

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 557

1 AN ACT TO PROVIDE THAT APPLICANTS FOR AND RECIPIENTS OF
2 TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BENEFITS SHALL BE
3 REQUIRED TO TAKE A DRUG TEST TO DETERMINE THEIR ELIGIBILITY TO
4 RECEIVE OR CONTINUE RECEIVING THE BENEFITS; TO PROVIDE THAT THE
5 DRUG TEST SHALL BE TAKEN AT THE TIME OF OR AFTER APPLICATION FOR
6 TANF BENEFITS AND ONCE EACH YEAR WHILE THE RECIPIENT IS RECEIVING
7 TANF BENEFITS; TO PROVIDE THAT THE COST OF THE DRUG TEST IS THE
8 RESPONSIBILITY OF THE PERSON WHO IS TESTED; TO PROVIDE THAT A
9 PERSON WHO TESTS POSITIVE FOR A DRUG IN A DRUG TEST CONDUCTED
10 UNDER THIS ACT IS INELIGIBLE TO RECEIVE TANF BENEFITS FOR ONE YEAR
11 AFTER THE DATE OF THE POSITIVE DRUG TEST, UNLESS THE PERSON MEETS
12 CERTAIN REQUIREMENTS; TO PROVIDE THAT IF THE PERSON TESTS POSITIVE
13 FOR A DRUG AGAIN, HE OR SHE IS INELIGIBLE TO RECEIVE TANF BENEFITS
14 FOR THREE YEARS AFTER THE DATE OF THE SECOND POSITIVE DRUG TEST,
15 UNLESS THE PERSON MEETS CERTAIN REQUIREMENTS; TO PROVIDE FOR
16 NOTICE OF THE DRUG TESTING REQUIREMENT TO EACH APPLICANT FOR TANF
17 BENEFITS AT THE TIME OF APPLICATION, AND TO EACH RECIPIENT OF TANF
18 BENEFITS ONCE EACH YEAR WHILE THE RECIPIENT IS RECEIVING BENEFITS;
19 TO PROVIDE THAT THE NOTICE MUST ADVISE THE PERSON THAT A DRUG TEST
20 WILL BE CONDUCTED AS A CONDITION OF RECEIVING OR CONTINUING TO
21 RECEIVE TANF BENEFITS, AND THAT THE PERSON MUST BEAR THE COST OF
22 THE TEST; TO PROVIDE THAT IF THE PERSON TESTS NEGATIVE FOR A DRUG,
23 THE AMOUNT OF THE INITIAL TANF BENEFIT OR THE TANF BENEFIT FOR THE
24 NEXT MONTH SHALL BE INCREASED BY THE AMOUNT PAID BY THE PERSON FOR
25 THE DRUG TEST; TO PROVIDE THAT A PERSON WHO TESTS POSITIVE FOR A
26 DRUG AND IS DEEMED INELIGIBLE FOR TANF BENEFITS AS A RESULT MAY
27 REAPPLY FOR THOSE BENEFITS AFTER SIX MONTHS IF THE PERSON CAN
28 DOCUMENT THE SUCCESSFUL COMPLETION OF A SUBSTANCE ABUSE TREATMENT
29 PROGRAM OFFERED BY A LICENSED SUBSTANCE ABUSE TREATMENT PROVIDER
30 THAT IS APPROVED BY THE DEPARTMENT OF HUMAN SERVICES; TO PROVIDE
31 THAT IF A PARENT OR CARETAKER RELATIVE IS DEEMED INELIGIBLE FOR
32 TANF BENEFITS AS A RESULT OF FAILING A DRUG TEST CONDUCTED UNDER
33 THIS ACT, THE DEPENDENT CHILD'S ELIGIBILITY FOR TANF BENEFITS IS
34 NOT AFFECTED AND AN APPROPRIATE PROTECTIVE PAYEE SHALL BE
35 DESIGNATED TO RECEIVE TANF BENEFITS ON BEHALF OF THE CHILD; TO
36 AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
37 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

38 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

39 **SECTION 1.** (1) As used in this section:

40 (a) "Department" means the Department of Human
41 Services.



42 (b) "Drug" means a controlled substance, as defined in
43 Section 41-29-105, for which a person does not have a valid
44 prescription.

45 (c) "Drug test" means a chemical test administered for
46 the purpose of determining the presence or absence of a drug or
47 metabolites in a person's body fluids.

