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H.695

Introduced by Representatives Cupoli of Rutland City, Fiske of Enosburgh,  
Berry of Manchester, Beyor of Highgate, Canfield of  
Fair Haven, Christie of Hartford, Devereux of Mount Holly,  
Fagan of Rutland City, Gage of Rutland City, Higley of Lowell,  
Hubert of Milton, Komline of Dorset, LaClair of Barre Town,  
Lawrence of Lyndon, Lewis of Berlin, Martel of Waterford,  
Parent of St. Albans Town, Pearce of Richford, Quimby of  
Concord, Russell of Rutland City, Savage of Swanton, Shaw of  
Pittsford, Strong of Albany, Tate of Mendon, Terenzini of  
Rutland Town, Van Wyck of Ferrisburgh, Viens of  
Newport City, and Walz of Barre City

Referred to Committee on

Date:

Subject: Human services; TANF; substance abuse; drug testing

Statement of purpose of bill as introduced: This bill proposes to require  
suspicion-based drug testing for recipients of Temporary Assistance for Needy  
Families (TANF) and to offer substance abuse treatment for recipients whose  
test results are positive.

1 An act relating to suspicion-based substance abuse testing and treatment for  
2 recipients of TANF

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. PURPOSE

5 Due to the significant correlation between reported incidences of child  
6 abuse or neglect and families experiencing substance abuse as detailed in the  
7 Department for Children and Families' 2014 Report of Child Protection in  
8 Vermont, this act aims to incentivize substance abuse treatment services for  
9 families receiving Temporary Assistance for Needy Families.

10 Sec. 2. 33 V.S.A. § 145 is added to read:

11 § 145. SUBSTANCE ABUSE TESTING AND TREATMENT

12 (a) The Department shall develop a program to test any recipient of  
13 Temporary Assistance for Needy Families (TANF) when reasonable suspicion  
14 exists that the recipient may be engaging in the illegal use of one or more  
15 controlled substances. Reasonable suspicion shall include the recipient's  
16 demeanor, missed appointments, convictions for use or distribution of  
17 controlled substances during the past three years, termination from previous  
18 employment due to substance abuse, and previous screening results held by the  
19 Department.

20 (b) If the test results indicate that the recipient has used a controlled  
21 substance and the recipient cannot produce a valid prescription from a health  
22 care provider for that substance in the recipient's name or if the recipient does

1 produce such a prescription but the test results indicate that the recipient has  
2 used more than a therapeutic dosage of the substance, the recipient shall:

3 (1) For the first such positive result, be offered substance abuse  
4 treatment at no cost to the recipient.

5 (A) If the recipient accepts the offer and completes the treatment  
6 program, he or she may continue to receive TANF benefits and shall be  
7 notified that he or she will be subject to random drug tests every three months  
8 for the remainder of the time the recipient receives TANF benefits.

9 (B) If the recipient rejects the treatment offer or accepts the offer but  
10 fails to complete the treatment program, he or she may continue to receive  
11 TANF benefits but will be notified that he or she will be subject to another  
12 drug test within the following three-month period.

13 (2) For the second such positive result, be required to complete a  
14 substance abuse treatment program at no cost to the recipient.

15 (A) If the recipient accepts the offer and completes the treatment  
16 program, he or she may continue to receive TANF benefits and shall be  
17 notified that he or she will be subject to random drug tests every three months  
18 for the remainder of the time the recipient receives TANF benefits.

19 (B) If the recipient refuses the treatment offer or accepts the offer but  
20 fails to complete the treatment program, the recipient's TANF benefits shall be  
21 suspended for a period of one year. In order to regain eligibility at the end of

1 the suspension period, the recipient shall submit to a new drug test at that time.

2 If the results of the new drug test indicate that the recipient has used a

3 controlled substance, the recipient's TANF benefits shall not be reinstated.

4 The recipient may reapply for benefit reinstatement after a period of no less

5 than nine months. The recipient shall be subject to two random drug tests

6 within the six-month period following the date of reapplication and, if both

7 tests come back negative and the recipient meets all other eligibility

8 requirements, TANF benefits shall be reinstated.

9 (c) If a parent-recipient's TANF benefits are suspended or terminated due

10 to the provisions of this section, a dependent child's TANF benefits shall not

11 be affected.

12 (1) The parent shall designate a protective payee to receive TANF

13 benefits on behalf of the dependent child.

14 (2) The protective payee shall be an immediate family member, or if an

15 immediate family member is not available or declines the option, another

16 person may be designated with the approval of the Department.

17 (d) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to

18 carry out the purposes of this section.

19 (e) As used in this section:

20 (1) "Controlled substance" means a Schedule I, II, III, or IV controlled

21 substance as defined in 21 C.F.R. § 1308.

1           (2) “Health care provider” means an individual, partnership,  
2           corporation, facility, or institution licensed or certified or authorized by law to  
3           provide professional health care services, including prescribing Schedule II,  
4           III, or IV controlled substances.

5           Sec. 3. EFFECTIVE DATE

6           This act shall take effect on July 1, 2016.