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SENATE BILL NO. 6

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services)

(Patrons Prior to Substitute—Senators Martin, Carrico [SB 318], and McWaters [SB 83], Black, and Ruff; Delegate: Peace)

Senate Amendments in [] - February 14, 2012

A BILL to amend the Code of Virginia by adding a section numbered 63.2-608.1, relating to eligibility for the Virginia Initiative for Employment Not Welfare Program; screening and assessment for use of illegal substances.

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; screening and assessment for use of illegal substances.

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 substances. Such screening shall utilize a standardized screening instrument developed by the Department together with the Department of Behavioral Health and Developmental Services. Screenings shall be performed by a representative of the local department of social services at the time of the initial VIEW assessment and thereafter (i) in cases in which there is reason to believe the participant is engaged in the use of illegal substances or (ii) periodically 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 substances, the Department shall require a formal substance abuse assessment, which may include drug testing [to be performed by a substance abuse treatment practitioner 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 substances shall be ineligible to receive TANF payments pursuant to this chapter, unless he enters into and maintains full compliance with a drug treatment program. Other members of a household that includes a person who has failed or refused to participate in a screening or assessment or who has tested positive for the use of illegal substances 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 substances shall be ineligible to receive TANF benefits for a period of 12 months; however, an individual shall have one opportunity to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits during the 12-month period following the date of his failure or refusal to participate in a screening or assessment or testing positive for the use of illegal substances. In such cases, the individual who is seeking to comply with the requirements necessary for reinstatement to eligibility for TANF benefits shall bear the cost of any drug testing required to comply with such requirements. In all other instances, a person may reapply for assistance after 12 months have elapsed from the date of initial ineligibility.

[2. That the provisions of this act shall not become effective unless an appropriation of general funds effectuating the purposes of this act is included in a general appropriations act passed by the 2012 Session of the General Assembly, which becomes law.]

ENGROSSED

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