MISSISSIPPI LEGISLATURE                                      REGULAR SESSION 2016

By: Senator(s) Hill                                      To: Public Health and Welfare

SENATE BILL NO. 2117

AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO IMPOSE CERTAIN RESTRICTIONS AFFECTING A PERSON'S ELIGIBILITY FOR TANF ASSISTANCE; TO PROHIBIT TANF RECIPIENTS FROM PURCHASING CERTAIN ITEMS WITH THEIR BENEFITS; TO LIMIT TANF ATM WITHDRAWALS, TO IMPOSE CERTAIN RESIDENCY REQUIREMENTS FOR TANF ELIGIBILITY; TO IMPOSE CERTAIN WORK REQUIREMENTS ON TANF RECIPIENTS; TO IMPOSE CERTAIN LIMITATIONS ON THE ALLOWABLE PERIOD OF TANF ELIGIBILITY; AND EXPENDITURES UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP); AND FOR RELATED PURPOSES.

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

SECTION 1. Section 43-17-5, Mississippi Code of 1972, is amended as follows:

43-17-5. (1) The amount of Temporary Assistance for Needy Families (TANF) benefits which may be granted for any dependent child and a needy caretaker relative shall be determined by the county department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case, and in accordance with the rules and regulations made by the Department of Human Services which shall not be less than the Standard of Need in effect for 1988, and shall be sufficient when added to all other income (except that any income specified in the
federal Social Security Act, as amended, may be disregarded) and
support available to the child to provide such child with a
reasonable subsistence compatible with decency and health. The
first family member in the dependent child's budget may receive an
amount not to exceed One Hundred Ten Dollars ($110.00) per month;
the second family member in the dependent child's budget may
receive an amount not to exceed Thirty-six Dollars ($36.00) per
month; and each additional family member in the dependent child's
budget an amount not to exceed Twenty-four Dollars ($24.00) per
month. The maximum for any individual family member in the
dependent child's budget may be exceeded for foster or medical
care or in cases of children with an intellectual disability or a
physical disability. TANF benefits granted shall be specifically
limited only (a) to children existing or conceived at the time the
caretaker relative initially applies and qualifies for such
assistance, unless this limitation is specifically waived by the
department, or (b) to a child born following a
twelve-consecutive-month period of discontinued benefits by the
caretaker relative.

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

(3) The Department of Human Services shall deny TANF
benefits to the following categories of individuals, except for
individuals and families specifically exempt or excluded for good
cause as allowed by federal statute or regulation:
(a) Families without a minor child residing with the

custodial parent or other adult caretaker relative of the child;

(b) Families which include an adult who has received

tANF assistance for sixty (60) months after the commencement of
the Mississippi TANF program, whether or not such period of time
is consecutive;

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

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

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

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

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

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

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

(j) A parent or caretaker relative who has not engaged
in an allowable work activity once the department determines the
(k) Any individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the jurisdiction from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or who is violating a condition of probation or parole imposed under federal or state law;

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

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

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

(o) Individuals who are eighteen (18) years of age or older who are not in compliance with the drug testing and substance use disorder treatment requirements of Section 43-17-6.

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

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

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

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

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

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

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

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

(ii) A vocational, technical and adult education
program; or
(iii) A course of study meeting the standards established by the State Department of Education for the granting of a declaration of equivalency of high school graduation.

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

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

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

If a school district fails to provide to the department the information about the school attendance of any child within fifteen (15) working days after a written request, the department shall notify the Department of Audit within three (3) working days of the school district's failure to comply with that requirement. The Department of Audit shall begin audit proceedings within five (5) working days of notification by the Department of Human Services to determine the school district's compliance with the requirements of this subsection (4). If the Department of Audit finds that the school district is not in compliance with the requirements of this subsection, the school district shall be penalized as follows: The Department of Audit shall notify the State Department of Education of the school district's noncompliance, and the Department of Education shall reduce the
calculation of the school district's average daily attendance (ADA) that is used to determine the allocation of Mississippi Adequate Education Program funds by the number of children for which the district has failed to provide to the Department of Human Services the required information about the school attendance of those children. The reduction in the calculation of the school district's ADA under this paragraph shall be effective for a period of one (1) year.

