

1 SB191
2 149683-3
3 By Senators Pittman, Orr, Williams, Sanford, Taylor, Fielding,
4 Allen, Bussman, Waggoner, Beason, Brewbaker, Glover, McGill,
5 Dial, Marsh, Ward, Whatley, Reed, and Scofield
6 RFD: Fiscal Responsibility and Accountability
7 First Read: 12-FEB-13

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
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 or receiving TANF temporary cash
15 assistance upon reasonable suspicion of illegal substance use;
16 to require the department to provide notice of the drug
17 screening to applicants; to specify who is responsible for
18 costs associated with the drug screening; to provide that an
19 adult testing positive for a drug under this screening program
20 is ineligible to receive certain public assistance; to allow a
21 parent or other caretaker relative 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; to specify that
24 the costs associated with any substance abuse treatment are
25 not the responsibility of the department or the state; and to
26 authorize the department to promulgate rules to implement the
27 act.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

20 Section 2. (a) The Department of Human Resources
21 shall implement and administer a drug screening program for
22 any adult applying for or receiving temporary cash assistance
23 who is otherwise eligible for the Temporary Assistance for
24 Needy Families (TANF) program upon reasonable suspicion that
25 the adult uses or is under the influence of a drug. Reasonable
26 suspicion exists if the applicant or recipient has a
27 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 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 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. 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 or other caretaker relative is
24 deemed permanently ineligible for TANF temporary cash
25 assistance as a result of failing a third drug screening
26 conducted under this section:

1 (1) The dependent child or other adult family
2 member's eligibility for public assistance benefits is not
3 affected.

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

6 (3) The parent or other caretaker relative may
7 choose to designate another person to receive benefits for the
8 minor child. 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,
11 approved by the department, may be designated. The designated
12 person must also undergo drug screening before being approved
13 to receive benefits on behalf of the child if reasonable
14 suspicion exists, as defined in Section 2(a). If the
15 designated person tests positive for a drug, he or she is
16 ineligible to receive benefits on behalf of the child.

17 (4) The cost of the initial drug screening for a
18 caretaker relative or designee shall be the responsibility of
19 the department. The cost of any subsequent drug screening is
20 the responsibility of the person screened. The department
21 shall reimburse the person for the cost of the drug screening
22 if the person tests negative for a drug.

23 (h) The commissioner of the department shall
24 promulgate rules to prescribe the design, operation,
25 standards, and training of personnel for the implementation of
26 this act.

1 Section 3. The provisions of this act are severable.
2 If any part of this act is declared invalid or
3 unconstitutional, that declaration shall not affect the part
4 which remains.

5 Section 4. This act shall become effective on
6 October 1, 2014.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Account-
ability..... 12-FEB-13

Read for the second time and placed on the calen-
dar with 1 substitute and..... 05-MAR-13

Read for the third time and passed as amended 24-APR-13

Yeas 20
Nays 10
Abstaining 5

Patrick Harris
Secretary