

CHAPTER 196

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 96-164

BY SENATORS Coffman, Hopper, Wham, Mutzebaugh, Norton, R. Powers, Schaffer, and Tebedo;
also REPRESENTATIVES Lyle, Anderson, Epps, Kreutz, Morrison, Acquafresca, Allen, Armstrong, Chavez, DeGette, Kerns,
Lamborn, Mace, Paschall, Pfiffner, Snyder, and Sullivant.

AN ACT

**CONCERNING STATE AID TO THE NEEDY DISABLED FOR PERSONS ADDICTED TO ALCOHOL OR
CONTROLLED SUBSTANCES, AND MAKING AN APPROPRIATION THEREFOR.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 26-2-106 (6) (a), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-2-106. Applications for public assistance. (6) (a) No application for aid to the needy disabled shall be approved until the applicant has been examined by a doctor of medicine or a doctor of osteopathy. The examining doctor shall certify in writing upon forms prescribed by the state department as to the diagnosis, prognosis, and other relevant medical or mental factors relating to the disability of the applicant. **NO APPLICANT DISABLED AS A RESULT OF A PRIMARY DIAGNOSIS OF ALCOHOLISM OR A CONTROLLED SUBSTANCE ADDICTION SHALL BE APPROVED FOR AID TO THE NEEDY DISABLED EXCEPT AS PROVIDED IN SECTION 26-2-111 (4) (d).**

SECTION 2. 26-2-108 (1) (d), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-2-108. Granting of assistance payments and social services. (1) (d) (I) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (d),** assistance payments under public assistance programs shall be paid at least monthly to or on behalf of the applicant upon order of the county department from funds appropriated to the county department for this purpose and pursuant to the rules and regulations of the state department.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) ASSISTANCE IN THE FORM OF AID TO THE NEEDY DISABLED FOR PERSONS WHO ARE DISABLED AS A RESULT OF A PRIMARY DIAGNOSIS OF ALCOHOLISM OR A CONTROLLED SUBSTANCE ADDICTION SHALL BE PAID ON THE PERSON'S BEHALF TO THE TREATMENT PROGRAM IN WHICH THE PERSON IS PARTICIPATING AS REQUIRED PURSUANT TO SECTION 26-2-111 (4) (d) (I) OR TO THE PERSON DIRECTLY UPON THE PERSON PROVIDING THE DOCUMENTATION REQUIRED PURSUANT TO SECTION 26-2-111 (4) (d) (II).

SECTION 3. 26-2-111 (4), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

26-2-111. Eligibility for public assistance. (4) **Aid to the needy disabled.** Public assistance in the form of aid to the needy disabled shall be granted to any person who meets the requirements of subsection (1) of this section and all of the following requirements:

(d) IF THE APPLICANT IS DISABLED AS A RESULT OF A PRIMARY DIAGNOSIS OF ALCOHOLISM OR A CONTROLLED SUBSTANCE ADDICTION, HE OR SHE, AS CONDITIONS OF ELIGIBILITY, SHALL BE REQUIRED TO:

(I) PARTICIPATE IN TREATMENT SERVICES APPROVED BY THE DIVISION OF ALCOHOL AND DRUG ABUSE IN THE STATE DEPARTMENT; AND

(II) DEMONSTRATE ON A PERIODIC AND RANDOM BASIS THAT HE OR SHE REMAINS FREE OF THE USE OF ALCOHOL OR ANY NONPRESCRIBED CONTROLLED SUBSTANCE ON A FORM VERIFIED BY THE TREATMENT PROGRAM. ANY PERSON WHOSE RANDOM TEST RESULTS ARE POSITIVE TWO TIMES IN ANY THREE-MONTH PERIOD SHALL BE DENIED ELIGIBILITY.

(e) A PERSON WHO IS DISABLED AS A RESULT OF A PRIMARY DIAGNOSIS OF ALCOHOLISM OR A CONTROLLED SUBSTANCE ADDICTION SHALL NOT BE ELIGIBLE FOR AID TO THE NEEDY DISABLED BASED UPON THAT PRIMARY DIAGNOSIS IF THE PERSON HAS RECEIVED AID TO THE NEEDY DISABLED BASED UPON SUCH DIAGNOSIS FOR ANY CUMULATIVE TWELVE-MONTH PERIOD IN THE PERSON'S LIFETIME.

SECTION 4. Adjustments to the 1996 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1996, shall be adjusted as follows:

(a) Of the appropriations made to the department of human services, office of information technology services, for the client-oriented information network, the general fund appropriation is increased by four thousand eight hundred dollars (\$4,800).

(b) Of the appropriations made to the department of human services, self-sufficiency, for assistance payments, the general fund appropriation is decreased by twenty-one thousand five hundred forty-one dollars (\$21,541), and the cash funds exempt appropriation is decreased by five thousand three hundred eighty-five dollars (\$5,385).

(c) Of the appropriations made to the department of human services, health and rehabilitation services, for the alcohol and drug abuse division, the general fund appropriation is increased by six thousand nine hundred twelve dollars (\$6,912).

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1996