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February 23, 2023

SENATE BILL NO. 694

By: Treat of the Senate

and

McCall of the House

An Act relating to the Temporary Assistance for Needy Families (TANF) program; amending 56 O.S. 2021, Section 230.52, which relates to minimum mandatory requirements; providing for eligibility of certain pregnant applicant or recipient; deleting obsolete reference; updating statutory language; providing an effective date; and declaring an 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,

1 subject to the exemptions allowed by federal law. Child-only cases  
2 are not subject to the five-year limitation;

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

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

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

- 20 a. (1) unsubsidized employment which is full-time  
21 employment or part-time employment that is not  
22 directly supplemented by federal or state funds,  
23 (2) subsidized private sector employment which is  
24 employment in a private for-profit enterprise or

1 a private not-for-profit enterprise that is  
2 directly supplemented by federal or state funds.  
3 Prior to receiving any subsidy or incentive, the  
4 employer shall enter into a written contract with  
5 the Department, and

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

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

17 (a) the federal minimum wage requirements  
18 pursuant to the Fair Labor Standards Act of  
19 1938, as amended,

20 (b) the federal Social Security tax and Medicare  
21 tax, and

22 (c) regulations promulgated pursuant to the  
23 federal Occupational Safety and Health Act  
24

- 1 of 1970 and rules promulgated by the ~~State~~  
2 Department of Labor pursuant thereto,
- 3 b. a program of work experience,
  - 4 c. on-the-job training,
  - 5 d. assisted job search which may include supervised or  
6 unsupervised job-seeking activities,
  - 7 e. job readiness assistance which may include, but is not  
8 limited to:
    - 9 (1) orientation in the work environment and basic  
10 job-seeking and job retention skills,
    - 11 (2) instruction in completing an application for  
12 employment and writing a resume, and
    - 13 (3) instruction in conducting oneself during a job  
14 interview, including appropriate dress,
  - 15 f. job skills training which is directly related to  
16 employment in a specific occupation for which there is  
17 a written commitment by an employer to offer  
18 employment to a recipient who successfully completes  
19 the training. Job skills training includes, but is  
20 not limited to, customized training designed to meet  
21 the needs of a specific employer or a specific  
22 industry,
  - 23 g. community service programs which are job-training  
24 activities provided in areas where sufficient public

1 or private sector employment is not available. Such  
2 activities are linked to both education or training  
3 and activities that substantially enhance a  
4 recipient's employability,

5 h. literacy and adult basic education programs,

6 i. vocational-educational programs, not to exceed twelve  
7 (12) months for any individual, which are directed  
8 toward vocational-educational training and education  
9 directly related to employment,

10 j. education programs which are directly related to  
11 specific employment opportunities, if a recipient has  
12 not received a high school diploma or ~~General~~  
13 ~~Equivalency Degree~~ General Educational Development  
14 certificate, and

15 k. child care for other STARS recipients. The recipient  
16 must meet training and licensing requirements for  
17 child care providers as required by the Oklahoma Child  
18 Care Facilities Licensing Act;

19 5. An applicant or recipient pregnant with an unborn child and  
20 who does not have children living in the home qualifies for TANF to  
21 the same extent as a parent with minor children living in the home;

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

1       ~~6.~~ 7. In order to receive assistance, unmarried teen parents of  
2 a minor child at least twelve (12) weeks of age must participate in  
3 educational activities or work activities approved by the state;

4       ~~7.~~ 8. For single-parent families, except for teen parents,  
5 educational activities, other than vocational-technical training, do  
6 not count toward meeting the required twenty (20) hours of work  
7 activity. For two-parent families, educational activities, except  
8 vocational-technical training, do not count toward meeting the  
9 required thirty-five (35) hours of work activity;

10       ~~8.~~ 9. A teen parent must live at home or in an approved, adult-  
11 supervised setting as specified in Section 230.55 of this title to  
12 receive TANF assistance;

13       ~~9.~~ 10. A recipient must comply with immunization requirements  
14 established pursuant to the TANF program;

