



Reprinted
April 11, 2013

ENGROSSED HOUSE BILL No. 1483

DIGEST OF HB 1483 (Updated April 9, 2013 8:22 pm - DI 104)

Citations Affected: IC 12-7; IC 12-13; IC 12-14.

Synopsis: Drug testing of recipients of assistance. Requires the office of the secretary of family and social services (office) to administer a drug testing program (program) for individuals who are receiving TANF assistance or receiving TANF assistance on behalf of a child.
(Continued next page)

Effective: July 1, 2013.

**McMillin, VanNatter, Kubacki, Frizzell,
Ubelhor, Goodin, Morrison, Lehe, Arnold L,
Bacon, Baird, Brown T, Burton, Cherry, Clere,
Culver, DeVon, Eberhart, Friend, Harman,
Heaton, Kirchhofer, Koch, Lehman, Leonard,
Lucas, Lutz, McNamara, Morris, Negele, Pond,
Richardson, Smaltz, Smith M, Speedy,
Steuerwald, Thompson, Turner, Zent**
(SENATE SPONSORS — HEAD, KRUSE, MISHLER)

January 22, 2013, read first time and referred to Committee on Family, Children and Human Affairs.
February 14, 2013, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 19, 2013, reported — Do Pass.
February 21, 2013, read second time, amended, ordered engrossed.
February 22, 2013, engrossed.
February 25, 2013, read third time, passed. Yeas 78, nays 17.
SENATE ACTION
February 27, 2013, read first time and referred to Committee on Health and Provider Services.
March 14, 2013, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
April 4, 2013, amended, reported favorably — Do Pass.
April 9, 2013, read second time, amended, ordered engrossed.
April 10, 2013, engrossed. Read third time, passed. Yeas 38, nays 12.
April 10, 2013, pursuant to Senate Rule 35(c), technical correction.

EH 1483—LS 7453/DI 110+



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Digest Continued

Establishes requirements for the program and ineligibility penalties. Prohibits an individual who is ineligible to receive TANF assistance under the program from receiving assistance on behalf of a child and provides for an exception. Requires the office to collect data to assess and avoid discrimination in the program. Requires an owner, vendor, or third party processor of an automated teller machine or point of sale terminal to disable access to electronic cash assistance benefits in specified prohibited locations. Requires the division of family resources to assist owners, vendors, and third party processors in carrying out this provision. Makes it a Class B infraction for a person to violate these provisions.

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Reprinted
April 11, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1483

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, 2013]: **Sec. 43.3. "Controlled substance", for purposes of**
4 **IC 12-14-5.4 and this chapter, has the meaning set forth in**
5 **IC 35-48-1-9.**
- 6 SECTION 2. IC 12-7-2-111 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 111. (a) "Immediate
8 family", for purposes of the statutes listed in subsection (b), means the
9 following:
- 10 (1) If a Medicaid applicant is married, the applicant's spouse and
11 dependent children less than twenty-one (21) years of age.
- 12 (2) If a Medicaid applicant is not married, the following:
- 13 (A) If the applicant is divorced, the parent having custody.
- 14 (B) If the applicant is less than twenty-one (21) years of age:
- 15 (⊕) (i) the parent having custody; and
16 (ii) the dependent children less than twenty-one (21) years
17 of age of the parent or parents.