48 (2) Applicants for and recipients of Temporary Assistance to
49 Needy Families (TANF) benefits shall be required to take a drug
50 test to determine their eligibility to receive or continue
51 receiving the benefits. Dependent children under the age of
52 eighteen (18) years are exempt from the drug testing requirement.
53 For applicants, the drug test shall be taken at the time of or
54 after their application for TANF benefits. For recipients, the
55 drug test shall be taken once each year while the recipient is
56 receiving TANF benefits. The cost of the drug test is the
57 responsibility of the person who is tested.

58 (a) A person subject to the requirements of this
59 section includes any parent or caretaker relative who is included
60 in the dependent child's budget, including a person who may be
61 exempt from work activity requirements for any of the reasons
62 specified in Section 43-17-5(6)(b).

63 (b) A person who tests positive for a drug in a drug
64 test conducted under this section is ineligible to receive TANF
65 benefits for one (1) year after the date of the positive drug
66 test, unless the person meets the requirements of subsection (4)
67 of this section. If the person tests positive for a drug again,
68 he or she is ineligible to receive TANF benefits for three (3)
69 years after the date of the second positive drug test, unless the
70 person meets the requirements of subsection (4) of this section.

71 (3) The department shall:

72 (a) Provide notice of the drug testing requirement to
73 each applicant for TANF benefits at the time of application. The
74 notice must advise the person that a drug test will be conducted



75 as a condition of receiving TANF benefits, and that the person
76 must bear the cost of the test. If the person tests negative for
77 a drug, the department shall increase the amount of the initial
78 TANF benefit by the amount paid by the person for the drug test.
79 The person shall be advised that the drug test may be avoided if
80 he or she does not apply for TANF benefits.

81 (b) Provide notice of the drug testing requirement to
82 each recipient of TANF benefits once each year while the recipient
83 is receiving the benefits. The notice must advise the person that
84 a drug test will be conducted as a condition of continuing to
85 receive TANF benefits, and that the person must bear the cost of
86 the test. If the person tests negative for a drug, the department
87 shall increase the amount of the TANF benefit for the next month
88 by the amount paid by the person for the drug test. The person
89 shall be advised that the drug test may be avoided if he or she
90 chooses not to continue receiving TANF benefits.

91 (c) Require both parents in two-parent families to
92 comply with the drug testing requirement.

93 (d) Require any teen parent who is not required to live
94 with a parent, legal guardian, or other adult caretaker relative
95 to comply with the drug testing requirement.

96 (e) Advise each person to be tested, before the test is
97 conducted, that he or she may, but is not required to, advise the
98 agent administering the test of any prescription or
99 over-the-counter medication that he or she is taking.

100 (f) Require each person to be tested to sign a written
101 acknowledgment that he or she has received and understood the
102 notice and advice provided under paragraph (a) or (b) and
103 paragraph (e) of this subsection.

104 (g) Assure each person being tested a reasonable degree
105 of dignity while producing and submitting a sample for the drug
106 test, consistent with the need to ensure the reliability of the
107 sample.



108 (h) Specify the circumstances under which a person who
109 fails a drug test has the right to take one or more additional
110 tests.

111 (i) Inform any person who tests positive for a drug and
112 is deemed ineligible for TANF benefits as a result that he or she
113 may reapply for those benefits one (1) year after the date of the
114 positive drug test, unless the person meets the requirements of
115 subsection (4) of this section.

116 (j) Provide any person who tests positive for a drug
117 with a list of licensed substance abuse treatment providers
118 available in the area in which he or she resides that are approved
119 by the department. Neither the department nor the state is
120 responsible for providing or paying for substance abuse treatment
121 as part of the drug testing conducted under this section.

122 (4) A person who tests positive for a drug and is deemed
123 ineligible for TANF benefits as a result may reapply for those
124 benefits after six (6) months if the person can document the
125 successful completion of a substance abuse treatment program
126 offered by a licensed substance abuse treatment provider that is
127 approved by the department. A person who has met the requirements
128 of this subsection and reapplies for TANF benefits must also pass
129 an initial drug test and meet the requirements of subsection (2)
130 of this section. Any drug test conducted while the person is
131 undergoing substance abuse treatment must meet the requirements of
132 subsection (2) of this section. The cost of any drug test and
133 substance abuse treatment provided under this section shall be the
134 responsibility of the person being tested and receiving treatment.
135 A person who fails the drug test conducted under this section may
136 reapply for benefits under this subsection only once.

