

HOUSE BILL 834

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By: **Delegates Stocksdale, Afzali, Aumann, Bates, Cluster, Elliott, Frank, George, Impallaria, Jacobs, K. Kelly, Kipke, Krebs, McComas, W. Miller, Myers, Norman, Otto, Parrott, Ready, Schuh, Serafini, and Szeliga**

Introduced and read first time: February 6, 2013

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Human Services – Public Assistance – Mandatory Drug Tests**

3 FOR the purpose of requiring individuals applying for or receiving temporary cash
4 assistance benefits under the Family Investment Program to comply with
5 certain eligibility requirements related to drug testing; requiring individuals
6 applying for or receiving temporary cash assistance benefits under the Family
7 Investment Program to pay for the cost of certain drug testing; providing for
8 reimbursement of the cost of certain drug testing if the test is negative;
9 requiring the Department of Human Resources to provide individuals applying
10 for or receiving temporary cash assistance benefits under the Family
11 Investment Program with certain notice pertaining to drug testing; requiring
12 the notice to contain certain information; requiring individuals applying for or
13 receiving temporary cash assistance benefits under the Family Investment
14 Program to sign a written acknowledgment that a certain notice was received;
15 establishing that certain individuals are ineligible for temporary cash
16 assistance benefits under the Family Investment Program for certain periods of
17 time; providing for exceptions to certain ineligibility for temporary cash
18 assistance benefits under the Family Investment Program; authorizing
19 temporary cash assistance benefits that have been terminated to resume under
20 certain circumstances; requiring an addictions specialist to notify the Family
21 Investment Program case manager if an applicant or a recipient does not
22 complete certain drug testing; requiring an addictions specialist to take certain
23 actions under certain circumstances and in a certain manner; authorizing
24 certain individuals to reapply for temporary cash assistance in a certain
25 manner; requiring a local department to reduce temporary cash assistance
26 benefits under certain circumstances; prohibiting a local department from
27 paying temporary cash assistance to certain applicants under certain
28 circumstances; requiring a local department to make temporary cash assistance
29 benefits payments to a third party payee or a compliant adult recipient under

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain circumstances; defining a certain term; and generally relating to
2 eligibility for the Family Investment Program.

3 BY repealing and reenacting, without amendments,
4 Article – Criminal Law
5 Section 5–101(f)
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2012 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Human Services
10 Section 5–301, 5–308, 5–312, and 5–314
11 Annotated Code of Maryland
12 (2007 Volume and 2012 Supplement)

13 BY adding to
14 Article – Human Services
15 Section 5–308.1
16 Annotated Code of Maryland
17 (2007 Volume and 2012 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Criminal Law**

21 5–101.

22 (f) (1) “Controlled dangerous substance” means:

23 (i) a drug or substance listed in Schedule I through Schedule V;
24 or

25 (ii) an immediate precursor to a drug or substance listed in
26 Schedule I through Schedule V that:

27 1. by regulation the Department designates as being the
28 principal compound commonly used or produced primarily for use to manufacture a
29 drug or substance listed in Schedule I through Schedule V;

30 2. is an immediate chemical intermediary used or likely
31 to be used to manufacture a drug or substance listed in Schedule I through Schedule
32 V; and

33 3. must be controlled to prevent or limit the
34 manufacture of a drug or substance listed in Schedule I through Schedule V.

- 1 (4) on-the-job training;
- 2 (5) community service;
- 3 (6) training directly related to employment; or
- 4 (7) education directly related to employment.

5 5-308.

6 (a) (1) A family may be eligible for assistance under this subtitle only if
7 the family includes:

8 (i) a minor child who resides with a custodial parent or other
9 adult caretaker who is a relative of the child; or

10 (ii) a pregnant individual.