EH 1483—LS 7453/DI 110+



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1 (C) If clauses (A) and (B) do not apply, the applicant's parents.
 2 (b) This section applies to the following statutes:
 3 (1) IC 12-14-1 through IC 12-14-9.5, **except IC 12-14-5.4.**
 4 (2) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.
 5 SECTION 3. IC 12-7-2-189.9 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2013]: **Sec. 189.9. "TANF assistance", for**
 8 **purposes of IC 12-14-5.4, means assistance under the federal**
 9 **Temporary Assistance for Needy Families program under 42**
 10 **U.S.C. 601 et seq.**
 11 SECTION 4. IC 12-7-2-190.1 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2013]: **Sec. 190.1. "Tests negative" or**
 14 **"testing negative", for purposes of IC 12-14-5.4, means that an**
 15 **individual:**
 16 (1) tests negative for the use of a controlled substance in the
 17 individual's body; or
 18 (2) tests positive for the use of a controlled substance in the
 19 individual's body but has:
 20 (A) a valid prescription; or
 21 (B) an order of a practitioner acting in the course of the
 22 practitioner's professional practice;
 23 for the controlled substance.
 24 SECTION 5. IC 12-7-2-190.2 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2013]: **Sec. 190.2. "Tests positive" or "testing**
 27 **positive", for purposes of IC 12-14-5.4, means an individual:**
 28 (1) tests positive for the presence of a controlled substance in
 29 the individual's body; and
 30 (2) does not possess:
 31 (A) a valid prescription; or
 32 (B) an order of a practitioner acting in the course of the
 33 practitioner's professional practice;
 34 for the controlled substance.
 35 SECTION 6. IC 12-13-14-4.5, AS AMENDED BY P.L.3-2012,
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2013]: Sec. 4.5. (a) Except as provided in this section, the
 38 division may distribute cash assistance benefits to a person who is
 39 eligible for assistance under the Title IV-A assistance program ~~through~~
 40 **through** an automated teller machine or a point of sale terminal that is
 41 connected to the EBT system.
 42 (b) The following establishments shall post a sign next to each

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1 automated teller machine or point of sale terminal located on the
 2 premises informing a potential user that the automated teller machine
 3 or point of sale terminal may not be used to receive cash assistance
 4 benefits under the Title IV-A assistance program:

- 5 (1) A horse racing establishment:
 6 (A) where the pari-mutuel system of wagering is authorized;
 7 and
 8 (B) for which a permit is required under IC 4-31-5.
 9 (2) A satellite facility:
 10 (A) where wagering on horse racing is conducted; and
 11 (B) for which a license is required under IC 4-31-5.5.
 12 (3) An allowable event required to be licensed by the Indiana
 13 gaming commission under IC 4-32.2.
 14 (4) A riverboat or other facility required to be licensed by the
 15 Indiana gaming commission under IC 4-33.
 16 (5) A store or other establishment:
 17 (A) where the primary business is the sale of firearms (as
 18 defined in IC 35-47-1-5); and
 19 (B) that sells handguns for which a license to sell handguns is
 20 required under IC 35-47-2.
 21 (6) A store or other establishment where the primary business is
 22 the sale of alcoholic beverages for which a permit is required
 23 under IC 7.1-3.
 24 (7) An adult entertainment establishment.

25 (c) An:

- 26 (1) establishment that does not post the sign required under
 27 subsection (b); or
 28 (2) individual who attempts to use an automated teller machine or
 29 point of sale terminal with a sign posted as required under
 30 subsection (b) to access cash assistance benefits under the Title
 31 IV-A assistance program in violation of subsection (b);

32 commits a Class C misdemeanor.

33 **(d) The owner, vendor, or third party processor of an**
 34 **automated teller machine or point of sale terminal shall disable or**
 35 **have disabled access to electronic cash assistance benefits in a**
 36 **location described in subsection (b) unless the location has been**
 37 **approved by the federal Food and Nutrition Services. The division**
 38 **shall provide assistance to an owner, vendor, or third party**
 39 **processor under this subsection. A person that violates this**
 40 **subsection commits a Class B infraction.**

41 ~~(d)~~ (e) The division shall adopt rules under IC 4-22-2 to carry out
 42 this section.

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1 SECTION 7. IC 12-14-5.4 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]:

4 **Chapter 5.4. Drug Testing Program**

5 **Sec. 1. This chapter applies to an individual who:**

- 6 (1) is eligible to receive TANF assistance or who receives
 7 TANF assistance on behalf of a child; and
 8 (2) is at least eighteen (18) years of age.

