

REFERENCE TITLE: SNAP; eligible benefits

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2652

Introduced by
Representatives Contreras P: Austin, Hernandez L, Longdon, Mathis,
Peshlakai, Salman, Sandoval, Seaman

AN ACT

AMENDING SECTIONS 46-101, 46-207.01, 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

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

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

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

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

14 12. "Federal poverty level" means the poverty guidelines that are
15 issued by the United States department of health and human services
16 pursuant to section 673(2) of the omnibus budget reconciliation act of
17 1981 and that are reported annually in the federal register.

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

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

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

28 16. "Needy family":

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

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

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

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

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

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

1 Sec. 3. Section 46-292, Arizona Revised Statutes, is amended to
2 read:

3 46-292. Eligibility for assistance

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

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

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

11 (a) A citizen by birth or naturalization.

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

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

18 (d) Defined as a qualified alien by the attorney general of the
19 United States under the authority of Public Law 104-208, section 501.

20 For the purposes of subdivisions (b) and (c) of this paragraph, "qualified
21 alien" means a person who is defined as a qualified alien under Public Law
22 104-193, section 431.

23 2. If the parent or parents of the dependent child or the nonparent
24 relative head of household receiving assistance, if employable, does not
25 refuse to accept available employment. The department shall assess the
26 applicant's employability at the time of initial application for
27 assistance to establish a self-sufficiency diversion option, if
28 appropriate, before benefit issuance. The determination of employability
29 and the conditions under which employment shall be required shall be
30 determined by the state department, except that claimed unemployability
31 because of physical or mental incapacity shall be determined by the state
32 department in accordance with this title.

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

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

44 C. Qualified aliens entering the United States after August 21,
45 1996 are ineligible for benefits for a period of five years beginning on

1 their date of entry, except for Cuban and Haitian entrants as defined in
2 section 501(e)(2) of the refugee education assistance act of 1980 and
3 exceptions provided under Public Law 104-193 (personal responsibility and
4 work opportunity reconciliation act of 1996) and Public Law 105-32
5 (balanced budget act of 1997).

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

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

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

15 3. Submitting and having the child submit to genetic testing.

16 4. Signing authorizations for third parties to release information
17 concerning the applicant or the child, or both.

18 5. In cases in which parentage has not been established, providing
19 a sworn statement alleging paternity and setting forth facts establishing
20 a reasonable possibility of the requisite sexual contact between the
21 parties.

22 6. Supplying additional information the department requires.

23 E. The department shall sanction a recipient who, without good
24 cause as prescribed in subsection F of this section, fails to cooperate
25 with child support enforcement efforts according to the sanction
26 provisions of section 46-300.

27 F. One or more of the following circumstances constitute good cause
28 for failure to cooperate with child support enforcement efforts:

29 1. Cooperation may result in physical or emotional harm to the
30 parent, child for whom support is sought or caretaker relative with whom
31 the child is living.

32 2. Legal proceedings for adoption of the child for whom support is
33 sought are pending before a court.

34 3. The participant has been working, for less than ninety days,
35 with a public or licensed private social agency on the issue of whether to
36 allow the child for whom support is sought to be adopted.

37 4. The child for whom support is sought was conceived as a result
38 of sexual assault pursuant to section 13-1406 or incest.

39 G. A person claiming good cause has twenty days from the date the
40 good cause claim is provided to the agency to supply evidence supporting
41 the claim. When determining whether the parent or relative is cooperating
42 with the agency as provided in subsection D of this section, the agency
43 shall require:

44 1. If the good cause exception in subsection F, paragraph 1 of this
45 section is claimed, law enforcement, court, medical, criminal,

1 psychological, social service or governmental records or sworn statements
2 from persons with personal knowledge of the circumstances that indicate
3 that the alleged parent or obligor might inflict physical harm on the
4 parent, child or caretaker relative.

5 2. If the good cause exception in subsection F, paragraph 2 of this
6 section is claimed, court documents that indicate that legal proceedings
7 for adoption are pending before a court of competent jurisdiction.

