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HOUSE BILL NO. 86

Offered January 13, 2016

Prefiled December 10, 2015

A BILL to require the Department of Social Services to establish a pilot program for substance abuse screening and assessment of participants in the Virginia Initiative for Employment not Welfare program; report.

Patron—Morris

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Social Services (the Department) shall develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare (VIEW) program for use of illegal substances. The pilot program shall:*

1. Require the local director of social services to screen each participant in the VIEW program to determine whether probable cause exists to believe such participant is engaged in the use of illegal substances. Such screening shall utilize a screening instrument approved by the Department. Screenings shall be performed by a representative of the local department of social services at the time of the initial VIEW assessment and periodically thereafter but not more frequently than every six months;

2. If a screening indicates that there is reason to believe that the VIEW participant is engaged in the use of illegal substances, require drug testing to be performed by a company competitively procured by the Department to provide drug testing services;

3. Provide that a VIEW participant who fails or refuses to participate in a screening or assessment without good cause shall be deemed ineligible for assistance through the Temporary Assistance to Needy Families (TANF) program for a period of six months and that any VIEW participant who tests positive for the use of illegal substances shall be ineligible to receive TANF payments for a period of six months unless he enters into and maintains full compliance in a drug treatment program. Other members of a household that includes a VIEW participant who has failed or refused to participate in a screening or assessment or who has tested positive for the use of illegal substances, if otherwise eligible, shall receive TANF payments as protective or vendor payments to a third-party payee for the benefit of the members of the household in accordance with regulations of the State Board of Social Services. VIEW participants 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 may reapply for assistance after the six-month period of ineligibility has elapsed;

4. Provide that in any case in which drug testing is required, and the test is positive for the use of illegal substances, a second test to confirm the use of illegal substances shall be required before the individual is determined to be ineligible for assistance; and

5. Provide that in any case in which drug testing is required, and the test is positive for the use of illegal substances, the cost of drug testing shall be paid by the VIEW participant and that in any case in which drug testing is required and the test is negative for the use of illegal substances, the cost of drug testing shall be paid by the Department.

The Department shall provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2016, which shall include the following: the number of individuals screened; the number of screened individuals for whom there was reason to believe the individual was engaged in the use of illegal substances; the number of screened individuals for whom there was reason to believe the individual was engaged in the use of illegal substances who consented to drug testing and the number of such individuals who refused to consent to drug testing; the number of individuals who consented to drug testing for whom there was a positive result and the number of such individuals for whom there was a negative result; the number of individuals who consented to a second drug test for purposes of confirming the use of illegal substances; the number of individuals who consented to a second drug test for whom there was a positive result and the number of such individuals for whom there was a negative result; and the cost of the program to the Department.

The Department shall provide a final report on the results of the pilot program to the Governor and the General Assembly no later than December 1, 2017.

INTRODUCED

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