9 **Sec. 2. (a) The office of the secretary shall develop and establish
 10 a program in accordance with this chapter to test for the illegal use
 11 of a controlled substance by an individual described in section 1 of
 12 this chapter.**

13 **(b) The office of the secretary shall implement a program
 14 established in accordance with this chapter not later than July 1,
 15 2014.**

16 **Sec. 3. (a) An individual described in section 1 of this chapter
 17 shall take a substance abuse subtle screening inventory test
 18 administered in written or electronic form by a county office.**

19 **(b) The office of the secretary shall have adequate staff available
 20 to provide assistance with taking the substance abuse subtle
 21 screening inventory test under this chapter to an individual who
 22 has a disability that makes taking a substance abuse subtle
 23 screening inventory test difficult or impossible.**

24 **(c) The results of a substance abuse subtle screening inventory
 25 test taken under this section:**

- 26 (1) shall be kept confidential;
 27 (2) are exempt from disclosure requirements under
 28 IC 5-14-3-3; and
 29 (3) may not be used in a criminal prosecution of the individual
 30 who took the test.

31 **Sec. 4. A county office shall provide the following information
 32 in writing to an individual described in section 1 of this chapter at
 33 the time the individual applies for TANF assistance:**

- 34 (1) The individual is required to take a written or electronic
 35 substance abuse subtle screening inventory test.
 36 (2) The individual may be subject to random drug testing
 37 based on the results of the test described in subdivision (1).
 38 (3) The individual may be subject to drug testing if the county
 39 office believes, based on reasonable suspicion as set forth in
 40 section 5 of this chapter, that the individual is engaged in the
 41 illegal use of a controlled substance.
 42 (4) If the individual tests positive on a drug test administered

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under this chapter, the individual may be ineligible for TANF assistance.

(5) If the individual tests positive on a drug test administered under this chapter, the amount of the cost of the drug test will be withheld from any future TANF assistance the individual receives if the individual continues to receive TANF assistance.

(6) If the individual tests positive on a drug test administered under this chapter, the amount of the cost of any subsequent drug test the individual is required to undergo will be withheld from the TANF assistance the individual receives, if the individual continues to receive TANF assistance, regardless of whether the individual tests positive or tests negative on the subsequent drug test.

Sec. 5. (a) A county office is considered to have reasonable suspicion to believe that an individual is engaged in the illegal use of a controlled substance if one (1) or more of the following apply:

(1) The individual has been charged with an offense under IC 35-48 (controlled substances).

(2) The results of the substance abuse subtle screening inventory test indicate that the individual is a risk for the illegal use of a controlled substance.

(3) The individual has previously failed a drug test administered under this chapter.

(b) If a county office has knowledge that an individual has been formally charged with an offense described in subsection (a)(1), the county office shall administer a drug test to the individual.

(c) If a county office has reasonable suspicion to believe from the results of a substance abuse subtle screening inventory test that an individual is engaged in the illegal use of a controlled substance, the individual shall be placed in a pool of individuals who are subject to drug testing described in section 6 of this chapter.

(d) If a county office has reasonable suspicion to believe that an individual is engaged in the illegal use of a controlled substance as the result of failing a drug test administered under this chapter, the individual shall be placed in a pool of individuals who are subject to random drug testing as described in section 7 of this chapter.

Sec. 6. The office of the secretary shall administer a drug test to at least fifty percent (50%) of the pool of individuals described in section 5(c) of this chapter. An individual may not be tested more than once under this section.

Sec. 7. The office of the secretary shall administer random drug

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1 tests to fifty percent (50%) of the pool of individuals described in
 2 section 5(d) of this chapter each month.

3 **Sec. 8. A county office shall provide a list of drug abuse**
 4 **treatment programs to any individual who tests positive under this**
 5 **chapter.**

6 **Sec. 9. (a) An individual who tests positive under this chapter**
 7 **and provides evidence that the individual is participating in a drug**
 8 **abuse treatment program shall continue to receive TANF**
 9 **assistance. However, the office of the secretary shall administer a**
 10 **drug test to the individual regularly at intervals of at least twenty**
 11 **(20) days and not more than thirty (30) days until the individual**
 12 **tests negative in two (2) consecutive drug tests.**

