

By: Representative Scott

To: Public Health and Human Services

HOUSE BILL NO. 42

1 AN ACT TO PROVIDE THAT FROM AND AFTER OCTOBER 1, 2016, ALL  
2 RECIPIENTS OF PUBLIC BENEFITS THAT ARE FUNDED WITH STATE OR LOCAL  
3 FUNDS SHALL BE REQUIRED TO TAKE A DRUG TEST ANNUALLY TO DETERMINE  
4 THEIR ELIGIBILITY TO CONTINUE RECEIVING THE PUBLIC BENEFITS; TO  
5 PROVIDE THAT IF A RECIPIENT REFUSES TO TAKE THE REQUIRED DRUG  
6 TEST, THE RECIPIENT'S PUBLIC BENEFITS SHALL BE TERMINATED AND THE  
7 RECIPIENT MAY NOT RECEIVE ANY PUBLIC BENEFITS FOR A CERTAIN PERIOD  
8 OF TIME; TO PROVIDE THAT IF A RECIPIENT TESTS POSITIVE FOR THE  
9 UNLAWFUL USE OF A DRUG AFTER TAKING A DRUG TEST, THE RECIPIENT  
10 SHALL BE GIVEN A LIST OF APPROVED SUBSTANCE USE DISORDER TREATMENT  
11 PROVIDERS THAT ARE AVAILABLE IN THE AREA IN WHICH THE RECIPIENT  
12 RESIDES, AND MAY CONTINUE TO RECEIVE PUBLIC BENEFITS IF THE  
13 RECIPIENT ENTERS INTO AND FOLLOWS THE REQUIREMENTS OF A SUBSTANCE  
14 USE DISORDER TREATMENT PLAN; TO PROVIDE THAT IF A RECIPIENT  
15 DECLINES TO ENTER INTO A SUBSTANCE USE DISORDER TREATMENT PLAN, OR  
16 IF THE RECIPIENT ENTERS INTO, BUT FAILS TO MEET, A REQUIREMENT OF  
17 A SUBSTANCE USE DISORDER TREATMENT PLAN, THE RECIPIENT'S PUBLIC  
18 BENEFITS SHALL BE TERMINATED AND THE RECIPIENT MAY NOT RECEIVE ANY  
19 PUBLIC BENEFITS FOR A CERTAIN PERIOD OF TIME; TO PROVIDE THAT IF A  
20 RECIPIENT TESTS POSITIVE FOR THE UNLAWFUL USE OF ANY DRUG THREE  
21 TIMES, THE RECIPIENT'S PUBLIC BENEFITS SHALL BE TERMINATED AND THE  
22 RECIPIENT IS THEREAFTER INELIGIBLE TO RECEIVE ANY PUBLIC BENEFITS;  
23 TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, AND REPEAL  
24 SECTION 43-17-6, MISSISSIPPI CODE OF 1972, WHICH REQUIRES CERTAIN  
25 ADULT RECIPIENTS OF TANF BENEFITS TO TAKE A DRUG TEST AND  
26 PARTICIPATE IN A SUBSTANCE ABUSE DISORDER TREATMENT PLAN, TO  
27 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

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



30 (a) "Drug" means a controlled substance, as defined in  
31 Section 41-29-105, for which a person does not have a valid  
32 prescription.

33 (b) "Drug test" means a chemical test administered for  
34 the purpose of determining the presence or absence of a drug or  
35 metabolites in a person's body fluids.

36 (c) "Public benefits" means any salary, compensation,  
37 contracts, payments or grants that are funded, in whole or in  
38 part, with funds of the State of Mississippi or a political  
39 subdivision of the state.

40 (2) From and after October 1, 2016, all recipients of public  
41 benefits who are thirteen (13) years of age or older shall be  
42 required to take a drug test annually to determine their  
43 eligibility to continue receiving the public benefits.

44 (3) If a recipient refuses to take the required drug test,  
45 the recipient's public benefits shall be terminated and the  
46 recipient may not receive any public benefits for:

47 (a) Ninety (90) days after a first refusal to take a  
48 drug test within one (1) year; or

49 (b) One (1) year after a second refusal to take a drug  
50 test within one (1) year.

