity;

13 ~~8.~~ 9. A teen parent must live at home or in an approved, adult-
14 supervised setting as specified in Section 230.55 of this title to
15 receive TANF assistance;

16 ~~9.~~ 10. A recipient must comply with immunization requirements
17 established pursuant to the TANF program;

18 ~~10.~~ 11. A recipient shall be subject to the increment in
19 benefits for additional children established by Section 230.58 of
20 this title;

21 ~~11.~~ 12. The following recipient resources are exempt from
22 resource determination criteria:

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1 a. an automobile with an equity allowance of not more
2 than Five Thousand Dollars (\$5,000.00) pursuant to
3 Section 230.53 of this title,

4 b. individual development accounts established pursuant
5 to the Family Savings Initiative Act, or individual
6 development accounts established prior to November 1,
7 1998, pursuant to the provisions of Section 230.54 of
8 this title in an amount not to exceed Two Thousand
9 Dollars (\$2,000.00),

10 c. the equity value of funeral arrangements owned by a
11 recipient that does not exceed the limitation
12 specified by Section 165 of this title, and

13 d. earned income disregards not to exceed One Hundred
14 Twenty Dollars (\$120.00) and one-half (1/2) of the
15 remainder of the earned income;

16 ~~12.~~ 13. An applicant who applies and is otherwise eligible to
17 receive TANF benefits but who has resided in this state less than
18 twelve (12) months shall be subject to Section 230.57 of this title;

19 ~~13.~~ 14. The recipient shall enter into a personal
20 responsibility agreement with the Department for receipt of
21 assistance pursuant to Section 230.65 of this title;

22 ~~14.~~

23 15. a. As a condition of participating in the STARS, all
24 recipients are deemed to have given authorization for

1 the release of any and all information necessary to
2 allow all state and federal agencies to meet the
3 program needs of the recipient.

4 b. The recipient shall be provided a release form to sign
5 in order to obtain the required information. Failure
6 to sign the release form may result in case closure;
7 and

8 ~~15.~~ 16. The recipient shall comply with all other conditions
9 and requirements of the STARS, and rules of the Commission
10 promulgated pursuant thereto.

11 B. 1. Agencies of this state involved in providing services to
12 recipients pursuant to the STARS shall exchange information as
13 necessary for each agency to accomplish objectives and fulfill
14 obligations created or imposed by the STARS and rules promulgated
15 pursuant thereto.

16 2. Information received pursuant to the STARS shall be
17 maintained by the applicable agency and, except as otherwise
18 provided by this subsection, shall be disclosed only in accordance
19 with any confidentiality provisions applicable to the agency
20 originating the information.

21 3. The various agencies of the state shall execute operating
22 agreements to facilitate information exchanges pursuant to the
23 STARS.

24 C. In implementing the TANF program, the Department shall:

1 1. Provide assistance to aliens pursuant to Section 230.73 of
2 this title;

3 2. Provide for the closure of the TANF case when the adult
4 recipient refuses to cooperate with agreed upon work activities or
5 other case requirements pursuant to the TANF program;

6 3. Provide for the sanctioning of parents who do not require
7 their minor children to attend school; and

8 4. Deny temporary assistance to fugitive felons.

9 D. In order to ensure that the needy citizens of this state are
10 receiving necessary benefits, the Department shall maintain a
11 listing of all recipients receiving public assistance. The listing
12 shall reflect each recipient's income, social security number, and
13 the programs in which the recipient is participating including, but
14 not limited to, TANF, food stamps, child care, and medical
15 assistance.

16 E. The Department is hereby authorized to establish a grant
17 diversion program and emergency assistance services.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 230.52a of Title 56, unless
20 there is created a duplication in numbering, reads as follows:

21 A. The Department of Human Services shall require a drug test
22 to screen each individual who applies for Temporary Assistance for
23 Needy Families (TANF) benefits. The cost of drug testing is the
24 responsibility of the individual tested.

1 B. An individual subject to the drug-testing requirements of
2 this section includes any parent or caretaker relative who is
3 included in the cash assistance group, including an individual who
4 may be exempt from work activity requirements due to the age of the
5 youngest child or who may be exempt from work activity requirements
6 pursuant to state or federal TANF regulations.

