

By: Senator(s) Hill

To: Public Health and
Welfare

SENATE BILL NO. 2117

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

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

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

14 43-17-5. (1) The amount of Temporary Assistance for Needy
 15 Families (TANF) benefits which may be granted for any dependent
 16 child and a needy caretaker relative shall be determined by the
 17 county department with due regard to the resources and necessary
 18 expenditures of the family and the conditions existing in each
 19 case, and in accordance with the rules and regulations made by the
 20 Department of Human Services which shall not be less than the
 21 Standard of Need in effect for 1988, and shall be sufficient when
 22 added to all other income (except that any income specified in the



23 federal Social Security Act, as amended, may be disregarded) and
24 support available to the child to provide such child with a
25 reasonable subsistence compatible with decency and health. The
26 first family member in the dependent child's budget may receive an
27 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
28 the second family member in the dependent child's budget may
29 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
30 month; and each additional family member in the dependent child's
31 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
32 month. The maximum for any individual family member in the
33 dependent child's budget may be exceeded for foster or medical
34 care or in cases of children with an intellectual disability or a
35 physical disability. TANF benefits granted shall be specifically
36 limited only (a) to children existing or conceived at the time the
37 caretaker relative initially applies and qualifies for such
38 assistance, unless this limitation is specifically waived by the
39 department, or (b) to a child born following a
40 twelve-consecutive-month period of discontinued benefits by the
41 caretaker relative.

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

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



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

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

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

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

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

69 (f) Any individual who has not attained eighteen (18)
70 years of age, is not married, has a minor child in his or her
71 care, and does not reside in a place or residence maintained by a



72 parent, legal guardian or other adult relative or the individual
73 as such parent's, guardian's or adult relative's own home;

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

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

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

95 (j) A parent or caretaker relative who has not engaged
96 in an allowable work activity once the department determines the



97 parent or caretaker relative is ready to engage in work, or once
98 the parent or caretaker relative has received TANF assistance
99 under the program for twenty-four (24) months, whether or not
100 consecutive, whichever is earlier;

101 (k) Any individual who is fleeing to avoid prosecution,
102 or custody or confinement after conviction, under the laws of the
103 jurisdiction from which the individual flees, for a crime, or an
104 attempt to commit a crime, which is a felony under the laws of the
105 place from which the individual flees, or who is violating a
106 condition of probation or parole imposed under federal or state
107 law;

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

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

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

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

120 (4) (a) Any person who is otherwise eligible for TANF
121 benefits, including custodial and noncustodial parents, shall be



122 required to attend school and meet the monthly attendance
123 requirement as provided in this subsection if all of the following
124 apply:

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

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

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

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

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

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

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

145 (ii) A vocational, technical and adult education
146 program; or



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

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

160 (d) The signature of a person on an application for
161 TANF benefits constitutes permission for the release of school
162 attendance records for that person or for any child residing with
163 that person. The department shall request information from the
164 child's school district about the child's attendance in the school
165 district's most recently completed semester of attendance. If
166 information about the child's previous school attendance is not
167 available or cannot be verified, the department shall require the
168 child to meet the monthly attendance requirement for one (1)
169 semester or until the information is obtained. The department
170 shall use the attendance information provided by a school district
171 to verify attendance for a child. The department shall review



172 with the parent or caretaker relative a child's claim that he or
173 she has a good cause for not attending school.

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

183 If a school district fails to provide to the department the
184 information about the school attendance of any child within
185 fifteen (15) working days after a written request, the department
186 shall notify the Department of Audit within three (3) working days
187 of the school district's failure to comply with that requirement.
188 The Department of Audit shall begin audit proceedings within five
189 (5) working days of notification by the Department of Human
190 Services to determine the school district's compliance with the
191 requirements of this subsection (4). If the Department of Audit
192 finds that the school district is not in compliance with the
193 requirements of this subsection, the school district shall be
194 penalized as follows: The Department of Audit shall notify the
195 State Department of Education of the school district's
196 noncompliance, and the Department of Education shall reduce the



197 calculation of the school district's average daily attendance
198 (ADA) that is used to determine the allocation of Mississippi
199 Adequate Education Program funds by the number of children for
200 which the district has failed to provide to the Department of
201 Human Services the required information about the school
202 attendance of those children. The reduction in the calculation of
203 the school district's ADA under this paragraph shall be effective
204 for a period of one (1) year.

