

SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 1, between lines 5 and 6, begin a new paragraph and insert:
2 "SECTION 2. IC 12-7-2-111 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 111. (a) "Immediate
4 family", for purposes of the statutes listed in subsection (b), means the
5 following:
6 (1) If a Medicaid applicant is married, the applicant's spouse and
7 dependent children less than twenty-one (21) years of age.
8 (2) If a Medicaid applicant is not married, the following:
9 (A) If the applicant is divorced, the parent having custody.
10 (B) If the applicant is less than twenty-one (21) years of
11 age:
12 (⊕) (i) the parent having custody; and
13 (ii) the dependent children less than twenty-one (21)
14 years of age of the parent or parents.
15 (C) If clauses (A) and (B) do not apply, the applicant's
16 parents.
17 (b) This section applies to the following statutes:
18 (1) IC 12-14-1 through IC 12-14-9.5, **except IC 12-14-5.4.**
19 (2) IC 12-15, except IC 12-15-32, IC 12-15-33, and
20 IC 12-15-34."
21 Page 4, line 15, delete "or the child on whose behalf".
22 Page 4, line 16, delete "the individual receives TANF assistance".
23 Page 5, delete lines 21 through 42, begin a new paragraph and
24 insert:
25 "**Sec. 9. (a) An individual who tests positive under this chapter**
26 **and provides evidence that the individual is participating in a drug**
27 **abuse treatment program shall continue to receive TANF**
28 **assistance. However, the office of the secretary shall administer a**
29 **drug test to the individual regularly at intervals of at least twenty**
30 **(20) days and not more than thirty (30) days until the individual**
31 **tests negative in two (2) consecutive drug tests.**
32 (b) **If an individual does not test negative in two (2) consecutive**

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

8 (c) If an individual:

9 (1) tests positive under this chapter; and

10 (2) fails to provide, not later than thirty (30) days after the
11 date the individual tests positive, evidence that the individual
12 is participating in or on a waiting list to participate in a drug
13 abuse treatment program;

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

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

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

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

26 (2) After becoming ineligible under subdivision (1), an
27 individual may establish eligibility to receive TANF if the
28 individual satisfies the following requirements:

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

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

38 Page 6, delete lines 1 through 34.

39 Page 7, delete lines 5 through 26.

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

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

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

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

49 (1) **The child's eligibility for TANF assistance is not affected.**

50 (2) **The individual may not receive TANF assistance on**
51 **behalf of the child.**

52 (3) **Subject to subsection (e), the individual may designate an**

1 immediate family member of the child to act as a protective
2 payee for the child.

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

5 **(1) is not available to act as the protective payee; or**

6 **(2) declines to act as the protective payee;**

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

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

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

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

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

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

27 **Sec. 13. (a) If an individual:**

28 **(1) is ineligible to receive TANF assistance under this
29 chapter;**

30 **(2) was not a parent or guardian of a child at the time the
31 individual became ineligible to receive TANF assistance as
32 described in subdivision (1);**

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

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

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

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

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

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

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

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

- 1 Page 8, line 16, delete "16." and insert "**17.**".
- 2 Page 8, line 19, delete "17." and insert "**18.**".
- 3 Page 8, line 22, delete "18." and insert "**19.**".
- 4 Page 8, line 26, delete "19." and insert "**20.**".
- 5 Renumber all SECTIONS consecutively.
(Reference is to EHB 1483 as printed April 5, 2013.)

Senator LANANE