51 (4) If a recipient is given a drug test and he or she tests  
52 positive for the unlawful use of any drug, the recipient:



53           (a) Shall be given a list of approved substance use  
54 disorder treatment providers that are available in the area in  
55 which the recipient resides; and

56           (b) May continue to receive public benefits if the  
57 recipient enters into and follows the requirements of a substance  
58 use disorder treatment plan, including:

59                   (i) Receiving treatment from an approved substance  
60 use disorder treatment provider for at least sixty (60) days; and

61                   (ii) Testing negative for the unlawful use of a  
62 drug in an additional drug test given at the conclusion of  
63 treatment.

64           (5) The recipient must have documented proof from an  
65 approved substance use disorder treatment provider, not later than  
66 ninety (90) days after testing positive for the unlawful use of a  
67 drug, that he or she is free from substance abuse in order to  
68 continue receiving the public benefits.

69           (6) If a recipient declines to enter into a substance use  
70 disorder treatment plan, or if the recipient enters into but fails  
71 to meet a requirement of a substance use disorder treatment plan,  
72 including if the recipient refuses to take a drug test required by  
73 a substance use disorder treatment plan or tests positive for the  
74 unlawful use of a drug in a drug test required by a substance use  
75 disorder treatment plan, the recipient's public benefits shall be  
76 terminated and the recipient may not receive any public benefits  
77 for:



78 (a) Ninety (90) days after the day that the recipient  
79 is no longer eligible to receive public benefits; or

80 (b) One (1) year after the day that the recipient is no  
81 longer eligible to receive public benefits, if the recipient has  
82 on at least one (1) other occasion in the past year not been  
83 eligible to receive public benefits.

84 (7) If a recipient tests positive for the unlawful use of  
85 any drug three (3) times, the recipient's public benefits shall be  
86 terminated and the recipient is thereafter ineligible to receive  
87 any public benefits.

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

90 43-17-5. (1) The amount of Temporary Assistance for Needy  
91 Families (TANF) benefits which may be granted for any dependent  
92 child and a needy caretaker relative shall be determined by the  
93 county department with due regard to the resources and necessary  
94 expenditures of the family and the conditions existing in each  
95 case, and in accordance with the rules and regulations made by the  
96 Department of Human Services which shall not be less than the  
97 Standard of Need in effect for 1988, and shall be sufficient when  
98 added to all other income (except that any income specified in the  
99 federal Social Security Act, as amended, may be disregarded) and  
100 support available to the child to provide such child with a  
101 reasonable subsistence compatible with decency and health. The  
102 first family member in the dependent child's budget may receive an



103 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;  
104 the second family member in the dependent child's budget may  
105 receive an amount not to exceed Thirty-six Dollars (\$36.00) per  
106 month; and each additional family member in the dependent child's  
107 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
108 month. The maximum for any individual family member in the  
109 dependent child's budget may be exceeded for foster or medical  
110 care or in cases of children with an intellectual disability or a  
111 physical disability. TANF benefits granted shall be specifically  
112 limited only (a) to children existing or conceived at the time the  
113 caretaker relative initially applies and qualifies for such  
114 assistance, unless this limitation is specifically waived by the  
115 department, or (b) to a child born following a  
116 twelve-consecutive-month period of discontinued benefits by the  
117 caretaker relative.

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

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

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

126 (b) Families which include an adult who has received  
127 TANF assistance for sixty (60) months after the commencement of



128 the Mississippi TANF program, whether or not such period of time  
129 is consecutive;

130 (c) Families not assigning to the state any rights a  
131 family member may have, on behalf of the family member or of any  
132 other person for whom the family member has applied for or is  
133 receiving such assistance, to support from any other person, as  
134 required by law;

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

137 (e) Any individual who has not attained eighteen (18)  
138 years of age, is not married to the head of household, has a minor  
139 child at least twelve (12) weeks of age in his or her care, and  
140 has not successfully completed a high school education or its  
141 equivalent, if such individual does not participate in educational  
142 activities directed toward the attainment of a high school diploma  
143 or its equivalent, or an alternative educational or training  
144 program approved by the department;