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

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

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

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

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



- 222 1. Illness, injury or incapacity of the child
223 or the minor parent's child;
224 2. Court-required appearances or temporary
225 incarceration;
226 3. Medical or dental appointments for the
227 child or minor parent's child;
228 4. Death of a close relative;
229 5. Observance of a religious holiday;
230 6. Family emergency;
231 7. Breakdown in transportation;
232 8. Suspension; or
233 9. Any other circumstance beyond the control
234 of the child, as defined in regulations of the department.

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

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

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



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

249 The child's parent or caretaker relative (whoever is the
250 primary recipient of the TANF benefits) may request a fair hearing
251 on the department's determination that the child has not been
252 attending school. If the child's parents or caretaker relative
253 does not request a fair hearing under this subsection, or if,
254 after a fair hearing has been held, the hearing officer finds that
255 the child without good cause has failed to meet the monthly
256 attendance requirement, the department shall discontinue or deny
257 TANF benefits to the child thirteen (13) years old, or older, in
258 the next possible payment month. The department shall discontinue
259 or deny twenty-five percent (25%) of the family grant when a child
260 six (6) through twelve (12) years of age without good cause has
261 failed to meet the monthly attendance requirement. Both the child
262 and family sanction may apply when children in both age groups
263 fail to meet the attendance requirement without good cause. A
264 sanction applied under this subsection shall be effective for one
265 (1) month for each month that the child failed to meet the monthly
266 attendance requirement. In the case of a dropout, the sanction
267 shall remain in force until the parent or caretaker relative
268 provides written proof from the school district that the child has
269 reenrolled and met the monthly attendance requirement for one (1)
270 calendar month. Any month in which school is in session for at



271 least ten (10) days during the month may be used to meet the
272 attendance requirement under this subsection. This includes
273 attendance at summer school. The sanction shall be removed the
274 next possible payment month.

275 * * *

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

278 (a) If the parent or caretaker relative applying for
279 TANF assistance is work eligible, as determined by the Department
280 of Human Services, the person shall be required to engage in an
281 allowable work activity once the department determines the parent
282 or caretaker relative is determined work eligible, or once the
283 parent or caretaker relative has received TANF assistance under
284 the program for twenty-four (24) months, whether or not
285 consecutive, whichever is earlier. No TANF benefits shall be
286 given to any person to whom this section applies who fails without
287 good cause to comply with the Employability Development Plan
288 prepared by the department for the person, or who has refused to
289 accept a referral or offer of employment, training or education in
290 which he or she is able to engage, subject to the penalties
291 prescribed in paragraph (e) of this subsection. A person shall be
292 deemed to have refused to accept a referral or offer of
293 employment, training or education if he or she:



294 (i) Willfully fails to report for an interview
295 with respect to employment when requested to do so by the
296 department; or

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

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

302 (b) The Department of Human Services shall operate a
303 statewide work program for TANF recipients to provide work
304 activities and supportive services to enable families to become
305 self-sufficient and improve their competitive position in the
306 workforce in accordance with the requirements of the federal
307 Personal Responsibility and Work Opportunity Reconciliation Act of
308 1996 (Public Law 104-193), as amended, and the regulations
309 promulgated thereunder, and the Deficit Reduction Act of 2005
310 (Public Law 109-171), as amended. Within sixty (60) days after
311 the initial application for TANF benefits, the TANF recipient must
312 participate in a job search skills training workshop or a job
313 readiness program, which shall include resume writing, job search
314 skills, employability skills and, if available at no charge, the
315 General Aptitude Test Battery or its equivalent. All adults who
316 are not specifically exempt shall be referred by the department
317 for allowable work activities. An adult may be exempt from the
318 mandatory work activity requirement for the following reasons:



319 (i) Incapacity;

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

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

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

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

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

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

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

340 (ix) History of having been a victim of domestic
341 violence, which has been reported as required by state law and is
342 substantiated by police reports or court records, and being at
343 risk of further domestic violence, shall be exempt for a period as



344 deemed necessary by the department but not to exceed a total of
345 twelve (12) months, which need not be consecutive, in the
346 sixty-month maximum benefit period. For the purposes of this
347 subparagraph (ix), "domestic violence" means that an individual
348 has been subjected to:

- 349 1. Physical acts that resulted in, or
350 threatened to result in, physical injury to the individual;
- 351 2. Sexual abuse;
- 352 3. Sexual activity involving a dependent
353 child;
- 354 4. Being forced as the caretaker relative of
355 a dependent child to engage in nonconsensual sexual acts or
356 activities;
- 357 5. Threats of, or attempts at, physical or
358 sexual abuse;
- 359 6. Mental abuse; or
- 360 7. Neglect or deprivation of medical care.

