

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 222 Session of 2015

INTRODUCED BY REGAN, SACCONI, BAKER, PICKETT, MILLARD, BARRAR, LONGIETTI, JAMES, REESE, BOBACK, D. COSTA, SAYLOR, TOEPEL, KNOWLES, TOPPER, KAUFFMAN, SANKEY, EMRICK, GABLER, HICKERNELL, A. HARRIS, O'NEILL, BARBIN, READSHAW, MAJOR, MURT, FEE, ZIMMERMAN, MASSER, TALLMAN, MARSICO, DeLUCA, KORTZ, PEIFER, DAY, GILLEN, SIMMONS, METCALFE, TRUITT, MOUL, ROZZI, PHILLIPS-HILL AND ENGLISH, JANUARY 27, 2015

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 14, 2016

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, no 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

1 Substance, Drug, Device and Cosmetic Act," when the amount of  
2 controlled substances involved is equivalent to or greater than  
3 the amount of controlled substances set forth in 18 Pa.C.S. §  
4 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)  
5 (iii) (relating to drug trafficking sentencing and penalties)  
6 while receiving public assistance shall be eligible for public  
7 assistance unless:

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

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

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

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

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

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

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

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

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

23 (2) a medical assistance program; or

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

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

29 (e) This section shall not apply to benefits which are  
30 afforded to the minor children of those individuals who are

1 denied eligibility to receive public assistance benefits under  
2 subsection (a).

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

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