

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2515

By: Sherrer

4  
5  
6 AS INTRODUCED

7 An Act relating to human services; establishing the  
8 Oklahoma Drug Free Public Assistance Act; stating  
9 legislative findings; directing the Commission for  
10 Human Services to promulgate certain rules regarding  
11 drug screening for certain assistance programs;  
12 providing for a system of graduated sanctions for  
13 failed tests; setting deadline for the adoption of  
14 rules; providing for noncodification; and declaring  
15 an emergency.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law not to be  
18 codified in the Oklahoma Statutes reads as follows:

19 This act shall be known and may be cited as the "Oklahoma Drug  
20 Free Public Assistance Act".

21 SECTION 2. NEW LAW A new section of law not to be  
22 codified in the Oklahoma Statutes reads as follows:

23 The Legislature finds that public assistance programs in this  
24 state are designed to give assistance to persons in need, most  
25 notably children, and seek to provide temporary support to help  
26 Oklahomans recover from difficult times. The Legislature finds that

1 it is a disservice to individuals, families, and the citizens of  
2 this state to provide assistance to person who are using illegal  
3 drugs without requiring that they become drug-free in order to  
4 continue receiving assistance. It is therefore the intention of the  
5 Legislature to ensure that persons who receive public assistance are  
6 not using or abusing illegal drugs and, further, that children in  
7 such homes shall be protected from the dangers of such abuse.

8 SECTION 3. NEW LAW A new section of law not to be  
9 codified in the Oklahoma Statutes reads as follows:

10 A. To the extent consistent with Federal law related to  
11 assistance programs administered by this state through the Oklahoma  
12 Department of Human Services, the Commission for Human Services is  
13 hereby directed to promulgate rules concerning drug screening as a  
14 component of ongoing eligibility.

15 B. The programs for which rules concerning drug screening shall  
16 be promulgated shall include but not be limited to:

- 17 1. Temporary Aid to Needy Families (TANF); and
- 18 2. The Food Stamp Program.

19 C. The Commission for Human Services shall promulgate rules for  
20 each program, which provide for appropriate drug screening in order  
21 for persons to remain eligible for benefits. The rules shall  
22 specifically provide for graduated sanctions up to and including  
23 denial or revocation of benefits for a failed drug screen.

24

1 D. The Commission for Human Services shall promulgate rules for  
2 appropriate referrals to Child Welfare in cases in which parents who  
3 fail drug screens have children residing in their home.

4 E. The rules provided for in this section shall be adopted by  
5 October 1, 2008.

6 SECTION 4. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10

11 51-2-8786 SAB 01/04/08

12

13

14

15

16

17

18

19

20

21

22

23

24