

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 129 Session of 2017

INTRODUCED BY COX, BARRAR, D. COSTA, DAY, DeLUCA, EVERETT, FARRY, GABLER, GILLEN, HAHN, A. HARRIS, PHILLIPS-HILL, JAMES, KAUFFMAN, KNOWLES, KORTZ, LONGIETTI, MACKENZIE, MENTZER, B. MILLER, MOUL, ORTITAY, PETRARCA, PICKETT, REESE, ROTHMAN, SANKEY, SAYLOR, SIMMONS, TALLMAN, TOPPER, WARD, ZIMMERMAN, BAKER, SACCONI, HICKERNELL, ROZZI, METCALFE, FEE, READSHAW AND BOBACK, FEBRUARY 23, 2017

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 23, 2017

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in public assistance,  
4 prohibiting eligibility for individuals convicted of drug  
5 distribution.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known  
9 as the Human Services Code, is amended by adding a section to  
10 read:

11 Section 432.25. Eligibility for Individuals Convicted of  
12 Drug Distribution.--(a) (1) Notwithstanding sections 405.1 and  
13 432.24, to the extent permitted by Federal law, an individual  
14 who, after the effective date of this section, has been  
15 convicted under section 13(a)(14), (30) or (37) of the act of  
16 April 14, 1972 (P.L.233, No.64), known as "The Controlled  
17 Substance, Drug, Device and Cosmetic Act," when the amount of

1 controlled substances involved is equivalent to or greater than  
2 the amount of controlled substances set forth in 18 Pa.C.S. §  
3 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)  
4 (iii) (relating to drug trafficking sentencing and penalties)  
5 while receiving public assistance may not be eligible for public  
6 assistance unless:

7 (i) the individual is complying with or has already complied  
8 with the obligations imposed by the criminal court; and

9 (ii) the individual is actively engaged in or has completed  
10 a court-ordered substance abuse treatment program and  
11 participates in periodic drug tests for ten years after the  
12 drug-related conviction or for the duration of probation,  
13 whichever is longer.

14 (2) Upon a second or subsequent conviction under section  
15 13(a)(14), (30) or (37) of "The Controlled Substance, Drug,  
16 Device and Cosmetic Act," when the amount of controlled  
17 substances involved is equivalent to or greater than the amount  
18 of controlled substances set forth in 18 Pa.C.S. § 7508(a)(1)  
19 (iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii), the  
20 individual shall no longer be eligible for public assistance.

21 (b) An individual who takes a drug test pursuant to  
22 subsection (a)(1)(ii) and fails the test shall be subject to the  
23 following sanctions:

24 (1) For failing a drug test the first time, an individual  
25 shall be provided an assessment for addiction and provided  
26 treatment for addiction as indicated by treatment criteria  
27 developed by the Single State Authority on Drugs and Alcohol.  
28 Assessments shall be conducted by the Single County Authority on  
29 Drugs and Alcohol or a designee. Treatment recommended shall be  
30 provided by facilities licensed by the Division of Drug and

1 Alcohol Program Licensure in the Department of Drug and Alcohol  
2 Programs. Medicaid eligibility and determinations shall be  
3 expedited to ensure access to assessment and addiction treatment  
4 through Medicaid. If the individual cooperates with the  
5 assessment and treatment, no penalty may be imposed. If the  
6 individual refuses to cooperate with the assessment and  
7 treatment, public assistance shall be suspended for six months.  
8 The department shall notify the individual of the failed drug  
9 test no later than seven days after receipt of the drug test  
10 results, and the suspension of public assistance shall begin on  
11 the next scheduled distribution of public assistance and for  
12 every other distribution of public assistance until the  
13 suspension period lapses. After suspension, an individual may  
14 apply for public assistance, but shall submit to a retest.

15 (2) For failing a drug test or retest the second time, the  
16 individual shall no longer be entitled to public assistance.

17 (c) Nothing in this section may be construed to render  
18 applicants or recipients who fail a drug test or drug retest  
19 ineligible for:

20 (1) a Commonwealth program that pays the costs for  
21 participating in a drug treatment program;

22 (2) a medical assistance program; or

23 (3) another benefit not included within the definition of  
24 public assistance as defined under subsection (f).

25 (d) Notwithstanding any other provision of this section, the  
26 department shall, in its sole discretion, determine when it is  
27 cost effective to implement the provisions of this section.

28 (e) This section shall not apply to benefits that are  
29 afforded to the minor children of those individuals who are  
30 denied eligibility to receive public assistance benefits under

1 subsection (a).

2 (f) As used in this section, the term "public assistance"  
3 means Temporary Assistance to Needy Families (TANF), general  
4 assistance and State supplemental assistance.

5 Section 2. This act shall take effect in 60 days.