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

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



153           (h) Any individual who is a parent or other caretaker  
154 relative of a minor child who fails to notify the department of  
155 the absence of the minor child from the home for the thirty-day  
156 period specified in paragraph (g), by the end of the five-day  
157 period that begins with the date that it becomes clear to the  
158 individual that the minor child will be absent for the thirty-day  
159 period;

160           (i) Any individual who fails to comply with the  
161 provisions of the Employability Development Plan signed by the  
162 individual which prescribe those activities designed to help the  
163 individual become and remain employed, or to participate  
164 satisfactorily in the assigned work activity, as authorized under  
165 subsection (6) (c) and (d), or who does not engage in applicant job  
166 search activities within the thirty-day period for TANF  
167 application approval after receiving the advice and consultation  
168 of eligibility workers and/or caseworkers of the department  
169 providing a detailed description of available job search venues in  
170 the individual's county of residence or the surrounding counties;

171           (j) A parent or caretaker relative who has not engaged  
172 in an allowable work activity once the department determines the  
173 parent or caretaker relative is ready to engage in work, or once  
174 the parent or caretaker relative has received TANF assistance  
175 under the program for twenty-four (24) months, whether or not  
176 consecutive, whichever is earlier;



177           (k) Any individual who is fleeing to avoid prosecution,  
178 or custody or confinement after conviction, under the laws of the  
179 jurisdiction from which the individual flees, for a crime, or an  
180 attempt to commit a crime, which is a felony under the laws of the  
181 place from which the individual flees, or who is violating a  
182 condition of probation or parole imposed under federal or state  
183 law;

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

185           (m) For a period of ten (10) years following  
186 conviction, individuals convicted in federal or state court of  
187 having made a fraudulent statement or representation with respect  
188 to the individual's place of residence in order to receive TANF,  
189 food stamps or Supplemental Security Income (SSI) assistance under  
190 Title XVI or Title XIX simultaneously from two (2) or more states;  
191 and

192           (n) Individuals who are recipients of federal  
193 Supplemental Security Income (SSI) assistance \* \* \*.

194 \* \* \*

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

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





201 (ii) The person has not graduated from a public or  
202 private high school or obtained a High School Equivalency Diploma  
203 equivalent;

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

206 (iv) If the person is a parent or caretaker  
207 relative with whom a dependent child is living, child care is  
208 available for the child.

209 The monthly attendance requirement under this subsection  
210 shall be attendance at the school in which the person is enrolled  
211 for each day during a month that the school conducts classes in  
212 which the person is enrolled, with not more than two (2) absences  
213 during the month for reasons other than the reasons listed in  
214 paragraph (e)(iv) of this subsection. Persons who fail to meet  
215 participation requirements in this subsection shall be subject to  
216 sanctions as provided in paragraph (f) of this subsection.

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

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

220 (ii) A vocational, technical and adult education  
221 program; or

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



225           (c) If any compulsory-school-age child, as defined in  
226 Section 37-13-91(2), to which TANF eligibility requirements apply  
227 is not in compliance with the compulsory school attendance  
228 requirements of Section 37-13-91(6), the superintendent of schools  
229 of the school district in which the child is enrolled or eligible  
230 to attend shall notify the county department of human services of  
231 the child's noncompliance. The Department of Human Services shall  
232 review school attendance information as provided under this  
233 paragraph at all initial eligibility determinations and upon  
234 subsequent report of unsatisfactory attendance.

235           (d) The signature of a person on an application for  
236 TANF benefits constitutes permission for the release of school  
237 attendance records for that person or for any child residing with  
238 that person. The department shall request information from the  
239 child's school district about the child's attendance in the school  
240 district's most recently completed semester of attendance. If  
241 information about the child's previous school attendance is not  
242 available or cannot be verified, the department shall require the  
243 child to meet the monthly attendance requirement for one (1)  
244 semester or until the information is obtained. The department  
245 shall use the attendance information provided by a school district  
246 to verify attendance for a child. The department shall review  
247 with the parent or caretaker relative a child's claim that he or  
248 she has a good cause for not attending school.