11 (2) Assistance shall be provided to an applicant or recipient under this
12 subtitle only if the applicant or recipient:

13 (i) resides in the State at the time of application for assistance;

14 (ii) if applicable:

15 1. has applied for child support services with the
16 appropriate local child support enforcement office at the time of application for
17 assistance; and

18 2. complies with the requirements of the local child
19 support enforcement office;

20 (iii) has engaged in job search activities as requested by the
21 Department;

22 (iv) participates in work activity under this subtitle; [and]

23 **(v) 1. SUBMITS TO TESTING FOR THE USE OF A**
24 **CONTROLLED DANGEROUS SUBSTANCE AND IS DETERMINED TO BE ELIGIBLE**
25 **FOR ASSISTANCE IN ACCORDANCE WITH § 5-308.1 OF THIS SUBTITLE; AND**

26 **2. COMPLIES WITH THE REQUIREMENTS UNDER §§**
27 **5-312(E) AND 5-314 OF THIS SUBTITLE; AND**

28 **[(v)] (VI)** meets all other FIP requirements that the Secretary
29 establishes by regulation.

1 (b) (1) An individual may not be required to meet the work activity
2 requirement under subsection (a)(2)(iv) of this section if the individual is exempt
3 under criteria the Secretary establishes.

4 (2) The criteria shall include exemptions for:

5 (i) adults who are required to care for a child who is a recipient
6 under the age of 1 year; and

7 (ii) subject to paragraph (3) of this subsection, adults and
8 children who are recipients and who are severely disabled.

9 (3) An individual's exemption because of severe disability is limited to
10 12 months unless:

11 (i) the individual applies for Supplemental Security Income;
12 and

13 (ii) the application is approved, pending, or on appeal.

14 (c) Subject to the State budget, a legal immigrant is entitled to assistance
15 under this subtitle if the immigrant:

16 (1) meets FIP eligibility requirements under this subtitle and any
17 other requirements imposed by the State; and

18 (2) (i) arrived in the United States before August 22, 1996; or

19 (ii) arrived in the United States on or after August 22, 1996 and
20 is not eligible for federally funded cash assistance.

21 **5-308.1.**

22 **(A) (1) TO BE ELIGIBLE TO RECEIVE ASSISTANCE UNDER THIS**
23 **SUBTITLE, AN APPLICANT FOR ASSISTANCE SHALL:**

24 **(I) SUBMIT TO TESTING FOR THE USE OF CONTROLLED**
25 **DANGEROUS SUBSTANCES; AND**

26 **(II) TEST NEGATIVE FOR THE USE OF CONTROLLED**
27 **DANGEROUS SUBSTANCES.**

28 **(2) TO BE ELIGIBLE TO RECEIVE ASSISTANCE UNDER THIS**
29 **SUBTITLE, A RECIPIENT OF ASSISTANCE SHALL:**

1 **(I) SUBMIT TO TESTING FOR THE USE OF CONTROLLED**
2 **DANGEROUS SUBSTANCES; AND**

3 **(II) TEST NEGATIVE FOR THE USE OF CONTROLLED**
4 **DANGEROUS SUBSTANCES.**

5 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
6 **SUBSECTION, THE COST OF THE TEST REQUIRED UNDER SUBSECTION (A) OF**
7 **THIS SECTION SHALL BE PAID BY THE APPLICANT OR RECIPIENT.**

8 **(2) THE APPLICANT OR RECIPIENT SHALL BE REIMBURSED BY**
9 **THE DEPARTMENT FOR THE COST OF THE TEST IF THE TEST IS NEGATIVE FOR**
10 **THE USE OF CONTROLLED DANGEROUS SUBSTANCES.**

11 **(C) (1) THE DEPARTMENT SHALL PROVIDE NOTICE TO AN**
12 **APPLICANT OR RECIPIENT OF THE REQUIREMENT TO SUBMIT TO TESTING FOR**
13 **THE USE OF CONTROLLED DANGEROUS SUBSTANCES.**

14 **(2) THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS**
15 **SUBSECTION SHALL INCLUDE A STATEMENT:**

16 **(I) THAT TESTING NEGATIVE FOR THE USE OF**
17 **CONTROLLED DANGEROUS SUBSTANCES IS A CONDITION FOR RECEIVING FIP**
18 **ASSISTANCE;**

