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# SENATE BILL No. 568

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2; IC 12-14-30; IC 12-15-2-26; IC 12-15-45.

**Synopsis:** Drug testing of public assistance recipients. Requires the division of family resources to develop a program to test individuals applying for or receiving assistance under the federal Temporary Assistance for Needy Families (TANF) program and the federal Supplemental Nutrition Assistance Program (SNAP) when a county office believes, based on reasonable suspicion, that the individuals are engaged in the illegal use of controlled substances. Provides that an individual who tests positive for a controlled substance without a prescription is ineligible to receive TANF and SNAP assistance. Provides that an individual who is ineligible to receive assistance may reapply for assistance under the TANF program and SNAP on the earlier of: (1) six months after the date the individual tested positive for a controlled substance; or (2) the date the individual complies with and completes a drug abuse treatment program. Provides that an individual who is ineligible for TANF assistance and SNAP assistance as the result of testing positive for the presence of illegal drugs is ineligible for assistance under the Medicaid program. Requires the office of Medicaid policy and planning to apply for an amendment to the state Medicaid plan to limit Medicaid eligibility for individuals who are ineligible under the TANF program and SNAP as the result of testing positive for the presence of illegal drugs.

**Effective:** Upon passage; July 1, 2011.

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January 20, 2011, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 568



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-7-2-43.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2011]: **Sec. 43.3. "Controlled substance", for purposes of**
- 4 **IC 12-14-30, has the meaning set forth in IC 35-48-1-9.**
- 5 SECTION 2. IC 12-7-2-178.9 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2011]: **Sec. 178.9. "SNAP", for purposes of**
- 8 **IC 12-14-30, means the federal Supplemental Nutrition Assistance**
- 9 **Program under 7 U.S.C. 2011 et seq.**
- 10 SECTION 3. IC 12-14-30 IS ADDED TO THE INDIANA CODE
- 11 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2011]:
- 13 **Chapter 30. Drug Testing Under the Temporary Assistance for**
- 14 **Needy Families Program and the Supplemental Nutrition**
- 15 **Assistance Program**
- 16 **Sec. 1. This chapter applies to an individual who:**
- 17 **(1) is at least eighteen (18) years of age; and**



1           (2) applies for or receives assistance under the TANF  
 2           program or SNAP.  
 3           **Sec. 2. (a) The division shall establish a program in accordance**  
 4           **with this chapter to test an individual who applies for or receives**  
 5           **assistance under the TANF program or SNAP. The program must**  
 6           **provide for the testing of such an individual for the use of a**  
 7           **controlled substance when a county office believes, based on**  
 8           **reasonable suspicion, that the individual is engaged in the illegal**  
 9           **use of a controlled substance.**  
 10          **(b) The division shall develop and implement a program under**  
 11          **this chapter that includes the following:**  
 12                **(1) Testing individuals described in subsection (a) under the**  
 13                **TANF program and SNAP.**  
 14                **(2) A urinalysis test.**  
 15                **(3) An appeals process for individuals.**  
 16          **Sec. 3. If an individual who is tested for a controlled substance**  
 17          **under this chapter:**  
 18                **(1) tests positive for the presence of a controlled substance in**  
 19                **the individual's body; and**  
 20                **(2) does not possess a valid prescription for the controlled**  
 21                **substance;**  
 22          **the individual is, after an administrative hearing under IC 4-21.5,**  
 23          **ineligible to receive assistance under the TANF program and**  
 24          **SNAP.**  
 25          **Sec. 4. An individual tested for the use of a controlled substance**  
 26          **under this chapter is not considered to have tested positive for the**  
 27          **presence of a controlled substance in the individual's body until the**  
 28          **sample obtained from the original test has been retested to rule out**  
 29          **a false positive.**  
 30          **Sec. 5. The division shall refer an individual who is ineligible to**  
 31          **receive assistance under section 3 of this chapter to an appropriate**  
 32          **drug abuse treatment program.**  
 33          **Sec. 6. An individual who is ineligible to receive assistance under**  
 34          **section 3 of this chapter may reapply for assistance under the**  
 35          **TANF program or SNAP on the earlier of the following:**  
 36                **(1) Six (6) months after the date the individual tested positive**  
 37                **for a controlled substance under section 3 of this chapter.**  
 38                **(2) The date the individual complies with and completes a**  
 39                **drug abuse treatment program.**  
 40          **Sec. 7. A dependent child's eligibility for assistance under the**  
 41          **TANF program or SNAP is not affected by this chapter.**  
 42          **Sec. 8. The division or a county office may contract with a**

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1 private or public entity or an individual to perform the testing for  
 2 controlled substances required under this chapter.  
 3 **Sec. 9. The division may adopt rules under IC 4-22-2 necessary**  
 4 **to implement this chapter.**  
 5 SECTION 4. IC 12-15-2-26 IS ADDED TO THE INDIANA CODE  
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 7 1, 2011]: **Sec. 26. An individual who is ineligible for public**  
 8 **assistance as described in IC 12-14-30 is ineligible to receive**  
 9 **Medicaid assistance under this article.**  
 10 SECTION 5. IC 12-15-45 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 12 UPON PASSAGE]:  
 13 **Chapter 45. Medicaid Waivers**  
 14 **Sec. 1. (a) Before July 1, 2011, the office shall apply to the**  
 15 **United States Department of Health and Human Services for**  
 16 **approval to amend the state Medicaid plan to limit eligibility for**  
 17 **individuals who are ineligible for public assistance under**  
 18 **IC 12-14-30.**  
 19 **(b) The office may not implement the amendment to the state**  
 20 **Medicaid plan until the office files an affidavit with the governor**  
 21 **attesting that the amendment applied for under this section is in**  
 22 **effect. The office shall file the affidavit under this subsection not**  
 23 **later than five (5) days after the office is notified that the**  
 24 **amendment is approved.**  
 25 **(c) If the office receives approval to amend the state Medicaid**  
 26 **plan under this section from the United States Department of**  
 27 **Health and Human Services and the governor receives the affidavit**  
 28 **filed under subsection (b), the office shall implement the**  
 29 **amendment not later than five (5) days after the governor receives**  
 30 **the affidavit.**  
 31 **(d) This section expires December 31, 2013.**  
 32 SECTION 6. An emergency is declared for this act.

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