

By: Representative Scott

To: Public Health and Human Services

HOUSE BILL NO. 483

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE TEENAGE TANF
3 RECIPIENTS WITH INFORMATION AND REFERRAL TO PROGRAMS THAT PROVIDE
4 INFORMATION ABOUT BIRTH CONTROL, PRENATAL HEALTH CARE, ABSTINENCE
5 EDUCATION, MARRIAGE EDUCATION, PARENTING SKILLS, FAMILY
6 PRESERVATION AND FATHERHOOD, AND REQUIRE THOSE TANF RECIPIENTS TO
7 PARTICIPATE IN CERTAIN EDUCATIONAL ACTIVITIES EMPHASIZING
8 ABSTINENCE DESCRIBED IN THIS ACT; TO PROVIDE THAT AFTER THE
9 IDENTITY OF THE FATHER OF A CHILD OF ANY OF THOSE TANF RECIPIENTS
10 HAS BEEN LEGALLY DETERMINED, THE FATHER SHALL BE REQUIRED TO
11 PARTICIPATE IN THOSE PROGRAMS; TO PROVIDE THAT ANY UNSPENT TANF
12 FUNDS REMAINING FROM THE PRIOR FISCAL YEAR FIRST SHALL BE EXPENDED
13 TO PAY FOR THE EDUCATION-RELATED EXPENSES OF PERSONS WHO ARE
14 ENROLLED IN NURSING EDUCATION COURSES AS PART OF WORKFORCE
15 TRAINING AND PAY FOR THE CHILD CARE EXPENSES OF THOSE PERSONS
16 WHILE THEY ARE TAKING THE NURSING EDUCATION COURSES; TO REQUIRE
17 THE DIVISION OF MEDICAID TO PROVIDE TEENAGE MEDICAID RECIPIENTS
18 WITH INFORMATION AND REFERRAL TO PROGRAMS THAT PROVIDE INFORMATION
19 ABOUT BIRTH CONTROL, PRENATAL HEALTH CARE, ABSTINENCE EDUCATION,
20 MARRIAGE EDUCATION, PARENTING SKILLS, FAMILY PRESERVATION AND
21 FATHERHOOD, AND REQUIRE THOSE MEDICAID RECIPIENTS TO PARTICIPATE
22 IN THOSE PROGRAMS; TO PROVIDE THAT AFTER THE IDENTITY OF THE
23 FATHER OF A CHILD OF ANY OF THOSE MEDICAID RECIPIENTS HAS BEEN
24 LEGALLY DETERMINED, THE FATHER SHALL BE REQUIRED TO PARTICIPATE IN
25 THOSE PROGRAMS; TO ESTABLISH THE CRITERIA REQUIRED FOR THE
26 EDUCATIONAL ACTIVITY EMPHASIZING ABSTINENCE TO TEENAGE TANF
27 BENEFITS; TO REQUIRE THE EDUCATIONAL ACTIVITY TO BE TAUGHT IN A
28 MANNER THAT IS AGE AND DEVELOPMENTALLY APPROPRIATE; AND FOR
29 RELATED PURPOSES.

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



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

33 43-17-5. (1) The amount of Temporary Assistance for Needy
34 Families (TANF) benefits which may be granted for any dependent
35 child and a needy caretaker relative shall be determined by the
36 county department with due regard to the resources and necessary
37 expenditures of the family and the conditions existing in each
38 case, and in accordance with the rules and regulations made by the
39 Department of Human Services which shall not be less than the
40 Standard of Need in effect for 1988, and shall be sufficient when
41 added to all other income (except that any income specified in the
42 federal Social Security Act, as amended, may be disregarded) and
43 support available to the child to provide such child with a
44 reasonable subsistence compatible with decency and health. The
45 first family member in the dependent child's budget may receive an
46 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
47 the second family member in the dependent child's budget may
48 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
49 month; and each additional family member in the dependent child's
50 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
51 month. The maximum for any individual family member in the
52 dependent child's budget may be exceeded for foster or medical
53 care or in cases of children with an intellectual disability or a
54 physical disability. TANF benefits granted shall be specifically
55 limited only (a) to children existing or conceived at the time the



56 caretaker relative initially applies and qualifies for such
57 assistance, unless this limitation is specifically waived by the
58 department, or (b) to a child born following a
59 twelve-consecutive-month period of discontinued benefits by the
60 caretaker relative.