19 **(II) THAT THE APPLICANT OR RECIPIENT SHALL BE**
20 **RESPONSIBLE FOR THE COST OF THE TESTING, BUT SHALL BE REIMBURSED FOR**
21 **THE COSTS IF THE TEST IS NEGATIVE FOR THE USE OF CONTROLLED**
22 **DANGEROUS SUBSTANCES;**

23 **(III) THAT THE REQUIRED TESTING MAY BE AVOIDED IF THE**
24 **INDIVIDUAL DOES NOT APPLY FOR FIP ASSISTANCE;**

25 **(IV) INFORMING AN APPLICANT OR RECIPIENT OF THE**
26 **CIRCUMSTANCES UNDER WHICH THE APPLICANT OR RECIPIENT MAY REAPPLY**
27 **FOR FIP ASSISTANCE WHEN A TEST IS POSITIVE FOR THE USE OF CONTROLLED**
28 **DANGEROUS SUBSTANCES; AND**

29 **(V) ADVISING THE APPLICANT OR RECIPIENT THAT THE**
30 **APPLICANT OR RECIPIENT MAY, BUT IS NOT REQUIRED TO, INFORM THE PERSON**
31 **ADMINISTERING THE TEST OF ANY PRESCRIPTION OR OVER-THE-COUNTER**
32 **MEDICATION THAT THE APPLICANT OR RECIPIENT IS TAKING.**

1 **(3) THE DEPARTMENT SHALL REQUIRE APPLICANTS AND**
2 **RECIPIENTS TO SIGN A WRITTEN ACKNOWLEDGMENT THAT THE INDIVIDUAL**
3 **WAS PROVIDED WITH THE NOTICE REQUIRED UNDER THIS SUBSECTION.**

4 **(D) EXCEPT AS PROVIDED IN SUBSECTIONS (E) AND (F) OF THIS**
5 **SECTION, AN APPLICANT OR RECIPIENT WHO TESTS POSITIVE FOR THE USE OF A**
6 **CONTROLLED DANGEROUS SUBSTANCE IS NOT ELIGIBLE TO RECEIVE**
7 **ASSISTANCE:**

8 **(1) FOR A PERIOD OF 1 YEAR FOLLOWING THE FIRST POSITIVE**
9 **TEST RESULT; AND**

10 **(2) FOR A PERIOD OF 3 YEARS FOLLOWING A SUBSEQUENT**
11 **POSITIVE TEST RESULT.**

12 **(E) IF AN APPLICANT TESTS POSITIVE FOR THE USE OF A CONTROLLED**
13 **DANGEROUS SUBSTANCE:**

14 **(1) THE DEPARTMENT SHALL PROVIDE THE INDIVIDUAL WITH A**
15 **LIST OF LICENSED SUBSTANCE ABUSE TREATMENT PROVIDERS IN THE AREA IN**
16 **WHICH THE INDIVIDUAL LIVES; AND**

17 **(2) THE INDIVIDUAL MAY REAPPLY FOR ASSISTANCE AFTER 6**
18 **MONTHS IF:**

19 **(I) THE INDIVIDUAL ENROLLS IN AND SUCCESSFULLY**
20 **COMPLETES THE APPROPRIATE DRUG ABUSE TREATMENT PROGRAM; AND**

21 **(II) THE INDIVIDUAL SUBMITS TO REPEAT TESTING FOR THE**
22 **USE OF A CONTROLLED DANGEROUS SUBSTANCE AND THE RESULT OF THE TEST**
23 **IS NEGATIVE.**

24 **(F) IF A RECIPIENT TESTS POSITIVE FOR THE USE OF A CONTROLLED**
25 **DANGEROUS SUBSTANCE:**

26 **(1) THE DEPARTMENT SHALL PROVIDE THE INDIVIDUAL WITH A**
27 **LIST OF LICENSED SUBSTANCE ABUSE TREATMENT PROVIDERS IN THE AREA IN**
28 **WHICH THE INDIVIDUAL LIVES; AND**

29 **(2) TEMPORARY CASH ASSISTANCE SHALL RESUME AFTER:**

30 **(I) THE APPLICANT ENROLLS IN AND SUCCESSFULLY**
31 **COMPLETES THE APPROPRIATE DRUG ABUSE TREATMENT PROGRAM; AND**

1 **(II) THE INDIVIDUAL SUBMITS TO REPEAT DRUG TESTING**
2 **AND THE RESULT OF THE DRUG TEST IS NEGATIVE.**

3 5–312.

