

By: Representative Johnson

To: Public Health and Human Services

HOUSE BILL NO. 582

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
 2 INCREASE THE MAXIMUM INCOME AND RESOURCES LIMITS FOR ELIGIBILITY
 3 FOR TANF BENEFITS; TO DELETE THE FAMILY CAP ON THE RECEIPT OF TANF
 4 BENEFITS; TO DELETE THE MANDATORY UP-FRONT JOB SEARCH FOR TANF
 5 APPLICANTS; TO DELETE THE REQUIREMENT TO BE IN COMPLIANCE WITH THE
 6 DRUG TESTING AND SUBSTANCE USE DISORDER TREATMENT REQUIREMENTS IN
 7 ORDER TO RECEIVE TANF BENEFITS; TO REMOVE THE FULL FAMILY SANCTION
 8 FOR REFUSAL OF AN ADULT OR CARETAKER RELATIVE TO PARTICIPATE IN
 9 ALLOWABLE WORK ACTIVITY AND HAVE THE SANCTION APPLY ONLY TO THAT
 10 PERSON; TO DELETE THE SANCTION FOR PERMANENT DISQUALIFICATION FOR
 11 TANF BENEFITS; TO PROVIDE THAT THE WORK REQUIREMENTS FOR TANF
 12 RECIPIENTS SHALL NOT APPLY TO THOSE RECIPIENTS WHO RESIDE IN AREAS
 13 THAT HAVE AN UNEMPLOYMENT RATE OR DO NOT HAVE A SUFFICIENT NUMBER
 14 OF JOBS TO PROVIDE EMPLOYMENT, AND SHALL NOT APPLY TO ANY TANF
 15 RECIPIENTS DURING A FORMAL STATE OR FEDERAL DECLARATION OF A
 16 NATURAL DISASTER OR STATE OF EMERGENCY; TO AMEND SECTION 43-12-35,
 17 MISSISSIPPI CODE OF 1972, TO CONFORM THE SANCTION PROVISIONS TO
 18 THOSE IN THE PRECEDING SECTION; TO REPEAL SECTION 43-12-27,
 19 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A FAMILY CAP ON THE
 20 RECEIPT OF TANF BENEFITS; TO REPEAL SECTION 43-17-6, MISSISSIPPI
 21 CODE OF 1972, WHICH REQUIRES APPLICANTS FOR AND RECIPIENTS OF TANF
 22 BENEFITS TO BE SCREENED AND TESTED FOR CERTAIN DRUGS AND RECEIVE
 23 TREATMENT FOR SUBSTANCE USE DISORDERS; AND FOR RELATED PURPOSES.

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

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

27 43-17-5. (1) (a) The amount of Temporary Assistance for
 28 Needy Families (TANF) benefits which may be granted for any



29 dependent child and a needy caretaker relative shall be determined
30 by the county department with due regard to the resources and
31 necessary expenditures of the family and the conditions existing
32 in each case, and in accordance with the rules and regulations
33 made by the Department of Human Services which shall not be less
34 than the Standard of Need in effect for 1988, and shall be
35 sufficient when added to all other income (except that any income
36 specified in the federal Social Security Act, as amended, may be
37 disregarded) and support available to the child to provide such
38 child with a reasonable subsistence compatible with decency and
39 health. In order to be eligible for TANF benefits, the income of
40 the persons in the assistance unit shall not be more than two
41 hundred percent (200%) of the federal poverty level, and the
42 resources of the persons in the assistance unit shall not be more
43 than Four Thousand Dollars (\$4,000.00).

44 (b) The first family member in the dependent child's
45 budget may receive an amount not to exceed Two Hundred Dollars
46 (\$200.00) per month; the second family member in the dependent
47 child's budget may receive an amount not to exceed Thirty-six
48 Dollars (\$36.00) per month; and each additional family member in
49 the dependent child's budget an amount not to exceed Twenty-four
50 Dollars (\$24.00) per month. The maximum for any individual family
51 member in the dependent child's budget may be exceeded for foster
52 or medical care or in cases of children with an intellectual
53 disability or a physical disability. * * *



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

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

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

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

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

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

73 (e) Any individual who has not attained eighteen (18)
74 years of age, is not married to the head of household, has a minor
75 child at least twelve (12) weeks of age in his or her care, and
76 has not successfully completed a high school education or its
77 equivalent, if such individual does not participate in educational
78 activities directed toward the attainment of a high school diploma