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

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

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

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

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

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



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

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

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

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

103 (i) Any individual who fails to comply with the
104 provisions of the Employability Development Plan signed by the



105 individual which prescribe those activities designed to help the
106 individual become and remain employed, or to participate
107 satisfactorily in the assigned work activity, as authorized under
108 subsection (6) (c) and (d), or who does not engage in applicant job
109 search activities within the thirty-day period for TANF
110 application approval after receiving the advice and consultation
111 of eligibility workers and/or caseworkers of the department
112 providing a detailed description of available job search venues in
113 the individual's county of residence or the surrounding counties;

114 (j) A parent or caretaker relative who has not engaged
115 in an allowable work activity once the department determines the
116 parent or caretaker relative is ready to engage in work, or once
117 the parent or caretaker relative has received TANF assistance
118 under the program for twenty-four (24) months, whether or not
119 consecutive, whichever is earlier;

120 (k) Any individual who is fleeing to avoid prosecution,
121 or custody or confinement after conviction, under the laws of the
122 jurisdiction from which the individual flees, for a crime, or an
123 attempt to commit a crime, which is a felony under the laws of the
124 place from which the individual flees, or who is violating a
125 condition of probation or parole imposed under federal or state
126 law;

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

128 (m) For a period of ten (10) years following
129 conviction, individuals convicted in federal or state court of



130 having made a fraudulent statement or representation with respect
131 to the individual's place of residence in order to receive TANF,
132 food stamps or Supplemental Security Income (SSI) assistance under
133 Title XVI or Title XIX simultaneously from two (2) or more states;

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

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

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

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

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

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

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

153 The monthly attendance requirement under this subsection
154 shall be attendance at the school in which the person is enrolled



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

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

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

164 (ii) A vocational, technical and adult education
165 program; or

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

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



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

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

202 If a school district fails to provide to the department the
203 information about the school attendance of any child within



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

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



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

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

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

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

241 1. Illness, injury or incapacity of the child
242 or the minor parent's child;

243 2. Court-required appearances or temporary
244 incarceration;

245 3. Medical or dental appointments for the
246 child or minor parent's child;

247 4. Death of a close relative;

248 5. Observance of a religious holiday;

249 6. Family emergency;

250 7. Breakdown in transportation;

251 8. Suspension; or



252 9. Any other circumstance beyond the control
253 of the child, as defined in regulations of the department.

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

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

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

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

268 The child's parent or caretaker relative (whoever is the
269 primary recipient of the TANF benefits) may request a fair hearing
270 on the department's determination that the child has not been
271 attending school. If the child's parents or caretaker relative
272 does not request a fair hearing under this subsection, or if,
273 after a fair hearing has been held, the hearing officer finds that
274 the child without good cause has failed to meet the monthly
275 attendance requirement, the department shall discontinue or deny
276 TANF benefits to the child thirteen (13) years old, or older, in



277 the next possible payment month. The department shall discontinue
278 or deny twenty-five percent (25%) of the family grant when a child
279 six (6) through twelve (12) years of age without good cause has
280 failed to meet the monthly attendance requirement. Both the child
281 and family sanction may apply when children in both age groups
282 fail to meet the attendance requirement without good cause. A
283 sanction applied under this subsection shall be effective for one
284 (1) month for each month that the child failed to meet the monthly
285 attendance requirement. In the case of a dropout, the sanction
286 shall remain in force until the parent or caretaker relative
287 provides written proof from the school district that the child has
288 reenrolled and met the monthly attendance requirement for one (1)
289 calendar month. Any month in which school is in session for at
290 least ten (10) days during the month may be used to meet the
291 attendance requirement under this subsection. This includes
292 attendance at summer school. The sanction shall be removed the
293 next possible payment month.

294 (5) All parents or caretaker relatives shall have their
295 dependent children receive vaccinations and booster vaccinations
296 against those diseases specified by the State Health Officer under
297 Section 41-23-37 in accordance with the vaccination and booster
298 vaccination schedule prescribed by the State Health Officer for
299 children of that age, in order for the parents or caretaker
300 relatives to be eligible or remain eligible to receive TANF
301 benefits. Proof of having received such vaccinations and booster



302 vaccinations shall be given by presenting the certificates of
303 vaccination issued by any health care provider licensed to
304 administer vaccinations, and submitted on forms specified by the
305 State Board of Health. If the parents without good cause do not
306 have their dependent children receive the vaccinations and booster
307 vaccinations as required by this subsection and they fail to
308 comply after thirty (30) days' notice, the department shall
309 sanction the family's TANF benefits by twenty-five percent (25%)
310 for the next payment month and each subsequent payment month until
311 the requirements of this subsection are met.

