

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2372**

Livingston Floor Amendment

1. Excludes applicants for initial licensure relating to abortion clinics and medical marijuana from the requirement that an agency waive any initial licensure fee for a first-time applicant whose family income does not exceed 200% of FPL.
2. Permits an individual who has been convicted of a felony offense that had an element relating to the use or possession of a controlled substance – as defined by federal law – after August 22, 1996, to be eligible to receive SNAP benefits if the individual has agreed to random drug testing and:
  - a. Completed a substance abuse treatment program;
  - b. Has been accepted for treatment but is on a waiting list, remains enrolled in a treatment program and enters the program at the first available opportunity;
  - c. Has been accepted for treatment and is participating in a substance abuse program; or
  - d. Has been determined by a licensed medical provider to not need substance abuse treatment.
3. Requires ADES to adopt rules relating to drug testing.
  - a. Adopted rules must include more frequent testing if an offense occurs within 24 months of the application date.
4. Allows a family to receive 12 additional months of TANF benefits if the head of household or an adult household member that is required to participate in the work program is in full compliance and remains in full compliance with all activity requirements.
5. Provides specific statutory exemptions from the 90% school attendance requirement for students who are medically unable to attend school.
6. Removes the \$30 per day cap on EBT cash withdrawals.
7. Requires ADES to initiate a fraud investigation, rather than require participation in a face-to-face interview, if a participant requests two replacement EBT cards in a 12-month period.
8. Instructs ADES to schedule an interview with any participant who requests a third replacement EBT card in a 12-month period, if a federal waiver has been granted, in order to conduct a fraud investigation.

Amendment explanation prepared by Rick

Phone Number 926-3848

lcs

2/23/2017

9. States that ADES must schedule an interview with any participant who requests a fourth replacement EBT card in a 12-month period before issuing a new EBT card.
10. Requires ADES to request any necessary federal waivers to implement EBT card fraud prevention measures.
11. Removes the requirement that a fraud investigator and eligibility expert be part of an interview with a recipient who uses more than 10% of the EBT card balance on out-of-state purchases in a 6-month period.
12. Requires ADES to purge the EBT card spending report six months after it is issued.
13. Permits an individual to attend education directly related to employment on a full-time basis as part of participation in ADES' Jobs Program, rather than a postsecondary educational program.
  - a. Defines *education directly related to employment*.
14. Requires ADES to impose graduated sanctions, as specified in rule, if any of the following occur:
  - a. A recipient voluntarily quits working without good cause; or
  - b. An adult possesses, sells or uses a controlled substance in violation of statute.
15. Modifies the three part sanctions imposed on a recipient who is out of compliance with ADES work requirements as follows:
  - a. Reduces the sanctions to two offenses rather than three;
  - b. Increases the benefit reduction from 25% to 50% for one month for a first offense; and
  - c. States that ADES must terminate cash assistance for at least one month until the household complies for a second offense.
16. Makes technical and conforming changes.

LIVINGSTON SUBSTITUTE FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2372

I move the following SUBSTITUTE amendment to the HEALTH Committee Amendment to HOUSE BILL 2372 (Reference to printed bill)

