

REFERENCE TITLE: SNAP; eligible benefits

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1623

Introduced by
Senators Rios: Contreras, Hatathlie, Otondo, Quezada, Terán

AN ACT

AMENDING SECTIONS 46-101 AND 46-207.01, ARIZONA REVISED STATUTES; AMENDING TITLE 46, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 46-217; AMENDING SECTIONS 46-219, 46-292, 46-294 AND 46-300, ARIZONA REVISED STATUTES; AMENDING TILE 46, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 46-300.08; AMENDING SECTION 46-407, ARIZONA REVISED STATUTES; RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 46-101, Arizona Revised Statutes, is amended to
3 read:

4 46-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Aid to families with dependent children" means assistance
7 granted under section 403 of title IV of the social security act as it
8 existed before August 22, 1996.

9 2. "Applicant" means a person who has applied for assistance or
10 services under this title, or a person who has applied for assistance or
11 services under this title and who has custody of a dependent child.

12 3. "Assistance" means payments in cash or kind to or on behalf of a
13 person or persons in need as provided for in this title.

14 4. "Assistance unit" means those members of a needy family, as
15 prescribed by the department in rule, or a child only case, that meets the
16 nonfinancial eligibility criteria for cash assistance and whose needs and
17 other circumstances are considered as a whole to determine a cash
18 assistance benefit amount.

19 5. "Cash assistance" means temporary assistance for needy families
20 paid to a recipient for the purpose of meeting basic living expenses as
21 defined by the department.

22 6. "Child care personnel" means any person who supervises children
23 in a day care home or center that receives child care food program monies
24 under this article.

25 7. "Child only case" means EITHER:

26 (a) A case in which the eligible dependent child is in the legal
27 custody of the department of child safety, a tribal court or a tribal
28 child welfare agency located in this state ~~and placed~~ OR IS LIVING in
29 foster care with an unrelated adult or with a nonparent relative who is
30 not receiving cash assistance.

31 (b) A CASE IN WHICH A CASH ASSISTANCE ELIGIBLE CHILD RESIDES WITH
32 CASH ASSISTANCE INELIGIBLE PARENTS ONLY FOR THE PURPOSES OF WORK
33 PARTICIPATION RATES.

34 8. "Dependent child" means a needy child who has been deprived of
35 parental support or care by reason of the death, unemployment of the
36 supporting parent as defined and prescribed by the rules of the
37 department, continued absence from the home, or physical or mental
38 incapacity of a parent, and whose relatives who are responsible under the
39 law for the child's support are not able to provide adequate care and
40 support of the child without public assistance, and who is living with his
41 father, mother, grandfather, grandmother, brother, sister, stepfather,
42 stepmother, stepbrother, stepsister, uncle, aunt, niece, nephew or cousin
43 in a place of residence maintained by one or more of such relatives as his
44 or their own home or who is in the legal custody of the department of
45 child safety and placed in a foster home or with an unrelated adult as a
46 recipient of temporary assistance for needy families. Such dependent

1 child must be under eighteen years of age or, if eighteen, must be a
2 full-time student in a high school, or in the equivalent level of
3 vocational or technical training, and shall be reasonably expected to
4 complete the program before reaching age nineteen.

5 9. "Director" means the director of the department of economic
6 security.

7 10. "Domestic violence" means battered or subject to extreme
8 cruelty as defined in section 408(a)(7)(C)(iii) of the social security
9 act.

10 11. "Employment plan" means an agreement between the department and
11 the cash assistance recipient regarding the participant's work activities
12 and services provided by the department.

13 12. "Federal poverty level" means the poverty guidelines that are
14 issued by the United States department of health and human services
15 pursuant to section 673(2) of the omnibus budget reconciliation act of
16 1981 and that are reported annually in the federal register.

17 13. "Head of household" means a dependent child's parent or the
18 spouse of the parent, or the dependent child's nonparent relative or
19 spouse of the nonparent relative, who receives cash assistance for himself
20 and on behalf of the dependent child or only on behalf of the dependent
21 child.