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

- 368 (i) Unsubsidized employment;



369 (ii) Subsidized private employment;
370 (iii) Subsidized public employment;
371 (iv) Work experience (including work associated
372 with the refurbishing of publicly assisted housing), if sufficient
373 private employment is not available;
374 (v) On-the-job training;
375 (vi) Job search and job readiness assistance
376 consistent with federal TANF regulations;
377 (vii) Community service programs;
378 (viii) Vocational educational training (not to
379 exceed twelve (12) months with respect to any individual);
380 (ix) The provision of child care services to an
381 individual who is participating in a community service program;
382 (x) Satisfactory attendance at high school or in a
383 course of study leading to a high school equivalency certificate,
384 for heads of household under age twenty (20) who have not
385 completed high school or received such certificate;
386 (xi) Education directly related to employment, for
387 heads of household under age twenty (20) who have not completed
388 high school or received such equivalency certificate.
389 (d) The following are allowable work activities which
390 may be attributable to hours in excess of the minimum specified
391 in * * * paragraph (c) of this subsection:
392 (i) Job skills training directly related to
393 employment;



394 (ii) Education directly related to employment for
395 individuals who have not completed high school or received a high
396 school equivalency certificate;

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

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

403 (e) If any adult or caretaker relative refuses to
404 participate in allowable work activity as required under this
405 subsection (6), the following full family TANF benefit penalty
406 will apply, subject to due process to include notification,
407 conciliation and a hearing if requested by the recipient: * * *
408 For the first violation, the department shall terminate the TANF
409 assistance otherwise payable to the family for a * * * period or
410 until the person has complied with the required work activity,
411 whichever is longer * * *.

412 * * *

413 For a two-parent family, unless prohibited by state or
414 federal law, Medicaid assistance shall be terminated only for the
415 person whose failure to participate in allowable work activity
416 caused the family's TANF assistance to be sanctioned under
417 this * * * paragraph (e), unless an individual is pregnant, but
418 shall not be terminated for any other person in the family who is



419 meeting that person's applicable work requirement or who is not
420 required to work. Minor children shall continue to be eligible
421 for Medicaid benefits regardless of the disqualification of their
422 parent or caretaker relative for TANF assistance under this
423 subsection (* * *5), unless prohibited by state or federal law.

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

431 (g) No adult in a work activity required under this
432 subsection (* * *5) shall be employed or assigned (i) when any
433 other individual is on layoff from the same or any substantially
434 equivalent job within six (6) months before the date of the TANF
435 recipient's employment or assignment; or (ii) if the employer has
436 terminated the employment of any regular employee or otherwise
437 caused an involuntary reduction of its workforce in order to fill
438 the vacancy so created with an adult receiving TANF assistance.
439 The Mississippi Department of Employment Security, established
440 under Section 71-5-101, shall appoint one or more impartial
441 hearing officers to hear and decide claims by employees of
442 violations of this paragraph (g). The hearing officer shall hear
443 all the evidence with respect to any claim made hereunder and such



444 additional evidence as he may require and shall make a
445 determination and the reason therefor. The claimant shall be
446 promptly notified of the decision of the hearing officer and the
447 reason therefor. Within ten (10) days after the decision of the
448 hearing officer has become final, any party aggrieved thereby may
449 secure judicial review thereof by commencing an action, in the
450 circuit court of the county in which the claimant resides, against
451 the department for the review of such decision, in which action
452 any other party to the proceeding before the hearing officer shall
453 be made a defendant. Any such appeal shall be on the record which
454 shall be certified to the court by the department in the manner
455 provided in Section 71-5-531, and the jurisdiction of the court
456 shall be confined to questions of law which shall render its
457 decision as provided in that section.