4 (a) This section is not intended to create an incentive for individuals to seek
5 temporary cash assistance benefits instead of employment.

6 (b) A local department shall provide temporary cash assistance to an
7 applicant or recipient only if:

8 (1) the applicant or recipient meets the requirements for participation
9 in the FIP set forth in § 5–308 of this subtitle;

10 (2) the applicant or recipient assigns to the State all right, title, and
11 interest in support, for the period that the family receives temporary cash assistance,
12 from any other person that the applicant or recipient has on behalf of any intended or
13 potential recipient for whom the applicant or recipient is applying for or receiving
14 assistance; **[and]**

15 (3) in the case of an applicant or recipient who is a minor parent, the
16 applicant or recipient lives:

17 (i) with a parent, legal guardian, custodian, or other adult
18 relative who will be the payee of the minor parent;

19 (ii) in an adult-supervised group living arrangement that
20 provides a protective payee and:

21 1. there is no available parent, legal guardian,
22 custodian, or other adult relative with whom the minor parent can live;

23 2. the minor parent or child would be subject to physical
24 or emotional harm, sexual abuse, or neglect in the home of any available adult
25 relative; or

26 3. a social service worker finds that living with any
27 available adult relative would not be in the best interest of the minor parent or child;
28 or

29 (iii) independently, if a social service worker confirms that the
30 physical safety or emotional health of the minor parent or child would otherwise be in
31 jeopardy; **AND**

1 **(4) THE APPLICANT OR RECIPIENT MEETS THE REQUIREMENTS**
2 **FOR PARTICIPATION IN THE FIP SET FORTH IN § 5-308.1 OF THIS SUBTITLE.**

3 (c) A recipient who meets the requirements of the FIP is entitled to
4 temporary cash assistance benefits.

5 (d) In determining the eligibility for and the amount of temporary cash
6 assistance to be provided to an applicant or recipient who is a legal immigrant, the
7 income and resources of the applicant or recipient shall include, for the period of time
8 established by federal law, the income and resources of any sponsor who executed an
9 affidavit of support in accordance with 8 U.S.C. § 1183a on behalf of the legal
10 immigrant.

11 (e) (1) The Secretary shall adopt regulations that establish a schedule of
12 reductions and terminations of temporary cash assistance for noncompliance with FIP
13 requirements.

14 (2) (i) If a recipient is found to be in noncompliance with FIP
15 requirements, a caseworker shall investigate the reasons for noncompliance.

16 (ii) The investigation, to the extent resources allow, shall
17 include personal contact with the family of the recipient.

18 (3) The Secretary may not reduce or terminate temporary cash
19 assistance to a family until 30 days after the day on which the first written notice of
20 noncompliance was sent to the recipient.

21 (4) For noncompliance with a FIP requirement other than a work
22 activity **OR DRUG TESTING**, temporary cash assistance shall resume on compliance
23 with the FIP requirement.

24 (5) For noncompliance with a work activity, temporary cash assistance
25 shall resume in the following manner:

26 (i) for the first instance of noncompliance, temporary cash
27 assistance shall resume immediately on compliance;

28 (ii) for the second instance of noncompliance, temporary cash
29 assistance shall resume after 10 days of compliance with the work activity; and

30 (iii) for each subsequent instance of noncompliance, temporary
31 cash assistance shall resume after 30 days of compliance with a work activity.