22 14. "Homestead property" means a home owned and occupied by the
23 applicant or recipient, or his spouse.

24 15. "Jobs program" means services established by the department to
25 ensure that participants comply with work requirements as prescribed in
26 Public Law 104-193.

27 16. "Needy family":

28 (a) Means a family that resides in the same home and includes a
29 dependent child, one or more of the dependent child's parents and
30 nonparent relatives of the dependent child and their spouses who meet
31 financial cash assistance eligibility criteria established by this title
32 and by department rule.

33 (b) Does not include a child only case.

34 17. "Nonparent relative" means a dependent child's grandfather,
35 grandmother, brother, sister, stepfather, stepmother, stepbrother,
36 stepsister, uncle, aunt, niece, nephew or cousin and includes a permanent
37 guardian who is appointed pursuant to section 8-872.

38 18. "Participant" means a recipient of cash assistance engaged in
39 work activities through the JOBS program.

40 19. "Personal responsibility declaration" means a document that is
41 prescribed by the department and in which the applicant acknowledges
42 understanding of the applicant's personal responsibility.

43 20. "Recipient" means a person who receives assistance or services
44 under the provisions of this title.

1 Sec. 3. Title 46, chapter 2, article 1, Arizona Revised Statutes,
2 is amended by adding section 46-217, to read:

3 46-217. Temporary assistance for needy families program:
4 eligibility after conviction

5 NOTWITHSTANDING SECTION 13-3418, A PERSON WHO IS CONVICTED OF A
6 FELONY OFFENSE INVOLVING DISTRIBUTION, USE OR POSSESSION OF A CONTROLLED
7 SUBSTANCE AS DEFINED IN 21 UNITED STATES CODE SECTION 802(6) MAY BE
8 ELIGIBLE FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

9 Sec. 4. Section 46-219, Arizona Revised Statutes, is amended to
10 read:

11 46-219. Supplemental nutrition assistance program:
12 eligibility after conviction

13 ~~A. Notwithstanding section 13-3418 and if the person agrees to~~
14 ~~random drug testing, a person who is convicted after August 22, 1996 of a~~
15 ~~felony offense that has as an element of the offense the INVOLVING~~
16 ~~DISTRIBUTION, use or possession of a controlled substance as defined in 21~~
17 ~~United States Code section 802(6) may be eligible for the supplemental~~
18 ~~nutrition assistance program. if the person meets at least one of the~~
19 ~~following criterion:~~

20 ~~1. Successfully completes a substance abuse treatment program.~~

21 ~~2. Is currently accepted for treatment in a substance abuse~~
22 ~~treatment program but is subject to a waiting list to receive available~~
23 ~~treatment, and the person remains enrolled in the treatment program and~~
24 ~~enters the treatment program at the first available opportunity.~~

25 ~~3. Is currently accepted for treatment in and is participating in a~~
26 ~~substance abuse treatment program.~~

27 ~~4. Is determined by a licensed medical provider to not need~~
28 ~~substance abuse treatment.~~

29 ~~5. If applicable, is in compliance with all terms of probation.~~

30 ~~B. The department shall adopt rules related to drug testing~~
31 ~~pursuant to this section that include more frequent drug testing for~~
32 ~~offenses that occurred within twenty-four months of the date of~~
33 ~~application.~~

34 Sec. 5. Section 46-292, Arizona Revised Statutes, is amended to
35 read:

36 46-292. Eligibility for assistance

37 A. A family without a dependent child in the household may not
38 receive cash assistance EXCEPT THAT A WOMAN WHO IS PREGNANT MAY RECEIVE
39 CASH ASSISTANCE.

40 B. Cash assistance may be given under this title to any dependent
41 child and member of a needy family:

42 1. Who has established residence in Arizona at the time of
43 application and who is either:

44 (a) A citizen by birth or naturalization.

