

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2508

By: Russ

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7 AS INTRODUCED

8 An Act relating to poor persons; requiring drug
9 testing for applicants for Temporary Assistance for
10 Needy Families benefits; specifying cost of testing
11 shall be paid by applicant; specifying testing costs
12 shall not be reimbursed; specifying individuals
13 subject to testing requirement; providing exceptions;
14 providing that applicants testing positive for
15 controlled substances shall be ineligible for
16 benefits; specifying duration of ineligibility;
17 directing the Department of Human Services to provide
18 notice of drug testing requirements; specifying
19 required contents of notice; authorizing applicants
20 to inform Department of medications applicant
21 utilizes; requiring certain acknowledgment be signed
22 by applicants; specifying drug-testing procedure;
23 providing for additional testing of certain
24 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 and the individual shall not
9 be reimbursed for the cost of testing.

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 B. The Department shall:

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

1 and that the applicant shall bear the cost of testing. The
2 applicant shall be advised that the required drug testing may be
3 avoided if the applicant does not apply for TANF benefits.
4 Applicants sixty (60) years of age or older shall be exempt from the
5 drug-testing requirement. Dependent children under eighteen (18)
6 years of age shall be exempt from the drug-testing requirement;

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

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

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

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

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

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

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

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

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

1 applicant is undergoing substance abuse treatment shall meet the
2 requirements of this section. The cost of any drug testing and
3 substance abuse treatment provided pursuant to this section shall be
4 the responsibility of the individual being tested and receiving
5 treatment. An individual who fails the drug test required pursuant
6 to subsection A of this section may reapply for benefits one time.

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

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

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

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

23 E. The Department shall adopt rules to implement the
24 requirements of this section.

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

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