458 (* * *6) The Department of Human Services may provide child
459 care for eligible participants who require such care so that they
460 may accept employment or remain employed. The department may also
461 provide child care for those participating in the TANF program
462 when it is determined that they are satisfactorily involved in
463 education, training or other allowable work activities. The
464 department may contract with Head Start agencies to provide child
465 care services to TANF recipients. The department may also arrange
466 for child care by use of contract or vouchers, provide vouchers in
467 advance to a caretaker relative, reimburse a child care provider,
468 or use any other arrangement deemed appropriate by the department,



469 and may establish different reimbursement rates for child care
470 services depending on the category of the facility or home. Any
471 center-based or group home child care facility under this
472 subsection shall be licensed by the State Department of Health
473 pursuant to law. When child care is being provided in the child's
474 own home, in the home of a relative of the child, or in any other
475 unlicensed setting, the provision of such child care may be
476 monitored on a random basis by the Department of Human Services or
477 the State Department of Health. Transitional child care
478 assistance may be continued if it is necessary for parents to
479 maintain employment once support has ended, unless prohibited
480 under state or federal law. Transitional child care assistance
481 may be provided for up to twenty-four (24) months after the last
482 month during which the family was eligible for TANF assistance, if
483 federal funds are available for such child care assistance.

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

489 (* * *8) Medicaid assistance shall be provided to a family
490 of TANF program participants for up to twenty-four (24)
491 consecutive calendar months following the month in which the
492 participating family would be ineligible for TANF benefits because
493 of increased income, expiration of earned income disregards, or



494 increased hours of employment of the caretaker relative; however,
495 Medicaid assistance for more than twelve (12) months may be
496 provided only if a federal waiver is obtained to provide such
497 assistance for more than twelve (12) months and federal and state
498 funds are available to provide such assistance.

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

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

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

515 (* * *12) The Mississippi Department of Human Services
516 shall provide TANF applicants information and referral to programs
517 that provide information about birth control, prenatal health



518 care, abstinence education, marriage education, family
519 preservation and fatherhood.

520 (* * *13) No new TANF program requirement or restriction
521 affecting a person's eligibility for TANF assistance, or allowable
522 work activity, which is not mandated by federal law or regulation
523 may be implemented by the Department of Human Services after July
524 1, 2004, unless such is specifically authorized by an amendment to
525 this section by the Legislature.

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

529 (a) Assistance may be granted under this subsection to
530 any dependent child, or relative, subject to the general
531 eligibility requirements as set out in subsection (1) of this
532 section, who resides in the State of Mississippi or whose parent
533 or other relative with whom the child is living resides in the
534 State of Mississippi. Such assistance shall be known as Temporary
535 Assistance for Needy Families (TANF). On and after January 1,
536 2017, the Department of Human Services shall conduct an electronic
537 check for any false information provided on an application for
538 TANF and other benefit programs administered by the department.
539 Where the husband and wife or cohabiting partners are living
540 together, both shall register for work under the program
541 requirements for Temporary Assistance for Needy Families in



542 accordance with criteria and guidelines prescribed by rules and
543 regulations of the department.

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

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

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

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

565 (iv) Is involved with Prevention and Protection
566 Services (PPS) and has an open social service plan; or



567 (v) Is determined by the thirty-sixth month to
568 have an extreme hardship other than what is designated in criteria
569 listed in subparagraphs (i) through (iv) of this paragraph. This
570 determination will be made by the department.

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

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

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

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

590 (iv) The applicant is enrolled in job corps;



591 (v) The applicant is working with a refugee social
592 services agency; or

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

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

600 (e) TANF mandatory work program applicants and
601 recipients shall participate in work components that lead to
602 competitive, and integrated employment. Components are defined by
603 the federal government as being either primary or secondary. In
604 order to meet federal work participation requirements, households
605 need to meet at least thirty (30) hours of participation per week,
606 at least twenty (20) hours of which need to be primary and at
607 least ten (10) hours may be secondary components in one-parent
608 households where the youngest child is six (6) years of age or
609 older. Participation hours shall be fifty-five (55) hours in
610 two-parent households (thirty-five (35) hours per week if child
611 care is not used). The maximum assignment is forty (40) hours per
612 week per individual. For two-parent families to meet the federal
613 work participation rate, both parents must participate in a
614 combined total of fifty-five (55) hours per week, fifty (50) hours
615 of which must be in primary components, or one (1) or both parents



