
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1783 Session of
2013

INTRODUCED BY KNOWLES, CUTLER, CAUSER, DUNBAR, ROCK, KAUFFMAN,
AUMENT, METCALFE, SONNEY, BARRAR, EVERETT, HESS, LUCAS,
GIBBONS, MILLARD, MOUL, OBERLANDER, MARSICO, R. MILLER,
M. K. KELLER, SWANGER, FEE, BLOOM, TALLMAN, BENNINGHOFF, COX,
SANKEY, GILLEN, GOODMAN, FARRY, MENTZER, MICOZZIE AND
DENLINGER, OCTOBER 22, 2013

REFERRED TO COMMITTEE ON HUMAN SERVICES, OCTOBER 22, 2013

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 workforce and achieve self-sufficiency; and

1 WHEREAS, The participation in the illegal drug trade is a
2 substantial barrier to a welfare recipient returning to the work
3 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 of the act of June 13, 1967
15 (P.L.31, No.21), known as the Public Welfare Code, added June
16 30, 2011 (P.L.89, No.22), is amended to read:

17 Section 432.24. Eligibility for Persons with Drug-related
18 Felonies.--(a) To the extent permitted by Federal law, a person
19 who is otherwise eligible to receive public assistance shall not
20 be denied assistance solely because he has been convicted of a
21 felony drug offense, provided:

22 (1) He is complying with or has already complied with the
23 obligations imposed by the criminal court.

24 (2) He is actively engaged in or has completed a court-
25 ordered substance abuse treatment program and participates in
26 periodic drug screenings for five years after the drug-related
27 conviction or for the duration of probation, whichever is of
28 longer duration.

29 (b) Under the screening for the drug test and retest program
30 the department shall:

1 (1) Require a recipient be scheduled to be tested if he has
2 either a felony conviction for a drug offense which occurred
3 within five years or a felony conviction for a drug offense for
4 which he is presently on probation subject to the following
5 conditions:

6 (i) An individual who is applying for public assistance is
7 required to be tested and shall be tested at the time the
8 application for public assistance is made.

9 (ii) A recipient already receiving public assistance as of
10 the effective date of this section shall be scheduled to be
11 tested in accordance with paragraph (2).

12 (2) Develop and implement a system for randomly testing no
13 less than twenty percent of the individuals receiving public
14 assistance benefits during each six-month period following the
15 effective date of this section who are subject to testing for
16 the presence of illegal drugs under this section.

17 (3) Deny public assistance to an individual who refuses to
18 take the drug test or the drug retest required by this section
19 and terminate the public assistance benefits for anyone who
20 refuses to submit to the random drug test required by this
21 section.

22 (c) An individual who takes the drug test or retest and
23 fails it shall be subject to the following sanctions:

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

1 Division of Drug and Alcohol Program Licensure in the Department
2 of Health. 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 will be imposed. If the
6 individual refuses to cooperate with the assessment and
7 treatment, the public assistance shall be suspended for six
8 months. The department must notify the individual of the failed
9 drug test no later than seven days after receipt of the drug
10 test results, and the suspension in public assistance will begin
11 on 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 public assistance to which the individual is entitled shall be
17 suspended for twelve months. The department must notify the
18 individual of the failed drug test no later than seven days
19 after receipt of the drug test results, and the suspension in
20 public assistance shall begin on the next scheduled distribution
21 of public assistance and for every other distribution of public
22 assistance until the suspension period lapses. After suspension,
23 an individual may then reapply for public assistance, but shall
24 submit to a retest.

25 (3) For failing a drug test or retest the third time, the
26 individual shall no longer be entitled to public assistance.

27 (d) Nothing in this section shall be construed to render
28 applicants or recipients who fail a drug test or drug retest
29 ineligible for:

30 (1) a Commonwealth program that pays the costs for

1 participating in a drug treatment program;

2 (2) a medical assistance program; or

3 (3) another benefit not included within the definition of
4 public assistance as defined under this act.

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

8 (f) Within six months of the effective date of this section,
9 the department shall submit a written report detailing the
10 department's determination whether it is cost effective to
11 implement the provisions of this section. Nothing in this
12 section shall prohibit the department from implementation of
13 this program prior to the issuance of the report. The report
14 shall be submitted to the Governor, the General Assembly, the
15 chairperson and minority chairperson of the Public Health and
16 Welfare Committee of the Senate, the chairperson and minority
17 chairperson of the Health Committee of the House of
18 Representatives and the Inspector General.]

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

22 "Drug offense" means an offense resulting in a conviction for
23 the possession, use or distribution of a controlled substance,
24 or conspiracy to commit the offense, whether the offense
25 occurred in this Commonwealth or in another jurisdiction.

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

1 "Public assistance" means Temporary Assistance to Needy
2 Families (TANF), Federal food stamps, general assistance and
3 State supplemental assistance.

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