8 3. If the good cause exception in subsection F, paragraph 3 of this
9 section is claimed, records from a public or licensed private social
10 services agency showing that placing the child for whom support is sought
11 is under consideration.

12 4. If the good cause exception in subsection F, paragraph 4 of this
13 section is claimed, law enforcement, court, medical, criminal,
14 psychological, social service or governmental records or sworn statements
15 from persons with personal knowledge of the circumstances surrounding the
16 conception of the child that indicate the child was conceived as a result
17 of sexual assault pursuant to section 13-1406 or incest.

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

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

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

28 ~~3. Any period after November 1, 1995 that is less than sixty months~~
29 ~~between a voluntary withdrawal from program benefits or a period of~~
30 ~~ineligibility for program benefits which immediately followed a period~~
31 ~~during which program benefits were received and a subsequent reapplication~~
32 ~~and eligibility approval for benefits.~~

33 ~~i. The following exceptions apply to subsection H of this section:~~

34 ~~1. The department shall allow an increase in cash assistance under~~
35 ~~the program for a dependent child or children born as a result of an act~~
36 ~~of sexual assault pursuant to section 13-1406 or incest. The department~~
37 ~~shall ensure that the proper law enforcement authorities are notified of~~
38 ~~allegations of sexual assault or incest made pursuant to this paragraph.~~
39 ~~For the purposes of this paragraph, "an act of sexual assault" includes~~
40 ~~sexual assault of a spouse if the offense was committed before August 12,~~
41 ~~2005.~~

42 ~~2. For those parents or other relatives who are currently~~
43 ~~authorized for cash assistance the department shall allow an increase in~~
44 ~~cash assistance under the program as a result of the birth of a child or~~
45 ~~children to the parent or other relative only if the birth occurred within~~

1 ~~ten months of the initial eligible month. The department may use only the~~
2 ~~additional child or children who are born from the pregnancies covered in~~
3 ~~this subsection in computing the additional benefit.~~

4 ~~3. The department shall allow an increase in cash assistance for~~
5 ~~any dependent child born to a parent who has not received cash assistance~~
6 ~~under this title for at least twelve consecutive months if the child is~~
7 ~~born within the period beginning ten months after the twelve consecutive~~
8 ~~month period and ending ten months after the parent resumes receiving cash~~
9 ~~assistance.~~

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

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

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

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

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

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

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

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

32 ~~1. For persons who are receiving cash assistance on November 1,~~
33 ~~1995, the sixty-month time period begins on November 1, 1995. A~~
34 ~~subsequent sixty-month time period begins immediately after the previous~~
35 ~~period ends if the person is receiving cash assistance through two~~
36 ~~sixty-month periods. If the individual is not receiving cash assistance~~
37 ~~at the end of the previous sixty-month period, any subsequent sixty-month~~
38 ~~time period begins on the date when cash assistance became effective~~
39 ~~again, regardless of when the person received an actual payment.~~

40 ~~2. For persons who begin receiving cash assistance after November~~
41 ~~1, 1995, the sixty-month time period begins on the date cash assistance~~
42 ~~becomes effective, regardless of when the person received an actual~~
43 ~~payment. A subsequent sixty-month period begins as provided in paragraph~~
44 ~~1 of this subsection.~~

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

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

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

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

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

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

27 ~~O.~~ J. Assistance shall not be denied or terminated under this
28 article because the principal wage earner works one hundred or more hours
29 per month.

30 ~~P.~~ K. Except as provided in paragraph 2 of this subsection, all
31 members of a needy family, including stepparents, must meet the same
32 financial eligibility criteria established in this title, by department
33 rule and as follows:

34 1. The department shall include all income from every source
35 available to a needy family requesting cash assistance, except income that
36 is required to be disregarded by this subsection and as determined by the
37 department in rules. For the amount of income that is received from
38 employment, each month every employed person is entitled to receive an
39 earned income disregard of ninety dollars plus an additional thirty
40 percent of the remaining earned income. A needy family that includes an
41 employed person is entitled to an earned income disregard equal to the
42 actual amount billed to the household for the care of an adult or child
43 dependent household member, up to two hundred dollars a month for a child
44 under two years of age and up to one hundred seventy-five dollars a month
45 for each other dependent. This dependent care disregard is allowed only

1 if the expense is necessary to allow the household member to become or
2 remain employed or to attend postsecondary training or education that is
3 preparatory to employment.