45 (b) A qualified alien who entered the United States on or before
46 August 21, 1996.

1 (c) A qualified alien who entered the United States as a member of
2 one of the exception groups under Public Law 104-193, section 412, in
3 which case the person shall be determined eligible in accordance with
4 Public Law 104-193.

5 (d) Defined as a qualified alien by the attorney general of the
6 United States under the authority of Public Law 104-208, section 501.
7 For the purposes of subdivisions (b) and (c) of this paragraph, "qualified
8 alien" means a person who is defined as a qualified alien under Public Law
9 104-193, section 431.

10 2. If the parent or parents of the dependent child or the nonparent
11 relative head of household receiving assistance, if employable, does not
12 refuse to accept available employment. The department shall assess the
13 applicant's employability at the time of initial application for
14 assistance to establish a self-sufficiency diversion option, if
15 appropriate, before benefit issuance. The determination of employability
16 and the conditions under which employment shall be required shall be
17 determined by the state department, except that claimed unemployability
18 because of physical or mental incapacity shall be determined by the state
19 department in accordance with this title.

20 3. If the parent or parents of the dependent child or the nonparent
21 head of household in a needy family has not, within one year before
22 application, or while a recipient, transferred or assigned real or
23 personal property with the intent to evade federal or state eligibility
24 requirements. Transfer of property with retention of a life estate for
25 the purpose of qualifying for assistance is prohibited. Where fair
26 consideration for the property was received, no inquiry into motive is
27 necessary. A person found ineligible under this section shall be
28 ineligible for such time as the state department determines.

29 4. Who meets the requirements of this section and department rule
30 to qualify as part of the assistance unit.

31 C. Qualified aliens entering the United States after August 21,
32 1996 are ineligible for benefits for a period of five years beginning on
33 their date of entry, except for Cuban and Haitian entrants as defined in
34 section 501(e)(2) of the refugee education assistance act of 1980 and
35 exceptions provided under Public Law 104-193 (personal responsibility and
36 work opportunity reconciliation act of 1996) and Public Law 105-32
37 (balanced budget act of 1997).

38 D. A parent or any other relative who applies for or who receives
39 cash assistance under this title on behalf of a child shall cooperate with
40 the department by taking the following actions:

41 1. Providing information regarding the identity of the child's
42 father and mother and other pertinent information including their names,
43 social security numbers and current addresses or a sworn statement that
44 attests to the lack of this information and that is accompanied by facts
45 supporting the asserted lack of information.

46 2. Appearing at interviews, hearings and legal proceedings.

- 1 3. Submitting and having the child submit to genetic testing.
- 2 4. Signing authorizations for third parties to release information
- 3 concerning the applicant or the child, or both.
- 4 5. In cases in which parentage has not been established, providing
- 5 a sworn statement alleging paternity and setting forth facts establishing
- 6 a reasonable possibility of the requisite sexual contact between the
- 7 parties.
- 8 6. Supplying additional information the department requires.
- 9 E. The department shall sanction a recipient who, without good
- 10 cause as prescribed in subsection F of this section, fails to cooperate
- 11 with child support enforcement efforts according to the sanction
- 12 provisions of section 46-300.
- 13 F. One or more of the following circumstances constitute good cause
- 14 for failure to cooperate with child support enforcement efforts:
- 15 1. Cooperation may result in physical or emotional harm to the
- 16 parent, child for whom support is sought or caretaker relative with whom
- 17 the child is living.
- 18 2. Legal proceedings for adoption of the child for whom support is
- 19 sought are pending before a court.
- 20 3. The participant has been working, for less than ninety days,
- 21 with a public or licensed private social agency on the issue of whether to
- 22 allow the child for whom support is sought to be adopted.
- 23 4. The child for whom support is sought was conceived as a result
- 24 of sexual assault pursuant to section 13-1406 or incest.
- 25 G. A person claiming good cause has twenty days from the date the
- 26 good cause claim is provided to the agency to supply evidence supporting
- 27 the claim. When determining whether the parent or relative is cooperating
- 28 with the agency as provided in subsection D of this section, the agency
- 29 shall require:
- 30 1. If the good cause exception in subsection F, paragraph 1 of this
- 31 section is claimed, law enforcement, court, medical, criminal,
- 32 psychological, social service or governmental records or sworn statements
- 33 from persons with personal knowledge of the circumstances that indicate
- 34 that the alleged parent or obligor might inflict physical harm on the
- 35 parent, child or caretaker relative.
- 36 2. If the good cause exception in subsection F, paragraph 2 of this
- 37 section is claimed, court documents that indicate that legal proceedings
- 38 for adoption are pending before a court of competent jurisdiction.
- 39 3. If the good cause exception in subsection F, paragraph 3 of this
- 40 section is claimed, records from a public or licensed private social
- 41 services agency showing that placing the child for whom support is sought
- 42 is under consideration.
- 43 4. If the good cause exception in subsection F, paragraph 4 of this
- 44 section is claimed, law enforcement, court, medical, criminal,
- 45 psychological, social service or governmental records or sworn statements
- 46 from persons with personal knowledge of the circumstances surrounding the