32 **(6) FOR NONCOMPLIANCE WITH DRUG TESTING UNDER § 5-308.1**
33 **OF THIS SUBTITLE, TEMPORARY CASH ASSISTANCE SHALL RESUME IN THE**
34 **FOLLOWING MANNER:**

1 **(I) IF A RECIPIENT TESTS NEGATIVE FOR THE ABUSE OF A**
2 **CONTROLLED DANGEROUS SUBSTANCE, TEMPORARY CASH ASSISTANCE SHALL**
3 **RESUME IMMEDIATELY ON COMPLIANCE; AND**

4 **(II) IF A RECIPIENT TESTS POSITIVE FOR THE ABUSE OF A**
5 **CONTROLLED DANGEROUS SUBSTANCE, TEMPORARY CASH ASSISTANCE SHALL**
6 **RESUME:**

7 **1. AFTER THE APPLICANT ENROLLS IN AND**
8 **SUCCESSFULLY COMPLETES THE APPROPRIATE DRUG ABUSE TREATMENT**
9 **PROGRAM; AND**

10 **2. THE INDIVIDUAL SUBMITS TO REPEAT DRUG**
11 **TESTING AND THE RESULT OF THE DRUG TEST IS NEGATIVE.**

12 **[(6)] (7)** If temporary cash assistance is reduced or terminated under
13 this subsection, a recipient shall retain eligibility for medical assistance and food
14 stamps, as long as the recipient meets the medical assistance and food stamp program
15 requirements.

16 (f) (1) After termination of temporary cash assistance under this section,
17 a recipient may receive transitional assistance.

18 (2) If a caseworker determines that transitional assistance is
19 appropriate, the FIP benefit that would have been paid to the recipient shall be paid
20 instead to a third party payee on behalf of the recipient for a period of up to 3 months.

21 (3) The caseworker of a recipient, in conjunction with the recipient
22 and subject to the approval of the Secretary, shall select a third party payee described
23 in paragraph (2) of this subsection.

24 (4) The third party payee shall provide transitional assistance to the
25 recipient in one or more of the following forms:

26 (i) counseling;

27 (ii) housing;

28 (iii) child care;

29 (iv) household supplies and equipment;

30 (v) direct assistance other than a cash payment; and

1 (vi) any other noncash assistance that may be necessary to
2 assist the recipient to make the transition from welfare.

3 (5) A local department may pay an administrative fee to a third party
4 payee to cover the administrative costs of the third party payee for providing the
5 services described in paragraph (4) of this subsection.

6 (6) The funds provided through transitional assistance may not be
7 used to further sectarian religious instruction.

8 (7) The Secretary shall adopt regulations specifying the selection
9 criteria for third party payees under this subsection.

10 (8) A recipient who has received transitional assistance may reapply
11 for the FIP benefit and the benefit shall be furnished with reasonable promptness to
12 all eligible individuals.

13 5-314.

14 (a) In this section, "addictions specialist" means an addictions specialist who
15 is located on-site at a local department.

16 (b) (1) An addictions specialist shall assess the need of any adult or minor
17 parent applicant or recipient for substance abuse treatment:

18 (i) at the initial application for temporary cash assistance; or

19 (ii) when considered appropriate by the FIP case manager of the
20 local department.

21 (2) The addictions specialist shall screen the applicant or recipient to
22 expose potential barriers that the applicant or recipient may have in obtaining
23 employment such as a substance abuse problem.

24 (3) The addictions specialist shall inform each adult or minor parent
25 applicant or recipient of the requirements of FIP regarding substance abuse
26 treatment.

27 (4) **[If] THE ADDICTIONS SPECIALIST SHALL NOTIFY THE FIP**
28 **CASE MANAGER IF the applicant or recipient does not complete:**

29 **(I) THE DRUG TESTING REQUIRED UNDER § 5-308.1 OF**
30 **THIS SUBTITLE; OR**

31 **(II) the screening required under paragraph (2) of this**
32 **subsection[, the addictions specialist shall notify the FIP case manager].**

1 (c) (1) If the **DRUG TESTING REQUIRED UNDER § 5-308.1 OF THIS**
2 **SUBTITLE OR THE** screening performed by the addictions specialist reveals that an
3 applicant or recipient has a substance abuse problem, the addictions specialist shall:

4 (i) conduct, or refer for, an assessment of the applicant's or
5 recipient's substance abuse problem and, if appropriate, determine placement for
6 treatment and related support services;

7 (ii) refer the applicant or recipient for appropriate substance
8 abuse treatment and related support services;

9 (iii) obtain the signature of the applicant or recipient on a form
10 consenting to the release of confidential substance abuse treatment information;

11 (iv) forward the consent form to the appropriate substance abuse
12 treatment provider; and

13 (v) obtain any necessary treatment information from the
14 substance abuse treatment provider.

