

2008 SESSION

HOUSE SUBSTITUTE

088555460

HOUSE BILL NO. 365

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 24, 2008)

(Patron Prior to Substitute—Delegate Carrico)

A BILL to amend the Code of Virginia by adding a section numbered 63.2-608.1, relating to eligibility for TANF; drug testing.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.2-608.1 as follows:

§ 63.2-608.1 Eligibility for VIEW; substance abuse screening.

As a condition of participation in VIEW, the local director shall screen each participant to determine whether probable cause exists to believe such participant is engaged in the use of illegal drugs. Such screening shall utilize a standardized screening instrument 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 the VIEW participant is engaged in the use of 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 to receive TANF payments pursuant to this chapter. 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 TANF payments pursuant to this chapter as protective or vendor payments to a third party payee for the benefit of the members of the household.

Persons deemed ineligible for TANF assistance due to failure or refusal to participate in a screening or assessment or for testing positive for the use of illegal drugs may reapply for assistance after 12 months have elapsed from the date of initial ineligibility.

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