137 (5) If a parent or caretaker relative is deemed ineligible
138 for TANF benefits as a result of failing a drug test conducted
139 under this section:



140 (a) The dependent child's eligibility for TANF benefits
141 is not affected.

142 (b) An appropriate protective payee shall be designated
143 to receive TANF benefits on behalf of the child.

144 (c) The parent or caretaker relative may choose to
145 designate another person to receive TANF benefits for the minor
146 child. The designated person must be an immediate family member
147 or, if an immediate family member is not available or the family
148 member declines the option, another person, approved by the
149 department, may be designated. The designated person also must
150 take a drug test before being approved to receive TANF benefits on
151 behalf of the child. If the designated person tests positive for
152 a drug, he or she is ineligible to receive TANF benefits on behalf
153 of the child.

154 (6) The department shall adopt rules to implement this
155 section.

156 **SECTION 2.** Section 43-17-5, Mississippi Code of 1972, is
157 amended as follows:

158 43-17-5. (1) The amount of Temporary Assistance for Needy
159 Families (TANF) benefits which may be granted for any dependent
160 child and a needy caretaker relative shall be determined by the
161 county department with due regard to the resources and necessary
162 expenditures of the family and the conditions existing in each
163 case, and in accordance with the rules and regulations made by the
164 Department of Human Services which shall not be less than the
165 Standard of Need in effect for 1988, and shall be sufficient when
166 added to all other income (except that any income specified in the
167 federal Social Security Act, as amended, may be disregarded) and
168 support available to the child to provide such child with a
169 reasonable subsistence compatible with decency and health. The
170 first family member in the dependent child's budget may receive an
171 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
172 the second family member in the dependent child's budget may



173 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
174 month; and each additional family member in the dependent child's
175 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
176 month. The maximum for any individual family member in the
177 dependent child's budget may be exceeded for foster or medical
178 care or in cases of children with an intellectual disability or a
179 physical disability. TANF benefits granted shall be specifically
180 limited only (a) to children existing or conceived at the time the
181 caretaker relative initially applies and qualifies for such
182 assistance, unless this limitation is specifically waived by the
183 department, or (b) to a child born following a
184 twelve-consecutive-month period of discontinued benefits by the
185 caretaker relative.

186 (2) TANF benefits in Mississippi shall be provided to the
187 recipient family by an online electronic benefits transfer system.

188 (3) The Department of Human Services shall deny TANF
189 benefits to the following categories of individuals, except for
190 individuals and families specifically exempt or excluded for good
191 cause as allowed by federal statute or regulation:

192 (a) Families without a minor child residing with the
193 custodial parent or other adult caretaker relative of the child;

194 (b) Families which include an adult who has received
195 TANF assistance for sixty (60) months after the commencement of
196 the Mississippi TANF program, whether or not such period of time
197 is consecutive;

198 (c) Families not assigning to the state any rights a
199 family member may have, on behalf of the family member or of any
200 other person for whom the family member has applied for or is
201 receiving such assistance, to support from any other person, as
202 required by law;

203 (d) Families who fail to cooperate in establishing
204 paternity or obtaining child support, as required by law;



205 (e) Any individual who has not attained eighteen (18)
206 years of age, is not married to the head of household, has a minor
207 child at least twelve (12) weeks of age in his or her care, and
208 has not successfully completed a high school education or its
209 equivalent, if such individual does not participate in educational
210 activities directed toward the attainment of a high school diploma
211 or its equivalent, or an alternative educational or training
212 program approved by the department;

213 (f) Any individual who has not attained eighteen (18)
214 years of age, is not married, has a minor child in his or her
215 care, and does not reside in a place or residence maintained by a
216 parent, legal guardian or other adult relative or the individual
217 as such parent's, guardian's or adult relative's own home;

218 (g) Any minor child who has been, or is expected by a
219 parent or other caretaker relative of the child to be, absent from
220 the home for a period of more than thirty (30) days;

221 (h) Any individual who is a parent or other caretaker
222 relative of a minor child who fails to notify the department of
223 the absence of the minor child from the home for the thirty-day
224 period specified in paragraph (g), by the end of the five-day
225 period that begins with the date that it becomes clear to the
226 individual that the minor child will be absent for the thirty-day
227 period;

