

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2065 Session of  
2024

INTRODUCED BY METZGAR, IRVIN, KRUPA, WARNER, HAMM, TOPPER,  
SCIALABBA, KAUFFMAN, GLEIM, MOUL, GILLEN, LEADBETER,  
ZIMMERMAN AND SMITH, FEBRUARY 27, 2024

REFERRED TO COMMITTEE ON HUMAN SERVICES, FEBRUARY 27, 2024

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in public assistance,  
4 further providing for eligibility for persons with drug-  
5 related felonies.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 432.24 of the act of June 13, 1967  
9 (P.L.31, No.21), known as the Human Services Code, is amended to  
10 read:

11 Section 432.24. [Eligibility for Persons with Drug-related  
12 Felonies] Screening for Illegal Drug Use.--(a) To the extent  
13 permitted by Federal law, [a person who is otherwise eligible to  
14 receive public assistance shall not be denied assistance solely  
15 because he has been convicted of a felony drug offense,  
16 provided:

17 (1) He is complying with or has already complied with the  
18 obligations imposed by the criminal court.

19 (2) He is actively engaged in or has completed a court-

1 ordered substance abuse treatment program and participates in  
2 periodic drug screenings for five years after the drug-related  
3 conviction or for the duration of probation, whichever is of  
4 longer duration.] the department shall develop and implement a  
5 drug test and drug retest program to screen applicants for and  
6 recipients of public assistance. Each applicant or recipient  
7 eighteen years of age or older and less than sixty-five years of  
8 age must meet the requirements of this section as a condition  
9 for receiving public assistance.

10 (b) Under the screening for the drug test and retest program  
11 the department shall:

12 (1) Require a recipient be scheduled to be tested [if he has  
13 either a felony conviction for a drug offense which occurred  
14 within five years or a felony conviction for a drug offense for  
15 which he is presently on probation] subject to the following  
16 conditions:

17 (i) An individual who is applying for public assistance is  
18 required to be tested and shall be tested at the time the  
19 application for public assistance is made.

20 (ii) A recipient already receiving public assistance as of  
21 the effective date of this section shall be scheduled to be  
22 tested in accordance with paragraph (2).

23 (2) Develop and implement a system for randomly testing no  
24 less than twenty percent of the individuals receiving public  
25 assistance benefits during each six-month period following the  
26 effective date of this section who are subject to testing for  
27 the presence of illegal drugs under this section.

28 (3) Deny public assistance to an individual who refuses to  
29 take the drug test or the drug retest required by this section  
30 and terminate the public assistance benefits for anyone who

1 refuses to submit to the random drug test required by this  
2 section.

3 (c) An individual who takes the drug test or retest and  
4 fails it shall be subject to the following sanctions:

5 (1) For failing a drug test or retest the first time, [an  
6 individual shall be provided an assessment for addiction and  
7 provided treatment for addiction as indicated by treatment  
8 criteria developed by the Single State Authority on Drugs and  
9 Alcohol. Assessments shall be conducted by the Single County  
10 Authority (SCA) on Drugs and Alcohol or a designee. Treatment  
11 recommended shall be provided by facilities licensed by the  
12 Division of Drug and Alcohol Program Licensure in the Department  
13 of Health. Medicaid eligibility and determinations shall be  
14 expedited to ensure access to assessment and addiction treatment  
15 through Medicaid. If the individual cooperates with the  
16 assessment and treatment, no penalty will be imposed. If the  
17 individual refuses to cooperate with the assessment and  
18 treatment,] the public assistance shall be suspended for six  
19 months. The department must notify the individual of the failed  
20 drug test no later than seven days after receipt of the drug  
21 test results, and the suspension in public assistance will begin  
22 on the next scheduled distribution of public assistance and for  
23 every other distribution of public assistance until the  
24 suspension period lapses. After suspension, an individual may  
25 apply for public assistance, but shall submit to a retest.

26 (2) For failing a drug test or retest the second time, the  
27 public assistance to which the individual is entitled shall be  
28 suspended for twelve months. The department must notify the  
29 individual of the failed drug test no later than seven days  
30 after receipt of the drug test results, and the suspension in

1 public assistance shall begin on the next scheduled distribution  
2 of public assistance and for every other distribution of public  
3 assistance until the suspension period lapses. After suspension,  
4 an individual may then reapply for public assistance, but shall  
5 submit to a retest.

6 (3) For failing a drug test or retest the third time, the  
7 individual shall no longer be entitled to public assistance.

8 (c.1) During the time that an applicant or recipient is  
9 under a sanction under subsection (c), the department shall  
10 appoint a protective payee to receive public assistance on  
11 behalf of the children of the applicant or recipient.

12 (c.2) The department shall keep all results of the drug test  
13 or retest confidential to all parties, including law  
14 enforcement, except as required by a subpoena or court order.

15 (d) Nothing in this section shall be construed to render  
16 applicants or recipients who fail a drug test or drug retest  
17 ineligible for:

18 (1) a Commonwealth program that pays the costs for  
19 participating in a drug treatment program;

20 (2) a medical assistance program; or

21 (3) another benefit not included within the definition of  
22 public assistance as defined under this act.

23 [(e) Notwithstanding any other provision in this section,  
24 the department shall, in its sole discretion, determine when it  
25 is cost effective to implement the provisions of this section.

26 (f) Within six months of the effective date of this section,  
27 the department shall submit a written report detailing the  
28 department's determination whether it is cost effective to  
29 implement the provisions of this section. Nothing in this  
30 section shall prohibit the department from implementation of

1 this program prior to the issuance of the report. The report  
2 shall be submitted to the Governor, the General Assembly, the  
3 chairperson and minority chairperson of the Public Health and  
4 Welfare Committee of the Senate, the chairperson and minority  
5 chairperson of the Health Committee of the House of  
6 Representatives and the Inspector General.]

7 (f.1) Within six months of the effective date of this  
8 subsection, the department shall submit a written report  
9 detailing the department's activities with respect to  
10 implementing the provisions of this section. The report shall be  
11 submitted to the Governor, the General Assembly, the chairperson  
12 and minority chairperson of the Health and Human Services  
13 Committee of the Senate, the chairperson and minority  
14 chairperson of the Health Committee of the House of  
15 Representatives and the Inspector General.

16 (g) As used in this section, the following words and phrases  
17 shall have the meanings given to them in this subsection unless  
18 the context clearly indicates otherwise:

19 ["Drug offense" means an offense resulting in a conviction  
20 for the possession, use or distribution of a controlled  
21 substance, or conspiracy to commit the offense, whether the  
22 offense occurred in this Commonwealth or in another  
23 jurisdiction.]

24 "Drug test" [means] and "drug retest" mean a urinalysis,  
25 blood test or another scientific study of an individual's body  
26 which has been conclusively found to detect the presence or  
27 prior use of an illegal drug or substance and for which the  
28 accuracy has been accepted in the scientific community.

29 "Public assistance" means Temporary Assistance to Needy  
30 Families (TANF), Federal food stamps[, general assistance] and

1 State supplemental assistance.

2 Section 2. This act shall take effect in 60 days.