- 1 Page 1, line 9, after "A." insert "EXCEPT FOR AN INDIVIDUAL WHO APPLIES FOR A  
2 LICENSE PURSUANT TO TITLE 36, CHAPTER 4, ARTICLE 10 OR CHAPTER 28.1,"  
3 Line 11, after "GUIDELINES" insert "IF THE INDIVIDUAL IS APPLYING FOR THAT  
4 SPECIFIC LICENSE IN THIS STATE FOR THE FIRST TIME"  
5 Line 44, before "NOTWITHSTANDING" insert "A."  
6 Line 45, after "CONVICTED" insert "AFTER AUGUST 22, 1996"; after "OF" strike  
7 remainder of line  
8 Page 2, line 1, strike "VIOLATION OF TITLE 13, CHAPTER 34" insert "A FELONY  
9 OFFENSE THAT HAS AS AN ELEMENT OF THE OFFENSE THE USE OR POSSESSION OF A  
10 CONTROLLED SUBSTANCE AS DEFINED IN 21 UNITED STATES CODE SECTION 802(6)"  
11 Line 2, after "PERSON" insert "MEETS AT LEAST ONE OF THE FOLLOWING CRITERION:  
12 1."; strike "DRUG" insert "SUBSTANCE ABUSE"  
13 Line 3, strike "AND," insert ".  
14 2. IS CURRENTLY ACCEPTED FOR TREATMENT IN A SUBSTANCE ABUSE  
15 TREATMENT PROGRAM BUT IS SUBJECT TO A WAITING LIST TO RECEIVE AVAILABLE  
16 TREATMENT, AND THE PERSON REMAINS ENROLLED IN THE TREATMENT PROGRAM AND  
17 ENTERS THE TREATMENT PROGRAM AT THE FIRST AVAILABLE OPPORTUNITY.  
18 3. IS CURRENTLY ACCEPTED FOR TREATMENT IN AND IS PARTICIPATING IN A  
19 SUBSTANCE ABUSE TREATMENT PROGRAM.  
20 4. IS DETERMINED BY A LICENSED MEDICAL PROVIDER TO NOT NEED  
21 SUBSTANCE ABUSE TREATMENT.  
22 5."

1 Page 2, between lines 4 and 5, insert:

2           "B. THE DEPARTMENT SHALL ADOPT RULES RELATED TO DRUG TESTING  
3           PURSUANT TO THIS SECTION THAT INCLUDE MORE FREQUENT DRUG TESTING FOR  
4           OFFENSES THAT OCCURRED WITHIN TWENTY-FOUR MONTHS OF THE DATE OF  
5           APPLICATION."

6 Page 3, line 9, strike "CONTINUE TO"

7           Line 11, after "HOUSEHOLD" insert "OR OTHER ADULT HOUSEHOLD MEMBER WHO IS  
8           REQUIRED TO PARTICIPATE IN THE WORK PROGRAM"

9           Line 12, strike "SEARCH AND TRAINING" insert "ACTIVITY"

10           Line 16, strike "MEDICALLY UNABLE TO ATTEND SCHOOL" insert "EXCUSED PURSUANT  
11           TO SECTION 15-802, SUBSECTION D, PARAGRAPH 1, 3, 5, 6 OR 7"

12 Page 4, strike lines 1 and 2

13 Reletter to conform

14 Page 5, line 7, strike "REQUIRE PARTICIPATION IN A"

15           Strike line 8

16           Line 9, strike "EXPERT" insert "INITIATE AN INVESTIGATION BY THE DEPARTMENT TO  
17           DETERMINE WHETHER THERE IS FRAUD"

18           Line 15, strike ", A FRAUD"

19           Line 16, strike "INVESTIGATOR AND AN ELIGIBILITY EXPERT" insert "AND, IF THE  
20           DEPARTMENT HAS BEEN GRANTED A WAIVER, DETERMINE WHETHER THERE IS FRAUD";  
21           strike "ANOTHER" insert "A"; after the period insert "THE RECIPIENT'S  
22           REQUEST FOR A FOURTH REPLACEMENT CARD REQUIRES THE DEPARTMENT TO SCHEDULE  
23           AN INTERVIEW WITH THE RECIPIENT TO DETERMINE WHETHER THERE IS FRAUD BEFORE  
24           ISSUING A NEW CARD. THE DEPARTMENT SHALL REQUEST ANY NECESSARY FEDERAL  
25           WAIVERS TO COMPLY WITH THIS SECTION."

26           Line 20, strike ", A FRAUD INVESTIGATOR AND AN ELIGIBILITY EXPERT" insert "TO  
27           DETERMINE WHETHER THERE IS FRAUD"

28           Between lines 36 and 37, insert:

29           "C. THE DEPARTMENT SHALL PURGE THE SPENDING REPORT SIX MONTHS AFTER  
30           THE REPORT IS ISSUED."