228 (i) Any individual who fails to comply with the
229 provisions of the Employability Development Plan signed by the
230 individual which prescribe those activities designed to help the
231 individual become and remain employed, or to participate
232 satisfactorily in the assigned work activity, as authorized under
233 subsection (6) (c) and (d), or who does not engage in applicant job
234 search activities within the thirty-day period for TANF
235 application approval after receiving the advice and consultation
236 of eligibility workers and/or caseworkers of the department



237 providing a detailed description of available job search venues in
238 the individual's county of residence or the surrounding counties;

239 (j) A parent or caretaker relative who has not engaged
240 in an allowable work activity once the department determines the
241 parent or caretaker relative is ready to engage in work, or once
242 the parent or caretaker relative has received TANF assistance
243 under the program for twenty-four (24) months, whether or not
244 consecutive, whichever is earlier;

245 (k) Any individual who is fleeing to avoid prosecution,
246 or custody or confinement after conviction, under the laws of the
247 jurisdiction from which the individual flees, for a crime, or an
248 attempt to commit a crime, which is a felony under the laws of the
249 place from which the individual flees, or who is violating a
250 condition of probation or parole imposed under federal or state
251 law;

252 (l) Aliens who are not qualified under federal law;

253 (m) For a period of ten (10) years following
254 conviction, individuals convicted in federal or state court of
255 having made a fraudulent statement or representation with respect
256 to the individual's place of residence in order to receive TANF,
257 food stamps or Supplemental Security Income (SSI) assistance under
258 Title XVI or Title XIX simultaneously from two (2) or more
259 states; * * *

260 (n) Individuals who are recipients of federal
261 Supplemental Security Income (SSI) assistance; and

262 (o) Individuals who are not in compliance with the drug
263 testing provisions of Section 1 of this act.

264 (4) (a) Any person who is otherwise eligible for TANF
265 benefits, including custodial and noncustodial parents, shall be
266 required to attend school and meet the monthly attendance
267 requirement as provided in this subsection if all of the following
268 apply:

269 (i) The person is under age twenty (20);



270 (ii) The person has not graduated from a public or
271 private high school or obtained a GED equivalent;

272 (iii) The person is physically able to attend
273 school and is not excused from attending school; and

274 (iv) If the person is a parent or caretaker
275 relative with whom a dependent child is living, child care is
276 available for the child.

277 The monthly attendance requirement under this subsection
278 shall be attendance at the school in which the person is enrolled
279 for each day during a month that the school conducts classes in
280 which the person is enrolled, with not more than two (2) absences
281 during the month for reasons other than the reasons listed in
282 paragraph (e)(iv) of this subsection. Persons who fail to meet
283 participation requirements in this subsection shall be subject to
284 sanctions as provided in paragraph (f) of this subsection.

285 (b) As used in this subsection, "school" means any one
286 (1) of the following:

287 (i) A school as defined in Section 37-13-91(2);

288 (ii) A vocational, technical and adult education
289 program; or

290 (iii) A course of study meeting the standards
291 established by the State Department of Education for the granting
292 of a declaration of equivalency of high school graduation.

293 (c) If any compulsory-school-age child, as defined in
294 Section 37-13-91(2), to which TANF eligibility requirements apply
295 is not in compliance with the compulsory school attendance
296 requirements of Section 37-13-91(6), the superintendent of schools
297 of the school district in which the child is enrolled or eligible
298 to attend shall notify the county department of human services of
299 the child's noncompliance. The Department of Human Services shall
300 review school attendance information as provided under this
301 paragraph at all initial eligibility determinations and upon
302 subsequent report of unsatisfactory attendance.



303 (d) The signature of a person on an application for
304 TANF benefits constitutes permission for the release of school
305 attendance records for that person or for any child residing with
306 that person. The department shall request information from the
307 child's school district about the child's attendance in the school
308 district's most recently completed semester of attendance. If
309 information about the child's previous school attendance is not
310 available or cannot be verified, the department shall require the
311 child to meet the monthly attendance requirement for one (1)
312 semester or until the information is obtained. The department
313 shall use the attendance information provided by a school district
314 to verify attendance for a child. The department shall review
315 with the parent or caretaker relative a child's claim that he or
316 she has a good cause for not attending school.

317 A school district shall provide information to the department
318 about the attendance of a child who is enrolled in a public school
319 in the district within five (5) working days of the receipt of a
320 written request for that information from the department. The
321 school district shall define how many hours of attendance count as
322 a full day and shall provide that information, upon request, to
323 the department. In reporting attendance, the school district may
324 add partial days' absence together to constitute a full day's
325 absence.