13 **(b) If an individual does not test negative in two (2) consecutive**
 14 **drug tests as described in subsection (a) not later than four (4)**
 15 **months after the date the office of the secretary begins testing the**
 16 **individual regularly under subsection (a), the individual is**
 17 **ineligible to receive TANF assistance for three (3) months from the**
 18 **date the office of the secretary determines that the individual is**
 19 **unable to test negative on two (2) consecutive drug tests as**
 20 **described in subsection (a).**

21 **(c) If an individual:**

22 **(1) tests positive under this chapter; and**

23 **(2) fails to provide, not later than thirty (30) days after the**
 24 **date the individual tests positive, evidence that the individual**
 25 **is participating in or on a waiting list to participate in a drug**
 26 **abuse treatment program;**

27 **the individual is ineligible to receive TANF assistance for three (3)**
 28 **months after the thirty (30) day period described in subdivision (2).**

29 **(d) An individual who is ineligible under subsection (b) or (c)**
 30 **may reapply for TANF assistance after the applicable three (3)**
 31 **month ineligibility period. Upon reapplying, the individual must**
 32 **test negative on a drug test before the individual may receive**
 33 **TANF assistance.**

34 **(e) If an individual described in subsection (d) tests positive on**
 35 **the drug test administered for the TANF reapplication process, the**
 36 **following apply:**

37 **(1) Except as provided in subdivision (2), the individual is**
 38 **ineligible to receive TANF assistance for the individual.**

39 **(2) After becoming ineligible under subdivision (1), an**
 40 **individual may establish eligibility to receive TANF if the**
 41 **individual satisfies the following requirements:**

42 **(A) At the time the individual reapplies to receive TANF,**

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- 1 the individual provides evidence that the individual has
 2 completed a drug treatment program.
- 3 (B) The individual tests negative in two (2) consecutive
 4 drug tests. The office of the secretary shall administer the
 5 first drug test to the individual at the time of the TANF
 6 reapplication and the second drug test at least twenty (20)
 7 days and not more than thirty (30) days after the date of
 8 the first drug test.
- 9 **Sec. 10. (a) An individual who:**
- 10 (1) reapplies for TANF assistance under section 9(d) of this
 11 chapter; and
 12 (2) is eligible to receive TANF assistance;
 13 is subject to random drug testing as described in subsection (b) for
 14 as long as the individual receives TANF assistance.
- 15 (b) The office of the secretary shall administer random drug
 16 tests to fifty percent (50%) of the pool of individuals described in
 17 subsection (a) each month.
- 18 (c) Section 9 of this chapter applies to an individual described
 19 in subsection (a) who tests positive on a subsequent drug test
 20 administered in accordance with this section.
- 21 **Sec. 11. If an individual refuses to take a substance abuse subtle
 22 screening inventory test or drug test under this chapter, the
 23 individual is ineligible to receive TANF assistance under this
 24 chapter.**
- 25 **Sec. 12. (a) Except as provided in section 13 of this chapter, if an
 26 individual is ineligible to receive TANF under this chapter and the
 27 individual receives or will receive TANF assistance on behalf of a
 28 child, the following apply:**
- 29 (1) The child's eligibility for TANF assistance is not affected.
 30 (2) The individual may not receive TANF assistance on behalf
 31 of the child.
 32 (3) Subject to subsection (e), the individual may designate an
 33 immediate family member of the child to act as a protective
 34 payee for the child.
- 35 (b) Subject to subsection (e), if an immediate family member of
 36 the child:
- 37 (1) is not available to act as the protective payee; or
 38 (2) declines to act as the protective payee;
 39 for the child, the ineligible individual described in subsection (a)
 40 may designate another individual, upon approval by the division,
 41 to act as a protective payee for the child.
- 42 (c) Subject to subsection (e), if an ineligible individual described

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1 in subsection (a) does not designate an immediate family member
 2 of the child or another individual to act as a protective payee for
 3 the child, the division shall designate an immediate family member
 4 or another individual to act as a protective payee for the child.

5 (d) Subject to subsection (e), a family member or another
 6 individual designated as a protective payee under this section shall:

7 (1) receive TANF assistance on behalf of the child; and

8 (2) act as a protective payee in regard to the TANF assistance
 9 received on behalf of the child.

