

1 SB63
2 155693-1
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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8 SYNOPSIS: Under existing law, there is no requirement
9 that a person applying for or receiving public
10 assistance benefits be tested for illegal substance
11 abuse.

12 This bill would require an applicant for
13 TANF temporary cash assistance administered by the
14 Department of Human Resources and certain
15 recipients to be tested for substance abuse if
16 there is reasonable suspicion that the applicant is
17 under the influence of an illegal substance.

18 This bill would provide that any applicant
19 testing positive for a drug without a valid
20 prescription would be ineligible for TANF temporary
21 cash assistance benefits under the program.

22 This bill would authorize a parent of a
23 minor child who tests positive for drugs to
24 designate a third party to receive the public
25 assistance for the benefit of minor child members.

1 This bill also would authorize the
2 Department of Human Resources to promulgate rules
3 to implement this program.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

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

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

8 b. A drug whose manufacture, sale, use, or
9 possession is forbidden by law.

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

16 Section 2. (a) The Department of Human Resources
17 shall implement and administer a drug screening program for
18 any adult applying for temporary cash assistance who is
19 otherwise eligible for the Temporary Assistance for Needy
20 Families (TANF) program and for certain recipients upon
21 reasonable suspicion that the adult uses or is under the
22 influence of a drug. Reasonable suspicion exists if the
23 applicant has a conviction for the use or distribution of a
24 drug within five years prior to the date of the application or
25 initial payment for TANF temporary cash assistance or if the
26 recipient tested positive for a drug without a valid

1 prescription as a result of a drug screening required under
2 this section.

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

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

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

17 (2) A person who tests positive for a drug as a
18 result of a drug screening required under this section and who
19 is unable to produce a valid prescription for the drug shall
20 receive a warning that any subsequent positive drug screening
21 will result in a loss of benefits. Upon a second positive drug
22 screening, the person shall be ineligible for TANF temporary
23 cash assistance for one year after the date of the positive
24 drug screening results. Upon a third positive drug screening,
25 the person shall be permanently ineligible for TANF temporary
26 cash assistance. No person shall be subjected to more than two
27 additional drug screenings in any calendar year.

1 (3) A person who is denied TANF temporary cash
2 assistance under this section may request an administrative
3 hearing to review the denial.

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

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

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

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

23 (g) If a parent is deemed permanently ineligible for
24 TANF temporary cash assistance as a result of failing a third
25 drug screening conducted under this section the dependent
26 child or other adult family member's eligibility for public
27 assistance benefits is not affected.

1 (1) An appropriate protective payee shall be
2 designated to receive benefits on behalf of the child members.

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

9 (h) The commissioner of the department shall
10 promulgate rules to prescribe the design, operation, and
11 standards for the implementation of this act.

12 Section 3. The provisions of this act are severable.
13 If any part of this act is declared invalid or
14 unconstitutional, that declaration shall not affect the part
15 which remains.

16 Section 4. This act shall become effective on
17 October 1, 2014.