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

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

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

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

(iv) The child failed to attend school for one or more of the following reasons:
1. Illness, injury or incapacity of the child or the minor parent's child;
2. Court-required appearances or temporary incarceration;
3. Medical or dental appointments for the child or minor parent's child;
4. Death of a close relative;
5. Observance of a religious holiday;
6. Family emergency;
7. Breakdown in transportation;
8. Suspension; or
9. Any other circumstance beyond the control of the child, as defined in regulations of the department.

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

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

   (ii) The beginning date of the sanction, and the child to whom the sanction applies;
(iii) The right of the child's parents or caretaker relative (whoever is the primary recipient of the TANF benefits) to request a fair hearing under this subsection. The child's parent or caretaker relative (whoever is the primary recipient of the TANF benefits) may request a fair hearing on the department's determination that the child has not been attending school. If the child's parents or caretaker relative does not request a fair hearing under this subsection, or if, after a fair hearing has been held, the hearing officer finds that the child without good cause has failed to meet the monthly attendance requirement, the department shall discontinue or deny TANF benefits to the child thirteen (13) years old, or older, in the next possible payment month. The department shall discontinue or deny twenty-five percent (25%) of the family grant when a child six (6) through twelve (12) years of age without good cause has failed to meet the monthly attendance requirement. Both the child and family sanction may apply when children in both age groups fail to meet the attendance requirement without good cause. A sanction applied under this subsection shall be effective for one (1) month for each month that the child failed to meet the monthly attendance requirement. In the case of a dropout, the sanction shall remain in force until the parent or caretaker relative provides written proof from the school district that the child has reenrolled and met the monthly attendance requirement for one (1) calendar month. Any month in which school is in session for at
least ten (10) days during the month may be used to meet the
attendance requirement under this subsection. This includes
attendance at summer school. The sanction shall be removed the
next possible payment month.

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( * * *5) This subsection (5) is applicable to recipients
applying for TANF assistance prior to July 1, 2016.

(a) If the parent or caretaker relative applying for
TANF assistance is work eligible, as determined by the Department
of Human Services, the person shall be required to engage in an
allowable work activity once the department determines the parent
or caretaker relative is determined work eligible, or once the
parent or caretaker relative has received TANF assistance under
the program for twenty-four (24) months, whether or not
consecutive, whichever is earlier. No TANF benefits shall be
given to any person to whom this section applies who fails without
good cause to comply with the Employability Development Plan
prepared by the department for the person, or who has refused to
accept a referral or offer of employment, training or education in
which he or she is able to engage, subject to the penalties
prescribed in paragraph (e) of this subsection. A person shall be
deemed to have refused to accept a referral or offer of
employment, training or education if he or she:
(i) Willfully fails to report for an interview with respect to employment when requested to do so by the department; or

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

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

(b) The Department of Human Services shall operate a statewide work program for TANF recipients to provide work activities and supportive services to enable families to become self-sufficient and improve their competitive position in the workforce in accordance with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), as amended, and the regulations promulgated thereunder, and the Deficit Reduction Act of 2005 (Public Law 109-171), as amended. Within sixty (60) days after the initial application for TANF benefits, the TANF recipient must participate in a job search skills training workshop or a job readiness program, which shall include resume writing, job search skills, employability skills and, if available at no charge, the General Aptitude Test Battery or its equivalent. All adults who are not specifically exempt shall be referred by the department for allowable work activities. An adult may be exempt from the mandatory work activity requirement for the following reasons:
(i) Incapacity;

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

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

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

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

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

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

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

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

1. Physical acts that resulted in, or threatened to result in, physical injury to the individual;
2. Sexual abuse;
3. Sexual activity involving a dependent child;
4. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
5. Threats of, or attempts at, physical or sexual abuse;
6. Mental abuse; or
7. Neglect or deprivation of medical care.

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

(i) Unsubsidized employment;
(ii) Subsidized private employment;

(iii) Subsidized public employment;

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

(v) On-the-job training;

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

(vii) Community service programs;

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

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

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

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

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

(i) Job skills training directly related to employment;
(ii) Education directly related to employment for individuals who have not completed high school or received a high school equivalency certificate;

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

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

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

For the first violation, the department shall terminate the TANF assistance otherwise payable to the family for a * * * period or until the person has complied with the required work activity, whichever is longer * * *.