326 If a school district fails to provide to the department the
327 information about the school attendance of any child within
328 fifteen (15) working days after a written request, the department
329 shall notify the Department of Audit within three (3) working days
330 of the school district's failure to comply with that requirement.
331 The Department of Audit shall begin audit proceedings within five
332 (5) working days of notification by the Department of Human
333 Services to determine the school district's compliance with the
334 requirements of this subsection (4). If the Department of Audit
335 finds that the school district is not in compliance with the



336 requirements of this subsection, the school district shall be
337 penalized as follows: The Department of Audit shall notify the
338 State Department of Education of the school district's
339 noncompliance, and the Department of Education shall reduce the
340 calculation of the school district's average daily attendance
341 (ADA) that is used to determine the allocation of Mississippi
342 Adequate Education Program funds by the number of children for
343 which the district has failed to provide to the Department of
344 Human Services the required information about the school
345 attendance of those children. The reduction in the calculation of
346 the school district's ADA under this paragraph shall be effective
347 for a period of one (1) year.

348 (e) A child who is required to attend school to meet
349 the requirements under this subsection shall comply except when
350 there is good cause, which shall be demonstrated by any of the
351 following circumstances:

352 (i) The minor parent is the caretaker of a child
353 less than twelve (12) weeks old; or

354 (ii) The department determines that child care
355 services are necessary for the minor parent to attend school and
356 there is no child care available; or

357 (iii) The child is prohibited by the school
358 district from attending school and an expulsion is pending. This
359 exemption no longer applies once the teenager has been expelled;
360 however, a teenager who has been expelled and is making
361 satisfactory progress towards obtaining a GED equivalent shall be
362 eligible for TANF benefits; or

363 (iv) The child failed to attend school for one or
364 more of the following reasons:

365 1. Illness, injury or incapacity of the child
366 or the minor parent's child;

367 2. Court-required appearances or temporary
368 incarceration;



369 3. Medical or dental appointments for the
370 child or minor parent's child;
371 4. Death of a close relative;
372 5. Observance of a religious holiday;
373 6. Family emergency;
374 7. Breakdown in transportation;
375 8. Suspension; or
376 9. Any other circumstance beyond the control
377 of the child, as defined in regulations of the department.

378 (f) Upon determination that a child has failed without
379 good cause to attend school as required, the department shall
380 provide written notice to the parent or caretaker relative
381 (whoever is the primary recipient of the TANF benefits) that
382 specifies:

383 (i) That the family will be sanctioned in the next
384 possible payment month because the child who is required to attend
385 school has failed to meet the attendance requirement of this
386 subsection;

387 (ii) The beginning date of the sanction, and the
388 child to whom the sanction applies;

389 (iii) The right of the child's parents or
390 caretaker relative (whoever is the primary recipient of the TANF
391 benefits) to request a fair hearing under this subsection.

392 The child's parent or caretaker relative (whoever is the
393 primary recipient of the TANF benefits) may request a fair hearing
394 on the department's determination that the child has not been
395 attending school. If the child's parents or caretaker relative
396 does not request a fair hearing under this subsection, or if,
397 after a fair hearing has been held, the hearing officer finds that
398 the child without good cause has failed to meet the monthly
399 attendance requirement, the department shall discontinue or deny
400 TANF benefits to the child thirteen (13) years old, or older, in
401 the next possible payment month. The department shall discontinue



402 or deny twenty-five percent (25%) of the family grant when a child
403 six (6) through twelve (12) years of age without good cause has
404 failed to meet the monthly attendance requirement. Both the child
405 and family sanction may apply when children in both age groups
406 fail to meet the attendance requirement without good cause. A
407 sanction applied under this subsection shall be effective for one
408 (1) month for each month that the child failed to meet the monthly
409 attendance requirement. In the case of a dropout, the sanction
410 shall remain in force until the parent or caretaker relative
411 provides written proof from the school district that the child has
412 reenrolled and met the monthly attendance requirement for one (1)
413 calendar month. Any month in which school is in session for at
414 least ten (10) days during the month may be used to meet the
415 attendance requirement under this subsection. This includes
416 attendance at summer school. The sanction shall be removed the
417 next possible payment month.

