



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1777

Introduced 2/20/2015, by Sen. Kyle McCarter

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Aid Code. Provides that as a condition of initial eligibility for medical assistance benefits provided under the State's Medical Assistance program or, subject to federal approval, benefits provided under the federal Supplemental Nutrition Assistance Program (SNAP), an applicant must pass a drug screening. Provides that as a condition of continued eligibility for such benefits, a recipient must pass random drug screenings as prescribed by the Department of Human Services. Requires the Department to adopt rules requiring applicants for TANF benefits or SNAP benefits to actively seek work in order to qualify for such benefits. Provides that the rules adopted by the Department shall be in compliance with those rules under the Unemployment Insurance Act and adopted by the Department of Employment Security requiring unemployed individuals to actively seek employment in order to qualify for unemployment insurance benefits. Requires the Department to adopt rules that allow recipients of TANF benefits or SNAP benefits to experience a gradual reduction in benefits as earnings increase. Increases the penalties for using another person's cash assistance benefits or SNAP benefits. Contains provisions requiring photo identification when using a LINK card to obtain SNAP benefits or cash. Provides that no recipient of TANF benefits shall use his or her benefits to purchase lottery tickets or to patronize any casino or licensed establishment that operates video gaming terminals for the purpose of engaging in gambling or video gaming activities.

LRB099 10714 KTG 30992 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Sections 8A-5A and 8A-6 and by adding Sections 1-10.5,  
6 1-10.6, 4-8a, 8A-4B, 12-4.4a, and 12-4.4b as follows:

7 (305 ILCS 5/1-10.5 new)

8 Sec. 1-10.5. Drug screening. As a condition of initial  
9 eligibility for medical assistance benefits provided under  
10 Article V of this Code or, subject to federal approval,  
11 benefits provided under the federal Supplemental Nutrition  
12 Assistance Program (SNAP), an applicant must pass a drug  
13 screening as provided in Section 12-4.4b of this Code. As a  
14 condition of continued eligibility for medical assistance  
15 benefits provided under Article V of this Code or, subject to  
16 federal approval, SNAP benefits, a recipient must pass random  
17 drug screenings as prescribed by the Department of Human  
18 Services.

19 The substance abuse testing required under this Section  
20 shall not apply to dependent children under 18 years of age,  
21 persons with children in the assistance unit, persons with  
22 disabilities, persons 65 years of age or older, or persons who  
23 reside at a facility licensed under the Nursing Home Care Act

1 or the ID/DD Community Care Act.

2 (305 ILCS 5/1-10.6 new)

3 Sec. 1-10.6. TANF recipients; actively seeking work;  
4 rules. The Department of Human Services shall adopt rules  
5 requiring applicants for cash assistance benefits provided  
6 under Article IV of this Code or, subject to federal approval,  
7 applicants for benefits provided under the federal  
8 Supplemental Nutrition Assistance Program (SNAP) to actively  
9 seek work in order to qualify for such benefits. The rules  
10 adopted by the Department shall be in compliance with those  
11 rules under the Unemployment Insurance Act and adopted by the  
12 Department of Employment Security requiring unemployed  
13 individuals to actively seek employment in order to qualify for  
14 unemployment insurance benefits, and shall include any  
15 exceptions, as the Department of Human Services deems  
16 appropriate, to those rules under the Unemployment Insurance  
17 Act and adopted by the Department of Employment Security  
18 requiring unemployed individuals to actively seek employment  
19 in order to qualify for unemployment insurance benefits.

20 The Department shall adopt rules that allow recipients of  
21 cash assistance benefits provided under Article IV of this Code  
22 or SNAP benefits to experience a gradual reduction in benefits  
23 as earnings increase.

24 (305 ILCS 5/4-8a new)

1       Sec. 4-8a. Prohibited purchases. No recipient of cash  
2 assistance benefits provided under this Article shall use his  
3 or her cash assistance benefits to purchase lottery tickets or  
4 to patronize any casino or licensed establishment that operates  
5 video gaming terminals for the purpose of engaging in gambling  
6 or video gaming activities. The Department shall adopt any  
7 rules necessary to implement this provision.

8       For purposes of this Section, "video gaming terminal" has  
9 the meaning ascribed to that term under the Video Gaming Act.