* * *

For a two-parent family, unless prohibited by state or federal law, Medicaid assistance shall be terminated only for the person whose failure to participate in allowable work activity caused the family's TANF assistance to be sanctioned under this * * * paragraph (e), unless an individual is pregnant, but shall not be terminated for any other person in the family who is
meeting that person's applicable work requirement or who is not
required to work. Minor children shall continue to be eligible
for Medicaid benefits regardless of the disqualification of their
parent or caretaker relative for TANF assistance under this
subsection (5), unless prohibited by state or federal law.

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

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

(* * *6) The Department of Human Services may provide child
care for eligible participants who require such care so that they
may accept employment or remain employed. The department may also
provide child care for those participating in the TANF program
when it is determined that they are satisfactorily involved in
education, training or other allowable work activities. The
department may contract with Head Start agencies to provide child
care services to TANF recipients. The department may also arrange
for child care by use of contract or vouchers, provide vouchers in
advance to a caretaker relative, reimburse a child care provider,
or use any other arrangement deemed appropriate by the department,
and may establish different reimbursement rates for child care services depending on the category of the facility or home. Any center-based or group home child care facility under this subsection shall be licensed by the State Department of Health pursuant to law. When child care is being provided in the child's own home, in the home of a relative of the child, or in any other unlicensed setting, the provision of such child care may be monitored on a random basis by the Department of Human Services or the State Department of Health. Transitional child care assistance may be continued if it is necessary for parents to maintain employment once support has ended, unless prohibited under state or federal law. Transitional child care assistance may be provided for up to twenty-four (24) months after the last month during which the family was eligible for TANF assistance, if federal funds are available for such child care assistance.

\(* * 7\) The Department of Human Services may provide transportation or provide reasonable reimbursement for transportation expenses that are necessary for individuals to be able to participate in allowable work activity under the TANF program.

\(* * 8\) Medicaid assistance shall be provided to a family of TANF program participants for up to twenty-four (24) consecutive calendar months following the month in which the participating family would be ineligible for TANF benefits because of increased income, expiration of earned income disregards, or
increased hours of employment of the caretaker relative; however, Medicaid assistance for more than twelve (12) months may be provided only if a federal waiver is obtained to provide such assistance for more than twelve (12) months and federal and state funds are available to provide such assistance.

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

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

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

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

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

(14) The restrictions imposed under this subsection (14)
shall be applicable to any person applying for TANF assistance on
or after July 1, 2016:

(a) Assistance may be granted under this subsection to
any dependent child, or relative, subject to the general
eligibility requirements as set out in subsection (1) of this
section, who resides in the State of Mississippi or whose parent
or other relative with whom the child is living resides in the
State of Mississippi. Such assistance shall be known as Temporary
Assistance for Needy Families (TANF). On and after January 1,
2017, the Department of Human Services shall conduct an electronic
check for any false information provided on an application for
TANF and other benefit programs administered by the department.
Where the husband and wife or cohabiting partners are living
together, both shall register for work under the program
requirements for Temporary Assistance for Needy Families in
accordance with criteria and guidelines prescribed by rules and regulations of the department.

(b) As used in this subsection, "family group" or "household" means the applicant or recipient for TANF, child care subsidy or employment services and all individuals living together in which there is a relationship of legal responsibility or a qualifying caretaker relationship. This will include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child. The family group shall not be eligible for TANF if the family group contains at least one (1) adult member who has received TANF, including the federal TANF assistance received in any other state, for thirty-six (36) calendar months beginning on and after October 1, 2014, unless the department determines a hardship exists and grants an extension allowing receipt of TANF until the forty-eight-month limit is reached. No extension beyond forty-eight (48) months shall be granted. Hardship provisions for a recipient include:

(i) Is a caretaker of a disabled family member living in the household;

(ii) Has a disability which precludes employment on a long-term basis or requires substantial rehabilitation;

(iii) Needs a time-limited extension to overcome the effects of domestic violence/sexual assault;

(iv) Is involved with Prevention and Protection Services (PPS) and has an open social service plan; or
(v) Is determined by the thirty-sixth month to have an extreme hardship other than what is designated in criteria listed in subparagraphs (i) through (iv) of this paragraph. This determination will be made by the department.

