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February 15, 2023

AS AMENDED

SENATE BILL NO. 561

By: Haste

[Temporary Assistance for Needy Families (TANF)
program - substance abuse treatment - denials -
effective date -

emergency]

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

SECTION 1. AMENDATORY 56 O.S. 2021, Section 230.52, is amended to read as follows:

Section 230.52. A. Except for specific exceptions, conditions or restrictions authorized by the Statewide Temporary Assistance Responsibility System (STARS) and rules promulgated by the ~~Commission for~~ Director of the Department of Human Services pursuant thereto, the following are the minimum mandatory requirements for the Temporary Assistance for Needy Families (TANF) program:

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

2. Single parents receiving temporary assistance pursuant to the TANF program shall participate in work activities for a minimum

1 of twenty (20) hours per week during the month. Two-parent families
2 receiving temporary assistance pursuant to the TANF program shall
3 participate in work activities for a minimum of thirty-five (35)
4 hours per week during the month;

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

12 4. The Department shall develop and describe categories of
13 approved work activities for the TANF program recipients in
14 accordance with this paragraph. Work activities that qualify in
15 meeting the requirements include, but are not limited to:

- 16 a. (1) unsubsidized employment which is full-time
17 employment or part-time employment that is not
18 directly supplemented by federal or state funds,
19 (2) subsidized private sector employment which is
20 employment in a private for-profit enterprise or
21 a private not-for-profit enterprise that is
22 directly supplemented by federal or state funds.
23 Prior to receiving any subsidy or incentive, the
24

1 employer shall enter into a written contract with
2 the Department, and

3 (3) subsidized public sector employment which is
4 employment by an agency of a federal, state, or
5 local governmental entity which is directly
6 supplemented by federal or state funds. Prior to
7 receiving any subsidy or incentive, the employer
8 shall enter into a written contract with the
9 Department.

10 Subsidized hourly employment or unsubsidized hourly
11 employment pursuant to this subparagraph shall only be
12 approved by the Department as work activity if such
13 employment is subject to:

14 (a) the federal minimum wage requirements
15 pursuant to the Fair Labor Standards Act of
16 1938, as amended,

17 (b) the federal Social Security tax and Medicare
18 tax, and

19 (c) regulations promulgated pursuant to the
20 federal Occupational Safety and Health Act
21 of 1970 and rules promulgated by the ~~State~~
22 Department of Labor pursuant thereto,

23 b. a program of work experience,

24 c. on-the-job training,

- 1 d. assisted job search which may include supervised or
2 unsupervised job-seeking activities,
- 3 e. job readiness assistance which may include, but is not
4 limited to:
- 5 (1) orientation in the work environment and basic
6 job-seeking and job retention skills,
- 7 (2) instruction in completing an application for
8 employment and writing a resume, ~~and~~
- 9 (3) instruction in conducting oneself during a job
10 interview, including appropriate dress, and
- 11 (4) substance abuse treatment and mental health
12 counseling,
- 13 f. job skills training which is directly related to
14 employment in a specific occupation for which there is
15 a written commitment by an employer to offer
16 employment to a recipient who successfully completes
17 the training. Job skills training includes, but is
18 not limited to, customized training designed to meet
19 the needs of a specific employer or a specific
20 industry,
- 21 g. community service programs which are job-training
22 activities provided in areas where sufficient public
23 or private sector employment is not available. Such
24 activities are linked to both education or training

- and activities that substantially enhance a recipient's employability,
- h. literacy and adult basic education programs,
 - i. vocational-educational programs, not to exceed twelve (12) months for any individual, which are directed toward vocational-educational training and education directly related to employment,
 - j. education programs which are directly related to specific employment opportunities, if a recipient has not received a high school diploma or ~~General Equivalency Degree~~ General Educational Development certificate, and
 - k. child care for other STARS recipients. The recipient must meet training and licensing requirements for child care providers as required by the Oklahoma Child Care Facilities Licensing Act;

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

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

7. For single-parent families, except for teen parents, educational activities, other than vocational-technical training, do

1 not count toward meeting the required twenty (20) hours of work
2 activity. For two-parent families, educational activities, except
3 vocational-technical training, do not count toward meeting the
4 required thirty-five (35) hours of work activity;

5 8. A teen parent must live at home or in an approved, adult-
6 supervised setting as specified in Section 230.55 of this title to
7 receive TANF assistance;

8 9. A recipient must comply with immunization requirements
9 established pursuant to the TANF program;

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

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

14 a. an automobile with an equity allowance ~~of~~ not more
15 than Five Thousand Dollars (\$5,000.00) pursuant to
16 Section 230.53 of this title,

17 b. individual development accounts established pursuant
18 to the Family Savings Initiative Act, or individual
19 development accounts established prior to November 1,
20 1998, pursuant to the provisions of Section 230.54 of
21 this title in an amount not to exceed Two Thousand
22 Dollars (\$2,000.00),
23
24

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

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

7 ~~12.~~ 11. An applicant who applies and is otherwise eligible to
8 receive TANF benefits but who has resided in this state less than
9 twelve (12) months shall be subject to Section 230.57 of this title;

10 ~~13.~~ 12. The recipient shall enter into a personal
11 responsibility agreement with the Department for receipt of
12 assistance pursuant to Section 230.65 of this title;

13 ~~14.~~ 13. The Department shall, beginning ~~November 1, 2012~~ on the
14 effective date of this act, screen all ~~adult applicants for~~ TANF
15 recipients as part of the required TANF employability plan to
16 determine if they are engaged in the illegal use of a controlled
17 substance or substances. If the Department has made a determination
18 that the ~~applicant~~ recipient is engaged in the illegal use of a
19 controlled substance or substances, the ~~applicant's request for TANF~~
20 ~~cash benefits shall be denied. The Commission for Human Services~~
21 recipient's TANF employability plan shall include substance abuse
22 treatment and, if appropriate, mental health counseling, as part of
23 the assigned work activities required by paragraph 4 of this
24