15 (2) (i) The substance abuse treatment provider shall notify the
16 addictions specialist of the ongoing treatment status of the applicant or recipient.

17 (ii) The addictions specialist shall notify the FIP case manager
18 if an applicant or recipient:

19 1. fails to complete the assessment required under
20 paragraph (1)(i) of this subsection;

21 2. fails to sign the consent form required under
22 paragraph (1)(iii) of this subsection;

23 3. is referred for appropriate substance abuse treatment;

24 4. is awaiting the availability of appropriate treatment;

25 5. fails to enroll or maintain enrollment with an
26 available substance treatment provider or to complete the treatment protocol;

27 6. is enrolled in a treatment program; or

28 7. successfully completes treatment.

29 (iii) The addictions specialist shall also notify the FIP case
30 manager regarding the ongoing treatment status of the applicant or recipient.

1 (d) [An] **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**
2 **[adult or minor parent applicant or]** recipient who complies with the substance abuse
3 treatment requirements of the FIP:

4 (1) shall receive a full temporary cash assistance benefit as long as the
5 applicant or recipient meets the other temporary cash assistance eligibility
6 requirements; and

7 (2) may be exempt from the work activity requirements for a period of
8 time determined by the FIP case manager in consultation with the addictions
9 specialist.

10 **(E) IF AN ADULT OR MINOR PARENT RECIPIENT TESTS POSITIVE FOR**
11 **THE USE OF A CONTROLLED DANGEROUS SUBSTANCE, TEMPORARY CASH**
12 **ASSISTANCE SHALL RESUME AS PROVIDED UNDER § 5-312(E)(6)(II) OF THIS**
13 **SUBTITLE.**

14 [(e)] **(F)** An adult or minor parent applicant or recipient is not in
15 compliance with FIP requirements if the FIP case manager receives notice from the
16 addictions specialist that the applicant or recipient:

17 (1) fails to complete the screening or assessment required under
18 subsections (b)(2) and (c)(1)(i) of this section;

19 (2) fails to sign the consent form required under subsection (c)(1)(iii) of
20 this section; [or]

21 (3) is referred for appropriate and available substance abuse
22 treatment by the addictions specialist but fails to enroll or to maintain active
23 enrollment in the treatment program or complete the treatment protocol; **OR**

24 **(4) IS NOT IN COMPLIANCE WITH THE DRUG TESTING REQUIRED**
25 **UNDER § 5-308.1 OF THIS SUBTITLE.**

26 [(f)] **(G)** After the FIP case manager receives a notice under subsection [(e)]
27 **(F)** of this section, the local department shall:

28 (1) send a denial notice to the adult or minor parent applicant that:

29 (i) states:

30 1. that the applicant has not met FIP requirements;

31 2. the specific reason why the applicant is not eligible for
32 FIP; and

1 3. that if the applicant fails to fulfill the requirements on
2 or before the 30th work day after the application for temporary cash assistance was
3 filed, the application is denied; and

4 (ii) notifies the applicant of the applicant's right to appeal and
5 the procedures for filing an appeal; and

6 (2) separately determine eligibility for medical assistance and food
7 stamps.

8 **[(g)] (H)** After the FIP case manager receives a notice under subsection **[(e)]**
9 **(F)** of this section, the local department shall send a notice to the adult or minor
10 parent recipient that:

11 (1) identifies the recipient who is not in compliance with FIP
12 requirements;

13 (2) states the specific reason why that recipient is not in compliance
14 with FIP requirements; and

15 (3) states that 30 days after the date of the notice:

16 (i) the temporary cash assistance benefits will be reduced by
17 that increment in cash benefits attributable to the noncompliant recipient; and

18 (ii) the remainder of the cash benefits for the child or children in
19 the FIP case will be paid to a third party payee or a compliant adult recipient; and

20 (4) notifies the recipient of the recipient's right to appeal and the
21 procedures for filing an appeal.