(c) All adults applying for TANF shall be required to complete a work program assessment as specified by the Mississippi Department of Human Services, including those who have been disqualified for or denied TANF benefits due to noncooperation, drug-testing requirements or fraud. Adults who are not otherwise eligible for TANF benefits, such as ineligible aliens, relative/nonrelative caretakers and adults receiving Supplemental Social Security Income (SSI) are not required to complete the assessment process. During the application processing period, applicants must complete at least one (1) module or its equivalent of the work program assessment to be considered eligible for TANF benefits, unless good cause is found to be exempt from the requirements. Good cause exemptions shall only include:

(i) The applicant can document an existing certification verifying completion of the work program assessment;

(ii) The applicant has a valid offer of employment or is employed a minimum of twenty (20) hours a week;

(iii) The applicant is a parenting teen without a GED or high school diploma;

(iv) The applicant is enrolled in job corps;
(v) The applicant is working with a refugee social services agency; or

(vi) The applicant has completed the work program assessment within the last twelve (12) months.

(d) The Department of Human Services shall maintain a sufficient level of dedicated work program staff to enable the agency to conduct work program case management services to TANF recipients in a timely manner and in full accordance with state law and department regulation.

(e) TANF mandatory work program applicants and recipients shall participate in work components that lead to competitive, and integrated employment. Components are defined by the federal government as being either primary or secondary. In order to meet federal work participation requirements, households need to meet at least thirty (30) hours of participation per week, at least twenty (20) hours of which need to be primary and at least ten (10) hours may be secondary components in one-parent households where the youngest child is six (6) years of age or older. Participation hours shall be fifty-five (55) hours in two-parent households (thirty-five (35) hours per week if child care is not used). The maximum assignment is forty (40) hours per week per individual. For two-parent families to meet the federal work participation rate, both parents must participate in a combined total of fifty-five (55) hours per week, fifty (50) hours of which must be in primary components, or one (1) or both parents
could be assigned a combined total of thirty-five (35) hours per week (thirty (30) hours of which must be primary components) if the Department of Human Services paid child care is not received by the family. Single-parent families with a child under age six (6) meet the federal participation requirement if the parent is engaged in work or work activities for at least twenty (20) hours per week in a primary work component. The following components meet federal definitions of primary hours of participation:

- full-or part-time employment, apprenticeship, work study,
- self-employment, job corps, subsidized employment, work experience sites, on-the-job training, supervised community service,
- vocational education, job search and job readiness. Secondary components include: job skills training, education directly related to employment such as adult basic education and English as a second language, and completion of a high school diploma or GED.

(f) A parent or other adult caretaker personally providing care for a child under the age of three (3) months in their TANF household is exempt from work participation activities until the month the child turns three (3) months of age. Such three-month limitation shall not apply to a parent or other adult caretaker who is personally providing care for a child born significantly premature, with serious medical conditions, or with a disability as defined by the department, and adopted in the rules and regulations. The three-month period is defined as two (2) consecutive months starting with the month after childbirth.
The exemption for caring for a child under three (3) months cannot be claimed:

(i) By either parent when two (2) parents are in the home and the household meets the two-parent definition for federal reporting purposes;

(ii) By one (1) parent or caretaker when the other parent or caretaker is in the home, and available, capable and suitable to provide care and the household does not meet the two-parent definition for federal reporting purposes;

(iii) By a person age nineteen (19) or younger when such person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent. Such person shall become exempt the month such person turns age twenty (20);

(iv) By any adult in the TANF assistance plan when at least one (1) adult has reached the thirty-six (36) months of TANF cash assistance; or

(v) By any person assigned to a work participation activity for substance use disorders.

(g) TANF work experience placements shall be reviewed after ninety (90) days and are limited to six (6) months per forty-eight-month lifetime limit. A client's progress shall be reviewed prior to each new placement regardless of the length of time they are at the work experience site.
(h) TANF participants with disabilities shall engage in required employment activities to the maximum extent consistent with their abilities. TANF participants shall provide current documentation by a qualified medical practitioner that details the abilities to engage in employment and any limitations in work activities along with the expected duration of such limitations. Disability is defined as a physical or mental impairment constituting or resulting in a substantial impediment to employment for such individual.

(i) Noncooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, and federal and department rules and regulations. The period of ineligibility for TANF benefits based on noncooperation with work programs shall be as follows:

   (i) For a first penalty, three (3) months and full cooperation with work program activities;

   (ii) For a second penalty, six (6) months and full cooperation with work program activities;

   (iii) For a third penalty, one (1) year and full cooperation with work program activities; and

   (iv) For a fourth or subsequent penalty, ten (10) years.