312 (6) (a) If the parent or caretaker relative applying for
313 TANF assistance is work eligible, as determined by the Department
314 of Human Services, the person shall be required to engage in an
315 allowable work activity once the department determines the parent
316 or caretaker relative is determined work eligible, or once the
317 parent or caretaker relative has received TANF assistance under
318 the program for twenty-four (24) months, whether or not
319 consecutive, whichever is earlier. No TANF benefits shall be
320 given to any person to whom this section applies who fails without
321 good cause to comply with the Employability Development Plan
322 prepared by the department for the person, or who has refused to
323 accept a referral or offer of employment, training or education in
324 which he or she is able to engage, subject to the penalties
325 prescribed in paragraph (e) of this subsection. A person shall be



326 deemed to have refused to accept a referral or offer of
327 employment, training or education if he or she:

328 (i) Willfully fails to report for an interview
329 with respect to employment when requested to do so by the
330 department; or

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

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

336 (b) The Department of Human Services shall operate a
337 statewide work program for TANF recipients to provide work
338 activities and supportive services to enable families to become
339 self-sufficient and improve their competitive position in the
340 workforce in accordance with the requirements of the federal
341 Personal Responsibility and Work Opportunity Reconciliation Act of
342 1996 (Public Law 104-193), as amended, and the regulations
343 promulgated thereunder, and the Deficit Reduction Act of 2005
344 (Public Law 109-171), as amended. Within sixty (60) days after
345 the initial application for TANF benefits, the TANF recipient must
346 participate in a job search skills training workshop or a job
347 readiness program, which shall include resume writing, job search
348 skills, employability skills and, if available at no charge, the
349 General Aptitude Test Battery or its equivalent. All adults who
350 are not specifically exempt shall be referred by the department



351 for allowable work activities. An adult may be exempt from the
352 mandatory work activity requirement for the following reasons:

353 (i) Incapacity;

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

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

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

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

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

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

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

374 (ix) History of having been a victim of domestic
375 violence, which has been reported as required by state law and is



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

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

385 2. Sexual abuse;

386 3. Sexual activity involving a dependent
387 child;

388 4. Being forced as the caretaker relative of
389 a dependent child to engage in nonconsensual sexual acts or
390 activities;

391 5. Threats of, or attempts at, physical or
392 sexual abuse;

393 6. Mental abuse; or

394 7. Neglect or deprivation of medical care.

395 (c) For all families, all adults who are not
396 specifically exempt shall be required to participate in work
397 activities for at least the minimum average number of hours per
398 week specified by federal law or regulation, not fewer than twenty
399 (20) hours per week (thirty-five (35) hours per week for



400 two-parent families) of which are attributable to the following
401 allowable work activities:

- 402 (i) Unsubsidized employment;
- 403 (ii) Subsidized private employment;
- 404 (iii) Subsidized public employment;
- 405 (iv) Work experience (including work associated
406 with the refurbishing of publicly assisted housing), if sufficient
407 private employment is not available;
- 408 (v) On-the-job training;
- 409 (vi) Job search and job readiness assistance
410 consistent with federal TANF regulations;
- 411 (vii) Community service programs;
- 412 (viii) Vocational educational training (not to
413 exceed twelve (12) months with respect to any individual);
- 414 (ix) The provision of child care services to an
415 individual who is participating in a community service program;
- 416 (x) Satisfactory attendance at high school or in a
417 course of study leading to a high school equivalency certificate,
418 for heads of household under age twenty (20) who have not
419 completed high school or received such certificate;
- 420 (xi) Education directly related to employment, for
421 heads of household under age twenty (20) who have not completed
422 high school or received such equivalency certificate.



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

426 (i) Job skills training directly related to
427 employment;

428 (ii) Education directly related to employment for
429 individuals who have not completed high school or received a high
430 school equivalency certificate;

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

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

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

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

446 (ii) For the second violation, the department
447 shall terminate the TANF assistance otherwise payable to the



448 family for a six-month period or until the person has complied
449 with the required work activity, whichever is longer;

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

454 (iv) For the fourth violation, the person shall be
455 permanently disqualified.