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

9 ~~Q.~~ L. If the total gross countable income in subsection ~~P~~ K,
10 paragraph 2 of this section does not exceed one hundred thirty percent of
11 the federal poverty guidelines, in determining benefit amount, the
12 department shall exclude the income of all members of the needy family
13 except for the income of the eligible dependent child for whom cash
14 assistance is requested.

15 ~~R.~~ M. For the purposes of eligibility and benefit amount, only the
16 income of the dependent child is considered for a child only case.

17 ~~S.~~ N. Any parent or other relative who applies for or receives
18 cash assistance under this article on behalf of a dependent child who is
19 between six and sixteen years of age shall ensure that the child is
20 enrolled in and attending school. An initial applicant is ineligible for
21 benefits until the applicant's dependent children are verified to be
22 enrolled in and attending an educational program. The department of
23 education shall assist the department of economic security in obtaining
24 verification of school enrollment and attendance. The director of the
25 department of economic security may adopt rules for granting good cause
26 exceptions from this subsection. The department of economic security
27 shall sanction a recipient who fails, without good cause, to ensure school
28 enrollment and attendance according to section 46-300.

29 ~~T.~~ O. Any parent or other relative who applies for or receives
30 cash assistance under this section on behalf of a dependent child shall
31 ensure that the child is immunized in accordance with the schedule of
32 immunizations pursuant to section 36-672. The director of the department
33 of economic security may adopt rules for granting good cause exceptions
34 from this subsection. The department of economic security shall sanction
35 a recipient, in accordance with section 46-300, who fails, without good
36 cause, to obtain the required immunizations for a dependent child unless
37 the recipient submits to the department of economic security the
38 documentation described in section 15-873.

39 Sec. 4. Section 46-294, Arizona Revised Statutes, is amended to
40 read:

41 46-294. Duration of assistance

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

- 1 1. The needy family includes a head of household or the spouse of
2 the head of household who has received cash assistance for himself for a
3 total of ~~twelve~~ SIXTY months.
- 4 2. The needy family includes a cash assistance ineligible parent or
5 the spouse of the ineligible parent who has received cash assistance on
6 behalf of an eligible dependent child for a total of ~~twelve~~ SIXTY months.
- 7 3. The needy family includes an adult nonparent relative head of
8 household or the spouse of the adult nonparent relative head of household
9 who has received cash assistance on behalf of an eligible dependent child
10 for a total of ~~twelve~~ SIXTY months.
- 11 B. The time limit prescribed in subsection A of this section
12 applies retroactively to cash assistance received under this article or
13 the Arizona works program on or after October 1, 2002. The time limit
14 applies regardless of:
- 15 1. Whether the ~~twelve~~ SIXTY months are consecutive.
16 2. The source of funding for the program.
- 17 C. The ~~twelve~~ SIXTY month time limit prescribed in this section
18 does not apply to child only cases.
- 19 D. In determining the number of months that assistance has been
20 received, the department shall disregard any month during which assistance
21 is received by:
- 22 1. A foster parent, an unrelated adult or a nonparent relative, in
23 a child only case.
24 2. An assistance unit during the time in which the assistance unit
25 resides on an Indian reservation in which the unemployment rate of the
26 adults residing on the Indian reservation exceeds fifty percent.
27 3. An assistance unit if the cash assistance grant is less than the
28 full monthly amount of cash assistance for which the assistance unit
29 qualifies based on the date of the application.
30 4. An adult recipient who as a minor child was not a head of
31 household or married to a head of household.
- 32 E. Except in case of hardship ~~or as provided in subsection G of~~
33 ~~this section~~, an assistance unit in which any adult or minor parent of a
34 dependent child who is a head of household or married to a head of
35 household has received sixty months of assistance funded in whole or in
36 part by the temporary assistance for needy families block grant in this or
37 any other state or United States territory or from a tribal temporary
38 assistance for needy families program shall not be eligible to receive
39 under any circumstances more than sixty months of such assistance.
- 40 F. Consistent with the adopted state plan, cash assistance shall
41 terminate on July 1, ~~2016~~ 2023 for any family, without regard to whether
42 the family meets the financial criteria established for a needy family,
43 that has received ~~twelve~~ SIXTY or more months of cash assistance as of
44 that date.