418 (5) All parents or caretaker relatives shall have their
419 dependent children receive vaccinations and booster vaccinations
420 against those diseases specified by the State Health Officer under
421 Section 41-23-37 in accordance with the vaccination and booster
422 vaccination schedule prescribed by the State Health Officer for
423 children of that age, in order for the parents or caretaker
424 relatives to be eligible or remain eligible to receive TANF
425 benefits. Proof of having received such vaccinations and booster
426 vaccinations shall be given by presenting the certificates of
427 vaccination issued by any health care provider licensed to
428 administer vaccinations, and submitted on forms specified by the
429 State Board of Health. If the parents without good cause do not
430 have their dependent children receive the vaccinations and booster
431 vaccinations as required by this subsection and they fail to
432 comply after thirty (30) days' notice, the department shall
433 sanction the family's TANF benefits by twenty-five percent (25%)



434 for the next payment month and each subsequent payment month until
435 the requirements of this subsection are met.

436 (6) (a) If the parent or caretaker relative applying for
437 TANF assistance is work eligible, as determined by the Department
438 of Human Services, the person shall be required to engage in an
439 allowable work activity once the department determines the parent
440 or caretaker relative is determined work eligible, or once the
441 parent or caretaker relative has received TANF assistance under
442 the program for twenty-four (24) months, whether or not
443 consecutive, whichever is earlier. No TANF benefits shall be
444 given to any person to whom this section applies who fails without
445 good cause to comply with the Employability Development Plan
446 prepared by the department for the person, or who has refused to
447 accept a referral or offer of employment, training or education in
448 which he or she is able to engage, subject to the penalties
449 prescribed in subsection (6)(e). A person shall be deemed to have
450 refused to accept a referral or offer of employment, training or
451 education if he or she:

452 (i) Willfully fails to report for an interview
453 with respect to employment when requested to do so by the
454 department; or

455 (ii) Willfully fails to report to the department
456 the result of a referral to employment; or

457 (iii) Willfully fails to report for allowable work
458 activities as prescribed in subsection (6)(c) and (d).

459 (b) The Department of Human Services shall operate a
460 statewide work program for TANF recipients to provide work
461 activities and supportive services to enable families to become
462 self-sufficient and improve their competitive position in the
463 workforce in accordance with the requirements of the federal
464 Personal Responsibility and Work Opportunity Reconciliation Act of
465 1996 (Public Law 104-193), as amended, and the regulations
466 promulgated thereunder, and the Deficit Reduction Act of 2005



467 (Public Law 109-171), as amended. Within sixty (60) days after
468 the initial application for TANF benefits, the TANF recipient must
469 participate in a job search skills training workshop or a job
470 readiness program, which shall include résumé writing, job search
471 skills, employability skills and, if available at no charge, the
472 General Aptitude Test Battery or its equivalent. All adults who
473 are not specifically exempt shall be referred by the department
474 for allowable work activities. An adult may be exempt from the
475 mandatory work activity requirement for the following reasons:

476 (i) Incapacity;

477 (ii) Temporary illness or injury, verified by
478 physician's certificate;

479 (iii) Is in the third trimester of pregnancy, and
480 there are complications verified by the certificate of a
481 physician, nurse practitioner, physician assistant, or any other
482 licensed health care professional practicing under a protocol with
483 a licensed physician;

484 (iv) Caretaker of a child under twelve (12)
485 months, for not more than twelve (12) months of the sixty-month
486 maximum benefit period;

487 (v) Caretaker of an ill or incapacitated person,
488 as verified by physician's certificate;

489 (vi) Age, if over sixty (60) or under eighteen
490 (18) years of age;

491 (vii) Receiving treatment for substance abuse, if
492 the person is in compliance with the substance abuse treatment
493 plan;

494 (viii) In a two-parent family, the caretaker of a
495 severely disabled child, as verified by a physician's certificate;
496 or

497 (ix) History of having been a victim of domestic
498 violence, which has been reported as required by state law and is
499 substantiated by police reports or court records, and being at



500 risk of further domestic violence, shall be exempt for a period as
501 deemed necessary by the department but not to exceed a total of
502 twelve (12) months, which need not be consecutive, in the
503 sixty-month maximum benefit period. For the purposes of this
504 subparagraph (ix), "domestic violence" means that an individual
505 has been subjected to:

- 506 1. Physical acts that resulted in, or
507 threatened to result in, physical injury to the individual;
- 508 2. Sexual abuse;
- 509 3. Sexual activity involving a dependent
510 child;
- 511 4. Being forced as the caretaker relative of
512 a dependent child to engage in nonconsensual sexual acts or
513 activities;
- 514 5. Threats of, or attempts at, physical or
515 sexual abuse;
- 516 6. Mental abuse; or
- 517 7. Neglect or deprivation of medical care.