1 subsection. The Director shall adopt rules to implement the
2 requirements of this paragraph consistent with the following:

- 3 a. the Department shall create a controlled substance
4 screening process to be administered ~~at the time of~~
5 ~~application~~ during the assessment process that
6 determines the TANF employability plan. The process
7 shall, at a minimum, include a Substance Abuse Subtle
8 Screening Inventory (SASSI) or other similar screening
9 methods. If necessary to establish a reasonable
10 expectation of certainty, the Department is authorized
11 to use further screening methods, which may include,
12 but are not limited to, a clinical interview, and
13 consideration of the Department's history with the
14 applicant, ~~and an Addictions Severity Index (ASI).~~ If
15 the Department has reasonable cause to believe that
16 the ~~applicant~~ recipient is engaged in the illegal use
17 of a controlled substance or substances, the
18 Department is authorized, though not required, to
19 request administration of a chemical drug test, ~~such~~
20 ~~as urinalysis.~~ The cost of all such initial
21 screenings shall not be borne by the ~~applicant~~
22 recipient, and
- 23 b. if at any time during the controlled substance
24 screening process, the ~~applicant~~ recipient refuses to

1 participate without good cause, that refusal shall
2 lead to a ~~denial~~ closure of TANF benefits,
3 ~~e. if the Department, as the result of a controlled~~
4 ~~substance screening process, has determined that the~~
5 ~~applicant is engaged in the illegal use of a~~
6 ~~controlled substance or substances, the applicant's~~
7 ~~request for TANF cash benefits shall be denied,~~
8 ~~subject to the following:~~

9 ~~(1) if there has not already been a chemical drug~~
10 ~~test administered as part of the controlled~~
11 ~~substance screening process, the applicant may~~
12 ~~submit proof of a negative chemical drug test~~
13 ~~from a state certified laboratory to challenge~~
14 ~~the Department's finding that the applicant is~~
15 ~~engaged in the illegal use of a controlled~~
16 ~~substance or substances. Proof of the chemical~~
17 ~~drug test must be submitted to the Department no~~
18 ~~later than the tenth calendar day following~~
19 ~~denial. If denial is communicated by mail, the~~
20 ~~ten (10) day window begins on the day after the~~
21 ~~date of mailing of the denial notice to the~~
22 ~~applicant's last known address. The denial~~
23 ~~notice is considered to be mailed on the date~~

1 ~~that appears on the notice, unless otherwise~~
2 ~~indicated by the facts,~~

3 ~~(2) if denied due to the provisions of this~~
4 ~~subparagraph, an applicant shall not be approved~~
5 ~~until one (1) year has passed since the date of~~
6 ~~denial,~~

7 ~~(a) if the applicant is denied due to the~~
8 ~~provisions of this paragraph, the Department~~
9 ~~shall provide a list of substance abuse~~
10 ~~treatment programs to the denied applicant,~~

11 ~~(b) if an applicant has successfully complied~~
12 ~~with a recommended substance abuse treatment~~
13 ~~program after the date of denial, the~~
14 ~~applicant may be approved for cash benefits~~
15 ~~after six (6) months have passed since the~~
16 ~~date of denial, rather than the required one~~
17 ~~(1) year, and~~

18 ~~(3) if an applicant has been denied TANF cash~~
19 ~~benefits two times due to the provisions of this~~
20 ~~subparagraph, the applicant shall be ineligible~~
21 ~~for TANF benefits for a period of three (3) years~~
22 ~~from the date of the second denial,~~

1 ~~d. child only cases and minor parents under eighteen (18)~~
2 ~~years of age are not subject to the provisions of this~~
3 ~~paragraph, and~~

4 ~~e. in cases where the application for TANF benefits is~~
5 ~~not for child only benefits, but there is not a parent~~
6 ~~who has been deemed eligible for cash benefits under~~
7 ~~the provisions of this paragraph, any cash benefits~~
8 ~~for which the dependent children of the family are~~
9 ~~still eligible shall not be affected and may be~~
10 ~~received and administered by an appropriate third~~
11 ~~party approved by the Department for the benefit of~~
12 ~~the members of the household;~~

13 ~~15.~~ 14. a. As a condition of participating in the STARS, all
14 recipients are deemed to have given authorization for
15 the release of any and all information necessary to
16 allow all state and federal agencies to meet the
17 program needs of the recipient.

18 b. The recipient shall be provided a release form to sign
19 in order to obtain the required information. Failure
20 to sign the release form may result in case closure;
21 and

22 ~~16.~~ 15. The recipient shall comply with all other conditions
23 and requirements of the STARS, and rules ~~of the Commission~~
24 promulgated pursuant thereto.

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

6 2. Information received pursuant to the STARS shall be
7 maintained by the applicable agency and, except as otherwise
8 provided by this subsection, shall be disclosed only in accordance
9 with any confidentiality provisions applicable to the agency
10 originating the information.

11 3. The various agencies of the state shall execute operating
12 agreements to facilitate information exchanges pursuant to the
13 STARS.

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

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

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

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

22 4. Deny temporary assistance to fugitive felons.

23 D. In order to ensure that the needy citizens of this state are
24 receiving necessary benefits, the Department shall maintain a

1 listing of all recipients receiving public assistance. The listing
2 shall reflect each recipient's income, social security number, and
3 the programs in which the recipient is participating including, but
4 not limited to, TANF, food stamps, child care, and medical
5 assistance.

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

8 SECTION 2. This act shall become effective July 1, 2023.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
14 February 15, 2023 - DO PASS AS AMENDED
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