249           A school district shall provide information to the department  
250 about the attendance of a child who is enrolled in a public school  
251 in the district within five (5) working days of the receipt of a  
252 written request for that information from the department. The  
253 school district shall define how many hours of attendance count as  
254 a full day and shall provide that information, upon request, to  
255 the department. In reporting attendance, the school district may  
256 add partial days' absence together to constitute a full day's  
257 absence.

258           If a school district fails to provide to the department the  
259 information about the school attendance of any child within  
260 fifteen (15) working days after a written request, the department  
261 shall notify the Department of Audit within three (3) working days  
262 of the school district's failure to comply with that requirement.  
263 The Department of Audit shall begin audit proceedings within five  
264 (5) working days of notification by the Department of Human  
265 Services to determine the school district's compliance with the  
266 requirements of this subsection (4). If the Department of Audit  
267 finds that the school district is not in compliance with the  
268 requirements of this subsection, the school district shall be  
269 penalized as follows: The Department of Audit shall notify the  
270 State Department of Education of the school district's  
271 noncompliance, and the Department of Education shall reduce the  
272 calculation of the school district's average daily attendance  
273 (ADA) that is used to determine the allocation of Mississippi



274 Adequate Education Program funds by the number of children for  
275 which the district has failed to provide to the Department of  
276 Human Services the required information about the school  
277 attendance of those children. The reduction in the calculation of  
278 the school district's ADA under this paragraph shall be effective  
279 for a period of one (1) year.

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

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

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

289 (iii) The child is prohibited by the school  
290 district from attending school and an expulsion is pending. This  
291 exemption no longer applies once the teenager has been expelled;  
292 however, a teenager who has been expelled and is making  
293 satisfactory progress towards obtaining a High School Equivalency  
294 Diploma equivalent shall be eligible for TANF benefits; or

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

297 1. Illness, injury or incapacity of the child  
298 or the minor parent's child;



- 299                   2. Court-required appearances or temporary  
300 incarceration;
- 301                   3. Medical or dental appointments for the  
302 child or minor parent's child;
- 303                   4. Death of a close relative;
- 304                   5. Observance of a religious holiday;
- 305                   6. Family emergency;
- 306                   7. Breakdown in transportation;
- 307                   8. Suspension; or
- 308                   9. Any other circumstance beyond the control  
309 of the child, as defined in regulations of the department.

310                   (f) Upon determination that a child has failed without  
311 good cause to attend school as required, the department shall  
312 provide written notice to the parent or caretaker relative  
313 (whoever is the primary recipient of the TANF benefits) that  
314 specifies:

315                   (i) That the family will be sanctioned in the next  
316 possible payment month because the child who is required to attend  
317 school has failed to meet the attendance requirement of this  
318 subsection;

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

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



324           The child's parent or caretaker relative (whoever is the  
325 primary recipient of the TANF benefits) may request a fair hearing  
326 on the department's determination that the child has not been  
327 attending school. If the child's parents or caretaker relative  
328 does not request a fair hearing under this subsection, or if,  
329 after a fair hearing has been held, the hearing officer finds that  
330 the child without good cause has failed to meet the monthly  
331 attendance requirement, the department shall discontinue or deny  
332 TANF benefits to the child thirteen (13) years old, or older, in  
333 the next possible payment month. The department shall discontinue  
334 or deny twenty-five percent (25%) of the family grant when a child  
335 six (6) through twelve (12) years of age without good cause has  
336 failed to meet the monthly attendance requirement. Both the child  
337 and family sanction may apply when children in both age groups  
338 fail to meet the attendance requirement without good cause. A  
339 sanction applied under this subsection shall be effective for one  
340 (1) month for each month that the child failed to meet the monthly  
341 attendance requirement. In the case of a dropout, the sanction  
342 shall remain in force until the parent or caretaker relative  
343 provides written proof from the school district that the child has  
344 reenrolled and met the monthly attendance requirement for one (1)  
345 calendar month. Any month in which school is in session for at  
346 least ten (10) days during the month may be used to meet the  
347 attendance requirement under this subsection. This includes



348 attendance at summer school. The sanction shall be removed the  
349 next possible payment month.

