

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2388

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AS INTRODUCED

An Act relating to poor persons; requiring drug testing for applicants for Temporary Assistance for Needy Families benefits; specifying cost of testing shall be paid by applicant; specifying individuals subject to testing requirement; providing that applicants testing positive for controlled substances shall be ineligible for benefits; specifying duration of ineligibility; directing the Department of Human Services to provide notice of drug testing requirements; specifying required contents of notice; authorizing applicants to inform Department of medications applicant utilizes; requiring certain acknowledgment be signed by applicants; specifying drug-testing procedure; providing for additional testing of certain applicants; specifying 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 require a drug test
6 to screen each individual who applies for Temporary Assistance for
7 Needy Families (TANF). The cost of drug testing shall be the
8 responsibility of the individual tested.

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

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

20 B. The Department shall:

21 1. Provide notice of drug testing to each applicant at the time
22 of application. The notice shall advise the applicant that drug
23 testing will be conducted as a condition for receiving TANF benefits
24 and that the applicant shall bear the cost of testing. The

1 applicant shall be advised that the required drug testing may be
2 avoided if the applicant does not apply for TANF benefits.
3 Dependent children under eighteen (18) years of age shall be exempt
4 from the drug-testing requirement;

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

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

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

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

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

22 7. Specify circumstances under which an applicant who fails a
23 drug test has the right to take one or more additional tests;

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

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

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

1 substance abuse treatment provided pursuant to this section shall be
2 the responsibility of the individual being tested and receiving
3 treatment. An individual who fails the drug test required pursuant
4 to subsection A of this section may reapply for benefits one time.

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

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

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

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

21 E. The Department shall adopt rules to implement the
22 requirements of this section.

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

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