1 conception of the child that indicate the child was conceived as a result
2 of sexual assault pursuant to section 13-1406 or incest.

3 ~~H. Notwithstanding subsection B of this section and except as~~
4 ~~provided in subsection I of this section, a dependent child or children~~
5 ~~who are born during one of the following time periods are not eligible for~~
6 ~~assistance under this title:~~

7 ~~1. The period in which the parent or other relative is receiving~~
8 ~~assistance benefits.~~

9 ~~2. The temporary period in which the parent or other relative is~~
10 ~~ineligible pursuant to a penalty imposed by the department for failure to~~
11 ~~comply with benefit eligibility requirements, after which the parent or~~
12 ~~other relative is eligible for a continuation of benefits.~~

13 ~~3. Any period after November 1, 1995 that is less than sixty months~~
14 ~~between a voluntary withdrawal from program benefits or a period of~~
15 ~~ineligibility for program benefits which immediately followed a period~~
16 ~~during which program benefits were received and a subsequent reapplication~~
17 ~~and eligibility approval for benefits.~~

18 ~~I. The following exceptions apply to subsection H of this section:~~

19 ~~1. The department shall allow an increase in cash assistance under~~
20 ~~the program for a dependent child or children born as a result of an act~~
21 ~~of sexual assault pursuant to section 13-1406 or incest. The department~~
22 ~~shall ensure that the proper law enforcement authorities are notified of~~
23 ~~allegations of sexual assault or incest made pursuant to this paragraph.~~
24 ~~For the purposes of this paragraph, "an act of sexual assault" includes~~
25 ~~sexual assault of a spouse if the offense was committed before August 12,~~
26 ~~2005.~~

27 ~~2. For those parents or other relatives who are currently~~
28 ~~authorized for cash assistance the department shall allow an increase in~~
29 ~~cash assistance under the program as a result of the birth of a child or~~
30 ~~children to the parent or other relative only if the birth occurred within~~
31 ~~ten months of the initial eligible month. The department may use only the~~
32 ~~additional child or children who are born from the pregnancies covered in~~
33 ~~this subsection in computing the additional benefit.~~

34 ~~3. The department shall allow an increase in cash assistance for~~
35 ~~any dependent child born to a parent who has not received cash assistance~~
36 ~~under this title for at least twelve consecutive months if the child is~~
37 ~~born within the period beginning ten months after the twelve consecutive~~
38 ~~month period and ending ten months after the parent resumes receiving cash~~
39 ~~assistance.~~

40 ~~4. A dependent child or children who were born during a period in~~
41 ~~which the custodial parent received cash assistance through the Arizona~~
42 ~~works program shall be eligible to receive assistance under this title.~~