31 Page 6, lines 21 and 22, strike "a postsecondary educational program" insert  
32           "EDUCATION DIRECTLY RELATED TO EMPLOYMENT"

33           Line 24, after the period insert "FOR THE PURPOSES OF THIS SUBSECTION,  
34           "EDUCATION DIRECTLY RELATED TO EMPLOYMENT" INCLUDES A GENERAL EDUCATION

1 DEVELOPMENT PROGRAM, A CAREER AND TECHNICAL EDUCATION PROGRAM, AN ASSOCIATE  
2 DEGREE PROGRAM OR A POSTSECONDARY EDUCATION PROGRAM."

3 Page 7, line 20, strike "food stamps" insert "SUPPLEMENTAL NUTRITION ASSISTANCE"

4 Page 8, line 23, strike "food stamps" insert "THE SUPPLEMENTAL NUTRITION  
5 ASSISTANCE PROGRAM"

6 Lines 24 and 27, strike "food stamps" insert "SUPPLEMENTAL NUTRITION  
7 ASSISTANCE"

8 Lines 28 and 29, strike "food stamps" insert "THE SUPPLEMENTAL NUTRITION  
9 ASSISTANCE PROGRAM"

10 Lines 33 and 34, strike "food stamps" insert "SUPPLEMENTAL NUTRITION  
11 ASSISTANCE"

12 Page 9, after line 8, insert:

13 "Sec. 9. Section 46-300, Arizona Revised Statutes, is amended to  
14 read:

15 46-300. Sanctions

16 A. The department shall impose a series of graduated sanctions as  
17 described in subsection ~~C~~ D of this section for any noncompliance with:

18 1. The child support enforcement efforts required by section 46-292,  
19 subsection D unless good cause is established as provided in section  
20 46-292, subsections F and G.

21 2. The work activities requirements described in section 46-299,  
22 unless good cause is established as provided in section 46-299, subsection  
23 H and department rules. A recipient who does not comply with the work  
24 activities requirements shall demonstrate compliance with the work  
25 activities requirements in order to continue benefit eligibility and to  
26 avoid sanctions.

27 3. The school enrollment and attendance requirements of section  
28 46-292, subsection S.

29 4. The immunization requirements of section 46-292, subsection T.

30 B. IN ADDITION TO SUBSECTION A OF THIS SECTION, THE DEPARTMENT SHALL  
31 IMPOSE A SERIES OF GRADUATED SANCTIONS AS DESCRIBED IN SUBSECTION D OF THIS  
32 SECTION IF EITHER OF THE FOLLOWING OCCURS:

33 1. THE RECIPIENT VOLUNTARILY TERMINATES PAID EMPLOYMENT WITHOUT GOOD  
34 CAUSE AS SPECIFIED IN RULES ADOPTED BY THE DIRECTOR.

1           2. AN ADULT RECIPIENT USES, SELLS OR POSSESSES A CONTROLLED  
2 SUBSTANCE IN VIOLATION OF TITLE 13 AS SPECIFIED IN RULES ADOPTED BY THE  
3 DIRECTOR.

4           ~~B.~~ C. Noncompliance with one or more of the requirements listed in  
5 subsection A of this section during any calendar month is deemed to be a  
6 month of noncompliance and shall result in the sanctions prescribed in  
7 subsection ~~C.~~ D of this section. The department shall impose these  
8 graduated sanctions even if the instances of noncompliance do not occur in  
9 consecutive months.

10           ~~C.~~ D. The department shall impose the following sanctions:

11           1. For the first instance of noncompliance, the department shall  
12 reduce the household's cash assistance grant by ~~twenty-five per cent~~ FIFTY  
13 PERCENT for one month.

14           ~~2. For a second instance of noncompliance that occurs in a month~~  
15 ~~other than the month in which the first noncompliance occurred, the~~  
16 ~~department shall reduce the household's cash assistance grant by fifty per~~  
17 ~~cent for one month.~~

18           ~~3.~~ 2. For a ~~third~~ SECOND instance of noncompliance that occurs in a  
19 month other than the month in which the ~~second~~ FIRST noncompliance occurred  
20 and any instance of noncompliance thereafter, the department shall  
21 terminate the household's cash assistance grant for at least one month or  
22 until the household complies."

23 Amend title to conform

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C: MJH