
HOUSE BILL 1190

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Angel, Halpern, Walsh, Fagan, Orcutt, and Hargrove

Read first time 01/18/13. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to requiring drug testing for recipients of
2 benefits under the temporary assistance for needy families program;
3 amending RCW 74.08.025 and 74.08A.260; and adding a new section to
4 chapter 74.08A RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 74.08.025 and 2011 1st sp.s. c 42 s 7 are each amended
7 to read as follows:

8 (1) Public assistance may be awarded to any applicant:

9 (a) Who is in need and otherwise meets the eligibility requirements
10 of department assistance programs; and

11 (b) Who has not made a voluntary assignment of property or cash for
12 the purpose of qualifying for an assistance grant; and

13 (c) Who is not an inmate of a public institution except as a
14 patient in a medical institution or except as an inmate in a public
15 institution who could qualify for federal aid assistance: PROVIDED,
16 That the assistance paid by the department to recipients in nursing
17 homes, or receiving nursing home care, may cover the cost of clothing
18 and incidentals and general maintenance exclusive of medical care and
19 health services. The department may pay a grant to cover the cost of

1 clothing and personal incidentals in public or private medical
2 institutions and institutions for tuberculosis. The department shall
3 allow recipients in nursing homes to retain, in addition to the grant
4 to cover the cost of clothing and incidentals, wages received for work
5 as a part of a training or rehabilitative program designed to prepare
6 the recipient for less restrictive placement to the extent permitted
7 under Title XIX of the federal social security act.

8 (2) Any person otherwise qualified for temporary assistance for
9 needy families under this title who has resided in the state of
10 Washington for fewer than twelve consecutive months immediately
11 preceding application for assistance is limited to the benefit level in
12 the state in which the person resided immediately before Washington,
13 using the eligibility rules and other definitions established under
14 this chapter, that was obtainable on the date of application in
15 Washington state, if the benefit level of the prior state is lower than
16 the level provided to similarly situated applicants in Washington
17 state. The benefit level under this subsection shall be in effect for
18 the first twelve months a recipient is on temporary assistance for
19 needy families in Washington state.

20 (3) Any person otherwise qualified for temporary assistance for
21 needy families who is assessed through the state alcohol and substance
22 abuse program as drug or alcohol-dependent and requiring treatment to
23 become employable shall be required by the department to undergo drug
24 testing pursuant to section 3 of this act and to participate in a drug
25 or alcohol treatment program as a condition of benefit receipt.

26 (4) The department may implement a permanent disqualification for
27 adults who have been terminated due to WorkFirst noncompliance sanction
28 three or more times since March 1, 2007. A household that includes an
29 adult who has been permanently disqualified from receiving temporary
30 assistance for needy families shall be ineligible for further temporary
31 assistance for needy families assistance.

32 (5) Pursuant to 21 U.S.C. 862a(d)(1), the department shall exempt
33 individuals from the eligibility restrictions of 21 U.S.C. 862a(a)(1)
34 and (2) to ensure eligibility for temporary assistance for needy
35 families benefits and federal food assistance.

36 **Sec. 2.** RCW 74.08A.260 and 2011 1st sp.s. c 42 s 2 are each
37 amended to read as follows:

1 (1) Each recipient shall be assessed after determination of program
2 eligibility and before referral to job search. Assessments shall be
3 based upon factors that are critical to obtaining employment, including
4 but not limited to education, availability of child care, history of
5 family violence, history of substance abuse, and other factors that
6 affect the ability to obtain employment. Assessments may be performed
7 by the department or by a contracted entity. The assessment shall be
8 based on a uniform, consistent, transferable format that will be
9 accepted by all agencies and organizations serving the recipient.

10 (2) Based on the assessment, an individual responsibility plan
11 shall be prepared that: (a) Sets forth an employment goal and a plan
12 for maximizing the recipient's success at meeting the employment goal;
13 (b) considers WorkFirst educational and training programs from which
14 the recipient could benefit; (c) contains the obligation of the
15 recipient to participate in the program by complying with the plan; (d)
16 moves the recipient into full-time WorkFirst activities as quickly as
17 possible; and (e) describes the services available to the recipient
18 either during or after WorkFirst to enable the recipient to obtain and
19 keep employment and to advance in the workplace and increase the
20 recipient's wage earning potential over time.