616 could be assigned a combined total of thirty-five (35) hours per
617 week (thirty (30) hours of which must be primary components) if
618 the Department of Human Services paid child care is not received
619 by the family. Single-parent families with a child under age six
620 (6) meet the federal participation requirement if the parent is
621 engaged in work or work activities for at least twenty (20) hours
622 per week in a primary work component. The following components
623 meet federal definitions of primary hours of participation:
624 full-or part-time employment, apprenticeship, work study,
625 self-employment, job corps, subsidized employment, work experience
626 sites, on-the-job training, supervised community service,
627 vocational education, job search and job readiness. Secondary
628 components include: job skills training, education directly
629 related to employment such as adult basic education and English as
630 a second language, and completion of a high school diploma or GED.

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



641 The exemption for caring for a child under three (3) months cannot
642 be claimed:

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

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

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

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

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

660 (g) TANF work experience placements shall be reviewed
661 after ninety (90) days and are limited to six (6) months per
662 forty-eight-month lifetime limit. A client's progress shall be
663 reviewed prior to each new placement regardless of the length of
664 time they are at the work experience site.



665 (h) TANF participants with disabilities shall engage in
666 required employment activities to the maximum extent consistent
667 with their abilities. TANF participants shall provide current
668 documentation by a qualified medical practitioner that details the
669 abilities to engage in employment and any limitations in work
670 activities along with the expected duration of such limitations.
671 Disability is defined as a physical or mental impairment
672 constituting or resulting in a substantial impediment to
673 employment for such individual.

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

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

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

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

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

687 (j) Individuals who have not cooperated with TANF work
688 programs shall be ineligible to participate in the Supplemental
689 Nutrition Assistance Program (SNAP). The comparable penalty shall



690 be applied to only the individual in the Supplemental Nutrition
691 Assistance Program (SNAP) who failed to comply with the TANF work
692 requirement. The agency shall impose the same penalty to the
693 member of the household who failed to comply with TANF
694 requirements. The penalty periods are three (3) months, six (6)
695 months, one (1) year, or ten (10) years.

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

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

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

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

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

712 (l) Individuals who have not cooperated without good
713 cause with child support services shall be ineligible to
714 participate in the Supplemental Nutrition Assistance Program



715 (SNAP). The period of disqualification ends once it has been
716 determined that such individual is cooperating with child support
717 services.

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

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



740 felony offense occurring on or after July 1, 2016, involving
741 possession or use of a controlled substance or controlled
742 substance analog.

743 (ii) Notwithstanding the provisions of
744 subparagraph (i) of this paragraph, an individual shall be
745 eligible for Supplemental Nutrition Assistance Program (SNAP)
746 assistance if the individual enrolls in and participates in a drug
747 treatment program approved by the department, submits to and
748 passes a drug test and agrees to submit to drug testing if
749 requested by the department pursuant to a drug-testing plan. An
750 individual's failure to submit to testing or failure to
751 successfully pass a drug test shall result in ineligibility for
752 the Supplemental Nutrition Assistance Program (SNAP) until a drug
753 test is successfully passed. Failure to successfully complete a
754 drug treatment program shall result in ineligibility for
755 Supplemental Nutrition Assistance Program (SNAP) assistance until
756 a drug treatment plan approved by the department is successfully
757 completed, the individual passes a drug test and agrees to submit
758 to drug testing if requested by the department pursuant to a
759 drug-testing plan.

760 (iii) The provisions of subparagraph (ii) of this
761 paragraph shall not apply to any individual who has been convicted
762 for a second or subsequent felony offense as provided in
763 subparagraph (i) of this paragraph.



764 (o) No TANF cash assistance shall be used to purchase
765 alcohol, cigarettes, tobacco products, lottery tickets, concert
766 tickets, professional or collegiate sporting event tickets or
767 tickets for other entertainment events intended for the general
768 public, or sexually oriented adult materials. No TANF cash
769 assistance shall be used in any retail liquor store, casino,
770 gaming establishment, jewelry store, tattoo parlor, massage
771 parlor, body piercing parlor, spa, nail salon, lingerie shop,
772 tobacco paraphernalia store, vapor cigarette store, psychic or
773 fortune-telling business, bail bond company, video arcade, movie
774 theater, swimming pool, cruise ship, theme park, dog or horse
775 racing facility, pari-mutuel facility, or sexually oriented
776 business or any retail establishment which provides adult-oriented
777 entertainment in which performers disrobe or perform in an
778 unclothed state for entertainment, or in any business or retail
779 establishment where minors under age eighteen (18) are not
780 permitted. TANF cash assistance transactions for cash withdrawals
781 from automated teller machines shall be limited to Twenty-five
782 Dollars (\$25.00) per transaction and to one (1) transaction per
783 day. No TANF cash assistance shall be used for purchases at
784 points of sale outside the State of Mississippi.