(j) Individuals who have not cooperated with TANF work programs shall be ineligible to participate in the Supplemental Nutrition Assistance Program (SNAP). The comparable penalty shall
be applied to only the individual in the Supplemental Nutrition Assistance Program (SNAP) who failed to comply with the TANF work requirement. The agency shall impose the same penalty to the member of the household who failed to comply with TANF requirements. The penalty periods are three (3) months, six (6) months, one (1) year, or ten (10) years.

(k) Noncooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, and federal and department rules and regulations and agency policy. The period of ineligibility for child care subsidy or TANF benefits based on parents' noncooperation with child support services shall be as follows:

(i) For the first penalty, three (3) months and cooperation with child support services prior to regaining eligibility;

(ii) For a second penalty, six (6) months and cooperation with child support services prior to regaining eligibility;

(iii) For a third penalty, one (1) year and cooperation with child support services prior to regaining eligibility; and

(iv) For a fourth penalty, ten (10) years.

(l) Individuals who have not cooperated without good cause with child support services shall be ineligible to participate in the Supplemental Nutrition Assistance Program.
(SNAP). The period of disqualification ends once it has been determined that such individual is cooperating with child support services.

(m) Any individual who is found to have committed fraud or is found guilty of the crime of theft in either the TANF or child care subsidy program shall render all adults in the family unit ineligible for TANF assistance. Adults in the household who were determined to have committed fraud or were convicted of the crime of theft shall render themselves and all adult household members ineligible for their lifetime for TANF assistance, even if fraud was committed in only one (1) program. Households who have been determined to have committed fraud or were convicted of the crime of theft shall be required to name a protective payee as approved by the department or the department's designee to administer TANF benefits or Supplemental Nutrition Assistance Program (SNAP) on behalf of the children. No adult in a household may have access to the TANF cash assistance benefit.

(n) (i) Supplemental Nutrition Assistance Program (SNAP) shall not be provided to any person convicted of a felony offense occurring on or after July 1, 2016, which includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance, or controlled substance analog. For Supplemental Nutrition Assistance Program (SNAP), the individual shall be permanently disqualified if they have been convicted of a state or federal
felony offense occurring on or after July 1, 2016, involving
possession or use of a controlled substance or controlled
substance analog.

(ii) Notwithstanding the provisions of
subparagraph (i) of this paragraph, an individual shall be
eligible for Supplemental Nutrition Assistance Program (SNAP)
assistance if the individual enrolls in and participates in a drug
treatment program approved by the department, submits to and
passes a drug test and agrees to submit to drug testing if
requested by the department pursuant to a drug-testing plan. An
individual's failure to submit to testing or failure to
successfully pass a drug test shall result in ineligibility for
the Supplemental Nutrition Assistance Program (SNAP) until a drug
test is successfully passed. Failure to successfully complete a
drug treatment program shall result in ineligibility for
Supplemental Nutrition Assistance Program (SNAP) assistance until
a drug treatment plan approved by the department is successfully
completed, the individual passes a drug test and agrees to submit
to drug testing if requested by the department pursuant to a
drug-testing plan.

(iii) The provisions of subparagraph (ii) of this
paragraph shall not apply to any individual who has been convicted
for a second or subsequent felony offense as provided in
subparagraph (i) of this paragraph.
(o) No TANF cash assistance shall be used to purchase alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public, or sexually oriented adult materials. No TANF cash assistance shall be used in any retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune-telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, pari-mutuel facility, or sexually oriented business or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under age eighteen (18) are not permitted. TANF cash assistance transactions for cash withdrawals from automated teller machines shall be limited to Twenty-five Dollars ($25.00) per transaction and to one (1) transaction per day. No TANF cash assistance shall be used for purchases at points of sale outside the State of Mississippi.

(p) (i) The Department of Human Services shall place a photograph of the recipient, if agreed to by such recipient of public assistance, on any Mississippi benefits card issued by the Mississippi Department of Human Services that the recipient uses.
in obtaining food, cash or any other services. When a recipient of public assistance is a minor or otherwise an incapacitated individual, a parent or legal guardian of such recipient may have a photograph of such parent or legal guardian placed on the card;

(ii) Any Mississippi benefits card with a photograph of a recipient shall be valid for voting purposes as a public assistance identification card; and

(iii) As used in this paragraph and its subparagraphs, "Mississippi benefits card" means any card issued to provide Supplemental Nutrition Assistance Program (SNAP) assistance, cash assistance or child care assistance, including, but not limited to, the vision card, EBT card and Mississippi benefits card.

