

AMENDMENTS TO HOUSE BILL NO. 222

Sponsor: REPRESENTATIVE REGAN

Printer's No. 1587

1 Amend Bill, page 1, line 9, by striking out "Public Welfare"
2 and inserting

3 Human Services

4 Amend Bill, page 2, lines 3 through 22, by striking out all
5 of said lines and inserting

6 Section 432.25. Eligibility for Individuals Convicted of
7 Drug Distribution.--(a) (1) Notwithstanding sections 405.1 and
8 432.24, no individual who, after the effective date of this
9 section, has been convicted under section 13(a)(14), (30) or
10 (37) of the act of April 14, 1972 (P.L.233, No.64), known as
11 "The Controlled Substance, Drug, Device and Cosmetic Act," when
12 the amount of controlled substances involved is equivalent to or
13 greater than the amount of controlled substances set forth in 18
14 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)
15 (iii) or (8)(iii) (relating to drug trafficking sentencing and
16 penalties) while receiving public assistance shall be eligible
17 for public assistance unless:

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

20 (ii) the individual is actively engaged in or has completed
21 a court-ordered substance abuse treatment program and
22 participates in periodic drug tests for ten years after the
23 drug-related conviction or for the duration of probation,
24 whichever is of longer duration.

25 (2) Upon a second or subsequent conviction under section
26 13(a)(14), (30) or (37) of "The Controlled Substance, Drug,
27 Device and Cosmetic Act," when the amount of controlled
28 substances involved is equivalent to or greater than the amount
29 of controlled substances set forth in 18 Pa.C.S. § 7508(a)(1)
30 (iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii), the
31 individual shall no longer be eligible for public assistance.

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

35 (1) For failing a drug test the first time, an individual
36 shall be provided an assessment for addiction and provided

1 treatment for addiction as indicated by treatment criteria
2 developed by the Single State Authority on Drugs and Alcohol.
3 Assessments shall be conducted by the Single County Authority
4 (SCA) on Drugs and Alcohol or a designee. Treatment recommended
5 shall be provided by facilities licensed by the Division of Drug
6 and Alcohol Program Licensure in the Department of Drug and
7 Alcohol Programs. Medicaid eligibility and determinations shall
8 be expedited to ensure access to assessment and addiction
9 treatment through Medicaid. If the individual cooperates with
10 the assessment and treatment, no penalty shall be imposed. If
11 the individual refuses to cooperate with the assessment and
12 treatment, the public assistance shall be suspended for six
13 months. The department must notify the individual of the failed
14 drug test no later than seven days after receipt of the drug
15 test results, and the suspension in public assistance will begin
16 on the next scheduled distribution of public assistance and for
17 every other distribution of public assistance until the
18 suspension period lapses. After suspension, an individual may
19 apply for public assistance, but shall submit to a retest.

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

22 (c) Nothing in this section shall be construed to render
23 applicants or recipients who fail a drug test or drug retest
24 ineligible for:

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

27 (2) a medical assistance program; or

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

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

33 (e) This section shall not apply to benefits which are
34 afforded to the minor children of those individuals who are
35 denied eligibility to receive public assistance benefits under
36 subsection (a).

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