456 For a two-parent family, unless prohibited by state or
457 federal law, Medicaid assistance shall be terminated only for the
458 person whose failure to participate in allowable work activity
459 caused the family's TANF assistance to be sanctioned under
460 this * * * paragraph (e), unless an individual is pregnant, but
461 shall not be terminated for any other person in the family who is
462 meeting that person's applicable work requirement or who is not
463 required to work. Minor children shall continue to be eligible
464 for Medicaid benefits regardless of the disqualification of their
465 parent or caretaker relative for TANF assistance under this
466 subsection (6), unless prohibited by state or federal law.

467 (f) Any person enrolled in a two-year or four-year
468 college program who meets the eligibility requirements to receive
469 TANF benefits, and who is meeting the applicable work requirements
470 and all other applicable requirements of the TANF program, shall
471 continue to be eligible for TANF benefits while enrolled in the



472 college program for as long as the person meets the requirements
473 of the TANF program, unless prohibited by federal law.

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



497 shall be certified to the court by the department in the manner
498 provided in Section 71-5-531, and the jurisdiction of the court
499 shall be confined to questions of law which shall render its
500 decision as provided in that section.

501 (7) The Department of Human Services may provide child care
502 for eligible participants who require such care so that they may
503 accept employment or remain employed. The department may also
504 provide child care for those participating in the TANF program
505 when it is determined that they are satisfactorily involved in
506 education, training or other allowable work activities. The
507 department may contract with Head Start agencies to provide child
508 care services to TANF recipients. The department may also arrange
509 for child care by use of contract or vouchers, provide vouchers in
510 advance to a caretaker relative, reimburse a child care provider,
511 or use any other arrangement deemed appropriate by the department,
512 and may establish different reimbursement rates for child care
513 services depending on the category of the facility or home. Any
514 center-based or group home child care facility under this
515 subsection shall be licensed by the State Department of Health
516 pursuant to law. When child care is being provided in the child's
517 own home, in the home of a relative of the child, or in any other
518 unlicensed setting, the provision of such child care may be
519 monitored on a random basis by the Department of Human Services or
520 the State Department of Health. Transitional child care
521 assistance may be continued if it is necessary for parents to



522 maintain employment once support has ended, unless prohibited
523 under state or federal law. Transitional child care assistance
524 may be provided for up to twenty-four (24) months after the last
525 month during which the family was eligible for TANF assistance, if
526 federal funds are available for such child care assistance.

527 (8) The Department of Human Services may provide
528 transportation or provide reasonable reimbursement for
529 transportation expenses that are necessary for individuals to be
530 able to participate in allowable work activity under the TANF
531 program.

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

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



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

556 (12) Any unspent TANF funds remaining from the prior fiscal
557 year may be expended for any TANF allowable activities. However,
558 unspent TANF funds first shall be expended to pay for the
559 education-related expenses of persons who are enrolled in nursing
560 education courses as part of workforce training and pay for the
561 child care expenses of those persons while they are taking the
562 nursing education courses.

563 (13) The Mississippi Department of Human Services shall
564 provide TANF applicants and children from the ages of thirteen
565 (13) through twenty (20) years of age for which TANF benefits are
566 granted with information and referral to programs that provide
567 information about birth control, prenatal health care, abstinence
568 education, marriage education, parenting skills, family
569 preservation and fatherhood. Children from the ages of thirteen
570 (13) through twenty (20) years of age for which TANF benefits are
571 granted shall be required to participate in programs as described



572 in Section 3 of this act. After the identity of the father of a
573 child of a TANF recipient from the age of thirteen (13) through
574 twenty (20) years of age has been legally determined, the father
575 shall be required to participate in those programs.

576 (14) No new TANF program requirement or restriction
577 affecting a person's eligibility for TANF assistance, or allowable
578 work activity, which is not mandated by federal law or regulation
579 may be implemented by the Department of Human Services after July
580 1, 2004, unless such is specifically authorized by an amendment to
581 this section by the Legislature.

582 **SECTION 2.** The Division of Medicaid shall provide Medicaid
583 recipients who are from the ages of thirteen (13) through twenty
584 (20) years of age with information and referral to programs that
585 provide information about birth control, prenatal health care,
586 abstinence education, marriage education, parenting skills, family
587 preservation and fatherhood, and those Medicaid recipients shall
588 be required to participate in those programs. After the identity
589 of the father of a child of any of those Medicaid recipients has
590 been legally determined, the father shall be required to
591 participate in those programs.

