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3 SENATE FR&A COMMITTEE SUBSTITUTE FOR SB191
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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 to be tested for
15 substance abuse if there is reasonable suspicion
16 that the applicant is under the influence of an
17 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 the minor child.

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

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
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 or receiving TANF temporary cash
13 assistance upon reasonable suspicion of illegal substance use;
14 to require the department to provide notice of the drug
15 screening to applicants; to specify who is responsible for
16 costs associated with the drug screening; to provide that an
17 adult testing positive for a drug under this screening program
18 is ineligible to receive certain public assistance; to allow a
19 parent of a minor child who tests positive for drugs to
20 designate a third party to receive the benefits for the
21 benefit of the minor child; to specify that the costs
22 associated with any substance abuse treatment are not the
23 responsibility of the department or the state; and to
24 authorize the department to promulgate rules to implement the
25 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 or receiving temporary cash assistance
22 who is otherwise eligible for the Temporary Assistance for
23 Needy Families (TANF) program upon reasonable suspicion that
24 the adult uses or is under the influence of a drug. Reasonable
25 suspicion exists if the applicant or recipient has a
26 conviction for the use or distribution of a drug within five

1 years prior to the date of the application or initial payment
2 of TANF temporary cash assistance.

3 (b) The department shall require each applicant to
4 include, 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. Upon a third positive drug screening, the
25 person shall be permanently ineligible for TANF temporary cash
26 assistance.

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. The person
16 shall be advised that the required drug screening may be
17 avoided if the person does not apply for TANF temporary cash
18 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:

1 (1) The dependent child's eligibility for public
2 assistance benefits is not affected.

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

5 (3) The parent may choose to designate another
6 person to receive benefits for the parent's minor child. The
7 designated person must be an immediate family member or, if an
8 immediate family member is not available or the family member
9 declines the option, another person, approved by the
10 department, may be designated. The designated person must also
11 undergo drug screening before being approved to receive
12 benefits on behalf of the child if reasonable suspicion exists
13 that the designated person uses or is under the influence of
14 drugs. If the designated person tests positive for a drug, he
15 or she is ineligible to receive benefits on behalf of the
16 child.

17 (h) The commissioner of the department shall
18 promulgate rules to prescribe the design, operation,
19 standards, and training of personnel for the implementation of
20 this act.

21 Section 3. The provisions of this act are severable.
22 If any part of this act is declared invalid or
23 unconstitutional, that declaration shall not affect the part
24 which remains.

25 Section 4. This act shall become effective on
26 October 1, 2014.