10       (305 ILCS 5/8A-4B new)

11       Sec. 8A-4B. Penalty for unauthorized possession and use of  
12 cash assistance benefits. Notwithstanding any provision of law  
13 to the contrary, any person who possesses for an unlawful  
14 purpose another person's Electronic Benefit Transfer (EBT)  
15 card or LINK card in order to use or transfer in any manner not  
16 authorized by law or the rules and regulations of the  
17 Department of Human Services the cash assistance benefits held  
18 on that EBT or LINK card is guilty of a violation of this  
19 Article and shall be subject to the penalties established under  
20 Section 8A-6.

21       (305 ILCS 5/8A-5A) (from Ch. 23, par. 8A-5A)

22       Sec. 8A-5A. Unauthorized possession of identification  
23 document. Any person who possesses for an unlawful purpose  
24 another person's identification document issued by the

1 Illinois Department shall be guilty of a Class 4 felony. For  
2 purposes of this Section, "identification document" includes  
3 but is not limited to an authorization to participate in the  
4 federal Supplemental Nutrition Assistance Program (SNAP) ~~food~~  
5 ~~stamp program~~ or the federal surplus food commodities program,  
6 or a card or other document which identifies a person as being  
7 entitled to public aid under this Code.

8 Notwithstanding any provision of this Section to the  
9 contrary, any person who possesses for an unlawful purpose  
10 another person's Electronic Benefit Transfer (EBT) card or LINK  
11 card issued by the Department of Human Services shall be guilty  
12 of a Class 3 felony.

13 (Source: P.A. 86-1012.)

14 (305 ILCS 5/8A-6) (from Ch. 23, par. 8A-6)

15 Sec. 8A-6. Classification of violations.

16 (a) Any person, firm, corporation, association, agency,  
17 institution or other legal entity that has been found by a  
18 court to have engaged in an act, practice or course of conduct  
19 declared unlawful under Sections 8A-2 through 8A-5 or Section  
20 8A-13 or 8A-14 where:

21 (1) the total amount of money involved in the  
22 violation, including the monetary value of cash assistance  
23 benefits or federal Supplemental Nutrition Assistance  
24 Program (SNAP) benefits ~~food stamps~~ and the value of  
25 commodities, is less than \$150, shall be guilty of a Class

1        4 felony ~~Class A misdemeanor~~;

2            (2) the total amount of money involved in the  
3 violation, including the monetary value of cash assistance  
4 benefits or federal SNAP benefits ~~food stamps~~ and the value  
5 of commodities, is \$150 or more but less than \$1,000, shall  
6 be guilty of a Class 3 ~~Class 4~~ felony;

7            (3) the total amount of money involved in the  
8 violation, including the monetary value of cash assistance  
9 benefits or federal SNAP benefits ~~food stamps~~ and the value  
10 of commodities, is \$1,000 or more but less than \$5,000,  
11 shall be guilty of a Class 2 ~~Class 3~~ felony;

12            (4) the total amount of money involved in the  
13 violation, including the monetary value of cash assistance  
14 benefits or federal SNAP benefits ~~food stamps~~ and the value  
15 of commodities, is \$5,000 or more but less than \$10,000,  
16 shall be guilty of a Class 1 ~~Class 2~~ felony; or

17            (5) the total amount of money involved in the  
18 violation, including the monetary value of cash assistance  
19 benefits or federal SNAP benefits ~~food stamps~~ and the value  
20 of commodities, is \$10,000 or more, shall be guilty of a  
21 Class X ~~Class 1~~ felony and, notwithstanding the provisions  
22 of Section 8A-8 except for Subsection (c) of Section 8A-8,  
23 shall be ineligible for financial aid under this Article  
24 for a period of two years following conviction or until the  
25 total amount of money, including the value of federal food  
26 stamps, is repaid, whichever first occurs.

