**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 5, TITLE 43 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES (DSS) TO ADMINISTER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), TO ESTABLISH LIMITATIONS ON THE ABILITY OF DSS TO APPLY FOR FEDERAL WAIVERS, TO REQUIRE DSS TO ESTABLISH DISQUALIFICATION PERIODS AND DISCONTINUE OR TERMINATE SNAP BENEFITS FOR THE FAILURE TO COMPLY WITH CHILD SUPPORT ORDERS OR WITH SNAP REQUIREMENTS, AND FOR OTHER PURPOSES; BY ADDING ARTICLE 13 TO CHAPTER 5, TITLE 43 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) TO ESTABLISH A COMPUTERIZED INCOME, ASSET, AND IDENTITY ELIGIBILITY VERIFICATION SERVICE TO VERIFY A PERSON’S IDENTITY AND ELIGIBILITY FOR PUBLIC ASSISTANCE, TO REQUIRE DHHS TO REPORT TO THE SOUTH CAROLINA ATTORNEY GENERAL AND THE OFFICE OF INSPECTOR GENERAL CASES OF SUSPECTED FRAUD, TO REQUIRE DHHS TO SUBMIT REPORTS TO THE GOVERNOR AND OTHER PUBLIC OFFICIALS, AND FOR OTHER PURPOSES; BY ADDING SECTION 43‑5‑1172 SO AS TO ESTABLISH CERTAIN LIMITATIONS ON ELECTRONIC TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS DEBIT CARD PURCHASES; BY ADDING SECTION 44‑6‑185 SO AS TO REQUIRE DHHS TO RELEASE CERTAIN DATA TO THE PUBLIC REGARDING MEDICAID SERVICES AND SERVICE PROVIDERS; TO AMEND SECTION 43‑5‑1125, RELATING TO SANCTIONS FOR FAILURE TO ADHERE TO TANF EMPLOYMENT AND TRAINING REQUIREMENTS, SO AS TO CHANGE SANCTIONS FOR NONCOMPLIANCE WITH ANY TANF PROGRAM REQUIREMENT; AND TO AMEND SECTION 43‑5‑1170, RELATING TO TANF PROGRAM BENEFITS, SO AS TO LIMIT BENEFITS TO NO MORE THAN TWELVE MONTHS IN A LIFETIME; AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Article 11

Supplemental Nutrition Assistance Program

Section 43‑5‑1410. For purposes of this article:

(1) ‘Department’ means the South Carolina Department of Social Services.

(2) ‘SNAP’ means the Supplemental Nutrition Assistance Program, which is the federal food purchasing assistance program for low‑ and no‑income individuals created pursuant to the Food Stamp Act of 1977.

Section 43‑5‑1420. The Department of Social Services shall serve as the single state agency designated to receive SNAP funding and manage the program. The provisions of this article, regulations promulgated pursuant to this article, and department policy and procedure must be consistent with the Food Stamp Act of 1977, as amended, and with federal regulations promulgated to implement that act.

Section 43‑5‑1430. In no case may the resource limit standards of the Supplemental Assistance Nutrition Program exceed the standards specified in 7 U.S.C. Section 2014(g)(1), unless expressly required by federal law. In no case shall categorical eligibility exempting households from these resource limits be granted for any noncash, in‑kind, or other benefit, unless expressly required by federal law.

Section 43‑5‑1440. (A) In no case shall categorical eligibility under 7 U.S.C. Section 2014(a) or 7 C.F.R Section 273.2(j)(2)(iii) be granted for any noncash, in‑kind, or other benefit, unless expressly required by federal law.

(B) The department may not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. Section 2014(c), unless expressly required by federal law. Categorical eligibility exempting households from gross income standards requirements may not be granted for any noncash, in‑kind, or other benefit, unless expressly required by federal law.

Section 43‑5‑1450. The department may not seek, apply for, accept, or renew any waiver of requirements established pursuant to 7 U.S.C. Section 2015(o) related to work requirements to receive SNAP benefits.

