

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 2388

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8 SUBCOMMITTEE RECOMMENDATION

9 An Act relating to poor persons; requiring drug
10 testing for applicants for Temporary Assistance for
11 Needy Families benefits; specifying cost of testing
12 shall be paid by applicant; specifying individuals
13 subject to testing requirement; providing that
14 applicants testing positive for controlled substances
15 shall be ineligible for benefits; specifying duration
16 of ineligibility; directing the Department of Human
17 Services to provide notice of drug testing
18 requirements; specifying required contents of notice;
19 authorizing applicants to inform Department of
20 medications applicant utilizes; requiring certain
21 acknowledgment be signed by applicants; specifying
22 drug-testing procedure; providing for additional
23 testing of certain applicants; specifying
24 reapplication procedure for certain applicants;
requiring Department to provide list of substance
abuse treatment providers; specifying state shall not
pay for treatment; allowing applicants to reapply
after treatment; specifying requirements; providing
that certain benefits shall not be affected by the
failure of a parent to pass the drug test; providing
for the designation of an individual to receive
benefits on behalf of a child; specifying
requirements; directing Department to adopt rules;
providing for codification; and providing an
effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 230.50a of Title 56, unless
4 there is created a duplication in numbering, reads as follows:

5 A. The Department of Human Services shall, beginning November
6 1, 2012, require a drug test to screen each individual who receives
7 Temporary Assistance for Needy Families (TANF) within three (3)
8 months of being approved for benefits. The cost of drug testing
9 shall be the responsibility of the individual tested.

10 1. An individual subject to the requirements of this section
11 includes any parent or caretaker relative who is included in the
12 cash assistance group, including an individual who may be exempt
13 from work activity requirements due to the age of the youngest child
14 or who may be exempt from work activity requirements as specified by
15 the Department.

16 2. An individual who tests positive for controlled substances
17 as a result of a drug test required pursuant to this section shall
18 be ineligible to receive TANF benefits for one (1) year after the
19 date of the positive drug test unless the individual meets the
20 requirements of subsection C of this section.

21 3. An individual who is approved for TANF benefits after
22 November 1, 2012, and who fails to comply with the drug testing
23 requirement within three (3) months of approval shall be ineligible
24 to receive TANF benefits until the drug-testing requirement is met.

1 B. The Department shall:

2 1. Provide notice of drug testing to each applicant for TANF
3 benefits at the time of application. The notice shall advise the
4 applicant that drug testing is required as a condition for
5 continuing to receive TANF benefits, if approved and that the
6 applicant shall bear the cost of testing. The applicant shall be
7 advised that the required drug testing may be avoided if the
8 applicant does not apply for TANF benefits. Dependent children
9 under eighteen (18) years of age shall be exempt from the drug-
10 testing requirement;

11 2. Require that for two-parent families, both parents shall
12 comply with the drug-testing requirement;

13 3. Require that any minor parent who is not required to live
14 with a parent, legal guardian, or other adult caretaker relative
15 comply with the drug-testing requirement;

16 4. Advise each individual to be tested, before the test is
17 conducted, that the individual may, but shall not be required to,
18 advise the agent administering the test of any prescription or over-
19 the-counter medication the individual is taking;

20 5. Require each individual to be tested to sign a written
21 acknowledgment that the individual has received and understands the
22 notice and advice provided pursuant to paragraphs 1 and 4 of this
23 subsection;

1 6. Assure each individual being tested a reasonable degree of
2 dignity while producing and submitting a sample for drug testing,
3 consistent with the need of the state to ensure the reliability of
4 the sample;

5 7. Specify circumstances under which an individual who fails a
6 drug test has the right to take one or more additional tests;

7 8. Inform an individual who tests positive for a controlled
8 substance and is deemed ineligible for TANF benefits that the
9 individual may reapply for those benefits one (1) year after the
10 date of the positive drug test unless the individual meets the
11 requirements of subsection C of this section. If the individual
12 tests positive again, the individual shall be ineligible to receive
13 TANF benefits for three (3) years after the date of the second
14 positive drug test unless the individual meets the requirements of
15 subsection C of this section; and

16 9. Provide any individual who tests positive with a list of
17 licensed substance abuse treatment providers available in the area
18 in which the individual resides. Neither the Department nor the
19 state shall be responsible for providing or paying for substance
20 abuse treatment as part of the screening conducted pursuant to this
21 section.

22 C. An individual who tests positive pursuant to this section
23 and is denied TANF benefits as a result may reapply for those
24 benefits after six (6) months if the individual verifies the

1 successful completion of a substance abuse treatment program. An
2 individual who has met the requirements of this subsection and
3 reapplies for TANF benefits shall be required to pass an initial
4 drug test and meet the requirements of this section. Any drug test
5 conducted while the individual is undergoing substance abuse
6 treatment shall meet the requirements of this section. The cost of
7 any drug testing and substance abuse treatment provided pursuant to
8 this section shall be the responsibility of the individual being
9 tested and receiving treatment. An individual who fails the drug
10 test required pursuant to subsection A of this section may reapply
11 for benefits one time.

12 D. If a parent is deemed ineligible for TANF benefits as a
13 result of failing a drug test conducted pursuant to this section:

14 1. The eligibility of the dependent child for TANF benefits
15 shall not be affected;

16 2. An appropriate protective payee shall be designated to
17 receive benefits on behalf of the child; and

18 3. The parent may choose to designate another individual to
19 receive benefits for the minor child of the parent. The designated
20 individual shall be an immediate family member, or if an immediate
21 family member is not available or the family member declines the
22 option, another individual, approved by the Department, may be
23 designated. The designated individual shall undergo drug testing
24 before being approved to receive benefits on behalf of the child.

1 If the designated individual tests positive for controlled
2 substances, the individual shall be ineligible to receive benefits
3 on behalf of the child.

4 E. The Department shall adopt rules to implement the
5 requirements of this section.

6 SECTION 2. This act shall become effective November 1, 2012.

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