43 ~~5. A dependent child or children who were born within ten months~~
44 ~~after the custodial parent received cash assistance through the Arizona~~
45 ~~works program shall be eligible to receive assistance under this title.~~

1 ~~6. The department of economic security shall allow cash assistance~~
2 ~~for an otherwise eligible dependent child during the period in which the~~
3 ~~dependent child is in the legal custody of the department of child safety,~~
4 ~~a tribal court or a tribal child welfare agency located in this state and~~
5 ~~is placed in unlicensed kinship foster care with a nonparent relative or~~
6 ~~unrelated adult.~~

7 ~~7. The department shall allow cash assistance for an otherwise~~
8 ~~eligible child who meets one of the following:~~

9 ~~(a) The court has placed the child with a nonparent relative.~~

10 ~~(b) The child's parents are deceased and the child is living with a~~
11 ~~nonparent relative.~~

12 ~~(c) A nonparent relative has custody of the child because the child~~
13 ~~is abandoned as defined in section 8-201.~~

14 ~~j. The department shall calculate the sixty-month time period~~
15 ~~referenced in subsection H, paragraph 3 of this section in the following~~
16 ~~manner:~~

17 ~~1. For persons who are receiving cash assistance on November 1,~~
18 ~~1995, the sixty-month time period begins on November 1, 1995. A~~
19 ~~subsequent sixty-month time period begins immediately after the previous~~
20 ~~period ends if the person is receiving cash assistance through two~~
21 ~~sixty-month periods. If the individual is not receiving cash assistance~~
22 ~~at the end of the previous sixty-month period, any subsequent sixty-month~~
23 ~~time period begins on the date when cash assistance became effective~~
24 ~~again, regardless of when the person received an actual payment.~~

25 ~~2. For persons who begin receiving cash assistance after November~~
26 ~~1, 1995, the sixty-month time period begins on the date cash assistance~~
27 ~~becomes effective, regardless of when the person received an actual~~
28 ~~payment. A subsequent sixty-month period begins as provided in paragraph~~
29 ~~1 of this subsection.~~

30 ~~K. In calculating a parent's or any other relative's benefit~~
31 ~~increase that arises from any general increase that has been approved for~~
32 ~~all program recipients, the department shall not consider a child or~~
33 ~~children born under the time periods listed in subsection H of this~~
34 ~~section.~~

35 ~~L. For the parents or other relatives who have additional children~~
36 ~~for whom they receive no cash assistance payment under subsection H of~~
37 ~~this section, the department shall make any necessary program amendments~~
38 ~~or request any necessary federal waivers to allow the parents or other~~
39 ~~relatives to earn income in an amount equal to the disallowed cash~~
40 ~~assistance payment without affecting their eligibility for assistance.~~

41 ~~M.~~ H. The director shall adopt rules:

42 1. To implement this section, including rules to define the
43 investigatory steps that must be taken to confirm that an act of sexual
44 assault pursuant to section 13-1406 or incest led to the birth of a
45 dependent child or children.

1 2. That require the department to inform both verbally and in
2 writing the parents and other relatives who are receiving assistance under
3 this article of the specific family planning services that are available
4 to them while they are enrolled as eligible persons in the Arizona health
5 care cost containment system.

6 ~~H.~~ I. This section does not prevent an otherwise eligible child
7 who is not included in the family's calculation of benefits under this
8 article from being eligible for coverage under title 36, chapter 29 or for
9 any services that are directly linked to eligibility for the temporary
10 assistance for needy families program.

11 ~~I.~~ J. Assistance shall not be denied or terminated under this
12 article because the principal wage earner works one hundred or more hours
13 per month.