Section 43‑5‑1460. The department may not establish or utilize a simplified household reporting system, as provided in 7 C.F.R. Section 273.12(a)(5).

Section 43‑5‑1470. (A) The department’s Division of Child Support Services shall notify the department’s Division of Economic Servicesof any individual who has failed tocooperate with child support enforcement without good cause, or is delinquent on any court‑ordered child support payments, including arrears.

(B) The department shall terminate indefinitely SNAP benefits for any individual identified in subsection (A), unless expressly prohibited by federal law.

(C) The period of disqualification for SNAP benefit recipients terminated pursuant to subsection (B) must end as soon as the Division of Child Support Services has determined that the individual is cooperating with child support enforcement and is no longer delinquent on any court‑ordered child support payments, including arrears.

Section 43‑5‑1480. (A) Unless expressly prohibited by federal law, a recipient of SNAP benefits who fails to comply with any SNAP requirement, including a work requirement, is disqualified from receipt of benefits as follows:

(1) a three‑month, full‑household disqualification period for the first instance of noncompliance;

(2) a six‑month, full‑household disqualification period for the second instance of noncompliance;

(3) a one‑year, full‑household disqualification period for the third instance of noncompliance; and

(4) a permanent disqualification for the fourth instance of noncompliance for the noncompliant recipient; however, the disqualification period for other members of the household is six months.

(B) Unless expressly prohibited by federal law, a recipient of SNAP benefits who fails to perform actions required by other federal, state, or local means‑tested public assistance programs is subject to disqualification for receipt of SNAP benefits.

Section 43‑5‑1490. (A) The department shall place a photograph of the recipient on an electronic benefits transfer card issued by the department, unless the recipient declines to have the photograph included. If a recipient is a minor or an otherwise incapacitated individual, a parent or legal guardian of the recipient may have a photograph of the parent or legal guardian placed on the card.

(B) The department shall explore opportunities with other state agencies, departments, or divisions, including the South Carolina Department of Motor Vehicles, to share photographs when available. The department may sign one or more memoranda of understanding with agencies, departments, or divisions as necessary to implement this section.

Section 43‑5‑1500. (A) The department shall send all SNAP benefit recipients who have requestedfour replacement cards within a twelve‑month period a letter informing them that another request will require the recipient’sparticipation in an interview with a fraud investigator and eligibility expert.

(B) If a third‑party vendor is administering replacement cards directly to recipients, the vendor shall notify the department after the request for a fourth replacement card in a twelve‑month period and any subsequent request thereafter.

(C) Upon a recipient’s request of a fourth replacement card within any twelve‑month period, the departmentshall refer case information to fraud investigators.

(D) Upon a recipient’s request of a fifth replacement card, and any subsequent request, the departmentshall schedule an interview in person or over the telephone with a fraud investigator and eligibility expert before issuing another card.

Section 43‑5‑1510. The department shall communicate to applicants and recipients of SNAP benefits the expectation of mandatory cooperation with any fraud investigation and that noncompliance may result in case closure and termination of benefits within ten days of notice.

Section 43‑5‑1520. The department shall promulgate regulations to implement the provisions of this article.”

SECTION 2. Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Article 13

Public Assistance Eligibility, Case Review, and Fraud Detection

Section 43‑5‑1710. For purposes of this article,

(1) ‘Identity information’ means an applicant’s or recipient’s full name, aliases, date of birth, address, social security number, and other related information.

(2) ‘Public assistance’ or ‘assistance’ means the Medicaid Insurance Program, the Family Independence or Temporary Assistance for Needy Families Program, the Supplemental Nutrition Assistance Program, and any other means‑tested public assistance program.

Section 43‑5‑1720. (A) The South Carolina Department of Health and Human Services shall utilize a computerized income, asset, and identity eligibility verification service, as provided for in Section 43‑5‑1730, to verify eligibility for public assistance, eliminate the duplication of public assistance, and deter waste, fraud, and abuse within programs administering public assistance.