10 (e) A family member of the child or another individual who is
 11 designated as a protective payee for the child shall undergo a drug
 12 test before the family member or individual may act as a protective
 13 payee under this section. If the family member or individual tests
 14 positive on the drug test, the family member or individual may not
 15 act as a protective payee for the child.

16 Sec. 13. (a) If an individual:

17 (1) is ineligible to receive TANF assistance under this chapter;

18 (2) was not a parent or guardian of a child at the time the
 19 individual became ineligible to receive TANF assistance as
 20 described in subdivision (1);

21 (3) becomes a parent or guardian of a child after the
 22 individual becomes ineligible to receive TANF assistance as
 23 described in subdivision (1); and

24 (4) tests negative on a drug test administered by the office of
 25 the secretary;

26 the individual may receive TANF assistance on behalf of the child.

27 (b) An individual described in subsection (a) is subject to
 28 random drug testing as described in section 10(b) of this chapter
 29 for as long as the individual receives TANF assistance on behalf of
 30 the child.

31 (c) If an individual described in subsection (a) tests positive on
 32 a drug test administered by the office of the secretary, the
 33 individual may not receive TANF assistance on behalf of the child
 34 and a protective payee must be designated for the child as provided
 35 in section 12 of this chapter.

36 Sec. 14. (a) Except as provided in subsections (b) and (c), the
 37 office of the secretary shall pay the costs of a drug test
 38 administered under this chapter.

39 (b) If an individual tests positive on a drug test administered
 40 under this chapter, the office of the secretary shall withhold the
 41 amount of the cost of the drug test from the next payment of TANF
 42 assistance the individual receives if the individual receives TANF

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assistance.

(c) If an individual tests positive on a drug test administered under this chapter, the office of the secretary shall withhold the amount of the cost of any subsequent drug tests that the individual is required to undergo from the next payment of TANF assistance the individual receives if that individual receives TANF assistance.

Sec. 15. (a) This chapter is subject to administrative hearing procedures under IC 4-21.5.

(b) The program under this chapter must include an appeals process for individuals.

Sec. 16. A drug test administered under the program must be performed by a:

- (1) SAMHSA (as defined in IC 22-10-15-3) clinical laboratory;
- or
- (2) clinical laboratory holding a federal Clinical Laboratory Improvement Act (CLIA) certificate or a CLIA certificate of accreditation.

Sec. 17. The office of the secretary shall notify the department of child services regarding a child who is ineligible for TANF assistance under this chapter.

Sec. 18. The office of the secretary's records concerning the results of a drug test under this article may not be admitted against a defendant in a criminal proceeding.

Sec. 19. The office of the secretary shall collect data to assess and ensure that there is no discrimination based on race, ethnicity, or sex regarding the pool of individuals who are drug tested under the program established under this chapter.

Sec. 20. The office of the secretary may adopt rules under IC 4-22-2 necessary to implement this article.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1483, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 27, after "2." insert "(a)".

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"(b) The office of the secretary shall implement a program established in accordance with this chapter not later than July 1, 2014."

Page 2, line 32, delete "written".

Page 2, line 33, after "administered" insert **"in written or electronic form"**.

Page 2, line 37, after "written" insert **"or electronic"**.

Page 4, line 5, delete "twenty-five percent (25%)" and insert **"fifty percent (50%)"**.

Page 5, line 15, delete "twenty-five percent (25%)" and insert **"fifty percent (50%)"**.

Page 6, delete lines 15 through 17, begin a new paragraph and insert:

"Sec. 15. A drug test administered under the program must be performed by a:

(1) SAMHSA (as defined in IC 22-10-15-3) clinical laboratory;
or

(2) clinical laboratory holding a federal Clinical Laboratory Improvement Act (CLIA) certificate or a CLIA certificate of accreditation."

Page 6, delete lines 26 through 33.

and when so amended that said bill do pass.

(Reference is to HB 1483 as introduced.)

