

House File 2041 - Introduced

HOUSE FILE 2041

BY HEARTSILL

A BILL FOR

1 An Act requiring various actions by applicants for and
2 participants in certain public assistance programs
3 administered by the department of human services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 217.6A Public assistance program
2 eligibility requirements.

3 1. For the purposes of this section, "*public assistance*
4 *programs*" means the family investment, food assistance, and
5 medical assistance programs administered by the department of
6 human services.

7 2. The administrative rules adopted for the public
8 assistance programs by the department shall require all of the
9 following as a condition of eligibility for an applicant or
10 participant to receive the public assistance:

11 a. Provision of a work history and participation in required
12 work-related activities. If an applicant or participant
13 is not employed or participating in education, training,
14 or work-related activities approved by the department,
15 the department shall require the individual to participate
16 in public work activity. The department shall select an
17 individual's public work activity based upon the department's
18 assessment of the individual's skills and work experience.
19 The public work activities may include but are not limited to
20 working at a local school, for a child care provider, or at a
21 public library, or providing maintenance and trash removal on
22 public trails or roads.

23 b. Possession of a high school diploma or high school
24 equivalency diploma, or engagement in educational activities to
25 attain such a diploma.

26 c. (1) If not otherwise prohibited by law, agreement to
27 participate in random testing for controlled substance use in
28 accordance with this paragraph "c". If there is a positive test
29 result indicating the use of a controlled substance that is
30 not authorized by a qualified health care provider, provided
31 other eligibility requirements are met, a participant shall be
32 subject to a probation period. An applicant with a positive
33 test result who meets other eligibility requirements shall
34 be conferred participant status but is also subject to the
35 probation period. Scheduled testing for controlled substance

1 use shall be required during the probation period. The time
2 frame for the probation period shall be at least three months.
3 The department shall specify the time frame, scheduled testing,
4 and other requirements for the probation period in rule.

5 (2) If there is a second positive test result, the
6 department shall require action by the participant to address
7 the controlled substance use and continued scheduled testing
8 shall be required during and subsequent to completion of the
9 action required.

10 (3) If a participant does not comply with the required
11 action under subparagraph (2) or there is a subsequent positive
12 test result, the participant shall be suspended from receiving
13 public assistance program benefits until the participant is
14 compliant or there is a negative test result for the use of a
15 controlled substance. A participant who completes a suspension
16 period shall be subject to further testing for controlled
17 substance use while receiving program benefits.

18 (4) The results of a test for controlled substance use
19 performed in accordance with this paragraph "c" shall not be
20 admissible in any criminal proceeding without the consent of
21 the person subject to the test.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill requires various actions by applicants and
26 participants in certain public assistance programs administered
27 by the department of human services. The public assistance
28 programs addressed by the bill are the family investment, food
29 assistance, and medical assistance (Medicaid) programs.

30 The administrative rules adopted by the department for the
31 public assistance programs are to require, as a condition of
32 eligibility for the programs, an applicant or participant to
33 provide a work history and participate in various work-related
34 activities, possess a high school diploma or equivalent or be
35 engaged in activities to attain such diploma, and be subject

1 to random drug testing.

2 If there is a positive drug test result indicating the
3 use of a controlled substance that is not authorized by a
4 qualified health care provider, provided other eligibility
5 requirements are met, eligibility remains for participants and
6 participant status is granted for applicants but a probation
7 period is required. During the probation period, scheduled
8 testing for use of a controlled substance is required. If
9 there is a second positive test result, action is required
10 by the participant to address the controlled substance use
11 and continued scheduled testing shall be required during and
12 subsequent to completion of the action required.

13 A participant who does not comply with the required action
14 or has a subsequent positive test result is suspended from
15 receiving public assistance program benefits until the
16 participant is compliant or there is a negative test result
17 for the use of a controlled substance. A participant who
18 completes a suspension period is subject to further testing for
19 controlled substance use while receiving program benefits.

20 The results of a test for controlled substance use are not
21 admissible in any criminal proceeding without the consent of
22 the person subject to the test.