21 (3) If the assessment conducted under this section indicates a
22 reasonable likelihood that the recipient has a substance use disorder
23 involving the misuse of a controlled substance, the recipient may only
24 continue to receive benefits under the temporary assistance for needy
25 families program in accordance with the requirements of section 3 of
26 this act.

27 (4) Recipients who are not engaged in work and work activities, and
28 do not qualify for a good cause exemption under RCW 74.08A.270, shall
29 engage in self-directed service as provided in RCW 74.08A.330.

30 ((+4)) (5) If a recipient refuses to engage in work and work
31 activities required by the department, the family's grant shall be
32 reduced by the recipient's share, and may, if the department determines
33 it appropriate, be terminated.

34 ((+5)) (6) The department may waive the penalties required under
35 subsection ((+4)) (5) of this section, subject to a finding that the
36 recipient refused to engage in work for good cause provided in RCW
37 74.08A.270.

1 (~~(6)~~) (7) In consultation with the recipient, the department or
2 contractor shall place the recipient into a work activity that is
3 available in the local area where the recipient resides.

4 (~~(7)~~) (8) Assessments conducted under this section shall include
5 a consideration of the potential benefit to the recipient of engaging
6 in financial literacy activities. The department shall consider the
7 options for financial literacy activities available in the community,
8 including information and resources available through the financial
9 education public-private partnership created under RCW 28A.300.450.
10 The department may authorize up to ten hours of financial literacy
11 activities as a core activity or an optional activity under WorkFirst.

12 (~~(8)~~) (9)(a) From July 1, 2011, through June 30, 2012,
13 subsections (2) and (4) through (~~(6)~~) (7) of this section are
14 suspended for a recipient who is a parent or other relative personally
15 providing care for one child under the age of two years, or two or more
16 children under the age of six years. This suspension applies to both
17 one and two parent families. However, both parents in a two-parent
18 family cannot use the suspension during the same month. Beginning July
19 1, 2012, the department shall phase in the work activity requirements
20 that were suspended, beginning with those recipients closest to
21 reaching the sixty-month limit of receiving temporary assistance for
22 needy families under RCW 74.08A.010(1). The phase in shall be
23 accomplished so that a fairly equal number of recipients required to
24 participate in work activities are returned to those activities each
25 month until the total number required to participate is participating
26 by June 30, 2013. Nothing in this subsection shall prevent a recipient
27 from participating in the WorkFirst program on a voluntary basis.
28 Recipients who participate in the WorkFirst program on a voluntary
29 basis shall be provided an option to participate in the program on a
30 part-time basis, consisting of sixteen or fewer hours of activities per
31 week. Recipients also may participate voluntarily on a full-time
32 basis.

33 (b)(i) The period of suspension of work activities under this
34 subsection provides an opportunity for the legislative and executive
35 branches to oversee redesign of the WorkFirst program. To realize this
36 opportunity, both during the period of suspension and following
37 reinstatement of work activity requirements as redesign is being

1 implemented, a legislative-executive WorkFirst oversight task force is
2 established, with members as provided in this subsection ((+8+))
3 (9)(b).

4 (ii) The president of the senate shall appoint two members from
5 each of the two largest caucuses of the senate.

6 (iii) The speaker of the house of representatives shall appoint two
7 members from each of the two largest caucuses of the house of
8 representatives.

9 (iv) The governor shall appoint members representing the department
10 of social and health services, the department of early learning, the
11 department of commerce, the employment security department, the office
12 of financial management, and the state board for community and
13 technical colleges.

14 (v) The task force shall choose cochairs, one from among the
15 legislative members and one from among the executive branch members.
16 The legislative members shall convene the initial meeting of the task
17 force.