79 or its equivalent, or an alternative educational or training
80 program approved by the department;

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

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

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

96 (i) Any individual who fails to comply with the
97 provisions of the Employability Development Plan signed by the
98 individual which prescribe those activities designed to help the
99 individual become and remain employed, or to participate
100 satisfactorily in the assigned work activity, as authorized under
101 subsection (6) (c) and (d) * * *;

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



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

108 (k) Any individual who is fleeing to avoid prosecution,
109 or custody or confinement after conviction, under the laws of the
110 jurisdiction from which the individual flees, for a crime, or an
111 attempt to commit a crime, which is a felony under the laws of the
112 place from which the individual flees, or who is violating a
113 condition of probation or parole imposed under federal or state
114 law;

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

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

123 (n) Individuals who are recipients of federal
124 Supplemental Security Income (SSI) assistance * * *.

125 * * *

126 (4) (a) Any person who is otherwise eligible for TANF
127 benefits, including custodial and noncustodial parents, shall be
128 required to attend school and meet the monthly attendance



129 requirement as provided in this subsection if all of the following
130 apply:

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

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

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

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

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

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

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

151 (ii) A vocational, technical and adult education
152 program; or



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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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



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

255 The child's parent or caretaker relative (whoever is the
256 primary recipient of the TANF benefits) may request a fair hearing
257 on the department's determination that the child has not been
258 attending school. If the child's parents or caretaker relative
259 does not request a fair hearing under this subsection, or if,
260 after a fair hearing has been held, the hearing officer finds that
261 the child without good cause has failed to meet the monthly
262 attendance requirement, the department shall discontinue or deny
263 TANF benefits to the child thirteen (13) years old, or older, in
264 the next possible payment month. * * * A sanction applied under
265 this subsection shall be effective for one (1) month for each
266 month that the child failed to meet the monthly attendance
267 requirement. In the case of a dropout, the sanction shall remain
268 in force until the parent or caretaker relative provides written
269 proof from the school district that the child has reenrolled and
270 met the monthly attendance requirement for one (1) calendar month.
271 Any month in which school is in session for at least ten (10) days
272 during the month may be used to meet the attendance requirement
273 under this subsection. This includes attendance at summer school.
274 The sanction shall be removed the next possible payment month.

275 (5) All parents or caretaker relatives shall have their
276 dependent children receive vaccinations and booster vaccinations



277 against those diseases specified by the State Health Officer under
278 Section 41-23-37 in accordance with the vaccination and booster
279 vaccination schedule prescribed by the State Health Officer for
280 children of that age, in order for the parents or caretaker
281 relatives to be eligible or remain eligible to receive TANF
282 benefits. Proof of having received such vaccinations and booster
283 vaccinations shall be given by presenting the certificates of
284 vaccination issued by any health care provider licensed to
285 administer vaccinations, and submitted on forms specified by the
286 State Board of Health. If the parents without good cause do not
287 have their dependent children receive the vaccinations and booster
288 vaccinations as required by this subsection and they fail to
289 comply after thirty (30) days' notice, the department shall
290 sanction the family's TANF benefits by twenty-five percent (25%)
291 for the next payment month and each subsequent payment month until
292 the requirements of this subsection are met.

293 (6) (a) Except as otherwise provided in paragraph (h) of
294 this subsection (6), if the parent or caretaker relative applying
295 for TANF assistance is work eligible, as determined by the
296 Department of Human Services, the person shall be required to
297 engage in an allowable work activity once the department
298 determines the parent or caretaker relative is determined work
299 eligible, or once the parent or caretaker relative has received
300 TANF assistance under the program for twenty-four (24) months,
301 whether or not consecutive, whichever is earlier. No TANF



302 benefits shall be given to any person to whom this section applies
303 who fails without good cause to comply with the Employability
304 Development Plan prepared by the department for the person, or who
305 has refused to accept a referral or offer of employment, training
306 or education in which he or she is able to engage, subject to the
307 penalties prescribed in paragraph (e) of this subsection. A
308 person shall be deemed to have refused to accept a referral or
309 offer of employment, training or education if he or she:

310 (i) Willfully fails to report for an interview
311 with respect to employment when requested to do so by the
312 department; or