14 ~~J.~~ K. Except as provided in paragraph 2 of this subsection, all
15 members of a needy family, including stepparents, must meet the same
16 financial eligibility criteria established in this title, by department
17 rule and as follows:

18 1. The department shall include all income from every source
19 available to a needy family requesting cash assistance, except income that
20 is required to be disregarded by this subsection and as determined by the
21 department in rules. For the amount of income that is received from
22 employment, each month every employed person is entitled to receive an
23 earned income disregard of ninety dollars plus an additional thirty
24 percent of the remaining earned income. A needy family that includes an
25 employed person is entitled to an earned income disregard equal to the
26 actual amount billed to the household for the care of an adult or child
27 dependent household member, up to two hundred dollars a month for a child
28 under two years of age and up to one hundred seventy-five dollars a month
29 for each other dependent. This dependent care disregard is allowed only
30 if the expense is necessary to allow the household member to become or
31 remain employed or to attend postsecondary training or education that is
32 preparatory to employment.

33 2. The total gross countable income of a needy family that includes
34 a nonparent relative head of household who is not applying for or
35 receiving cash assistance and who is requesting cash assistance only for a
36 dependent child shall not exceed one hundred thirty percent of the federal
37 poverty guidelines.

38 ~~K.~~ L. If the total gross countable income in subsection ~~P~~ K,
39 paragraph 2 of this section does not exceed one hundred thirty percent of
40 the federal poverty guidelines, in determining benefit amount, the
41 department shall exclude the income of all members of the needy family
42 except for the income of the eligible dependent child for whom cash
43 assistance is requested.

44 ~~L.~~ M. For the purposes of eligibility and benefit amount, only the
45 income of the dependent child is considered for a child only case.

1 ~~5.~~ N. Any parent or other relative who applies for or receives
2 cash assistance under this article on behalf of a dependent child who is
3 between six and sixteen years of age shall ensure that the child is
4 enrolled in and attending school. An initial applicant is ineligible for
5 benefits until the applicant's dependent children are verified to be
6 enrolled in and attending an educational program. The department of
7 education shall assist the department of economic security in obtaining
8 verification of school enrollment and attendance. The director of the
9 department of economic security may adopt rules for granting good cause
10 exceptions from this subsection. The department of economic security
11 shall sanction a recipient who fails, without good cause, to ensure school
12 enrollment and attendance according to section 46-300.

13 ~~F.~~ O. Any parent or other relative who applies for or receives
14 cash assistance under this section on behalf of a dependent child shall
15 ensure that the child is immunized in accordance with the schedule of
16 immunizations pursuant to section 36-672. The director of the department
17 of economic security may adopt rules for granting good cause exceptions
18 from this subsection. The department of economic security shall sanction
19 a recipient, in accordance with section 46-300, who fails, without good
20 cause, to obtain the required immunizations for a dependent child unless
21 the recipient submits to the department of economic security the
22 documentation described in section 15-873.

23 Sec. 6. Section 46-294, Arizona Revised Statutes, is amended to
24 read:

25 46-294. Duration of assistance

26 A. A needy family is ineligible for a cash assistance grant awarded
27 under this article, except in case of hardship ~~or as provided in~~
28 ~~subsection G of this section~~, if any of the following applies:

29 1. The needy family includes a head of household or the spouse of
30 the head of household who has received cash assistance for himself for a
31 total of ~~twelve~~ SIXTY months.

32 2. The needy family includes a cash assistance ineligible parent or
33 the spouse of the ineligible parent who has received cash assistance on
34 behalf of an eligible dependent child for a total of ~~twelve~~ SIXTY months.

35 3. The needy family includes an adult nonparent relative head of
36 household or the spouse of the adult nonparent relative head of household
37 who has received cash assistance on behalf of an eligible dependent child
38 for a total of ~~twelve~~ SIXTY months.

39 B. The time limit prescribed in subsection A of this section
40 applies retroactively to cash assistance received under this article or
41 the Arizona works program on or after October 1, 2002. The time limit
42 applies regardless of:

43 1. Whether the ~~twelve~~ SIXTY months are consecutive.

44 2. The source of funding for the program.