592 **SECTION 3.** (1) All children from the ages of thirteen (13)
593 through twenty (20) years of age for which TANF benefits are
594 granted must participate in an educational activity that
595 emphasizes that abstinence is the expected norm in that abstinence
596 from sexual activity or behavior is the only protection that is



597 one hundred percent (100%) effective against unwanted teenage
598 pregnancy, sexually transmitted infections and HIV when
599 transmitted sexually. This educational activity shall be age and
600 developmentally appropriate.

601 (2) (a) For the purposes of this subsection:

602 (i) "Factual information" includes, without
603 limitation, medical, psychiatric, psychological, empirical and
604 statistical statements.

605 (ii) "Medically accurate" means verified or
606 supported by research conducted in compliance with scientific
607 methods, published in peer-review journals, where appropriate, and
608 recognized as accurate and objective by professional organizations
609 and agencies with expertise in the relevant field.

610 (b) All sex education courses that discuss sexual
611 activity or behavior must satisfy the following criteria:

612 (i) Factual information presented in course
613 material and instruction shall be medically accurate and
614 objective;

615 (ii) All course material and instruction shall be
616 age and developmentally appropriate;

617 (iii) Course material and instruction shall
618 include a discussion of sexual abstinence as a method to prevent
619 unintended pregnancy and sexually transmitted infections,
620 including HIV;



621 (iv) Course material and instruction shall present
622 the latest medically factual information regarding both the
623 possible side effects and health benefits of all forms of
624 contraception, including the success and failure rates for the
625 prevention of pregnancy and sexually transmitted infections,
626 including HIV;

627 (v) Course material and instruction shall include
628 a discussion of the possible consequences of unintended pregnancy
629 and sexually transmitted infections, including HIV;

630 (vi) Course material and instruction shall stress
631 that sexually transmitted infections are serious possible hazards
632 of sexual activity or behavior. Students shall be provided with
633 statistics based on the latest medical information citing the
634 failure and success rates of all contraceptive methods in
635 preventing unintended pregnancies and HIV and other sexually
636 transmitted infections;

637 (vii) Course material and instruction shall advise
638 students of the laws pertaining to their financial responsibility
639 to children born in and out of wedlock;

640 (viii) Course material and instruction shall
641 advise students that it is unlawful for males or females of any
642 age to engage in sexual conduct or have sexual relations with a
643 minor under a certain age;

644 (ix) Course material and instruction shall discuss
645 and provide for the development of positive communication skills



646 to maintain healthy relationships and avoid unwanted sexual
647 activity;

648 (x) Course material and instruction shall
649 emphasize that the student has the power to control personal
650 behavior. Students shall be encouraged to base their actions on
651 reasoning, self-discipline, sense of responsibility, self-control,
652 and ethical considerations, such as respect for oneself and
653 others;

654 (xi) Course material and instruction shall teach
655 students to refrain from making unwanted physical and verbal
656 sexual advances and how to reject unwanted sexual advances and
657 shall include information about verbal, physical, and visual
658 sexual harassment, including, without limitation, nonconsensual
659 sexual advances, nonconsensual physical sexual contact, and rape
660 by an acquaintance. The course material and instruction shall
661 contain methods of preventing sexual assault by an acquaintance,
662 including exercising good judgment and avoiding behavior that
663 impairs one's judgment. The course material and instruction shall
664 emphasize personal accountability and respect for others and shall
665 also encourage youth to resist negative peer pressure. The course
666 material and instruction shall inform students of the potential
667 legal consequences of sexual assault by an acquaintance;

668 (xii) Course material and instruction shall teach
669 male students about male accountability for sexual violence and



670 shall teach female students about reducing vulnerability for
671 sexual violence;

672 (xiii) Course material and instruction shall teach
673 students about counseling, medical, and legal resources available
674 to survivors of sexual abuse and sexual assault, including
675 resources for escaping violent relationships;

676 (xiv) Course material and instruction shall teach
677 students that it is wrong to take advantage of or to exploit
678 another person; and

679 (xv) Course material and instruction shall be free
680 of racial, ethnic, gender, religious or sexual orientation biases.

681 (c) An opportunity shall be afforded to parents or
682 guardians to examine the instructional materials to be used in the
683 class or course.

684 (3) Nothing in this section shall be construed to conflict
685 with or repeal the provisions of laws relating to abstinence
686 education and its components under Section 37-13-171.

687 **SECTION 4.** This act shall take effect and be in force from
688 and after July 1, 2018.

