

1 **SENATE FLOOR VERSION**

2 April 9, 2012

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 2388

6 By: Liebmann, Bennett, Billy,  
7 Roberts (Sean), Vaughan,  
8 Russ, Johnson, Denney,  
9 Roberts (Dustin), Martin  
10 (Steve), Faught, Nelson,  
11 Ownbey, Sanders and Moore  
12 of the House

13 and

14 Holt and Allen of the  
15 Senate

16 [ drug testing - requiring drug testing for certain  
17 persons - codification - effective date ]

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

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

22 A. The Department of Human Services shall, beginning November  
23 1, 2012, require a drug test to screen each individual who receives  
24 Temporary Assistance for Needy Families (TANF) within three (3)  
months of being approved for benefits. The cost of drug testing  
shall be the responsibility of the Department of Human Services.

1           1. An individual subject to the requirements of this section  
2 includes any parent or caretaker relative who is included in the  
3 cash assistance group, including an individual who may be exempt  
4 from work activity requirements due to the age of the youngest child  
5 or who may be exempt from work activity requirements as specified by  
6 the Department.

7           2. An individual who tests positive for controlled substances  
8 as a result of a drug test required pursuant to this section shall  
9 be ineligible to receive TANF benefits for 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.

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

16           B. The Department shall:

17           1. Provide notice of drug testing to each applicant for TANF  
18 benefits at the time of application. The notice shall advise the  
19 applicant that drug testing is required as a condition for  
20 continuing to receive TANF benefits, if approved and that the  
21 applicant shall bear the cost of testing. The applicant shall be  
22 advised that the required drug testing may be avoided if the  
23 applicant does not apply for TANF benefits. Dependent children  
24

1 under eighteen (18) years of age shall be exempt from the drug-  
2 testing requirement;

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

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

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

12 5. Require each individual to be tested to sign a written  
13 acknowledgment that the individual has received and understands the  
14 notice and advice provided pursuant to paragraphs 1 and 4 of this  
15 subsection;

16 6. Assure each individual being tested a reasonable degree of  
17 dignity while producing and submitting a sample for drug testing,  
18 consistent with the need of the state to ensure the reliability of  
19 the sample;

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

22 8. Inform an individual who tests positive for a controlled  
23 substance and is deemed ineligible for TANF benefits that the  
24 individual may reapply for those benefits one (1) year after the

1 date of the positive drug test unless the individual meets the  
2 requirements of subsection C of this section. If the individual  
3 tests positive again, the individual shall be ineligible to receive  
4 TANF benefits for three (3) years after the date of the second  
5 positive drug test unless the individual meets the requirements of  
6 subsection C of this section; and

7 9. Provide any individual who tests positive with a list of  
8 licensed substance abuse treatment providers available in the area  
9 in which the individual resides. Neither the Department nor the  
10 state shall be responsible for providing or paying for substance  
11 abuse treatment as part of the screening conducted pursuant to this  
12 section.

13 C. An individual who tests positive pursuant to this section  
14 and is denied TANF benefits as a result may reapply for those  
15 benefits after six (6) months if the individual verifies the  
16 successful completion of a substance abuse treatment program. An  
17 individual who has met the requirements of this subsection and  
18 reapplies for TANF benefits shall be required to pass an initial  
19 drug test and meet the requirements of this section. Any drug test  
20 conducted while the individual is undergoing substance abuse  
21 treatment shall meet the requirements of this section. The cost of  
22 any drug testing and substance abuse treatment provided pursuant to  
23 this section shall be the responsibility of the individual being  
24 tested and receiving treatment. An individual who fails the drug

1 test required pursuant to subsection A of this section may reapply  
2 for benefits one time.

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

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

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

9 3. The parent may choose to designate another individual to  
10 receive benefits for the minor child of the parent. The designated  
11 individual shall be an immediate family member, or if an immediate  
12 family member is not available or the family member declines the  
13 option, another individual, approved by the Department, may be  
14 designated. The designated individual shall undergo drug testing  
15 before being approved to receive benefits on behalf of the child.  
16 If the designated individual tests positive for controlled  
17 substances, the individual shall be ineligible to receive benefits  
18 on behalf of the child.

19 E. The Commission for Human Services shall adopt rules to  
20 implement the requirements of this section.

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

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-4-12 - DO  
23 PASS, As Amended and Coauthored.

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