

By: Senator(s) Sojourner, McDaniel

To: Medicaid

## SENATE BILL NO. 2776

1 AN ACT TO REQUIRE ADULT APPLICANTS FOR PUBLIC BENEFITS IN  
2 MISSISSIPPI TO COMPLY WITH MANDATORY COMMUNITY SERVICE PROGRAM  
3 REQUIREMENTS IN ORDER TO BE ELIGIBLE; TO PROVIDE THAT ANY SUCH  
4 PERSON WHO DOES NOT COMPLY SHALL BE INELIGIBLE TO RECEIVE PUBLIC  
5 ASSISTANCE FOR A PERIOD OF TIME BASED ON THE SERVICES OF  
6 NONCOMPLIANCE; TO PROVIDE PROCEDURES AND EXCEPTIONS FOR SUCH  
7 MANDATORY COMMUNITY SERVICE PROGRAMS TO BE DEVELOPED BY THE  
8 MISSISSIPPI DEPARTMENT OF HUMAN SERVICES; TO PROVIDE CRIMINAL  
9 PENALTIES FOR WILLFUL VIOLATIONS OF SUCH REQUIREMENTS; TO MAKE IT  
10 UNLAWFUL FOR ANY STATE AGENCY TO PROVIDE ANY PUBLIC BENEFIT IN  
11 VIOLATION OF SUCH REQUIREMENTS; TO AMEND SECTION 43-17-1,  
12 MISSISSIPPI CODE OF 1972, TO SPECIFICALLY REQUIRE THE DIVISION OF  
13 MEDICAID, THE DEPARTMENT OF HUMAN SERVICES, THE OFFICE OF  
14 EMPLOYMENT SECURITY AND THE MISSISSIPPI HOUSING AUTHORITIES TO  
15 REQUIRE APPLICANTS OF PUBLIC ASSISTANCE PROGRAMS TO COMPLY WITH  
16 MANDATORY COMMUNITY SERVICE AS REQUIRED UNDER THIS ACT; AND FOR  
17 RELATED PURPOSES.

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

19 **SECTION 1.** (1) Except as provided in subsection (7) of this  
20 section or where exempted by federal law, on or after July 1,  
21 2023, any natural person eighteen (18) years of age or older who  
22 has applied for Temporary Assistance for Needy Families (TANF)  
23 benefits shall be required to participate in a community service  
24 program administered by the Mississippi Department of Human  
25 Services.



26           (2) The State Department of Human Services, in conjunction  
27 with the Mississippi Department of Employment Security, shall  
28 establish and administer a community service program with such  
29 standards and procedures deemed necessary to accomplish the  
30 requirements of this section. The State Department of Human  
31 Services shall establish a minimum number of hours of regulated  
32 community service to be required for persons receiving TANF  
33 benefits, to be determined by the age of the public benefit  
34 recipient, and which shall be a minimum of twenty (20) hours of  
35 community service per week for adult recipients. The Department  
36 of Human Services shall, on a monthly basis, issue a list of  
37 nonprofit 501(c)(3) programs which are eligible for community  
38 service work requirements under this section, and no eligible  
39 nonprofit program shall be required to accept a recipient of  
40 public assistance for community service but may be encouraged to  
41 do so. Volunteer service at a public or private school shall  
42 qualify for mandatory community service requirements under this  
43 section. Volunteer service at a church where the recipient of  
44 public assistance is a member shall not qualify for mandatory  
45 community service requirements under this section. The State  
46 Department of Human Services shall issue regulations prescribing  
47 forms and procedures for the verification of community service  
48 requirements by the TANF recipients.

49           (3) Any person receiving TANF benefits who does not comply  
50 with mandatory community service requirements shall be ineligible



to receive the benefits for a period of time to be enforced by the agency head as follows:

(a) For the first noncompliance, a period of ninety (90) days;

(b) For the second noncompliance, a period of one hundred eighty (180) days; and

(c) For the third and subsequent noncompliance, a period of one (1) year, after which time the person shall be required to submit to a mandatory community service program before the person will be eligible to receive such TANF benefits.

(4) Any person receiving TANF benefits who refuses to submit to a mandatory community service program requirements shall be ineligible to receive such benefits for a period of one (1) year.

(5) This section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

(6) Mandatory community service requirements under this section shall not be required:

(a) For a child under the age of sixteen (16);

(b) For a child age sixteen (16) to eighteen (18) who is attending elementary or secondary school full time;

(c) For a recipient who has medical documentation of being disabled or medical documentation of an inability to participate in employment or the mandatory community service program for more than ninety (90) days because of a mental or physical condition. An individual is not disabled for purposes of



76 this paragraph if substance abuse is a contributing factor  
77 material to the determination of disability;

78 (d) For a recipient aged sixty-five (65) or older;

79 (e) For a parent with a child under the age of sixteen  
80 (16) if that child is in the home or a mother for postpartum  
81 recovery up to sixty (60) days after giving birth if that child is  
82 not in the home;

83 (f) For a pregnant recipient who, based on medical  
84 documentation, is severely restricted in her ability to  
85 participate in the mandatory community service program activities  
86 for the duration of the pregnancy;

87 (g) For the spouse of a recipient who is verified as  
88 disabled and living in the home with the spouse if it is verified  
89 that the spouse is needed in the home full time due to the extent  
90 of medical care required. An exemption under this subdivision  
91 shall not exceed a period of three hundred sixty-five (365) days  
92 without a review by a department caseworker;

93 (h) For a parent of a child who is verified as disabled  
94 and living in the home with the parent if it is verified that the  
95 parent is needed in the home due to the extent of medical care  
96 required. If the child attends school, the parent may be referred  
97 to the mandatory community service program with limitations. An  
98 exemption under this subdivision shall not exceed a period of  
99 three hundred sixty-five (365) days without a review by a  
100 department caseworker.