KUBACKI, Chair

Committee Vote: yeas 9, nays 4.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1483, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN T, Chair

Committee Vote: yeas 13, nays 5.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1483 be amended to read as follows:

Page 3, line 17, delete "tests" and insert "**test**".

Page 3, line 21, after "the" insert "**subsequent**".

Page 5, between lines 19 and 20, begin a new paragraph and insert: "**(c) Section 9 of this chapter applies to an individual described in subsection (a) who tests positive on a subsequent drug test administered in accordance with this section.**".

Page 5, line 35, delete "assistance." and insert "**assistance on behalf of the child.**".

Page 6, line 6, delete "subsection (b)," and insert "**subsections (b) and (c),**".

Page 6, between lines 13 and 14, begin a new paragraph and insert: "**(c) If an individual tests positive on a drug test administered under this chapter, the office of the secretary shall withhold the amount of the cost of any subsequent drug tests that the individual is required to undergo from the next payment of TANF assistance the individual receives if that individual receives TANF assistance.**".

(Reference is to HB 1483 as printed February 19, 2013.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1483 be amended to read as follows:

Page 6, between lines 30 and 31, begin a new paragraph and insert:

"Sec. 18. The office of the secretary shall collect data to assess and ensure that there is no discrimination based on race, ethnicity, or sex regarding the pool of individuals who are drug tested under the program established under this chapter."

Page 6, line 31, delete "18." and insert "19."

(Reference is to HB 1483 as printed February 19, 2013.)

SMITH V

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1483, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, delete "12-7-2-190.2" and insert "12-7-2-190.1".

Page 1, line 14, delete "190.2." and insert "**190.1**".

Page 2, line 8, delete "12-7-2-190.3" and insert "12-7-2-190.2".

Page 2, line 10, delete "190.3." and insert "**190.2**".

Page 4, line 35, after "in" insert "**or on a waiting list to participate in**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1483 as reprinted February 22, 2013.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 9, Nays 3.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1483, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 5. IC 12-13-14-4.5, AS AMENDED BY P.L.3-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. (a) Except as provided in this section, the division may distribute cash assistance benefits to a person who is eligible for assistance under the Title IV-A assistance program through an automated teller machine or a point of sale terminal that is connected to the EBT system.

(b) The following establishments shall post a sign next to each automated teller machine or point of sale terminal located on the premises informing a potential user that the automated teller machine or point of sale terminal may not be used to receive cash assistance benefits under the Title IV-A assistance program:

- (1) A horse racing establishment:
 - (A) where the pari-mutuel system of wagering is authorized; and
 - (B) for which a permit is required under IC 4-31-5.
- (2) A satellite facility:
 - (A) where wagering on horse racing is conducted; and
 - (B) for which a license is required under IC 4-31-5.5.
- (3) An allowable event required to be licensed by the Indiana gaming commission under IC 4-32.2.
- (4) A riverboat or other facility required to be licensed by the Indiana gaming commission under IC 4-33.
- (5) A store or other establishment:
 - (A) where the primary business is the sale of firearms (as defined in IC 35-47-1-5); and
 - (B) that sells handguns for which a license to sell handguns is required under IC 35-47-2.
- (6) A store or other establishment where the primary business is the sale of alcoholic beverages for which a permit is required under IC 7.1-3.
- (7) An adult entertainment establishment.

(c) An:

- (1) establishment that does not post the sign required under subsection (b); or

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(2) individual who attempts to use an automated teller machine or point of sale terminal with a sign posted as required under subsection (b) to access cash assistance benefits under the Title IV-A assistance program in violation of subsection (b); commits a Class C misdemeanor.

(d) The owner, vendor, or third party processor of an automated teller machine or point of sale terminal shall disable or have disabled access to electronic cash assistance benefits in a location described in subsection (b) unless the location has been approved by the federal Food and Nutrition Services. The division shall provide assistance to an owner, vendor, or third party processor under this subsection. A person that violates this subsection commits a Class B infraction.

~~(d)~~ (e) The division shall adopt rules under IC 4-22-2 to carry out this section."

Page 5, line 7, delete "The" and insert "**Except as provided in subdivision (3), the**".

