



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 129

PRINTERS NO. 605

PRIME SPONSOR: Cox

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	See Fiscal Impact

**SUMMARY:** House Bill 129, Printer's Number 605, amends the Human Services Code to add a new section regarding eligibility for certain public assistance benefits for individuals convicted of drug distribution. This legislation is effective in 60 days.

**ANALYSIS:** This legislation creates a new Section 432.25 (Eligibility for Individuals Convicted of Drug Distribution) in the Human Services Code.

Individuals convicted of a felony for violating specific sections of the Controlled Substance, Drug, Device, and Cosmetic Act and Title 18 Section 7508 (relating to drug trafficking sentencing and penalties) while collecting public assistance may be ineligible for Temporary Assistance to Needy Families (TANF), general assistance and State supplemental assistance so long as these provisions are not prohibited by federal law. The applicable sections of the Controlled Substance Act are the so-called "kingpin" provisions which relate to a specific set of offenders who sell and deliver large quantities of illegal drugs.

HB 129 prioritizes drug treatment, and will allow an offender convicted after the effective date to remain on public assistance if: they are complying with the obligations imposed by the criminal court; seek and complete court-ordered treatment; and submit to periodic drug screenings for 10 years after the drug-related conviction or term of probation, whichever is longer. An individual failing a drug test for the first time shall be provided an assessment for addiction and treatment as indicated. If the individual refuses to cooperate with the assessment and treatment, public assistance shall be suspended for six months.

Second or subsequent convictions will render such persons ineligible for public assistance, as will failing a drug test or retest for the second time.

Impacted individuals remain eligible for Commonwealth programs that pay for the cost of drug treatment, medical assistance benefits and any other benefits except TANF, general assistance and State supplemental assistance. Minor children of impacted individuals will remain eligible for public assistance benefits.

**FISCAL IMPACT:** There is no adverse fiscal impact related to the passage of this legislation because HB 129 includes language that the Department of Human Services shall determine when it is cost effective to implement the provisions of the new Section 432.25.

**PREPARED BY:** Ann Bertolino  
House Appropriations Committee (R)

**DATE:** June 5, 2018

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*