

1 SB63
2 155693-2
3 By Senators Pittman, Beason, Orr, Glover, Waggoner, Marsh,
4 Reed, Scofield, Williams, Fielding, Hightower, Holley, Ward,
5 Whatley, Allen and Dial
6 RFD: Fiscal Responsibility and Accountability
7 First Read: 14-JAN-14
8 PFD: 12/18/2013

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to Temporary Cash Assistance for Needy
12 Families (TANF) benefits; to require the Department of Human
13 Resources to implement and administer a drug screening program
14 for any adult applying for TANF temporary cash assistance and
15 certain recipients, upon reasonable suspicion of illegal
16 substance use; to require the department to provide notice of
17 the drug screening to applicants; to specify who is
18 responsible for costs associated with the drug screening; to
19 provide that an adult testing positive for a drug under this
20 screening program is ineligible to receive certain public
21 assistance; to allow a parent of a minor child who tests
22 positive for drugs to designate a third party to receive the
23 benefits for the benefit of the minor child and family
24 members; and to authorize the department to promulgate rules
25 to implement the act.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. As used in this act, the following words
2 shall have the following meanings:

3 (1) DRUG. Includes all of the following:

4 a. A controlled substance for which a medical
5 prescription or other legal authorization is required for
6 purchase or possession, including, but not limited to: An
7 amphetamine, a tetrahydrocannabinol, oxycodone, cocaine,
8 phencyclidine (PCP), an opiate, a barbiturate, a
9 benzodiazepine, a methamphetamine, a propoxyphene, a tricyclic
10 antidepressant, or a metabolite of any of these substances.

11 b. A drug whose manufacture, sale, use, or
12 possession is forbidden by law.

13 (2) DRUG SCREENING. Any chemical, biological, or
14 physical instrumental analysis administered by a laboratory
15 certified by the United States Department of Health and Human
16 Services or other licensing agency in this state for the
17 purpose of determining the presence or absence of a drug or
18 its metabolites.

19 Section 2. (a) The Department of Human Resources
20 shall implement and administer a drug screening program for
21 any adult applying for temporary cash assistance who is
22 otherwise eligible for the Temporary Assistance for Needy
23 Families (TANF) program and for certain recipients upon
24 reasonable suspicion that the adult uses or is under the
25 influence of a drug. Reasonable suspicion exists if an
26 applicant has a conviction for the use or distribution of a
27 drug within five years prior to the date of the application

1 for TANF temporary cash assistance or if a recipient tested
2 positive for a drug without a valid prescription as a result
3 of a drug screening required under this section.

4 (b) The department shall require each applicant to
5 disclose, under penalty of perjury, any criminal conviction
6 related to the use or distribution of a drug on any
7 application for TANF temporary cash assistance.

8 (c) The cost of the initial drug screening of each
9 applicant shall be the responsibility of the department. The
10 cost of any subsequent drug screening is the responsibility of
11 the person screened. The department shall reimburse the person
12 for the cost of the drug screening if the person tests
13 negative for a drug.

14 (d) (1) A person who refuses to take a drug screening
15 or who delays the drug screening beyond the time set by the
16 department is ineligible to receive TANF temporary cash
17 assistance.

18 (2) A person who tests positive for a drug as a
19 result of a drug screening required under this section and who
20 is unable to produce a valid prescription for the drug shall
21 receive a warning that any subsequent positive drug screening
22 will result in a loss of benefits. Upon a second positive drug
23 screening, the person shall be ineligible for TANF temporary
24 cash assistance for one year after the date of the positive
25 drug screening results. Upon a third positive drug screening,
26 the person shall be permanently ineligible for TANF temporary

1 cash assistance. No person shall be subjected to more than two
2 additional drug screenings in any calendar year.

3 (3) A person who is denied TANF temporary cash
4 assistance under this section when he or she was an applicant
5 may request an administrative hearing to review the denial.

6 (e) The results of a drug screening under this act
7 shall not be admissible in any criminal proceeding, but are
8 admissible without further authentication or qualification in
9 administrative hearings of the department and judicial review
10 of department determinations.

11 (f) The department shall do all of the following:

12 (1) Provide notice of the potential for drug
13 screening to applicants for TANF temporary cash assistance at
14 the time of application. The notice shall advise the person
15 that drug screening may be conducted as a condition for
16 receiving benefits under certain conditions and that the
17 person shall bear the cost of the drug screening after the
18 initial screening. The person shall be advised that the
19 required drug screening may be avoided if the person does not
20 apply for TANF temporary cash assistance.

21 (2) Require each person to be screened to sign a
22 written acknowledgment that he or she has received notice of
23 the department's drug-screening policy and that he or she
24 understands the drug-screening requirement.

25 (g) If a parent is deemed permanently ineligible for
26 TANF temporary cash assistance as a result of failing a third
27 drug screening conducted under this section the dependent

1 child or other adult family member's eligibility for public
2 assistance benefits is not affected.

3 (1) An appropriate protective payee shall be
4 designated to receive benefits on behalf of the child and
5 family members.

6 (2) The parent may choose to designate another
7 person to receive benefits for the minor child and family
8 members. The designated person must be an immediate family
9 member or, if an immediate family member is not available or
10 the family member declines the option, another person, may be
11 designated. The designated person must be approved by the
12 department.

13 (h) The commissioner of the department shall
14 promulgate rules to prescribe the design, operation, and
15 standards for the implementation of this act.

16 Section 3. The provisions of this act are severable.
17 If any part of this act is declared invalid or
18 unconstitutional, that declaration shall not affect the part
19 which remains.

20 Section 4. The provisions of this act shall
21 terminate on September 30, 2017.

22 Section 5. This act shall become effective on
23 October 1, 2015.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Account-
ability..... 14-JAN-14

Read for the second time and placed on the calen-
dar 1 amendment..... 22-JAN-14

Read for the third time and passed as amended 26-FEB-14

Yeas 25
Nays 4

Patrick Harris
Secretary