Page 5, line 7, delete "permanently".

Page 5, line 9, delete "A" and insert "**Except as provided in subdivision (3), a**".

Page 5, between lines 11 and 12, begin a new line block indented and insert:

"(3) After becoming ineligible under subdivision (1) and (2), an individual may establish eligibility to receive TANF, including eligibility for a child on whose behalf the individual would receive TANF, if the individual satisfies the following requirements:

(A) At the time the individual reapplies to receive TANF, the individual provides evidence that the individual has completed a drug treatment program.

(B) The individual tests negative in two (2) consecutive drug tests. The office of the secretary shall administer the first drug test to the individual at the time of the TANF

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reapplication and the second drug test at least twenty (20) days and not more than thirty (30) days after the date of the first drug test."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1483 as printed March 15, 2013.)

KENLEY, Chairperson

Committee Vote: Yeas 9, Nays 4.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1483 be amended to read as follows:

Page 3, line 42, after "3." insert "(a)".

Page 4, between lines 2 and 3, begin a new paragraph and insert:

"(b) The office of the secretary shall have adequate staff available to provide assistance with taking the substance abuse subtle screening inventory test under this chapter to an individual who has a disability that makes taking a substance abuse subtle screening inventory test difficult or impossible."

(Reference is to EHB 1483 as printed April 5, 2013.)

TALLIAN

SENATE MOTION

Madam President: I move that Engrossed House Bill 1483 be amended to read as follows:

Page 3, line 42, after "3." insert "(a)".

Page 4, between lines 2 and 3, begin a new paragraph and insert:

"(b) The results of a substance abuse subtle screening inventory test taken under this section:

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- (1) shall be kept confidential;
- (2) are exempt from disclosure requirements under IC 5-14-3-3; and
- (3) may not be used in a criminal prosecution of the individual who took the test."

(Reference is to EHB 1483 as printed April 5, 2013.)

HUME

SENATE MOTION

Madam President: I move that Engrossed House Bill 1483 be amended to read as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 12-7-2-111 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 111. (a) "Immediate family", for purposes of the statutes listed in subsection (b), means the following:

- (1) If a Medicaid applicant is married, the applicant's spouse and dependent children less than twenty-one (21) years of age.
- (2) If a Medicaid applicant is not married, the following:
 - (A) If the applicant is divorced, the parent having custody.
 - (B) If the applicant is less than twenty-one (21) years of age:
 - ⊕ (i) the parent having custody; and
 - (ii) the dependent children less than twenty-one (21) years of age of the parent or parents.
 - (C) If clauses (A) and (B) do not apply, the applicant's parents.

(b) This section applies to the following statutes:

- (1) IC 12-14-1 through IC 12-14-9.5, **except IC 12-14-5.4.**
- (2) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34."

Page 4, line 15, delete "or the child on whose behalf".

Page 4, line 16, delete "the individual receives TANF assistance".

Page 5, delete lines 21 through 42, begin a new paragraph and insert:

"Sec. 9. (a) An individual who tests positive under this chapter and provides evidence that the individual is participating in a drug abuse treatment program shall continue to receive TANF assistance. However, the office of the secretary shall administer a drug test to the individual regularly at intervals of at least twenty (20) days and not more than thirty (30) days until the individual



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tests negative in two (2) consecutive drug tests.

(b) If an individual does not test negative in two (2) consecutive drug tests as described in subsection (a) not later than four (4) months after the date the office of the secretary begins testing the individual regularly under subsection (a), the individual is ineligible to receive TANF assistance for three (3) months from the date the office of the secretary determines that the individual is unable to test negative on two (2) consecutive drug tests as described in subsection (a).

(c) If an individual:

- (1) tests positive under this chapter; and
- (2) fails to provide, not later than thirty (30) days after the date the individual tests positive, evidence that the individual is participating in or on a waiting list to participate in a drug abuse treatment program;

the individual is ineligible to receive TANF assistance for three (3) months after the thirty (30) day period described in subdivision (2).