518 (c) For all families, all adults who are not
519 specifically exempt shall be required to participate in work
520 activities for at least the minimum average number of hours per
521 week specified by federal law or regulation, not fewer than twenty
522 (20) hours per week (thirty-five (35) hours per week for
523 two-parent families) of which are attributable to the following
524 allowable work activities:

- 525 (i) Unsubsidized employment;
- 526 (ii) Subsidized private employment;
- 527 (iii) Subsidized public employment;
- 528 (iv) Work experience (including work associated
529 with the refurbishing of publicly assisted housing), if sufficient
530 private employment is not available;
- 531 (v) On-the-job training;



532 (vi) Job search and job readiness assistance
533 consistent with federal TANF regulations;
534 (vii) Community service programs;
535 (viii) Vocational educational training (not to
536 exceed twelve (12) months with respect to any individual);
537 (ix) The provision of child care services to an
538 individual who is participating in a community service program;
539 (x) Satisfactory attendance at high school or in a
540 course of study leading to a high school equivalency certificate,
541 for heads of household under age twenty (20) who have not
542 completed high school or received such certificate;
543 (xi) Education directly related to employment, for
544 heads of household under age twenty (20) who have not completed
545 high school or received such equivalency certificate.

546 (d) The following are allowable work activities which
547 may be attributable to hours in excess of the minimum specified in
548 subsection (6) (c):

549 (i) Job skills training directly related to
550 employment;

551 (ii) Education directly related to employment for
552 individuals who have not completed high school or received a high
553 school equivalency certificate;

554 (iii) Satisfactory attendance at high school or in
555 a course of study leading to a high school equivalency, for
556 individuals who have not completed high school or received such
557 equivalency certificate;

558 (iv) Job search and job readiness assistance
559 consistent with federal TANF regulations.

560 (e) If any adult or caretaker relative refuses to
561 participate in allowable work activity as required under this
562 subsection (6), the following full family TANF benefit penalty
563 will apply, subject to due process to include notification,
564 conciliation and a hearing if requested by the recipient:



565 (i) For the first violation, the department shall
566 terminate the TANF assistance otherwise payable to the family for
567 a two-month period or until the person has complied with the
568 required work activity, whichever is longer;

569 (ii) For the second violation, the department
570 shall terminate the TANF assistance otherwise payable to the
571 family for a six-month period or until the person has complied
572 with the required work activity, whichever is longer;

573 (iii) For the third violation, the department
574 shall terminate the TANF assistance otherwise payable to the
575 family for a twelve-month period or until the person has complied
576 with the required work activity, whichever is longer;

577 (iv) For the fourth violation, the person shall be
578 permanently disqualified.

579 For a two-parent family, unless prohibited by state or
580 federal law, Medicaid assistance shall be terminated only for the
581 person whose failure to participate in allowable work activity
582 caused the family's TANF assistance to be sanctioned under this
583 subsection (6)(e), unless an individual is pregnant, but shall not
584 be terminated for any other person in the family who is meeting
585 that person's applicable work requirement or who is not required
586 to work. Minor children shall continue to be eligible for
587 Medicaid benefits regardless of the disqualification of their
588 parent or caretaker relative for TANF assistance under this
589 subsection (6), unless prohibited by state or federal law.

590 (f) Any person enrolled in a two-year or four-year
591 college program who meets the eligibility requirements to receive
592 TANF benefits, and who is meeting the applicable work requirements
593 and all other applicable requirements of the TANF program, shall
594 continue to be eligible for TANF benefits while enrolled in the
595 college program for as long as the person meets the requirements
596 of the TANF program, unless prohibited by federal law.