101           (7) It shall be unlawful for the Department of Human  
102 Services to provide any TANF benefits, in violation of this  
103 section. The Department of Human Services shall provide an annual  
104 report with respect to its compliance with this section.

105           (8) Any and all errors and significant delays caused by  
106 complying with this section shall be reported to the Governor who  
107 will monitor mandatory community service requirement errors and  
108 significant delays and report yearly on such errors and  
109 significant delays to ensure that the application of this section  
110 is not wrongfully denying benefits to legal residents of  
111 Mississippi.

112           (9) The provisions of this section shall be implemented  
113 after the date that the State Department of Human Services has  
114 received all federal waivers that are necessary to implement the  
115 provisions of this section from the United States Department of  
116 Health and Human Services.

117           (10) The Department of Human Services may promulgate rules  
118 in accordance with the Administrative Procedures Act identifying  
119 exemptions under this section. The Executive Director of the  
120 State Department of Human Services may grant exemptions for  
121 extenuating circumstances beyond the exemptions provided for in  
122 this section. The department shall annually provide to the  
123 Legislature, at the same time as the Department of Human Services  
124 Budget Proposal, a report of the number of exemptions issued under  
125 this section and the individual reason for those exemptions.



126       **SECTION 2.** Section 43-17-1, Mississippi Code of 1972, is  
127 amended as follows:

128       43-17-1. (1) The State of Mississippi hereby accepts all of  
129 the mandatory provisions and benefits, with the exception of those  
130 provisions under which the state may exercise its options, of  
131 Title I of an act passed by the Senate and House of  
132 Representatives of the United States of America, in Congress  
133 assembled, entitled: "The Personal Responsibility and Work  
134 Opportunity Reconciliation Act of 1996 (Public Law 104-193)," and  
135 known as the Temporary Assistance for Needy Families (TANF)  
136 program.

137       (2) The Department of Human Services shall have all  
138 necessary authority to cooperate with the federal government in  
139 the administration of Public Law 104-193 and all subsequent  
140 federal amendments thereto, to administer any legislation pursuant  
141 thereto enacted by the State of Mississippi, and to administer the  
142 funds provided by the federal government and the State of  
143 Mississippi under the provisions of Section 43-17-1 et seq., for  
144 providing temporary assistance for needy families with minor  
145 children. The Department of Human Services shall have full  
146 authority to formulate state plans consistent with state law as  
147 necessary to administer and operate federal grant funds which  
148 provide temporary assistance for needy families with minor  
149 children under Title IV-A of the federal Social Security Act. The  
150 Department of Human Services shall identify in any state plan



submitted to implement the TANF program those requirements or restrictions, including persons excluded from program participation which are required under federal law, and those program requirements or restrictions which the federal law authorizes but does not require.

(3) Any funds received by the State of Mississippi under the provisions of Public Law 104-193 shall be subject to appropriation by the Legislature and consistent with the terms and conditions required under such appropriation.

(4) The purpose of the Mississippi Temporary Assistance for Needy Families (TANF) program shall be to:

(a) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives when such care is beneficial and may be monitored on a random basis by the Department of Human Services or the State Department of Health;

(b) End the dependence of needy families on government benefits by promoting job preparation, work and marriage through, among other things, job placement, job training and job retention;

(c) Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies;

(d) Encourage the formation and maintenance of two-parent families; and

(e) Prevent program fraud and abuse.



176           (5) The Department of Human Services shall develop outcome  
177 and output indicators for each program established under the  
178 authority of this section. These measures shall provide  
179 legislators and administrators with information which measures the  
180 success or failure of the department in implementing the programs  
181 implemented under the authority of this section. The department  
182 shall annually report to the Legislature the outputs and outcomes  
183 of these programs, with the first report due by December 15, 1997.  
184 Such reports shall include recommendations for making programs  
185 more effective or efficient which can be effected in accordance  
186 with federal law.

187           (6) Assistance may be granted under this chapter to any  
188 dependent child and a caretaker relative who are living in a  
189 suitable family home meeting the standards of care and health and  
190 work requirements fixed by the laws of this state, and the rules  
191 and regulations of the State Department of Human Services.

192           (7) The Department of Human Services shall collaborate with  
193 the Office of Workforce Development on TANF programs related to  
194 job placement, job training and job retention.

195           (7) The division, in conjunction with the Mississippi  
196 Department of Human Services, shall require compliance with  
197 mandatory community service programs, for all applicants for  
198 assistance and for all categories of recipients pursuant to the  
199 requirements of Section 1 of this act.





200           **SECTION 3.** This act shall take effect and be in force from  
201 and after July 1, 2023.