(d) An individual who is ineligible under subsection (b) or (c) may reapply for TANF assistance after the applicable three (3) month ineligibility period. Upon reapplying, the individual must test negative on a drug test before the individual may receive TANF assistance.

(e) If an individual described in subsection (d) tests positive on the drug test administered for the TANF reapplication process, the following apply:

- (1) Except as provided in subdivision (2), the individual is ineligible to receive TANF assistance for the individual.
- (2) After becoming ineligible under subdivision (1), an individual may establish eligibility to receive TANF if the individual satisfies the following requirements:

(A) At the time the individual reapplies to receive TANF, the individual provides evidence that the individual has completed a drug treatment program.

(B) The individual tests negative in two (2) consecutive drug tests. The office of the secretary shall administer the first drug test to the individual at the time of the TANF reapplication and the second drug test at least twenty (20) days and not more than thirty (30) days after the date of the first drug test."

Page 6, delete lines 1 through 34.

Page 7, delete lines 5 through 26.

Page 7, line 27, delete "12." and insert "11."

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Page 7, line 28, after "the" insert "**individual is ineligible to receive TANF assistance under this chapter.**".

Page 7, delete lines 29 through 33, begin a new paragraph and insert:

"Sec. 12. (a) Except as provided in section 13 of this chapter, if an individual is ineligible to receive TANF under this chapter and the individual receives or will receive TANF assistance on behalf of a child, the following apply:

- (1) The child's eligibility for TANF assistance is not affected.**
- (2) The individual may not receive TANF assistance on behalf of the child.**
- (3) Subject to subsection (e), the individual may designate an immediate family member of the child to act as a protective payee for the child.**

(b) Subject to subsection (e), if an immediate family member of the child:

- (1) is not available to act as the protective payee; or**
- (2) declines to act as the protective payee;**

for the child, the ineligible individual described in subsection (a) may designate another individual, upon approval by the division, to act as a protective payee for the child.

(c) Subject to subsection (e), if an ineligible individual described in subsection (a) does not designate an immediate family member of the child or another individual to act as a protective payee for the child, the division shall designate an immediate family member or another individual to act as a protective payee for the child.

(d) Subject to subsection (e), a family member or another individual designated as a protective payee under this section shall:

- (1) receive TANF assistance on behalf of the child; and**
- (2) act as a protective payee in regard to the TANF assistance received on behalf of the child.**

(e) A family member of the child or another individual who is designated as a protective payee for the child shall undergo a drug test before the family member or individual may act as a protective payee under this section. If the family member or individual tests positive on the drug test, the family member or individual may not act as a protective payee for the child.

Sec. 13. (a) If an individual:

- (1) is ineligible to receive TANF assistance under this chapter;**
- (2) was not a parent or guardian of a child at the time the individual became ineligible to receive TANF assistance as described in subdivision (1);**

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(3) becomes a parent or guardian of a child after the individual becomes ineligible to receive TANF assistance as described in subdivision (1); and

(4) tests negative on a drug test administered by the office of the secretary;

the individual may receive TANF assistance on behalf of the child.

(b) An individual described in subsection (a) is subject to random drug testing as described in section 10(b) of this chapter for as long as the individual receives TANF assistance on behalf of the child.

(c) If an individual described in subsection (a) tests positive on a drug test administered by the office of the secretary, the individual may not receive TANF assistance on behalf of the child and a protective payee must be designated for the child as provided in section 12 of this chapter."

Page 7, line 34, delete "13." and insert "14."

Page 8, line 5, delete "14." and insert "15."

Page 8, line 9, delete "15." and insert "16."

Page 8, line 16, delete "16." and insert "17."

Page 8, line 19, delete "17." and insert "18."

Page 8, line 22, delete "18." and insert "19."

Page 8, line 26, delete "19." and insert "20."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1483 as printed April 5, 2013.)

LANANE

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed House Bill 1483.

Page 2, line 39, strike "though" and insert "**through**".

Page 4, line 24, delete "(b)" and insert "**(c)**".

(Reference is to EHB 1483 as reprinted April 10, 2013.)

LONG, Chairperson



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