18 (c) The task force shall:

19 (i) Oversee the partner agencies' implementation of the redesign of
20 the WorkFirst program and operation of the temporary assistance for
21 needy families program to ensure that the programs are achieving
22 desired outcomes for their clients;

23 (ii) Determine evidence-based outcome measures for the WorkFirst
24 program, including measures related to equitably serving the needs of
25 historically underrepresented populations, such as English language
26 learners, immigrants, refugees, and other diverse communities;

27 (iii) Develop accountability measures for WorkFirst recipients and
28 the state agencies responsible for their progress toward self-
29 sufficiency;

30 (iv) Make recommendations to the governor and the legislature
31 regarding:

32 (A) Policies to improve the effectiveness of the WorkFirst program
33 over time;

34 (B) Early identification of those recipients most likely to
35 experience long stays on the program and strategies to improve their
36 ability to achieve progress toward self-sufficiency; and

37 (C) Necessary changes to the program, including taking into account
38 federal changes to the temporary assistance for needy families program.

1 (d) The partner agencies must provide the task force with regular
2 reports on:

3 (i) The partner agencies' progress toward meeting the outcome and
4 performance measures established under (c) of this subsection;

5 (ii) Caseload trends and program expenditures, and the impact of
6 those trends and expenditures on client services, including services to
7 historically underrepresented populations; and

8 (iii) The characteristics of families who have been unsuccessful on
9 the program and have lost their benefits either through sanction or the
10 sixty-month time limit.

11 (e) Staff support for the task force must be provided by senate
12 committee services, the house of representatives office of program
13 research, and the state agency members of the task force.

14 (f) The task force shall meet on a quarterly basis beginning
15 September 2011, or as determined necessary by the task force cochairs.

16 (g) During its tenure, the state agency members of the task force
17 shall respond in a timely manner to data requests from the cochairs.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.08A RCW
19 to read as follows:

20 (1) If the results of an assessment conducted under RCW
21 74.08A.260(1) indicate a reasonable likelihood that a recipient may
22 have a substance use disorder involving the misuse of a controlled
23 substance, the department must require the recipient to take a drug
24 test at the department's expense.

25 (2) If a recipient, without good cause, refuses to take a drug test
26 as required under subsection (1) of this section, the department must
27 place the recipient's case in sanction status for noncompliance with
28 the individual responsibility plan and reduce the family's grant by the
29 recipient's share or by forty percent of the grant amount, whichever is
30 greater. If the recipient remains in noncompliance sanction status for
31 more than four months for failure to take a drug test pursuant to
32 subsection (1) of this section, the department must terminate the
33 recipient's case. If the department terminates the recipient's case
34 under this subsection, the recipient may not reapply to receive
35 temporary assistance for needy families benefits until twenty-eight
36 days after the date of termination.

1 (3) A drug test given under this section must be administered with
2 due regard to the privacy and dignity of the person being tested.

3 (4) Before taking a drug test under this section, a recipient may
4 advise the person administering the test regarding any prescription or
5 over-the-counter medication the recipient is taking.

6 (5) If a recipient tests negative for the unlawful use of a
7 controlled substance after taking a drug test pursuant to subsection
8 (1) of this section, the recipient remains in compliance with the
9 temporary assistance for needy families program, subject to the other
10 program requirements of this chapter.

11 (6) If a recipient tests positive for the unlawful use of a
12 controlled substance after taking a drug test pursuant to subsection
13 (1) of this section:

14 (a) The department must provide the recipient with a list of
15 approved substance use disorder treatment providers that are available
16 in the area in which the individual resides; and

17 (b) The recipient may continue to receive benefits under the
18 temporary assistance for needy families program if the recipient enters
19 into and follows the requirements of an individual responsibility plan
20 which may include any of the following:

21 (i) Receiving treatment, at the department's expense, from an
22 approved substance use disorder treatment provider for at least sixty
23 days;

24 (ii) Testing negative for the unlawful use of a controlled
25 substance:

26 (A) In each subsequent drug test required by the department during
27 treatment; and

28 (B) In an additional drug test given at the conclusion of
29 treatment; and

30 (iii) Meeting the other requirements for receiving benefits under
31 the temporary assistance for needy families program under this chapter.

32 (7) If a recipient fails to meet the requirements of subsection (6)
33 of this section, the department must place the recipient's case in
34 sanction status for noncompliance with the individual responsibility
35 plan. If the recipient remains in noncompliance sanction status for
36 more than four months, the department must terminate the recipient's
37 case. Upon termination pursuant to this subsection, the recipient may

1 not reapply to receive temporary assistance for needy families benefits
2 until twenty-eight days after the date of termination.

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