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Legislative Document

No. 1615

H.P. 1111

House of Representatives, May 18, 2017

An Act To Facilitate Substance Abuse Treatment for Certain Applicants for and Recipients of Temporary Assistance for Needy Families Benefits

Reference to the Committee on Health and Human Services suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative SANDERSON of Chelsea. (GOVERNOR'S BILL) Cosponsored by Representatives: GERRISH of Lebanon, GROHMAN of Biddeford, MALABY of Hancock, O'CONNOR of Berwick, PIERCE of Dresden, STROM of Pittsfield.

Be it enacted by the People of the State of Maine as follows:

- **Sec. 1. 22 MRSA §3762, sub-§20,** as reallocated by RR 2011, c. 1, §33, is amended to read:
 - **20. Denial of assistance based on positive drug test.** A An applicant for or a recipient of TANF assistance may be denied TANF assistance as described in this subsection.
 - A. The department may administer a drug test to a recipient of TANF assistance who has been convicted of a drug-related felony, as described in Section 115 of PRWORA, within 20 years of that person's date of conviction shall require an applicant for TANF assistance to complete a written screening tool to determine the applicant's likelihood of current substance use.
 - B. If a person the result of a written screening tool completed by an applicant under paragraph A tests positive for an illegal drug, the department shall notify that person that or other factors create a reasonable suspicion by the department that the applicant is using an illegal drug or abusing a controlled substance, then:
 - (1) The person's <u>applicant's</u> TANF assistance is <u>subject to termination</u> application must be denied unless the applicant enrolls in a substance abuse treatment program appropriate to the type of illegal drug being used or the controlled substance being abused by that applicant. The department shall identify and approve an appropriate program and pay for the substance abuse treatment program with available TANF program funds;
 - (2) The person applicant is entitled to a fair hearing regarding the termination denial of TANF assistance; and
 - (3) If the person applicant requests a fair hearing, the person applicant shall submit to a 2nd drug test to verify the results of the first drug test.
 - C. The results of the 2nd drug test must be available prior to the fair hearing, if practicable. The person applicant shall cooperate in a timely manner in submitting to the 2nd drug test. If the 2nd drug test confirms that the person applicant is using an illegal drug or abusing a controlled substance, the person applicant may avoid termination denial of TANF assistance by enrolling in a substance abuse treatment program appropriate to the type of illegal drug being used or the controlled substance being used abused by that person applicant, as described in paragraph B, subparagraph (1).
 - D. If the department determines that, for good cause, a person an applicant is unable to enroll in a substance abuse program as required by paragraph C, the person applicant remains eligible for TANF assistance until such time that the department determines that the person applicant is able to enroll in a substance abuse treatment program.
 - E. The department shall terminate deny TANF assistance to a person an applicant who fails to request a fair hearing and submit to a 2nd drug test as described in paragraph B or who fails to participate in a substance abuse treatment program as required pursuant to paragraph C or D.

F. If the department has a reasonable suspicion that a recipient of TANF assistance is using an illegal drug or abusing a controlled substance, the department may require the recipient to complete a written screening tool to determine the recipient's likelihood of current substance use. If the result of the written screening tool confirms that reasonable suspicion, the provisions of paragraphs B to E apply as if the recipient were an applicant.

The department shall adopt routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, to implement the provisions of this subsection, including determining what constitutes "good cause" under paragraph D.

10 SUMMARY

 This bill requires an applicant for Temporary Assistance for Needy Families, or TANF, benefits to complete a written screening tool to determine the applicant's likelihood of current substance use. This bill also allows the Department of Health and Human Services, if it has a reasonable suspicion that a recipient of TANF benefits is using an illegal drug or abusing a controlled substance, to require the recipient to complete a written screening tool to determine the TANF recipient's likelihood of substance use.

If the results of the screening tool or other factors provide the department with a reasonable suspicion that the applicant or recipient is using an illegal drug or abusing a controlled substance, the department must identify and pay for an appropriate substance abuse treatment program for the applicant or recipient as a condition of obtaining or receiving benefits.

If the applicant or recipient refuses to enroll in a treatment program, the applicant or recipient may appeal the denial of benefits but is subject to a drug test. If the applicant or recipient fails the drug test and is unsuccessful with the appeal, the applicant or recipient may still enroll in substance abuse treatment as a condition of obtaining or receiving benefits.