350 (5) All parents or caretaker relatives shall have their  
351 dependent children receive vaccinations and booster vaccinations  
352 against those diseases specified by the State Health Officer under  
353 Section 41-23-37 in accordance with the vaccination and booster  
354 vaccination schedule prescribed by the State Health Officer for  
355 children of that age, in order for the parents or caretaker  
356 relatives to be eligible or remain eligible to receive TANF  
357 benefits. Proof of having received such vaccinations and booster  
358 vaccinations shall be given by presenting the certificates of  
359 vaccination issued by any health care provider licensed to  
360 administer vaccinations, and submitted on forms specified by the  
361 State Board of Health. If the parents without good cause do not  
362 have their dependent children receive the vaccinations and booster  
363 vaccinations as required by this subsection and they fail to  
364 comply after thirty (30) days' notice, the department shall  
365 sanction the family's TANF benefits by twenty-five percent (25%)  
366 for the next payment month and each subsequent payment month until  
367 the requirements of this subsection are met.

368 (6) (a) If the parent or caretaker relative applying for  
369 TANF assistance is work eligible, as determined by the Department  
370 of Human Services, the person shall be required to engage in an  
371 allowable work activity once the department determines the parent  
372 or caretaker relative is determined work eligible, or once the



373 parent or caretaker relative has received TANF assistance under  
374 the program for twenty-four (24) months, whether or not  
375 consecutive, whichever is earlier. No TANF benefits shall be  
376 given to any person to whom this section applies who fails without  
377 good cause to comply with the Employability Development Plan  
378 prepared by the department for the person, or who has refused to  
379 accept a referral or offer of employment, training or education in  
380 which he or she is able to engage, subject to the penalties  
381 prescribed in paragraph (e) of this subsection. A person shall be  
382 deemed to have refused to accept a referral or offer of  
383 employment, training or education if he or she:

384 (i) Willfully fails to report for an interview  
385 with respect to employment when requested to do so by the  
386 department; or

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

389 (iii) Willfully fails to report for allowable work  
390 activities as prescribed in paragraphs (c) and (d) of this  
391 subsection.

392 (b) The Department of Human Services shall operate a  
393 statewide work program for TANF recipients to provide work  
394 activities and supportive services to enable families to become  
395 self-sufficient and improve their competitive position in the  
396 workforce in accordance with the requirements of the federal  
397 Personal Responsibility and Work Opportunity Reconciliation Act of





398 1996 (Public Law 104-193), as amended, and the regulations  
399 promulgated thereunder, and the Deficit Reduction Act of 2005  
400 (Public Law 109-171), as amended. Within sixty (60) days after  
401 the initial application for TANF benefits, the TANF recipient must  
402 participate in a job search skills training workshop or a job  
403 readiness program, which shall include resume writing, job search  
404 skills, employability skills and, if available at no charge, the  
405 General Aptitude Test Battery or its equivalent. All adults who  
406 are not specifically exempt shall be referred by the department  
407 for allowable work activities. An adult may be exempt from the  
408 mandatory work activity requirement for the following reasons:

409 (i) Incapacity;

410 (ii) Temporary illness or injury, verified by  
411 physician's certificate;

412 (iii) Is in the third trimester of pregnancy, and  
413 there are complications verified by the certificate of a  
414 physician, nurse practitioner, physician assistant, or any other  
415 licensed health care professional practicing under a protocol with  
416 a licensed physician;

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

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



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

424 (vii) Receiving treatment for substance abuse, if  
425 the person is in compliance with the substance abuse treatment  
426 plan;

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

430 (ix) History of having been a victim of domestic  
431 violence, which has been reported as required by state law and is  
432 substantiated by police reports or court records, and being at  
433 risk of further domestic violence, shall be exempt for a period as  
434 deemed necessary by the department but not to exceed a total of  
435 twelve (12) months, which need not be consecutive, in the  
436 sixty-month maximum benefit period. For the purposes of this  
437 subparagraph (ix), "domestic violence" means that an individual  
438 has been subjected to:

439 1. Physical acts that resulted in, or  
440 threatened to result in, physical injury to the individual;

441 2. Sexual abuse;

442 3. Sexual activity involving a dependent  
443 child;

444 4. Being forced as the caretaker relative of  
445 a dependent child to engage in nonconsensual sexual acts or  
446 activities;



447                   5. Threats of, or attempts at, physical or  
448 sexual abuse;

449                   6. Mental abuse; or

450                   7. Neglect or deprivation of medical care.