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

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

318 (b) The Department of Human Services shall operate a
319 statewide work program for TANF recipients to provide work
320 activities and supportive services to enable families to become
321 self-sufficient and improve their competitive position in the
322 workforce in accordance with the requirements of the federal
323 Personal Responsibility and Work Opportunity Reconciliation Act of
324 1996 (Public Law 104-193), as amended, and the regulations
325 promulgated thereunder, and the Deficit Reduction Act of 2005
326 (Public Law 109-171), as amended. * * * All adults who are not



327 specifically exempt shall be referred by the department for
328 allowable work activities. An adult may be exempt from the
329 mandatory work activity requirement for the following reasons:

330 (i) Incapacity;

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

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

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

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

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

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

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

350 or



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

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

362 2. Sexual abuse;

363 3. Sexual activity involving a dependent
364 child;

365 4. Being forced as the caretaker relative of
366 a dependent child to engage in nonconsensual sexual acts or
367 activities;

368 5. Threats of, or attempts at, physical or
369 sexual abuse;

370 6. Mental abuse; or

371 7. Neglect or deprivation of medical care.

372 (c) For all families, all adults who are not
373 specifically exempt shall be required to participate in work
374 activities for at least the minimum average number of hours per
375 week specified by federal law or regulation, not fewer than twenty



376 (20) hours per week (thirty-five (35) hours per week for
377 two-parent families) of which are attributable to the following
378 allowable work activities:

379 (i) Unsubsidized employment;

380 (ii) Subsidized private employment;

381 (iii) Subsidized public employment;

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

385 (v) On-the-job training;

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

388 (vii) Community service programs;

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

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

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

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



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

403 (i) Job skills training directly related to
404 employment;

405 (ii) Education directly related to employment for
406 individuals who have not completed high school or received a high
407 school equivalency certificate;

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

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

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

419 (i) For the first violation, the department shall
420 terminate the TANF assistance otherwise payable to the * * * adult
421 or caretaker relative for a two-month period or until the person
422 has complied with the required work activity, whichever is longer;

423 (ii) For the second violation, the department
424 shall terminate the TANF assistance otherwise payable to the * * *



425 adult or caretaker relative for a six-month period or until the
426 person has complied with the required work activity, whichever is
427 longer;

428 (iii) For the third and subsequent violations, the
429 department shall terminate the TANF assistance otherwise payable
430 to the * * * adult or caretaker relative for a twelve-month period
431 or until the person has complied with the required work activity,
432 whichever is longer * * *.

433 * * *

434 For a two-parent family, unless prohibited by state or
435 federal law, Medicaid assistance shall be terminated only for the
436 person whose failure to participate in allowable work activity
437 caused the * * * person's TANF assistance to be sanctioned under
438 this paragraph (e), unless an individual is pregnant, but shall
439 not be terminated for any other person in the family who is
440 meeting that person's applicable work requirement or who is not
441 required to work. Minor children shall continue to be eligible
442 for Medicaid benefits regardless of the disqualification of their
443 parent or caretaker relative for TANF assistance under this
444 subsection (6), unless prohibited by state or federal law.

445 (f) Any person enrolled in a two-year or four-year
446 college program who meets the eligibility requirements to receive
447 TANF benefits, and who is meeting the applicable work requirements
448 and all other applicable requirements of the TANF program, shall
449 continue to be eligible for TANF benefits while enrolled in the



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

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



475 shall be certified to the court by the department in the manner
476 provided in Section 71-5-531, and the jurisdiction of the court
477 shall be confined to questions of law which shall render its
478 decision as provided in that section.

479 (h) The work requirements of this subsection (6) shall
480 not apply to TANF recipients who reside in an area that has an
481 unemployment rate of more than ten percent (10%) or does not have
482 a sufficient number of jobs to provide employment for the
483 individuals, as determined by the department, and shall not apply
484 to any TANF recipients during a formal state or federal
485 declaration of a natural disaster or state of emergency.