1 (b) Any person, firm, corporation, association, agency,  
2 institution or other legal entity that commits a subsequent  
3 violation of any of the provisions of Sections 8A-2 through  
4 8A-5 and:

5 (1) the total amount of money involved in the  
6 subsequent violation, including the monetary value of cash  
7 assistance benefits or federal SNAP benefits ~~food stamps~~  
8 and the value of commodities, is less than \$150, shall be  
9 guilty of a Class 3 ~~Class 4~~ felony;

10 (2) the total amount of money involved in the  
11 subsequent violation, including the monetary value of cash  
12 assistance benefits or federal SNAP benefits ~~food stamps~~  
13 and the value of commodities, is \$150 or more but less than  
14 \$1,000, shall be guilty of a Class 2 ~~Class 3~~ felony;

15 (3) the total amount of money involved in the  
16 subsequent violation, including the monetary value of cash  
17 assistance benefits or federal SNAP benefits ~~food stamps~~  
18 and the value of commodities, is \$1,000 or more but less  
19 than \$5,000, shall be guilty of a Class 1 ~~Class 2~~ felony;

20 (4) the total amount of money involved in the  
21 subsequent violation, including the monetary value of cash  
22 assistance benefits or federal SNAP benefits ~~food stamps~~  
23 and the value of commodities, is \$5,000 or more but less  
24 than \$10,000, shall be guilty of a Class X ~~Class 1~~ felony.

25 (c) For purposes of determining the classification of  
26 offense under this Section, all of the money received as a

1 result of the unlawful act, practice or course of conduct can  
2 be accumulated.

3 (Source: P.A. 90-538, eff. 12-1-97.)

4 (305 ILCS 5/12-4.4a new)

5 Sec. 12-4.4a. LINK card; photo identification  
6 requirements.

7 (a) Beginning on the effective date of this amendatory Act  
8 of the 99th General Assembly, in order to use an Electronic  
9 Benefit Transfer (EBT) card or LINK card to obtain Supplemental  
10 Nutrition Assistance Program (SNAP) benefits or cash, the user  
11 must show a current and valid photo identification. A person  
12 may not use an EBT or LINK card to obtain SNAP benefits or cash  
13 if:

14 (1) the name on the photo identification presented by  
15 the user does not match the name of any person designated  
16 on the face of the EBT or LINK card as a person entitled to  
17 use the card; or

18 (2) the photo does not match the user of the card.

19 (b) Every EBT or LINK card issued by the Department of  
20 Human Services on or after the effective date of this  
21 amendatory Act of the 99th General Assembly must include on its  
22 face the name of every household member entitled to use the  
23 card.

24 (305 ILCS 5/12-4.4b new)



1       Sec. 12-4.4b. Substance abuse testing.

2       (a) The Department of Human Services shall require a drug  
3 test to screen each individual who applies for benefits  
4 provided under the medical assistance program under Article V  
5 of this Code, with certain exceptions as provided in paragraph  
6 (1) of subsection (b) and in subsection (f).

7       Subject to federal approval, the Department shall require a  
8 drug test to screen each individual who applies for benefits  
9 provided under the federal Supplemental Nutrition Assistance  
10 Program (SNAP), with certain exceptions as provided in  
11 paragraph (1) of subsection (b) and in subsection (f).

12       The cost of the drug testing shall be the responsibility of  
13 the individual tested.

14       An individual who tests positive for a controlled substance  
15 as a result of a drug test required pursuant to this Section  
16 shall be ineligible to receive medical assistance benefits or  
17 SNAP benefits for one year after the date of the positive drug  
18 test, unless the individual meets the requirements of  
19 subsection (c).

20       (b) The Department shall do all of the following:

21           (1) Provide notice of drug testing to each applicant at  
22 the time of application. The notice shall advise the  
23 applicant that drug testing will be conducted as a  
24 condition for receiving medical assistance benefits or  
25 SNAP benefits and that the applicant shall bear the cost of  
26 the testing. The applicant shall be advised that the

1 required drug testing may be avoided if the applicant does  
2 not apply for medical assistance benefits or SNAP benefits.  
3 Dependent children under 18 years of age shall be exempt  
4 from the drug-testing requirement.

5 (2) Advise each applicant to be tested, before the test  
6 is conducted, that the applicant may, but shall not be  
7 required to, advise the agent administering the test of any  
8 prescription or over-the-counter medication the applicant  
9 is taking.

10 (3) Require each applicant to be tested to sign a  
11 written acknowledgment that the applicant has received and  
12 understands the notice and advice provided pursuant to  
13 paragraphs (1) and (3) of this subsection.

14 (4) Ensure each applicant being tested a reasonable  
15 degree of dignity while producing and submitting a sample  
16 for drug testing, consistent with the need of the State to  
17 ensure the reliability of the sample.