45 C. The ~~twelve~~ SIXTY month time limit prescribed in this section
46 does not apply to child only cases.

1 D. In determining the number of months that assistance has been
2 received, the department shall disregard any month during which assistance
3 is received by:

4 1. A foster parent, an unrelated adult or a nonparent relative, in
5 a child only case.

6 2. An assistance unit during the time in which the assistance unit
7 resides on an Indian reservation in which the unemployment rate of the
8 adults residing on the Indian reservation exceeds fifty percent.

9 3. An assistance unit if the cash assistance grant is less than the
10 full monthly amount of cash assistance for which the assistance unit
11 qualifies based on the date of the application.

12 4. An adult recipient who as a minor child was not a head of
13 household or married to a head of household.

14 E. Except in case of hardship ~~or as provided in subsection G of~~
15 ~~this section~~, an assistance unit in which any adult or minor parent of a
16 dependent child who is a head of household or married to a head of
17 household has received sixty months of assistance funded in whole or in
18 part by the temporary assistance for needy families block grant in this or
19 any other state or United States territory or from a tribal temporary
20 assistance for needy families program shall not be eligible to receive
21 under any circumstances more than sixty months of such assistance.

22 F. Consistent with the adopted state plan, cash assistance shall
23 terminate on July 1, ~~2016~~ 2022 for any family, without regard to whether
24 the family meets the financial criteria established for a needy family,
25 that has received ~~twelve~~ SIXTY or more months of cash assistance as of
26 that date.

27 ~~G. A needy family may receive cash assistance for an additional~~
28 ~~twelve months if both of the following apply:~~

29 ~~1. The head of household or other adult household member who is~~
30 ~~required to participate in the work program is in full compliance and~~
31 ~~remains in full compliance with all work activity requirements of the~~
32 ~~program.~~

33 ~~2. Each dependent child in the assistance unit, who is required to~~
34 ~~attend school pursuant to section 15-803, not including child only cases,~~
35 ~~has a school attendance record of at least ninety percent unless the child~~
36 ~~was excused pursuant to section 15-802, subsection D, paragraph 1, 3, 5, 6~~
37 ~~or 7.~~

38 Sec. 7. Section 46-300, Arizona Revised Statutes, is amended to
39 read:

40 46-300. Sanctions

41 A. The department shall impose a series of graduated sanctions as
42 described in subsection D of this section for any noncompliance with:

43 1. The child support enforcement efforts required by section
44 46-292, subsection D unless good cause is established as provided in
45 section 46-292, subsections F and G.

1 2. The work activities requirements described in section 46-299,
2 unless good cause is established as provided in section 46-299, subsection
3 H and department rules. A recipient who does not comply with the work
4 activities requirements shall demonstrate compliance with the work
5 activities requirements in order to continue benefit eligibility and to
6 avoid sanctions.

7 3. The school enrollment and attendance requirements of section
8 46-292, subsection ~~S~~ N.

9 4. The immunization requirements of section 46-292,
10 subsection ~~F~~ O.

11 B. In addition to subsection A of this section, the department
12 shall impose a series of graduated sanctions as described in subsection D
13 of this section if either of the following occurs:

14 1. The recipient voluntarily terminates paid employment without
15 good cause as specified in rules adopted by the director.

16 2. An adult recipient uses, sells or possesses a controlled
17 substance in violation of title 13 as specified in rules adopted by the
18 director.

19 C. Noncompliance with one or more of the requirements listed in
20 subsection A of this section during any calendar month is deemed to be a
21 month of noncompliance and shall result in the sanctions prescribed in
22 subsection D of this section. The department shall impose these graduated
23 sanctions even if the instances of noncompliance do not occur in
24 consecutive months.

25 D. The department shall impose the following sanctions:

26 1. For the first instance of noncompliance, the department shall
27 ~~reduce the household's cash assistance grant by fifty percent for one~~
28 ~~month.~~ NOTIFY THE RECIPIENT IN WRITING OUTLINING THE AREA OR AREAS OF
29 NONCOMPLIANCE AND INCLUDE A WARNING THAT BENEFITS MAY BE REDUCED FOR
30 CONTINUED NONCOMPLIANCE.