785 (p) (i) The Department of Human Services shall place a
786 photograph of the recipient, if agreed to by such recipient of
787 public assistance, on any Mississippi benefits card issued by the
788 Mississippi Department of Human Services that the recipient uses



789 in obtaining food, cash or any other services. When a recipient
790 of public assistance is a minor or otherwise an incapacitated
791 individual, a parent or legal guardian of such recipient may have
792 a photograph of such parent or legal guardian placed on the card;

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

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

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

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

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

812 (iii) Adults who are not capable of meeting the
813 requirements due to a documented physical or mental condition;



814 (iv) Adults who are former TANF recipients who
815 need child care for employment after their TANF case has closed
816 and earned income is a factor in the closure in the two (2) months
817 immediately following TANF closure;

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

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

824 The Department of Human Services shall provide child care for
825 the pursuit of any degree or certification if the occupation has
826 at least an average job outlook listed in the Occupational Outlook
827 Handbook of the United States Department of Labor, Bureau of Labor
828 Statistics. For occupations with less than an average job
829 outlook, educational plans shall require approval of the
830 department or the department's designee. Child care may also be
831 approved if the student provides verification of a specific job
832 offer that will be available to such student upon completion of
833 the program. Child care for postsecondary education shall be
834 allowed for a lifetime maximum of twenty-four (24) months per
835 adult. The twenty-four (24) months may not have to be
836 consecutive. Students shall be engaged in paid employment for a
837 minimum of fifteen (15) hours per week. In a two-parent adult
838 household, child care would not be allowed if both parents are



839 adults and attending a formal education or training program at the
840 same time. The household may choose which one of the parents is
841 participating as a postsecondary student. The other parent shall
842 meet another approvable criteria for child care subsidy.

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

857 (s) Eligibility for the Supplemental Nutrition
858 Assistance Program (SNAP) shall be limited to those individuals
859 who are citizens or who meet qualified noncitizen status as
860 determined by the U.S. Department of Agriculture. Noncitizen
861 individuals who are unable or unwilling to provide qualifying
862 immigrant documentation, as defined by the U.S. Department of
863 Agriculture, residing within a household shall not be included



864 when determining the household's size for the purposes of
865 assigning a benefit level to the household for Supplemental
866 Nutrition Assistance Program (SNAP) or comparing the household's
867 monthly income with the income eligibility standards. The gross
868 nonexempt earned and unearned income and resources of disqualified
869 individuals shall be counted in its entirety as available to the
870 remaining household members.

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

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

882 (v) (i) The Department of Human Services shall not
883 apply gross income standards for Supplemental Nutrition Assistance
884 Program (SNAP) higher than the standards specified in 7 USC
885 Section 2014(c) unless expressly required by federal law.
886 Categorical eligibility exempting households from such gross
887 income standards requirements shall not be granted for any



888 noncash, in-kind or other benefit unless expressly required by
889 federal law.

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

897 (iii) By applying for or receiving Temporary
898 Assistance for Needy Families, such applicant or recipient shall
899 be deemed to have assigned to the department on behalf of the
900 state any accrued, present or future rights to support from any
901 other person such applicant may have in such person's own behalf
902 or on behalf of any other family member for whom the applicant is
903 applying for or receiving aid. In any case in which an order for
904 child support has been established and the legal custodian and
905 obligee under the order surrenders physical custody of the child
906 to a caretaker relative without obtaining a modification of legal
907 custody and support rights on behalf of the child are assigned
908 pursuant to this subsection, the surrender of physical custody and
909 the assignment shall transfer, by operation of law, the child's
910 support rights under the order to the department on behalf of the
911 state. Such assignment shall be of all accrued, present or future
912 rights to the support of the child surrendered to the caretaker



913 relative. The assignment of support rights shall automatically
914 become effective upon the date of approval for or receipt of such
915 aid without the requirement that any document be signed.

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