451           (c) For all families, all adults who are not  
452 specifically exempt shall be required to participate in work  
453 activities for at least the minimum average number of hours per  
454 week specified by federal law or regulation, not fewer than twenty  
455 (20) hours per week (thirty-five (35) hours per week for  
456 two-parent families) of which are attributable to the following  
457 allowable work activities:

458                   (i) Unsubsidized employment;

459                   (ii) Subsidized private employment;

460                   (iii) Subsidized public employment;

461                   (iv) Work experience (including work associated  
462 with the refurbishing of publicly assisted housing), if sufficient  
463 private employment is not available;

464                   (v) On-the-job training;

465                   (vi) Job search and job readiness assistance  
466 consistent with federal TANF regulations;

467                   (vii) Community service programs;

468                   (viii) Vocational educational training (not to  
469 exceed twelve (12) months with respect to any individual);

470                   (ix) The provision of child care services to an  
471 individual who is participating in a community service program;



472 (x) Satisfactory attendance at high school or in a  
473 course of study leading to a high school equivalency certificate,  
474 for heads of household under age twenty (20) who have not  
475 completed high school or received such certificate;

476 (xi) Education directly related to employment, for  
477 heads of household under age twenty (20) who have not completed  
478 high school or received such equivalency certificate.

479 (d) The following are allowable work activities which  
480 may be attributable to hours in excess of the minimum specified  
481 in \* \* \* paragraph (c) of this subsection:

482 (i) Job skills training directly related to  
483 employment;

484 (ii) Education directly related to employment for  
485 individuals who have not completed high school or received a high  
486 school equivalency certificate;

487 (iii) Satisfactory attendance at high school or in  
488 a course of study leading to a high school equivalency, for  
489 individuals who have not completed high school or received such  
490 equivalency certificate;

491 (iv) Job search and job readiness assistance  
492 consistent with federal TANF regulations.

493 (e) If any adult or caretaker relative refuses to  
494 participate in allowable work activity as required under this  
495 subsection (6), the following full family TANF benefit penalty



496 will apply, subject to due process to include notification,  
497 conciliation and a hearing if requested by the recipient:

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

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

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

510 (iv) For the fourth violation, the person shall be  
511 permanently disqualified.

512 For a two-parent family, unless prohibited by state or  
513 federal law, Medicaid assistance shall be terminated only for the  
514 person whose failure to participate in allowable work activity  
515 caused the family's TANF assistance to be sanctioned under this  
516 \* \* \* paragraph (e), unless an individual is pregnant, but shall  
517 not be terminated for any other person in the family who is  
518 meeting that person's applicable work requirement or who is not  
519 required to work. Minor children shall continue to be eligible  
520 for Medicaid benefits regardless of the disqualification of their



521 parent or caretaker relative for TANF assistance under this  
522 subsection (6), unless prohibited by state or federal law.

523 (f) Any person enrolled in a two-year or four-year  
524 college program who meets the eligibility requirements to receive  
525 TANF benefits, and who is meeting the applicable work requirements  
526 and all other applicable requirements of the TANF program, shall  
527 continue to be eligible for TANF benefits while enrolled in the  
528 college program for as long as the person meets the requirements  
529 of the TANF program, unless prohibited by federal law.

530 (g) No adult in a work activity required under this  
531 subsection (6) shall be employed or assigned (i) when any other  
532 individual is on layoff from the same or any substantially  
533 equivalent job within six (6) months before the date of the TANF  
534 recipient's employment or assignment; or (ii) if the employer has  
535 terminated the employment of any regular employee or otherwise  
536 caused an involuntary reduction of its workforce in order to fill  
537 the vacancy so created with an adult receiving TANF assistance.  
538 The Mississippi Department of Employment Security, established  
539 under Section 71-5-101, shall appoint one or more impartial  
540 hearing officers to hear and decide claims by employees of  
541 violations of this paragraph (g). The hearing officer shall hear  
542 all the evidence with respect to any claim made hereunder and such  
543 additional evidence as he may require and shall make a  
544 determination and the reason therefor. The claimant shall be  
545 promptly notified of the decision of the hearing officer and the