22 **[(h)] (I)** (1) The local department shall reduce the temporary cash
23 assistance benefits of an adult or minor parent recipient and pay the remainder of the
24 cash benefits to a third party payee or a compliant adult recipient as described in
25 subsection **[(g)] (H)** of this section, if:

26 (i) the recipient fails to **COMPLY WITH THE DRUG TESTING**
27 **REQUIREMENTS UNDER § 5-308.1 OF THIS SUBTITLE, AND** complete a substance
28 abuse screening or assessment by an addictions specialist, as required under
29 subsections (b)(2) and (c)(1)(i) of this section; or

30 (ii) the required **DRUG TESTING**, screening, and assessment or
31 the results of any follow-up diagnostic testing or treatment reveal that the recipient is
32 a substance abuser and the recipient refuses to enroll or maintain enrollment in
33 available and appropriate substance abuse treatment.

1 (2) **(I)** [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
2 **THIS PARAGRAPH, THE** local department shall continue to make temporary cash
3 assistance benefits payments to a third party payee or a compliant adult recipient
4 until the local department receives notice from the addictions specialist that the
5 recipient is actively enrolled, as defined by the Alcohol and Drug Abuse
6 Administration, in the appropriate substance abuse treatment indicated by the
7 addictions specialist.

8 **(II)** **FOR A RECIPIENT WHO TESTS POSITIVE FOR THE USE**
9 **OF A CONTROLLED DANGEROUS SUBSTANCE, THE LOCAL DEPARTMENT SHALL**
10 **CONTINUE TO MAKE TEMPORARY CASH ASSISTANCE BENEFITS PAYMENTS TO A**
11 **THIRD PARTY PAYEE OR A COMPLIANT ADULT RECIPIENT UNTIL THE LOCAL**
12 **DEPARTMENT RECEIVES NOTICE FROM THE ADDICTIONS SPECIALIST THAT THE**
13 **RECIPIENT HAS ENROLLED IN AND SUCCESSFULLY COMPLETED, AS DEFINED BY**
14 **THE ALCOHOL AND DRUG ABUSE ADMINISTRATION, THE APPROPRIATE DRUG**
15 **ABUSE TREATMENT PROGRAM INDICATED BY THE ADDICTIONS SPECIALIST.**

16 **[(i)] (J)** [The] **EXCEPT AS PROVIDED IN SUBSECTION (K) OF THIS**
17 **SECTION, THE** local department may not deny an adult or minor parent applicant's
18 temporary cash assistance benefit or reduce an adult or minor parent recipient's
19 temporary cash assistance benefit as described under subsections **[(f)] (G)** and **[(g)]**
20 **(H)** of this section, if the applicant or recipient:

21 (1) receives the screening and assessment required under subsections
22 (b)(2) and (c)(1)(i) of this section, and the screening and assessment or the results of
23 any follow-up diagnostic testing or treatment reveal that the applicant or recipient is
24 a substance abuser; and

25 (2) agrees to participate in appropriate substance abuse treatment, as
26 determined by the addictions specialist, but the appropriate substance abuse
27 treatment is not available.

28 **(K) (1)** **THE LOCAL DEPARTMENT SHALL DENY THE TEMPORARY**
29 **CASH ASSISTANCE BENEFIT OF AN APPLICANT IF THE APPLICANT TESTS**
30 **POSITIVE FOR THE USE OF A CONTROLLED DANGEROUS SUBSTANCE.**

31 **(2)** **THE APPLICANT MAY REAPPLY FOR TEMPORARY CASH**
32 **ASSISTANCE BENEFITS AS PROVIDED UNDER § 5-308.1 OF THIS SUBTITLE.**

33 **[(j)] (L)** The denial or reduction of temporary cash assistance under this
34 section does not affect an adult or minor parent applicant or recipient's eligibility for
35 medical assistance and food stamps, as long as the applicant or recipient meets the
36 medical assistance and food stamp program requirements.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.