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

17       11. The following recipient resources are exempt from resource  
18 determination criteria:

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

22           b. individual development accounts established pursuant  
23 to the Family Savings Initiative Act, or individual  
24 development accounts established prior to November 1,

1 1998, pursuant to the provisions of Section 230.54 of  
2 this title in an amount not to exceed Two Thousand  
3 Dollars (\$2,000.00),

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

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

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

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

16 14. The Department shall, beginning November 1, 2012, screen  
17 all adult applicants for TANF to determine if they are engaged in  
18 the illegal use of a controlled substance or substances. If the  
19 Department has made a determination that the applicant is engaged in  
20 the illegal use of a controlled substance or substances, the  
21 applicant's request for TANF cash benefits shall be denied. The  
22 ~~Commission for Human Services~~ Director shall adopt rules to  
23 implement the requirements of this paragraph consistent with the  
24 following:

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



1 applicant is engaged in the illegal use of a  
2 controlled substance or substances, the applicant's  
3 request for TANF cash benefits shall be denied,  
4 subject to the following:

- 5 (1) if there has not already been a chemical drug  
6 test administered as part of the controlled  
7 substance screening process, the applicant may  
8 submit proof of a negative chemical drug test  
9 from a state certified laboratory to challenge  
10 the Department's finding that the applicant is  
11 engaged in the illegal use of a controlled  
12 substance or substances. Proof of the chemical  
13 drug test must be submitted to the Department no  
14 later than the tenth calendar day following  
15 denial. If denial is communicated by mail, the  
16 ~~ten (10) day~~ ten-day window begins on the day  
17 after the date of mailing of the denial notice to  
18 the applicant's last-known address. The denial  
19 notice is considered to be mailed on the date  
20 that appears on the notice, unless otherwise  
21 indicated by the facts,
- 22 (2) if denied due to the provisions of this  
23 subparagraph, an applicant shall not be approved  
24

1                   until one (1) year has passed since the date of  
2                   denial,

3                   (a)   if the applicant is denied due to the  
4                         provisions of this paragraph, the Department  
5                         shall provide a list of substance abuse  
6                         treatment programs to the denied applicant,  
7                         and

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

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

20                  d.    child-only cases and minor parents under eighteen (18)  
21                        years of age are not subject to the provisions of this  
22                        paragraph, and

23                  e.    in cases where the application for TANF benefits is  
24                        not for child-only benefits, but there is not a parent

1           who has been deemed eligible for cash benefits under  
2           the provisions of this paragraph, any cash benefits  
3           for which the dependent children of the family are  
4           still eligible shall not be affected and may be  
5           received and administered by an appropriate third  
6           party approved by the Department for the benefit of  
7           the members of the household;

8       15.   a.   As a condition of participating in the STARS, all  
9                recipients are deemed to have given authorization for  
10              the release of any and all information necessary to  
11              allow all state and federal agencies to meet the  
12              program needs of the recipient.

13           b.   The recipient shall be provided a release form to sign  
14                in order to obtain the required information. Failure  
15                to sign the release form may result in case closure;  
16                and

17       16.   The recipient shall comply with all other conditions and  
18              requirements of the STARS, and rules ~~of the Commission~~ promulgated  
19              pursuant thereto.

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

1        2. Information received pursuant to the STARS shall be  
2 maintained by the applicable agency and, except as otherwise  
3 provided by this subsection, shall be disclosed only in accordance  
4 with any confidentiality provisions applicable to the agency  
5 originating the information.

6        3. The various agencies of the state shall execute operating  
7 agreements to facilitate information exchanges pursuant to the  
8 STARS.

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

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

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

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

17        4. Deny temporary assistance to fugitive felons.

18        D. In order to ensure that the needy citizens of this state are  
19 receiving necessary benefits, the Department shall maintain a  
20 listing of all recipients receiving public assistance. The listing  
21 shall reflect each recipient's income, social security number, and  
22 the programs in which the recipient is participating including, but  
23 not limited to, TANF, food stamps, child care, and medical  
24 assistance.

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

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
9 February 23, 2023 - DO PASS  
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