(B) Where practicable the South Carolina Department of Health and Human Services should work with, grant access to, and share data provided for in Section 43‑5‑1730 with the South Carolina Department of Social Services and any other state agency that administers means‑tested public assistance to verify eligibility for assistance, eliminate the duplication of assistance, and deter waste, fraud, and abuse within each respective assistance program.

(C) Nothing in this article precludes any department or agency from continuing to conduct additional verification processes, not detailed in this article, that are currently in practice or otherwise required by federal law.

Section 43‑5‑1730. (A) No later than six months after the effective date of this article, the South Carolina Department of Health and Human Services shall enter into a competitively bid contract, which complies with the requirements of Chapter 35, Title 11, with a third‑party vendor of computerized income, asset, and identity eligibility verification services to enable any department to verify the income, asset, and identity information of applicants or recipients of public assistance in order to prevent fraud, misrepresentation, and inadequate documentation when determining an applicant’s or recipient’s eligibility for assistance before the distribution of benefits, periodically between eligibility redeterminations, and during eligibility redeterminations and reviews, as prescribed in this article.

(B)(1) The contract entered into pursuant to subsection (A) must require the third‑party vendor to establish annualized savings realized from implementation of the verification service, and savings must exceed the total yearly cost to the State for implementing the verification service.

(2) The contract payment structure for the third‑party vendor must be based on a per‑applicant rate and may include a performance bonus for achieving above a predetermined rate of success of identifying waste, fraud, and abuse.

(C) To avoid any conflict of interest, when the South Carolina Department of Health and Human Services enters into a contract with a third‑party vendor pursuant to subsection (A), the primary vendor currently or prospectively may not be allowed to bid on or be awarded a state contract to facilitate enrollment services.

(D) The computerized income, asset, and identity eligibility verification service must be operational no later than one year after the effective date of this article.

Section 43‑5‑1740. (A) An application for public assistance pursuant to this article must be processed within a ten‑day period or the minimum time required by federal law. Before awarding assistance, and on a quarterly basis, the South Carolina Department of Health and Human Services shall verify identity information of each respective applicant and recipient of assistance against the following:

(1) earned and unearned income information maintained by the Internal Revenue Service;

(2) employer weekly, monthly, and quarterly reports of income and unemployment insurance payment information maintained by the South Carolina Department of Employment and Workforce and the South Carolina Department of Revenue;

(3) earned income information maintained by the United States Social Security Administration;

(4) immigration status information maintained by the United States Citizenship and Immigration Services;

(5) death register information maintained by the United States Social Security Administration and the South Carolina Department of Health and Environmental Control;

(6) prisoner information maintained by the United States Social Security Administration;

(7) public housing and Section 8 Housing Assistance payment information maintained by the United States Department of Housing and Urban Development and the South Carolina State Housing Finance Authority or a county or municipal housing authority;

(8) national fleeing felon information maintained by the United States Federal Bureau of Investigation;

(9) wage reporting and similar information maintained by states contiguous to this State;

(10) beneficiary records and earnings information maintained by the United States Social Security Administration in its Beneficiary and Earnings Data Exchange (BENDEX) database;

(11) earnings and pension information maintained by the United States Social Security Administration in its Beneficiary Earnings Exchange Record System (BEERS) database;

(12) employment information maintained by the South Carolina Department of Employment and Workforce;

(13) employment information maintained by the United States Department of Health and Human Services in its National Directory of New Hires (NDNH) database;

(14) supplemental security income (SSI) information maintained by the United States Social Security Administration in its SSI State Data Exchange (SDX) database;

(15) veterans’ benefits information maintained in the federal Public Assistance Reporting Information System (PARIS) database by the United States Department of Health and Human Services, in coordination with any department administering public assistance to veterans, and the South Carolina Division of Veterans’ Affairs of the South Carolina Department of Administration’s Office of Executive Policies and Programs;

(16) childcare licensing and registration information maintained by the South Carolina Department of Social Services;

(17) utility payments information maintained by the South Carolina Office of Economic Opportunity of the South Carolina Department of Administration’s Office of Executive Policies and Programs;

(18) emergency utility payment information maintained by the State or by local utilities;

(19) a database of all persons who currently hold a license, permit, or certificate from any state agency the cost of which exceeds five hundred dollars;

(20) income and employment information maintained by the South Carolina Department of Social Services Division of Child Support Services and the United States Department of Health and Human Services’ Office of Child Support Enforcement;

(21) earnings and pension information maintained by the South Carolina Public Employee Benefit Authority;

(22) any existing real‑time database of persons currently receiving benefits in other states, such as the National Accuracy Clearinghouse; and

(23) a database which is substantially similar to or a successor of a database established pursuant to this article.

(B) Before awarding assistance, and on a quarterly basis, the department shall match identity information of each respective applicant and recipient of public assistance against, at a minimum:

(1) a nationwide public records data source of physical asset ownership such as real property, automobiles, watercraft, aircraft, and luxury vehicles, or any other vehicle owned by the applicant and recipient of assistance;

(2) a nationwide public records data source of incarcerated individuals;

(3) a nationwide best‑address and driver’s license data source to verify individuals are residents of the State;

(4) a comprehensive public records database that identifies potential identity fraud or identity theft that can closely associate name, social security number, date of birth, phone, and address information;

(5) national and local financial institutions, in order to locate undisclosed depository accounts or verify account balances of disclosed accounts;

(6) outstanding default or arrest warrant information maintained by South Carolina Law Enforcement Division or another state, county, or municipal law enforcement organization or system; and

(7) a database which is substantially similar to or a successor of a database established pursuant to this article.

Section 43‑5‑1750. Before being awarded public assistance, the applicant must complete a computerized identity authentication process that confirms the applicant owns the identity presented in the application. The department shall review the respective applicant or recipient’s identity ownership by providing a knowledge‑based quiz consisting of financial or personal questions, which attempts to accommodate nonbanked or underbanked applicants who do not have an established credit history. The quiz for applications must be available to be submitted through all channels, including online, in‑person, and telephone.

Section 43‑5‑1760. (A) If a discrepancy results from an applicant’s or recipient’s identity information and one or more of the databases or information tools listed in Section 43‑5‑1740 or 43‑5‑1750, the department shall review the respective applicant’s or recipient’s case as provided in this section.

(B)(1) If the information discovered does not result in the department finding a discrepancy or change in an applicant’s or recipient’s circumstances that may affect eligibility, the department may not take further action.

(2) If the information discovered results in the department finding a discrepancy or change in an applicant’s or recipient’s circumstances that may affect eligibility, the department promptly shall redetermine eligibility.

(3) If the information discovered results in the department finding a discrepancy or change in an applicant’s or recipient’s circumstances that may affect eligibility, the applicant or recipient must be afforded an opportunity to explain the discrepancy; however, the department may not accept self‑declarations by an applicant or recipient as verification of categorical and financial eligibility during eligibility evaluations, reviews, and redeterminations.

(C) The department shall provide written notice to the applicant or recipient, which must describe in sufficient detail the circumstances of the discrepancy or change, the manner in which the applicant or recipient may respond, and the consequences of failing to take action. The applicant or recipient has ten business days, or the minimum required by state or federal law, to respond in an attempt to resolve the discrepancy or change. The applicant or recipient must provide a written response. After receiving the explanation, the department may request additional documentation if it determines that there is risk of fraud, misrepresentation, or inadequate documentation.

(D) If the applicant or recipient does not respond to the notice, the department shall deny or discontinue public assistance for failure to cooperate, in which case the department shall provide notice of intent to deny or discontinue assistance. Eligibility for public assistance may not be established or reestablished until the discrepancy or change has been resolved.

(E) If an applicant or recipient responds to the notice and disagrees with the findings of the match between the identity information and one or more databases or information tools listed in this article, the department shall reinvestigate the matter. If the department finds that there has been an error, the department shall take immediate action to correct the error and no further action may be taken. If, after an investigation, the department determines that there is no error, the department shall determine the effect on the applicant’s or recipient’s case and take appropriate action. Written notice of the respective department’s action must be given to the applicant or recipient.

(F) If the applicant or recipient agrees with the findings of the match between the applicant’s or recipient’s identity information and one or more databases or information tools listed in this article, the department shall determine the effect on the applicant’s or recipient’s case and take appropriate action. Written notice of the department’s action must be given to the applicant or recipient. In no case may the department discontinue assistance upon finding a discrepancy or change in circumstances between an individual’s identity information and one or more databases or information tools listed in this article until the applicant or recipient has been given notice of the discrepancy and the opportunity to respond as required pursuant to this section.

Section 43‑5‑1770. (A) On at least a monthly basis, the South Carolina Lottery Commissionshall provide the South Carolina Department of Health and Human Services and the South Carolina Department of Social Services the name of any individual who is a resident of the State and who has collected a prize of more than one thousand dollars, as well as the prize amount and any other available identifying information.

(B)Unreported lottery winnings of two thousand dollars or more should trigger a mandatory fraud investigation.

Section 43‑5‑1780. (A) After reviewing changes or discrepancies that may affect public assistance program eligibility, the South Carolina Department of Health and Human Services shall refer suspected cases of fraud, including identity fraud, to the South Carolina Attorney General and the South Carolina Office of Inspector General for investigation and possible criminal prosecution, recovery of improper payments, and collection of civil penalties.

(B) In cases of fraud substantiated by the department, and upon conviction of the applicant or recipient, the State should review all legal options to remove the applicant or recipient from other public assistance programs, garnish wages or state income tax refunds, and take any other action authorized by law, until the State recovers an equal amount of benefits fraudulently received.

(C) After reviewing changes or discrepancies that may affect public assistance program eligibility, the department shall refer suspected cases of fraud, misrepresentation, or inadequate documentation to other appropriate departments for review of eligibility discrepancies in other public assistance programs, including cases where an individual is determined to be no longer eligible for the original program.

Section 43‑5‑1790. (A) If the South Carolina Department of Health and Human Services or the South Carolina Department of Social Services unenrolls a recipient from its public assistance roll, the department shall share eligibility information in a timely manner with any other department with which the department knows the recipient is enrolled to receive public assistance and provide the reason the department unenrolled the recipient.

(B) A department receiving information pursuant to subsection (A) shall redetermine the eligibility of any enrollee whose eligibility or benefit levels could change as a result of new information.

(C) Departments awarding public assistance in this State shall collaborate to establish written policies regarding the sharing of information pursuant to subsection (A) and redetermining eligibility pursuant to subsection (B).

Section 43‑5‑1800. (A) The South Carolina Department of Social Services shall post on its website, and make available on an annual basis to the House of Representatives Ways and Means Committee, the Senate Finance Committee, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President Pro Tempore of the Senate, and the Minority Leader of the Senate, a report of SNAP and TANF benefit spending, including:

(1) the dollar amount and number of transactions of SNAP benefits that are accessed or spent out‑of‑state, disaggregated by state;

(2) the dollar amount and number of transactions of TANF benefits that are accessed or spent out‑of‑state, disaggregated by state;

(3) the dollar amount, number of transactions, and times of transactions of SNAP benefits that are accessed or spent in‑state, disaggregated by retailer, institution, or location; and

(4) the dollar amount, number of transactions, and time of transactions of TANF benefits that are accessed or spent in‑state, disaggregated by retailer, institution, or location.

(B) The report required pursuant to subsection (A) must not include information that identifies the individual recipients.

Section 43‑5‑1810. (A) The South Carolina Department of Health and Human Services and the South Carolina Department of Social Services shall post on their websites, and make available on an annual basis to the House of Representatives Ways and Means Committee, the Senate Finance Committee, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President Pro Tempore of the Senate, and the Minority Leader of the Senate, a report of public assistance benefit recipient characteristics, including:

(1) the length of enrollment, disaggregated by program and eligibility group;

(2) the share of recipients concurrently enrolled in one or more additional means‑tested programs, disaggregated by program and eligibility group;

(3) the number of means‑tested programs in which a recipient is concurrently enrolled, disaggregated by program and eligibility group;

(4) the demographics and characteristics of recipients, disaggregated by program and eligibility group; and

(5) the dollar amount spent on advertising and marketing for TANF, SNAP, Medicaid, and other means‑tested programs, including state and federal funds, disaggregated by program.

(B) The report required pursuant to subsection (A) must not include information that identifies the individual recipients.

Section 43‑5‑1820. Beginning one year after the computerized income, asset, and identity eligibility verification service is operational, and quarterly thereafter, the South Carolina Department of Health and Human Services shall provide a written report to the Governor, the General Assembly, and the Office of the Inspector General detailing the effectiveness and general findings of the eligibility verification system, including the number of cases reviewed, the number of case closures, the number of referrals for criminal prosecution, recovery of improper payment, collection of civil penalties, the outcomes of cases referred to the South Carolina Attorney General or the Office of the Inspector General for Medicaid, TANF, and SNAP fraud investigation and civil and criminal enforcement processes pursuant to this article, and the savings that have resulted from the system.

Section 43‑5‑1830. The information maintained in the computerized income, asset, and identity eligibility verification service is not subject to disclosure pursuant to Chapter 4, Title 30, the Freedom of Information Act; however, a department or other agency may obtain and disclose information about an applicant or recipient as provided for in this article.

Section 43‑5‑1840. The South Carolina Department of Health and Human Services shall promulgate regulations to implement the provisions of this article.”

SECTION 3. Article 9, Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Section 43‑5‑1172. (A) Funds available on an electronic TANF benefits debit card may not be used to purchase alcohol, liquor or imitation liquor, cigarettes, tobacco products, bail, gambling activities, lottery tickets, tattoos, travel services provided by a travel agent, money transmission to locations abroad, sexually oriented adult materials, concert tickets, professional or collegiate sporting event tickets, or tickets for other entertainment events intended for the general public.

(B) An electronic TANF benefits debit card may not be used to make a purchase at a retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, pari‑mutuel facility, sexually oriented business, retail establishment which provides adult‑oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or a business or retail establishment where a minor under eighteen years is not permitted.

(C) Upon enrollment, the department shall offer new applicants an itemized list of prohibited purchases, including those specified in subsection (A), and must make the list available on the department’s website.

(D) A business or establishment identified in subsection (B) is prohibited from operating an automatic teller machine that accepts electronic TANF benefits debit cards. A business or establishment found in violation of this subsection also is subject to appropriate licensing sanctions.

(E) If a recipient is found to have violated subsection (A), the department shall issue a written warning to the recipient. The recipient is subject to disqualification of TANF benefits for up to three months after the first offense and permanently after the second offense, unless expressly prohibited by federal law.”

SECTION 4. Article 2, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44‑6‑185. Following the precedent set by Medicare, the South Carolina Department of Health and Human Services shall release electronically to the public data that includes, but is not limited to, the provider’s name and office locations, a provider’s National Provider Identifier (NPI), the type of service provided by Healthcare Common Procedure Coding System (HCPCS) code, and whether the service was performed in a facility or office setting. This public data also must include the number of services, average submitted charges, average allowed amount, average Medicaid payment, and a count of unique beneficiaries treated.”

SECTION 5. Section 43‑5‑1125(A) of the 1976 Code is amended to read:

“(A) ~~To emphasize the necessity of each family achieving independence and self‑sufficiency, if an AFDC recipient fails without good cause to comply with the employment and training requirements contained in the agreement entered into between the recipient and the State Department of Social Services, the department shall:~~

~~(1)~~ ~~grant a thirty‑day conciliation period for the recipient to reconsider the decision not to comply with the terms of the agreement. During this thirty‑day period, the recipient has the right to appeal the department’s decision to impose sanctions. At the end of this thirty‑day period if the conciliation/fair hearing decision was not in the recipient’s favor, all AFDC benefits must be terminated. Benefits may be reinstated when the recipient agrees to comply according to the terms of the agreement and demonstrates willingness to comply by participating in the employment and training program for a period of thirty days;~~

~~(2)~~ ~~terminate all AFDC benefits if the recipient completes the training requirements contained in the agreement and then refuses an offer of employment.~~

(1) The department only shall grant TANF benefits after an approved applicant has signed a written agreement clearly enumerating continued eligibility requirements, circumstances in which sanctions may be imposed, and any potential penalties for noncompliance.

(2) The departmentshall require a TANF enrollee to be compliant with all TANF program requirements, including work requirements, before granting benefits.

(3) The department shall:

(a) disqualify the enrollee from receipt of benefits for three months for the first instance of noncompliance with any TANF requirement, unless expressly prohibited by federal law; and

(b) terminate benefits for the second instance of noncompliance with any TANF requirement, unless expressly prohibited by federal law.

(4) An enrollee disqualified pursuant to item (3)(a) may not have benefits reinstated without reviewing the agreement required pursuant to item (1).

(5) The department shall deny benefits to anyadult member of a household when another adult member of the household has been found to have committed benefits fraud.

(6) The department shall terminate all TANF benefits if an enrollee completes the training requirements contained in the agreement and then refuses an offer of employment.”

SECTION 6. Section 43‑5‑1170 of the 1976 Code is amended to read:

“Section 43‑5‑1170. (A) ~~To emphasize that welfare is temporary assistance in time of trouble, the department shall apply to the federal government for a waiver authorizing assistance in the~~ ~~Aid to Families with Dependent Children Program (AFDC) to be limited to no more than twenty‑four months out of one hundred and twenty months and no more than sixty~~ A benefit unit may not receive TANF benefits for more than twelve months in a lifetime except when:

(1) the head of household is permanently and totally disabled, whether physical or mental;

(2) the head of household is providing full‑time care for a disabled individual in the home;

(3) the parent of the child for whom assistance is received is a minor under the age of eighteen who has not completed high school. Assistance must be provided for a period of up to twenty‑four months after the minor parent attains the age of eighteen or completes high school, whichever occurs first;

(4) the individual is involved in an approved training program which will not be completed by the twenty‑fourth month. However, no extension may be granted beyond the thirtieth month except with the express permission of the county director;

(5) the adult head of household is not the parent of the child and is not included in the assistance check;

(6) the adult head of household is providing a home for and caring for a child whom the department has determined to be abandoned by his or her parents and for whom the alternative placement is foster care;

(7) child care or transportation is not reasonably available;

(8) The recipient can establish by clear and convincing evidence to the department that the recipient has fully complied with the recipient’s agreement with the department including:

(a) diligently seeking all available employment and following up on all employment opportunities known to the Department of Employment and Workforce or related state agencies for which the recipient is qualified;

(b) demonstrating a willingness to relocate as provided in Part III, Section 4;

(c) cooperating fully with all state agencies in order to strive to become gainfully employed; and the department is satisfied that no available employment reasonably exists for the recipient and that there is no other means of support reasonably available to the recipient’s family. Every sixty days the department shall conduct a review of the recipient’s compliance with the requirements of this item. Under this review, assistance provided pursuant to this item may only be extended for up to an additional twelve months. At the end of the twelve‑month extension, assistance may only be provided with the express permission of the county director who must certify that the person is engaged in education, training, or other employment‑related activities; or

(9) an exemption provided for in 42 U.S.C. Section 608 (a)(7) applies.

(B) No sooner than sixty and no later than ninety days after an ~~AFDC~~ TANF recipient’s benefits are terminated under the time limits for the receipt of ~~AFDC~~ TANF as provided for in this section, the department shall conduct an assessment of and make recommendations, as appropriate, for the health and well‑being of the children in the care and custody of the former ~~AFDC~~ TANF recipient.”

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this article is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this article, the General Assembly hereby declaring that it would have passed this article, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This act takes effect upon approval by the Governor.

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