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SENATE BILL NO. 404**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Rehabilitation and Social Services
on February 8, 2008)

(Patron Prior to Substitute— Senator Puckett)

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. Participation in 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 applicant 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 a 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.

When the results of an assessment conducted pursuant to this section indicate that a person is or has been using illegal drugs, the department shall refer the participant to a treatment program licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services and determined by the department to meet the rehabilitation needs of the individual. When a participant has been referred to and is participating in a treatment program as required pursuant to this section, and is otherwise eligible to receive TANF assistance, payments shall be made as protective or vendor payments to a third party payee for the benefit of members of the applicant's or recipient's household. Upon completion of a treatment program, the applicant or recipient shall be eligible to receive TANF payments.

Any person who fails or refuses to participate in a screening, assessment, or required rehabilitation program, or who fails to complete a required rehabilitation program, shall be ineligible for TANF assistance. Other members of a household that includes a person who has failed or refused to participate in a screening, assessment, or rehabilitation program, or who has failed to complete a required rehabilitation program shall, if otherwise eligible, receive TANF assistance 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 on the basis of failure or refusal to participate in a screening, assessment, or required rehabilitation program will be ineligible for twelve months from the date of failure or refusal, however, the individual shall have one opportunity to comply with the screening, assessment, or treatment requirements and be reinstated once during the twelve month period.