1 ~~6. A needy family may receive cash assistance for an additional~~
2 ~~twelve months if both of the following apply:~~

3 ~~1. The head of household or other adult household member who is~~
4 ~~required to participate in the work program is in full compliance and~~
5 ~~remains in full compliance with all work activity requirements of the~~
6 ~~program.~~

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

12 Sec. 5. Section 46-300, Arizona Revised Statutes, is amended to
13 read:

14 46-300. Sanctions

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

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

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

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

28 4. The immunization requirements of section 46-292,
29 subsection ~~F~~ O.

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

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

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

38 C. Noncompliance with one or more of the requirements listed in
39 subsection A of this section during any calendar month is deemed to be a
40 month of noncompliance and shall result in the sanctions prescribed in
41 subsection D of this section. The department shall impose these graduated
42 sanctions even if the instances of noncompliance do not occur in
43 consecutive months.

1 D. The department shall impose the following sanctions:

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

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

14 3. FOR A THIRD INSTANCE OF NONCOMPLIANCE THAT OCCURS IN A MONTH
15 OTHER THAN THE MONTH IN WHICH THE SECOND NONCOMPLIANCE OCCURRED, THE
16 DEPARTMENT SHALL NOTIFY THE RECIPIENT IN WRITING OUTLINING THE AREA OR
17 AREAS OF NONCOMPLIANCE AND SHALL REDUCE THE BENEFIT AMOUNT OF THE ADULT'S
18 PORTION BY THIRTY PERCENT. FOR THE PURPOSES OF CALCULATING SANCTIONS
19 PURSUANT TO THIS PARAGRAPH, THE ADULT'S PORTION SHALL BE CONSIDERED
20 TWENTY-FIVE PERCENT AND THE CHILD'S PORTION SEVENTY-FIVE PERCENT OF THE
21 TOTAL AWARD AMOUNT.

22 Sec. 6. Title 46, chapter 2, article 5, Arizona Revised Statutes,
23 is amended by adding section 46-300.08, to read:

24 46-300.08. Drug testing; prohibition

25 EXCEPT AS PROVIDED IN SECTION 46-219, THE DEPARTMENT OF ECONOMIC
26 SECURITY MAY NOT REQUIRE DRUG TESTING FOR ANY TEMPORARY ASSISTANCE FOR
27 NEEDY FAMILIES RECIPIENT.

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

30 46-407. Assignment of rights to support; definition

31 A. The right to support of a child and spouse who receive temporary
32 assistance for needy families pursuant to Public Law 104-193 and chapter
33 2, article 5 of this title and the right to medical support of a child who
34 receives medical assistance under title XIX of the social security act is
35 assigned to this state by operation of law. The support rights are
36 assigned to the state regardless of whether the applicant for assistance
37 has any right to receive the support. The department shall take all steps
38 necessary to enforce the assigned rights to support.

39 B. The support rights assigned to the state apply to all children
40 of the household for whom temporary assistance for needy families is
41 granted. If a child is denied temporary assistance for needy families due
42 to the receipt of social security income for the child ~~or the child is~~
43 ~~subject to section 46-292, subsection H,~~ the department shall divide the
44 ~~court ordered~~ COURT-ORDERED child support amount by the number of children
45 in the court order. ~~The prorated amount is exempt from assignment for the~~

1 ~~child who is receiving social security income or subject to section~~
2 ~~46-292, subsection H.~~

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

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

11 Sec. 8. Retroactivity

12 Section 46-294, Arizona Revised Statutes, as amended by this act,
13 applies retroactively to from and after June 30, 2023.