7 C. An individual who tests positive for controlled substances
8 as a result of a drug test required under this section is ineligible
9 to receive TANF benefits for one (1) year after the date of the
10 positive drug test unless the individual meets the requirements
11 specified in subsection E of this section.

12 D. The Department shall:

13 1. Provide notice of drug testing to each individual at the
14 time of application. The notice shall advise the individual that
15 drug testing will be conducted as a condition for receiving TANF
16 benefits and that the individual shall bear the cost of testing. If
17 the individual tests negative for controlled substances, the
18 Department shall increase the amount of the initial TANF benefit by
19 the amount paid by the individual for the drug testing. The
20 individual shall be advised that the required drug testing may be
21 avoided if the individual does not apply for TANF benefits.
22 Dependent children under the age of eighteen (18) years are exempt
23 from the drug-testing requirement;

1 2. Require that, for two-parent families, both parents shall
2 comply with the drug-testing requirement;

3 3. Require that any teen parent who is not required to live
4 with a parent, legal guardian, or other adult caretaker relative
5 shall comply with the drug-testing requirement;

6 4. Advise each individual to be tested, before the test is
7 conducted, that he or she may, but is not required to, advise the
8 agent administering the test of any prescription or over-the-counter
9 medication he or she is taking;

10 5. Require each individual to be tested to sign a written
11 acknowledgement that he or she has received and understood the
12 notice and advice provided under paragraphs 1 and 4 of this
13 subsection;

14 6. Assure each individual being tested a reasonable degree of
15 dignity while producing and submitting a sample for drug testing,
16 consistent with the state's need to ensure the reliability of the
17 sample;

18 7. Specify circumstances under which an individual who fails a
19 drug test has the right to take one or more additional tests;

20 8. Inform an individual who tests positive for a controlled
21 substance and is deemed ineligible for TANF benefits that the
22 individual may reapply for those benefits one (1) year after the
23 date of the positive drug test unless the individual meets the
24 requirements of subsection E of this section. If the individual

1 tests positive again, he or she is ineligible to receive TANF
2 benefits for three (3) years after the date of the second positive
3 drug test unless the individual meets the requirements of subsection
4 E of this section; and

5 9. Provide any individual who tests positive with a list of
6 substance abuse treatment providers available in the area in which
7 he or she resides that are licensed by the state or licensed by
8 another state and approved by the Department of Mental Health and
9 Substance Abuse Services. Neither the Department of Human Services,
10 the Department of Mental Health and Substance Abuse Services nor the
11 state is responsible for providing or paying for substance abuse
12 treatment as part of the screening conducted under this section.

13 E. An individual who tests positive under this section and is
14 denied TANF benefits as a result may reapply for those benefits
15 after six (6) months if the individual can document the successful
16 completion of a substance abuse treatment program offered by a
17 substance abuse treatment provider licensed by the state or licensed
18 by another state and approved by the Department of Mental Health and
19 Substance Abuse Services. An individual who has met the
20 requirements of this subsection and reapplies for TANF benefits
21 shall also pass an initial drug test and meet the requirements of
22 subsection A of this section. Any drug test conducted while the
23 individual is undergoing substance abuse treatment shall meet the
24 requirements of subsection A of this section. The cost of any drug

1 testing and substance abuse treatment provided under this section
2 shall be the responsibility of the individual being tested and
3 receiving treatment. An individual who fails the drug test required
4 under subsection A of this section may reapply for benefits under
5 this subsection only once.

6 F. If a parent is deemed ineligible for TANF benefits as a
7 result of failing a drug test conducted under this section:

8 1. The dependent child's eligibility for TANF benefits is not
9 affected;

10 2. An appropriate protective payee shall be designated to
11 receive benefits on behalf of the child; and

12 3. The parent may choose to designate another individual to
13 receive benefits for the parent's minor child. The designated
14 individual shall be an immediate family member or, if an immediate
15 family member is not available or the family member declines the
16 option, another individual, approved by the Department of Human
17 Services, may be designated. The designated individual shall also
18 undergo drug testing before being approved to receive benefits on
19 behalf of the child. If the designated individual tests positive
20 for controlled substances, he or she is ineligible to receive
21 benefits on behalf of the child.

22 G. The Commission for Human Services shall promulgate rules,
23 including, but not limited to, rules specifying drug-testing

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1 procedures to be used in order to implement the provisions of this
2 section.

3 SECTION 3. This act shall become effective November 1, 2012.

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