597 (g) No adult in a work activity required under this
598 subsection (6) shall be employed or assigned (i) when any other
599 individual is on layoff from the same or any substantially
600 equivalent job within six (6) months before the date of the TANF
601 recipient's employment or assignment; or (ii) if the employer has
602 terminated the employment of any regular employee or otherwise
603 caused an involuntary reduction of its workforce in order to fill
604 the vacancy so created with an adult receiving TANF assistance.
605 The Mississippi Department of Employment Security, established
606 under Section 71-5-101, shall appoint one or more impartial
607 hearing officers to hear and decide claims by employees of
608 violations of this paragraph (g). The hearing officer shall hear
609 all the evidence with respect to any claim made hereunder and such
610 additional evidence as he may require and shall make a
611 determination and the reason therefor. The claimant shall be
612 promptly notified of the decision of the hearing officer and the
613 reason therefor. Within ten (10) days after the decision of the
614 hearing officer has become final, any party aggrieved thereby may
615 secure judicial review thereof by commencing an action, in the
616 circuit court of the county in which the claimant resides, against
617 the department for the review of such decision, in which action
618 any other party to the proceeding before the hearing officer shall
619 be made a defendant. Any such appeal shall be on the record which
620 shall be certified to the court by the department in the manner
621 provided in Section 71-5-531, and the jurisdiction of the court
622 shall be confined to questions of law which shall render its
623 decision as provided in that section.

624 (7) The Department of Human Services may provide child care
625 for eligible participants who require such care so that they may
626 accept employment or remain employed. The department may also
627 provide child care for those participating in the TANF program
628 when it is determined that they are satisfactorily involved in
629 education, training or other allowable work activities. The



630 department may contract with Head Start agencies to provide child
631 care services to TANF recipients. The department may also arrange
632 for child care by use of contract or vouchers, provide vouchers in
633 advance to a caretaker relative, reimburse a child care provider,
634 or use any other arrangement deemed appropriate by the department,
635 and may establish different reimbursement rates for child care
636 services depending on the category of the facility or home. Any
637 center-based or group home child care facility under this
638 subsection shall be licensed by the State Department of Health
639 pursuant to law. When child care is being provided in the child's
640 own home, in the home of a relative of the child, or in any other
641 unlicensed setting, the provision of such child care may be
642 monitored on a random basis by the Department of Human Services or
643 the State Department of Health. Transitional child care
644 assistance may be continued if it is necessary for parents to
645 maintain employment once support has ended, unless prohibited
646 under state or federal law. Transitional child care assistance
647 may be provided for up to twenty-four (24) months after the last
648 month during which the family was eligible for TANF assistance, if
649 federal funds are available for such child care assistance.

650 (8) The Department of Human Services may provide
651 transportation or provide reasonable reimbursement for
652 transportation expenses that are necessary for individuals to be
653 able to participate in allowable work activity under the TANF
654 program.

655 (9) Medicaid assistance shall be provided to a family of
656 TANF program participants for up to twenty-four (24) consecutive
657 calendar months following the month in which the participating
658 family would be ineligible for TANF benefits because of increased
659 income, expiration of earned income disregards, or increased hours
660 of employment of the caretaker relative; however, Medicaid
661 assistance for more than twelve (12) months may be provided only
662 if a federal waiver is obtained to provide such assistance for



663 more than twelve (12) months and federal and state funds are
664 available to provide such assistance.

665 (10) The department shall require applicants for and
666 recipients of public assistance from the department to sign a
667 personal responsibility contract that will require the applicant
668 or recipient to acknowledge his or her responsibilities to the
669 state.

670 (11) The department shall enter into an agreement with the
671 State Personnel Board and other state agencies that will allow
672 those TANF participants who qualify for vacant jobs within state
673 agencies to be placed in state jobs. State agencies participating
674 in the TANF work program shall receive any and all benefits
675 received by employers in the private sector for hiring TANF
676 recipients. This subsection (11) shall be effective only if the
677 state obtains any necessary federal waiver or approval and if
678 federal funds are available therefor.

679 (12) Any unspent TANF funds remaining from the prior fiscal
680 year may be expended for any TANF allowable activities.

681 (13) The Mississippi Department of Human Services shall
682 provide TANF applicants information and referral to programs that
683 provide information about birth control, prenatal health care,
684 abstinence education, marriage education, family preservation and
685 fatherhood.

686 (14) No new TANF program requirement or restriction
687 affecting a person's eligibility for TANF assistance, or allowable
688 work activity, which is not mandated by federal law or regulation
689 may be implemented by the Department of Human Services after July
690 1, 2004, unless such is specifically authorized by an amendment to
691 this section by the Legislature.

692 (15) This section shall stand repealed on July 1, 2014.

693 **SECTION 3.** This act shall take effect and be in force from
694 and after July 1, 2012.

