

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 438 Session of 2015

INTRODUCED BY KNOWLES, METCALFE, MILLARD, BLOOM, DUNBAR, BOBACK, CAUSER, BARRAR, SACCONI, HICKERNELL, KAUFFMAN, DAY, HEFFLEY, SAYLOR, TALLMAN, ACOSTA, D. COSTA, MULLERY, GOODMAN, JAMES, MARSICO, M. K. KELLER, EMRICK, MURT, GABLER, A. HARRIS, FEE, ROAE, CUTLER, EVERETT, ZIMMERMAN, DIAMOND, GREINER, EVANKOVICH, TOOHIL, FARRY, SONNEY, REGAN, GILLEN, MASSER, SIMMONS AND PHILLIPS-HILL, FEBRUARY 10, 2015

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 10, 2015

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 further providing for eligibility for persons with drug-
5 related felonies.

6 WHEREAS, The General Assembly has the responsibility to
7 prevent and deter the misuse of taxpayer-funded welfare
8 benefits, an issue uniquely within the purview of the General
9 Assembly as the body most representative of the people of this
10 Commonwealth; and

11 WHEREAS, A person's participation in welfare programs is
12 optional and conditioned on accepting the terms set by the
13 General Assembly; and

14 WHEREAS, No one has a right or legal claim to taxpayer-funded
15 welfare benefits; and

16 WHEREAS, Welfare must be a temporary bridge to help citizens
17 join the work force and achieve self-sufficiency; and

1 WHEREAS, The participation in the illegal drug trade is a
2 substantial barrier to a welfare recipient's returning to the
3 work force; and

4 WHEREAS, The General Assembly finds and declares that the
5 intent of this legislation is:

6 (1) To ensure taxpayer-funded welfare benefits are not
7 used to purchase illicit drugs.

8 (2) To reduce the illegal drug trade, which causes
9 substantial damage to the social, moral and financial fabric
10 of this Commonwealth.

11 (3) To discourage the use of illicit drugs.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 432.24(e), (f) and (g) of the act of June
15 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,
16 added June 30, 2011 (P.L.89, No.22), are amended to read:

17 Section 432.24. Eligibility for Persons with Drug-related
18 Felonies.--* * *

19 [(e) Notwithstanding any other provision in this section,
20 the department shall, in its sole discretion, determine when it
21 is cost effective to implement the provisions of this section.

22 (f) Within six months of the effective date of this section,
23 the department shall submit a written report detailing the
24 department's determination whether it is cost effective to
25 implement the provisions of this section. Nothing in this
26 section shall prohibit the department from implementation of
27 this program prior to the issuance of the report. The report
28 shall be submitted to the Governor, the General Assembly, the
29 chairperson and minority chairperson of the Public Health and
30 Welfare Committee of the Senate, the chairperson and minority

1 chairperson of the Health Committee of the House of
2 Representatives and the Inspector General.]

3 (g) As used in this section, the following words and phrases
4 shall have the meanings given to them in this subsection unless
5 the context clearly indicates otherwise:

6 "Drug offense" means an offense resulting in a conviction for
7 the possession, use or distribution of a controlled substance,
8 or conspiracy to commit the offense, whether the offense
9 occurred in this Commonwealth or in another jurisdiction.

10 "Drug test" or "drug retest" means a urinalysis, blood test
11 or another scientific study of an individual's body which has
12 been conclusively found to detect the presence or prior use of
13 an illegal drug or substance and for which the accuracy has been
14 accepted in the scientific community.

15 "Public assistance" means Temporary Assistance to Needy
16 Families (TANF), Federal food stamps, general assistance and
17 State supplemental assistance.

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