486 (7) The Department of Human Services may provide child care
487 for eligible participants who require such care so that they may
488 accept employment or remain employed. The department may also
489 provide child care for those participating in the TANF program
490 when it is determined that they are satisfactorily involved in
491 education, training or other allowable work activities. The
492 department may contract with Head Start agencies to provide child
493 care services to TANF recipients. The department may also arrange
494 for child care by use of contract or vouchers, provide vouchers in
495 advance to a caretaker relative, reimburse a child care provider,
496 or use any other arrangement deemed appropriate by the department,
497 and may establish different reimbursement rates for child care
498 services depending on the category of the facility or home. Any
499 center-based or group home child care facility under this



500 subsection shall be licensed by the State Department of Health
501 pursuant to law. When child care is being provided in the child's
502 own home, in the home of a relative of the child, or in any other
503 unlicensed setting, the provision of such child care may be
504 monitored on a random basis by the Department of Human Services or
505 the State Department of Health. Transitional child care
506 assistance may be continued if it is necessary for parents to
507 maintain employment once support has ended, unless prohibited
508 under state or federal law. Transitional child care assistance
509 may be provided for up to twenty-four (24) months after the last
510 month during which the family was eligible for TANF assistance, if
511 federal funds are available for such child care assistance.

512 (8) The Department of Human Services may provide
513 transportation or provide reasonable reimbursement for
514 transportation expenses that are necessary for individuals to be
515 able to participate in allowable work activity under the TANF
516 program.

517 (9) Medicaid assistance shall be provided to a family of
518 TANF program participants for up to twenty-four (24) consecutive
519 calendar months following the month in which the participating
520 family would be ineligible for TANF benefits because of increased
521 income, expiration of earned income disregards, or increased hours
522 of employment of the caretaker relative; however, Medicaid
523 assistance for more than twelve (12) months may be provided only
524 if a federal waiver is obtained to provide such assistance for



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

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

532 (11) The department shall enter into an agreement with the
533 State Personnel Board and other state agencies that will allow
534 those TANF participants who qualify for vacant jobs within state
535 agencies to be placed in state jobs. State agencies participating
536 in the TANF work program shall receive any and all benefits
537 received by employers in the private sector for hiring TANF
538 recipients. This subsection (11) shall be effective only if the
539 state obtains any necessary federal waiver or approval and if
540 federal funds are available therefor. Not later than September 1,
541 2021, the department shall prepare a report, which shall be
542 provided to the Chairmen of the House and Senate Public Health
543 Committees and to any other member of the Legislature upon
544 request, on the history, status, outcomes and effectiveness of the
545 agreements required under this subsection.

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

548 (13) The Mississippi Department of Human Services shall
549 provide TANF applicants information and referral to programs that



550 provide information about birth control, prenatal health care,
551 abstinence education, marriage education, family preservation and
552 fatherhood. Not later than September 1, 2021, the department
553 shall prepare a report, which shall be provided to the Chairmen of
554 the House and Senate Public Health Committees and to any other
555 member of the Legislature upon request, on the history, status,
556 outcomes and effectiveness of the information and referral
557 requirements under this subsection.

558 (14) No new TANF program requirement or restriction
559 affecting a person's eligibility for TANF assistance, or allowable
560 work activity, which is not mandated by federal law or regulation
561 may be implemented by the Department of Human Services after July
562 1, 2004, unless such is specifically authorized by an amendment to
563 this section by the Legislature.

564 **SECTION 2.** Section 43-12-35, Mississippi Code of 1972, is
565 amended as follows:

566 43-12-35. **Noncompliance with Temporary Assistance for Needy**
567 **Families program rules.** (1) The Department of Human Services
568 shall only grant benefits when an approved applicant has signed a
569 written agreement clearly enumerating continued eligibility
570 requirements, circumstances in which sanctions may be imposed, and
571 any potential penalties for noncompliance.

572 (2) The department shall require all enrollees to be
573 compliant with all program requirements, including work
574 requirements, before granting benefits.



575 (3) The department shall institute * * * sanctions on TANF
576 recipients for * * * noncompliance with any TANF requirement * * *
577 as provided in Section 43-17-5(6)(e).

578 * * *

579 (* * *4) An individual sanctioned under subsection (3) of
580 this section shall not have benefits reinstated without reviewing
581 the agreement required under subsection (1) of this section.

582 (* * *5) The department shall deny benefits to any adult
583 member of a household where another adult member of the household
584 has been found to have committed benefits fraud.

585 **SECTION 3.** Section 43-12-27, Mississippi Code of 1972, which
586 provides for a family cap on the receipt of TANF benefits, is
587 repealed.

588 **SECTION 4.** Section 43-17-6, Mississippi Code of 1972, which
589 requires applicants for and recipients of TANF benefits to be
590 screened and tested for certain drugs and receive treatment for
591 substance use disorders, is repealed.

592 **SECTION 5.** This act shall take effect and be in force from
593 and after July 1, 2024.