546 reason therefor. Within ten (10) days after the decision of the  
547 hearing officer has become final, any party aggrieved thereby may  
548 secure judicial review thereof by commencing an action, in the  
549 circuit court of the county in which the claimant resides, against  
550 the department for the review of such decision, in which action  
551 any other party to the proceeding before the hearing officer shall  
552 be made a defendant. Any such appeal shall be on the record which  
553 shall be certified to the court by the department in the manner  
554 provided in Section 71-5-531, and the jurisdiction of the court  
555 shall be confined to questions of law which shall render its  
556 decision as provided in that section.

557 (7) The Department of Human Services may provide child care  
558 for eligible participants who require such care so that they may  
559 accept employment or remain employed. The department may also  
560 provide child care for those participating in the TANF program  
561 when it is determined that they are satisfactorily involved in  
562 education, training or other allowable work activities. The  
563 department may contract with Head Start agencies to provide child  
564 care services to TANF recipients. The department may also arrange  
565 for child care by use of contract or vouchers, provide vouchers in  
566 advance to a caretaker relative, reimburse a child care provider,  
567 or use any other arrangement deemed appropriate by the department,  
568 and may establish different reimbursement rates for child care  
569 services depending on the category of the facility or home. Any  
570 center-based or group home child care facility under this



571 subsection shall be licensed by the State Department of Health  
572 pursuant to law. When child care is being provided in the child's  
573 own home, in the home of a relative of the child, or in any other  
574 unlicensed setting, the provision of such child care may be  
575 monitored on a random basis by the Department of Human Services or  
576 the State Department of Health. Transitional child care  
577 assistance may be continued if it is necessary for parents to  
578 maintain employment once support has ended, unless prohibited  
579 under state or federal law. Transitional child care assistance  
580 may be provided for up to twenty-four (24) months after the last  
581 month during which the family was eligible for TANF assistance, if  
582 federal funds are available for such child care assistance.

583 (8) The Department of Human Services may provide  
584 transportation or provide reasonable reimbursement for  
585 transportation expenses that are necessary for individuals to be  
586 able to participate in allowable work activity under the TANF  
587 program.

588 (9) Medicaid assistance shall be provided to a family of  
589 TANF program participants for up to twenty-four (24) consecutive  
590 calendar months following the month in which the participating  
591 family would be ineligible for TANF benefits because of increased  
592 income, expiration of earned income disregards, or increased hours  
593 of employment of the caretaker relative; however, Medicaid  
594 assistance for more than twelve (12) months may be provided only  
595 if a federal waiver is obtained to provide such assistance for





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

598 (10) The department shall require applicants for and  
599 recipients of public assistance from the department to sign a  
600 personal responsibility contract that will require the applicant  
601 or recipient to acknowledge his or her responsibilities to the  
602 state.

603 (11) The department shall enter into an agreement with the  
604 State Personnel Board and other state agencies that will allow  
605 those TANF participants who qualify for vacant jobs within state  
606 agencies to be placed in state jobs. State agencies participating  
607 in the TANF work program shall receive any and all benefits  
608 received by employers in the private sector for hiring TANF  
609 recipients. This subsection (11) shall be effective only if the  
610 state obtains any necessary federal waiver or approval and if  
611 federal funds are available therefor.

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

614 (13) The Mississippi Department of Human Services shall  
615 provide TANF applicants information and referral to programs that  
616 provide information about birth control, prenatal health care,  
617 abstinence education, marriage education, family preservation and  
618 fatherhood.

619 (14) No new TANF program requirement or restriction  
620 affecting a person's eligibility for TANF assistance, or allowable



621 work activity, which is not mandated by federal law or regulation  
622 may be implemented by the Department of Human Services after July  
623 1, 2004, unless such is specifically authorized by an amendment to  
624 this section by the Legislature.

625         **SECTION 3.** Section 43-17-6, Mississippi Code of 1972, which  
626 requires certain adult recipients of TANF benefits to take a drug  
627 test and participate in a substance abuse disorder treatment plan,  
628 is repealed.

629         **SECTION 4.** This act shall take effect and be in force from  
630 and after its passage.

