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**HOUSE BILL NO. 365**

Offered January 9, 2008

Prefiled January 4, 2008

*A BILL to amend and reenact § 63.2-503 of the Code of Virginia, relating to substance abuse screening and assessment of public assistance applicants and recipients.*

Patrons—Carrico and Marshall, D.W.

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:****1. That § 63.2-503 of the Code of Virginia is amended and reenacted as follows:**

§ 63.2-503. Procedure upon receipt of application.

A. Upon receipt of the application for public assistance, the local director shall make or cause to be made promptly such investigation as he deems necessary to determine the completeness and correctness of the statements contained in the application and to ascertain the facts supporting the application and such other information as the local board or the Commissioner may require, and shall submit recommendations in writing to the local board.

The Board may by regulation authorize the local directors to provide immediate and temporary assistance to persons pending action of the local boards.

B. The investigation shall include a screening for use of illegal drugs using a standardized screening instrument to be developed by the department together with the Department of Mental Health, Mental Retardation and Substance Abuse Services. Screenings shall be performed by a representative of the department at the time of application and periodically thereafter but not more frequently than every six months. If a screening indicates that there is reason to believe that an applicant or recipient is using illegal drugs, the department shall require a formal substance abuse assessment, which may include drug testing, to be performed by a substance abuse treatment professional licensed by the Department of Health Professions.

Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible for public assistance. Other members of a household that includes a person who has failed or refused to participate in a screening or assessment or who tested positive for the use of illegal drugs shall, if otherwise eligible, receive public assistance as protective or vendor payments to a third party payee for the benefit of the members of the household.

Persons deemed ineligible for public assistance on the basis of failure or refusal to participate in a screening or assessment or for testing positive for the use of illegal drugs may reapply for public assistance after twelve months have elapsed from the date of initial ineligibility.

INTRODUCED

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