

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 1738

(SENATE AUTHORS: HAYDEN, Dibble, Eaton, Lourey and Goodwin)

DATE	D-PG	OFFICIAL STATUS
02/25/2014	5818	Introduction and first reading Referred to Health, Human Services and Housing
02/27/2014	5900	Author added Goodwin
03/26/2014	6827a	Comm report: To pass as amended and re-refer to Finance Joint rule 2.03, referred to Rules and Administration

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A bill for an act

relating to human services; modifying MFIP and general assistance requirements related to random drug testing; amending Minnesota Statutes 2012, sections 256D.024, subdivision 1; 256J.26, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2012, section 256D.024, subdivision 1, is amended to read:

Subdivision 1. **Person convicted of drug offenses.** (a) If an applicant or recipient has been convicted of a drug offense after July 1, 1997, the assistance unit is ineligible for benefits under this chapter until five years after the applicant has completed terms of the court-ordered sentence, unless the person is participating in a drug treatment program, has successfully completed a drug treatment program, or has been assessed by the county and determined not to be in need of a drug treatment program. Persons subject to the limitations of this subdivision who become eligible for assistance under this chapter ~~shall~~ may be subject to random drug testing as a condition of continued eligibility ~~and shall lose eligibility for benefits for five years beginning the month following:~~

~~(1) any positive test result for an illegal controlled substance; or~~

~~(2) discharge of sentence after conviction for another drug felony.~~

(b) For the purposes of this subdivision, "drug offense" means a conviction that occurred after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug offense also means a conviction in another jurisdiction of the possession, use, or distribution of a controlled substance, or conspiracy to commit any of these offenses, if the offense occurred after July 1, 1997, and the conviction is a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor.

2.1 Sec. 2. Minnesota Statutes 2012, section 256J.26, subdivision 1, is amended to read:

2.2 Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been
2.3 convicted of a felony level drug offense committed during the previous ten years from the
2.4 date of application or recertification is may be subject to the following:

2.5 (1) Benefits for the entire assistance unit ~~must~~ may be paid in vendor form for shelter
2.6 and utilities during any time the applicant is part of the assistance unit.

2.7 (2) The convicted applicant or participant ~~shall~~ may be subject to random drug
2.8 testing as a condition of continued eligibility and following any positive test for an illegal
2.9 controlled substance is subject to the following sanctions:

2.10 (i) for failing a drug test the first time, the residual amount of the participant's grant
2.11 after making vendor payments for shelter and utility costs, if any, must be reduced by an
2.12 amount equal to 30 percent of the MFIP standard of need for an assistance unit of the same
2.13 size. When a sanction under this subdivision is in effect, the job counselor must attempt
2.14 to meet with the person face-to-face. During the face-to-face meeting, the job counselor
2.15 must explain the consequences of a subsequent drug test failure and inform the participant
2.16 of the right to appeal the sanction under section 256J.40. If a face-to-face meeting is
2.17 not possible, the county agency must send the participant a notice of adverse action as
2.18 provided in section 256J.31, subdivisions 4 and 5, and must include the information
2.19 required in the face-to-face meeting; or

2.20 (ii) for failing a drug test two times, the participant is permanently disqualified from
2.21 receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP
2.22 grant must be reduced by the amount which would have otherwise been made available to
2.23 the disqualified participant. Disqualification under this item does not make a participant
2.24 ineligible for food stamps or food support. Before a disqualification under this provision is
2.25 imposed, the job counselor must attempt to meet with the participant face-to-face. During
2.26 the face-to-face meeting, the job counselor must identify other resources that may be
2.27 available to the participant to meet the needs of the family and inform the participant of
2.28 the right to appeal the disqualification under section 256J.40. If a face-to-face meeting is
2.29 not possible, the county agency must send the participant a notice of adverse action as
2.30 provided in section 256J.31, subdivisions 4 and 5, and must include the information
2.31 required in the face-to-face meeting.

2.32 (3) A participant who fails a drug test the first time and is under a sanction due to
2.33 other MFIP program requirements is considered to have more than one occurrence of
2.34 noncompliance and is subject to the applicable level of sanction as specified under section
2.35 256J.46, subdivision 1, paragraph (d).

(b) Applicants requesting only food stamps or food support or participants receiving only food stamps or food support, who have been convicted of a drug offense that occurred after July 1, 1997, may, if otherwise eligible, receive food stamps or food support if the convicted applicant or participant is subject to random drug testing as a condition of continued eligibility. Following a positive test for an illegal controlled substance, the applicant is subject to the following sanctions:

(1) for failing a drug test the first time, food stamps or food support shall be reduced by an amount equal to 30 percent of the applicable food stamp or food support allotment. When a sanction under this clause is in effect, a job counselor must attempt to meet with the person face-to-face. During the face-to-face meeting, a job counselor must explain the consequences of a subsequent drug test failure and inform the participant of the right to appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face meeting; and

(2) for failing a drug test two times, the participant is permanently disqualified from receiving food stamps or food support. Before a disqualification under this provision is imposed, a job counselor must attempt to meet with the participant face-to-face. During the face-to-face meeting, the job counselor must identify other resources that may be available to the participant to meet the needs of the family and inform the participant of the right to appeal the disqualification under section 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face meeting.

(c) For the purposes of this subdivision, "drug offense" means an offense that occurred during the previous ten years from the date of application or recertification of sections 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a conviction in another jurisdiction of the possession, use, or distribution of a controlled substance, or conspiracy to commit any of these offenses, if the offense occurred during the previous ten years from the date of application or recertification and the conviction is a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor.