

AMENDED IN ASSEMBLY AUGUST 30, 1999
AMENDED IN ASSEMBLY AUGUST 24, 1999
AMENDED IN ASSEMBLY AUGUST 17, 1999
AMENDED IN ASSEMBLY JUNE 30, 1999
AMENDED IN SENATE APRIL 8, 1999
AMENDED IN SENATE APRIL 6, 1999

SENATE BILL

No. 659

Introduced by Senator Wright
(Coauthors: Senators Bowen and Murray)
(Coauthor: Assembly Members Kuehl, Migden, and
Wright)

February 24, 1999

An act to add ~~Section 11251.4~~ *Sections 11251.4 and 18901.3* to, and to repeal and amend Sections 11251.3 and 17012.5 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 659, as amended, C. Wright. CalWORKs: food stamps: general assistance.

Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the CalWORKs program, and also for non-health-care general assistance benefits.

This bill would instead provide that persons convicted of specified felonies related to controlled substances are ineligible for aid under CalWORKs, non-health-care general

assistance benefits, or food stamps ~~but would provide that they shall be eligible for services under the CalWORKs program and aid under the food stamp program if~~ *unless* they meet one of several specified conditions related to drug treatment, including completing a state-licensed, certified, or county-run drug treatment program, and submit to required periodic ~~medical drug testing~~ *screening tests*. This bill would require a county level interagency team composed of specified representatives of county social service agencies to provide case management services to families receiving benefits under these provisions, and would require the services to be coordinated with certain corrections programs.

This bill would require counties to issue vouchers or vendor payments for at least rent and utilities payments to families eligible for aid under CalWORKs pursuant to these provisions.

This bill would make related technical changes.

This bill would require the State Department of Social Services to adopt regulations, and would authorize the adoption of emergency regulations, to implement its provisions.

This bill would make its provision operative on July 1, 2000.

By imposing new duties upon counties to administer these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. Section 11251.3 of the Welfare and
2 Institutions Code, as added by Section 1 of Chapter 283 of
3 the Statutes of 1997, is repealed.

4 SEC. 2. Section 11251.3 of the Welfare and Institutions
5 Code, as added by Section 1 of Chapter 284 of the Statutes
6 of 1997, is amended to read:

7 11251.3. (a) An individual shall be ineligible for aid
8 ~~under this chapter, or Chapter 10 (commencing with~~
9 ~~Section 18900) of Part 6, if the individual has been under~~
10 *this chapter if the individual has been* convicted in state
11 or federal court after December 31, 1997, including any
12 plea of guilty or nolo contendere, of a felony that has as
13 an element the possession or use of a controlled
14 substance, defined in Section 102(6) of the Controlled
15 Substances Act (21 U.S.C. Sec. 802(6)) or Division 10
16 (commencing with Section 11000) of the Health and
17 Safety Code, unless one of the following conditions is met:

18 (1) The person, while incarcerated or subsequent to
19 incarceration, has successfully completed a
20 state-licensed, certified, or county-run drug treatment
21 program.

22 (2) The person is currently participating in a
23 state-licensed, certified, or county-run drug treatment
24 program, or is participating in a court-mandated drug
25 treatment or diversion program.

26 (3) The person is willing to enroll and subsequently
27 provides verification of enrollment in a state-licensed,
28 certified, or county-run drug treatment program.

29 (4) At least five years have elapsed since the person
30 fulfilled the conditions imposed by the court in the
31 disposition of the criminal case, including conditions
32 relating to incarceration, parole, and probation.

33 (5) The person is not currently using a controlled
34 substance.

35 (b) In order to receive benefits pursuant to ~~paragraph~~
36 ~~(4) paragraph (1), (4), or (5) of subdivision (a), a person~~
37 ~~must be drug free and shall~~ *shall, prior to receiving aid,*
38 *be required to submit to medically acceptable drug*



1 ~~testing prior to enrollment in the program, and pass a~~
2 ~~medical drug screening test, as specified in regulations~~
3 ~~adopted by the department, that demonstrates the~~
4 ~~person is not using a controlled substance, as defined in~~
5 ~~subdivision (a), other than as authorized by law.~~

6 (c) All participants who receive benefits pursuant to
7 this section shall ~~agree to submit to and pass periodic;~~
8 ~~medically acceptable drug tests as determined by the~~
9 ~~county.~~

10 (d) ~~A county may remove the person from the family~~
11 ~~grant medical drug screening tests, as specified in~~
12 ~~regulations adopted by the department, that~~
13 ~~demonstrate the person is not using a controlled~~
14 ~~substance, as defined in subdivision (a), other than as~~
15 ~~authorized by law.~~

16 (d) A person's needs shall not be taken into
17 consideration if it is determined that the person has failed
18 or refused to participate in the drug treatment or
19 diversion program without good cause, or failed or
20 refused to comply with subdivision (c), ~~or has resumed~~
21 ~~use of a controlled substance. Sanctions shall be applied~~
22 ~~in accordance with Sections 11327.4 and 11327.5.~~
23 ~~Penalties shall be applied in accordance with the time~~
24 ~~frames established for financial sanctions in subdivision~~
25 ~~(d) of Section 11327.5.~~

26 (e) A county level interagency team comprised of, but
27 not limited to, representatives from the county
28 department of social services, including both CalWORKs
29 and child welfare, alcohol and drug services, mental
30 health services, and probation, shall be convened by the
31 CalWORKs program branch of the department to
32 provide case management services to all families enrolled
33 under this section.

34 (f) In counties where the Department of Corrections
35 is providing services under the female offender
36 treatment and employment program, CalWORKs
37 services provided under this section shall be coordinated
38 with that program. In all other counties, a representative
39 of the Department of Corrections Parole and Community
40 Services Division shall cooperate with the



1 multidisciplinary team providing case management
2 services to any CalWORKs participant who is on parole.
3 This subdivision shall not apply to counties that do not
4 physically contain a parole unit or parole subunit.
5 However, these counties shall develop procedures to
6 coordinate the work of the case management team with
7 the Parole and Community Services Division for those
8 CalWORKs participants currently on parole.

9 (g) For a family receiving aid under this chapter that
10 includes an individual who is eligible pursuant to this
11 section, a county shall issue vouchers or vendor payments
12 for at least rent and utilities payments.

13 SEC. 3. Section 11251.4 is added to the Welfare and
14 Institutions Code, to read:

15 11251.4. (a) An individual shall be ineligible for aid
16 ~~under this chapter, or Chapter 10 (commencing with~~
17 ~~Section 18900) of Part 6, if the individual has been under~~
18 *this chapter if the individual has been* convicted in state
19 or federal court after December 31, 1997, including any
20 plea of guilty or nolo contendere, of a felony that has as
21 an element the sale, transportation, distribution, or
22 manufacture of a controlled substance, defined in Section
23 102(6) of the Controlled Substances Act (21 U.S.C.
24 802(6)) or Division 10 (commencing with Section 11000)
25 of the Health and Safety Code, but shall be eligible for
26 services under this chapter, ~~or aid under Chapter 10~~
27 ~~(commencing with Section 18900) of Part 6, for the~~
28 *length of time specified in Section 11454*, if one of the
29 following conditions is met:

30 (1) The person, while incarcerated or subsequent to
31 incarceration, has successfully completed a
32 state-licensed, certified, or county-run drug treatment
33 program.

34 (2) The person is currently participating in a
35 state-licensed, certified, or county-run drug treatment
36 program, or is participating in a court-mandated drug
37 treatment or diversion program.

38 (3) The person is willing to enroll and subsequently
39 provides verification of enrollment in a state-licensed,
40 certified, or county-run drug treatment program.



1 (4) At least five years have elapsed since the person
2 fulfilled the conditions imposed by the court in the
3 disposition of the criminal case, including conditions
4 relating to incarceration, parole, and probation.

5 (5) The person is not currently using a controlled
6 substance.

7 (b) In order to receive ~~benefits~~ *services* pursuant to
8 ~~paragraph (4)~~ *paragraph (1), (4), or (5)* of subdivision
9 (a), a person ~~must be drug free and shall~~ *shall, prior to*
10 *receiving aid,* be required to submit to ~~medically~~
11 ~~acceptable drug testing prior to enrollment in the~~
12 ~~program.~~ *and pass a medical drug screening test, as*
13 *specified in regulations adopted by the department, that*
14 *demonstrates the person is not using a controlled*
15 *substance as defined by subdivision (a), other than as*
16 *authorized by law.*

17 (c) All participants who receive ~~benefits~~ *services*
18 pursuant to ~~this section must agree to periodic, medically~~
19 ~~acceptable drug tests.~~ *this section shall submit to and pass*
20 *periodic medical drug screening tests, as specified in*
21 *regulations adopted by the department, that*
22 *demonstrate the person is not using a controlled*
23 *substance as defined by subdivision (a), other than as*
24 *authorized by law.*

25 (d) Continued access to services ~~and benefits may~~
26 *shall* be denied if the participant *fails or* refuses to comply
27 with subdivision (e), or if the county determines that the
28 participant has resumed use of a controlled substance.
29 ~~These sanctions shall be applied in accordance with the~~
30 ~~notice of action procedures in Section 11327.4.~~ *subdivision*
31 *(c). These penalties shall be applied in accordance with*
32 *the time frames established for financial sanctions in*
33 *subdivision (d) of Section 11327.5.*

34 (e) A county level interagency team comprised of, but
35 not limited to, representatives from the county
36 department of social services, including CalWORKs and
37 child welfare, alcohol and drug services, mental health
38 services, and probation, shall be convened by the
39 CalWORKs program branch of the department to



1 provide case management services to all families enrolled
2 under this section.

3 (f) In counties where the Department of Corrections
4 is providing services under the female offender
5 treatment and employment program, CalWORKs
6 services provided under this section shall be coordinated
7 with that program. In all other counties, a representative
8 of the Department of Corrections Parole and Community
9 Services Division shall cooperate with the
10 multidisciplinary team providing case management
11 services to any CalWORKs participant who is on parole.
12 This subdivision shall not apply to counties that do not
13 physically contain a parole unit or parole subunit.
14 However, these counties shall develop procedures to
15 coordinate the work of the case management team with
16 the Parole and Community Services Division for those
17 CalWORKs participants currently on parole.

18 (g) For a family receiving aid under this chapter that
19 includes an individual who is eligible pursuant to this
20 section, a county shall issue vouchers or make vendor
21 payments for at least rent and utilities payments.

22 SEC. 4. Section 17012.5 of the Welfare and Institutions
23 Code, as added by Section 2 of Chapter 283 of the Statutes
24 of 1997, is repealed.

25 SEC. 5. Section 17012.5 of the Welfare and Institutions
26 Code, as added by Section 2 of Chapter 284 of the Statutes
27 of 1997, is amended to read:

28 17012.5. An individual ineligible for aid under
29 Chapter 2 (commencing with Section 11200) of Part 3
30 pursuant to Section 11251.3 or 11251.4, who is a member
31 of an assistance unit receiving aid under that chapter,
32 shall also be ineligible for non-health-care benefits under
33 this part.

34 SEC. 6. *Section 18901.3 is added to the Welfare and*
35 *Institutions Code, to read:*

36 *18901.3. Pursuant to Section 115(d)(1)(A) of Public*
37 *Law 104-193, California opts out of the provisions of*
38 *Section 115(a)(2) of Public Law 104-193. Convicted drug*
39 *felons shall be eligible for food stamps under the same*
40 *conditions as those required for CalWORKs eligibility, as*



1 set forth in Section 11251.3 and 11251.4, to the extent that
2 federal Food Stamp Program law permits.

3 SEC. 7. (a) The director, shall adopt regulations, as
4 necessary, to implement the provisions of this act
5 regarding the drug screening procedure, interpretation
6 of drug screening results, standards for reliability and
7 accuracy of tests, and other necessary matters.

8 (b) Notwithstanding the provisions of the
9 Administrative Procedure Act (Chapter 3.5
10 (commencing with Section 11340) of Part 1 of Division 3
11 of Title 2 of the Government Code) through December
12 31, 2000, the State Department of Social Services may
13 implement drug screening provisions for convicted drug
14 felons as described in this act through all county letters or
15 similar instructions from the director.

16 (c) The department shall adopt regulations to
17 implement this section no later than January 1, 2001.
18 Emergency regulations to implement the applicable
19 provisions of this section may be adopted by the director
20 in accordance with the Administrative Procedure Act.
21 The initial adoption of emergency regulations and one
22 readoption of the initial regulations shall be deemed to be
23 an emergency and necessary for the immediate
24 preservation of the public peace, health, safety, or
25 general welfare. Initial emergency regulations shall be
26 exempt from review by the Office of Administrative Law.
27 The emergency regulations authorized by this section
28 shall be submitted to the Office of Administrative Law for
29 filing with the Secretary of State and shall remain in effect
30 for no more than 180 days.

31 SEC. 8. Notwithstanding any other provision of law,
32 this act shall become operative on July 1, 2000.

33 SEC. 9. Notwithstanding Section 17610 of the
34 Government Code, if the Commission on State Mandates
35 determines that this act contains costs mandated by the
36 state, reimbursement to local agencies and school
37 districts for those costs shall be made pursuant to Part 7
38 (commencing with Section 17500) of Division 4 of Title
39 2 of the Government Code. If the statewide cost of the
40 claim for reimbursement does not exceed one million



1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

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