18 (5) Specify circumstances under which an applicant who  
19 fails a drug test has the right to take one or more  
20 additional tests.

21 (6) Inform an applicant who tests positive for a  
22 controlled substance and is deemed ineligible for medical  
23 assistance benefits or SNAP benefits that the applicant may  
24 reapply for those benefits one year after the date of the  
25 positive drug test, unless the applicant meets the  
26 requirements of subsection (c) of this Section. If the

1 applicant tests positive again, the applicant shall be  
2 ineligible to receive medical assistance benefits or SNAP  
3 benefits for 3 years after the date of the second positive  
4 drug test, unless the applicant meets the requirements of  
5 subsection (c) of this Section.

6 (9) Provide any applicant who tests positive with a  
7 list of licensed substance abuse treatment providers  
8 available in the area in which the applicant resides.  
9 Neither the Department nor the State shall be responsible  
10 for providing or paying for substance abuse treatment for  
11 an applicant as part of the screening conducted pursuant to  
12 this Section.

13 (c) An applicant who tests positive pursuant to this  
14 Section and is denied medical assistance benefits or SNAP  
15 benefits as a result may reapply for those benefits after 6  
16 months if the applicant verifies the successful completion of a  
17 substance abuse treatment program. An applicant shall not be  
18 considered to have tested positive for substance abuse until  
19 the sample has been retested to rule out a false positive using  
20 the same sample obtained in the original test. An applicant who  
21 has met the requirements of this subsection and reapplies for  
22 medical benefits or SNAP benefits shall be required to pass an  
23 initial drug test and meet the requirements of this Section.  
24 Any drug test conducted while the applicant is undergoing  
25 substance abuse treatment shall meet the standards of this  
26 subsection concerning false positives and any additional

1 standards or requirements the Department adopts by rule  
2 concerning drug-testing as provided under subsection (e). The  
3 cost of any drug testing and substance abuse treatment provided  
4 pursuant to this Section shall be the responsibility of the  
5 individual being tested and receiving treatment. An individual  
6 who fails the drug test required pursuant to subsection (a) of  
7 this Section may reapply for benefits one time.

8 (d) Subject to federal approval, as a condition of  
9 continued eligibility for medical assistance benefits provided  
10 under Article V of this Code or benefits provided under the  
11 federal Supplemental Nutrition Assistance Program (SNAP), a  
12 recipient of such benefits must pass random drug screenings as  
13 prescribed by the Department of Human Services, with certain  
14 exceptions as provided in subsection (f). A recipient of  
15 medical assistance benefits or SNAP benefits who tests positive  
16 for a controlled substance as a result of a drug test required  
17 pursuant to this subsection shall experience an immediate  
18 termination of his or her medical assistance or SNAP benefits,  
19 and the Department shall refer the recipient to a substance  
20 abuse treatment program. Subject to federal approval, the  
21 Department shall cover the cost of substance abuse treatment  
22 for the recipient from funds that would have been used for the  
23 recipient under the medical assistance program provided under  
24 Article V of this Code or under the federal Supplemental  
25 Nutrition Assistance Program (SNAP) had the recipient not  
26 tested positive for a controlled substance as a result of a

1 drug test required pursuant to this subsection. Upon successful  
2 completion of a substance abuse treatment program as prescribed  
3 by the Department, the recipient may reapply for those  
4 benefits.

5 (e) The Department shall adopt any rules necessary to  
6 implement this Section, including rules concerning  
7 drug-testing standards and requirements.

8 (f) In addition to the exemption provided in paragraph (1)  
9 of subsection (b), the substance abuse testing required by this  
10 Section shall not apply to persons with children in the  
11 assistance unit, persons with disabilities, persons who are 65  
12 year of age or older, or persons who reside at a facility  
13 licensed under the Nursing Home Care Act or the ID/DD Community  
14 Care Act.

1 INDEX

2 Statutes amended in order of appearance

3 305 ILCS 5/1-10.5 new

4 305 ILCS 5/1-10.6 new

5 305 ILCS 5/4-8a new

6 305 ILCS 5/8A-4B new

7 305 ILCS 5/8A-5A from Ch. 23, par. 8A-5A

8 305 ILCS 5/8A-6 from Ch. 23, par. 8A-6

9 305 ILCS 5/12-4.4a new

10 305 ILCS 5/12-4.4b new