(q) The Department of Human Services shall adopt rules and regulations:

(i) In determining eligibility for the child care subsidy program, including an income of a cohabiting partner in a child care household;

(ii) In determining and maintaining eligibility for non-TANF child care, requiring that all included adults shall be employed a minimum of twenty (20) hours per week or more as defined by the department or meet the following specific qualifying exemptions;

(iii) Adults who are not capable of meeting the requirements due to a documented physical or mental condition;
(iv) Adults who are former TANF recipients who need child care for employment after their TANF case has closed and earned income is a factor in the closure in the two (2) months immediately following TANF closure;

(v) Adult parents included in a case in which the only child receiving benefits is the child of a minor parent who is working on completion of high school or obtaining a GED; or

(vi) Adults who are participants in a mandatory Supplemental Nutrition Assistance Program (SNAP) education and training program.

The Department of Human Services shall provide child care for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the Occupational Outlook Handbook of the United States Department of Labor, Bureau of Labor Statistics. For occupations with less than an average job outlook, educational plans shall require approval of the department or the department's designee. Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program. Child care for postsecondary education shall be allowed for a lifetime maximum of twenty-four (24) months per adult. The twenty-four (24) months may not have to be consecutive. Students shall be engaged in paid employment for a minimum of fifteen (15) hours per week. In a two-parent adult household, child care would not be allowed if both parents are
adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a postsecondary student. The other parent shall meet another approvable criteria for child care subsidy.

(r) The Department of Human Services is prohibited from requesting or implementing a waiver or program from the U.S. Department of Agriculture for the time-limited assistance provisions for able-bodied adults aged eighteen (18) through forty-nine (49) without dependents in a household under the Supplemental Nutrition Assistance Program (SNAP). The time on Supplemental Nutrition Assistance Program (SNAP) for able-bodied adults aged eighteen (18) through forty-nine (49) without dependents in the household shall be limited to three (3) months in a thirty-six-month period if such adults are not meeting the requirements imposed by the U.S. Department of Agriculture that they must work for at least twenty (20) hours per week or participate in a federally approved work program or its equivalent.

(s) Eligibility for the Supplemental Nutrition Assistance Program (SNAP) shall be limited to those individuals who are citizens or who meet qualified noncitizen status as determined by the U.S. Department of Agriculture. Noncitizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the U.S. Department of Agriculture, residing within a household shall not be included.
when determining the household's size for the purposes of
assigning a benefit level to the household for Supplemental
Nutrition Assistance Program (SNAP) or comparing the household's
monthly income with the income eligibility standards. The gross
nonexempt earned and unearned income and resources of disqualified
individuals shall be counted in its entirety as available to the
remaining household members.

(t) The Department of Human Services shall not enact
any state option from the U.S. Department of Agriculture for
broad-based categorical eligibility for households applying for
Supplemental Nutrition Assistance Program (SNAP) according to the
provisions of 7 CFR Section 273.2(j)(2)(ii).

(u) No federal or state funds shall be used for
television, radio or billboard advertisements that are designed to
promote Supplemental Nutrition Assistance Program (SNAP) benefits
and enrollment. No federal or state funding shall be used for any
agreements with foreign governments designed to promote
Supplemental Nutrition Assistance Program (SNAP).

(v) (i) The Department of Human Services shall not
apply gross income standards for Supplemental Nutrition Assistance
Program (SNAP) higher than the standards specified in 7 USC
Section 2014(c) unless expressly required by federal law.
Categorical eligibility exempting households from such gross
income standards requirements shall not be granted for any
noncash, in-kind or other benefit unless expressly required by federal law.

(ii) The Department of Human Services shall not apply resource limits standards for the Supplemental Nutrition Assistance Program (SNAP) that are higher than the standards specified in 7 USC Section 2014(g)(1) unless expressly required by federal law. Categorical eligibility exempting households from such resource limits shall not be granted for any noncash, in-kind or other benefit unless expressly required by federal law.

(iii) By applying for or receiving Temporary Assistance for Needy Families, such applicant or recipient shall be deemed to have assigned to the department on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or on behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this subsection, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the department on behalf of the state. Such assignment shall be of all accrued, present or future rights to the support of the child surrendered to the caretaker.
The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2016.