31 2. For a second instance of noncompliance that occurs in a month
32 other than the month in which the first noncompliance occurred, ~~and any~~
33 ~~instance of noncompliance thereafter, the department shall terminate the~~
34 ~~household's cash assistance grant for at least one month or until the~~
35 ~~household complies.~~ THE DEPARTMENT SHALL NOTIFY THE RECIPIENT IN WRITING
36 OUTLINING THE AREA OR AREAS OF NONCOMPLIANCE AND INCLUDE A WARNING THAT
37 BENEFITS MAY BE REDUCED FOR CONTINUED NONCOMPLIANCE.

38 3. FOR A THIRD INSTANCE OF NONCOMPLIANCE THAT OCCURS IN A MONTH
39 OTHER THAN THE MONTH IN WHICH THE SECOND NONCOMPLIANCE OCCURRED, THE
40 DEPARTMENT SHALL NOTIFY THE RECIPIENT IN WRITING OUTLINING THE AREA OR
41 AREAS OF NONCOMPLIANCE AND SHALL REDUCE THE BENEFIT AMOUNT OF THE ADULT'S
42 PORTION BY THIRTY PERCENT. FOR THE PURPOSES OF CALCULATING SANCTIONS
43 PURSUANT TO THIS PARAGRAPH, THE ADULT'S PORTION SHALL BE CONSIDERED
44 TWENTY-FIVE PERCENT AND THE CHILD'S PORTION SEVENTY-FIVE PERCENT OF THE
45 TOTAL AWARD AMOUNT.

1 Sec. 8. Title 46, chapter 2, article 5, Arizona Revised Statutes,
2 is amended by adding section 46-300.08, to read:

3 46-300.08. Drug testing; prohibition

4 EXCEPT AS PROVIDED IN SECTION 46-219, THE DEPARTMENT OF ECONOMIC
5 SECURITY MAY NOT REQUIRE DRUG TESTING FOR ANY TEMPORARY ASSISTANCE FOR
6 NEEDY FAMILY RECIPIENT.

7 Sec. 9. Section 46-407, Arizona Revised Statutes, is amended to
8 read:

9 46-407. Assignment of rights to support; definition

10 A. The right to support of a child and spouse who receive temporary
11 assistance for needy families pursuant to Public Law 104-193 and chapter
12 2, article 5 of this title and the right to medical support of a child who
13 receives medical assistance under title XIX of the social security act is
14 assigned to this state by operation of law. The support rights are
15 assigned to the state regardless of whether the applicant for assistance
16 has any right to receive the support. The department shall take all steps
17 necessary to enforce the assigned rights to support.

18 B. The support rights assigned to the state apply to all children
19 of the household for whom temporary assistance for needy families is
20 granted. If a child is denied temporary assistance for needy families due
21 to the receipt of social security income for the child ~~or the child is~~
22 ~~subject to section 46-292, subsection H,~~ the department shall divide the
23 ~~court ordered~~ COURT-ORDERED child support amount by the number of children
24 in the court order. ~~The prorated amount is exempt from assignment for the~~
25 ~~child who is receiving social security income or subject to section~~
26 ~~46-292, subsection H.~~

27 C. The right to support of a child on whose behalf foster care
28 maintenance payments are made is assigned pursuant to section 8-243.02.
29 If the child support order covers more than one child, the department
30 shall determine the amount to be distributed to the state by dividing the
31 ~~court ordered~~ COURT-ORDERED support amount by the number of the children
32 in the court order.

33 D. For the purposes of this section, "support" has the same meaning
34 prescribed in section 25-500.

35 Sec. 10. Retroactivity

36 Section 46-294, Arizona Revised Statutes, as amended by this act,
37 applies retroactively to from and after June 30, 2022.