

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 538

By: Sykes

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5  
6 AS INTRODUCED

7 An Act relating to drug testing; amending 56 O.S.  
8 2001, Section 230.52, which relates to the Temporary  
9 Assistance for Needy Families program; directing the  
10 Department of Human Services to establish a program  
11 of random drug testing for persons receiving certain  
12 assistance; limiting certain expenditures; providing  
13 for referrals to the Department of Mental Health and  
14 Substance Abuse Services in certain circumstances;  
15 directing the Department of Mental Health and  
16 Substance Abuse Services to advise the Department of  
17 Human Services on certain compliance; suspending  
18 certain benefits for specified persons; requiring  
19 certain referral; requiring drug testing for state  
20 elected officials; providing for codification; and  
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 56 O.S. 2001, Section 230.52, is  
24 amended to read as follows:

Section 230.52 A. Except for specific exceptions, conditions  
or restrictions authorized by the Statewide Temporary Assistance  
Responsibility System (STARS) and rules promulgated by the  
Commission for Human Services pursuant thereto, the following are

1 the minimum mandatory requirements for the Temporary Assistance for  
2 Needy Families (TANF) program:

3 1. A recipient shall be eligible to receive assistance pursuant  
4 to the TANF program only for a lifetime total of five (5) years,  
5 subject to the exemptions allowed by federal law. Child-only cases  
6 are not subject to the five-year limitation;

7 2. The Department of Human Services shall establish a program  
8 of random drug testing for those persons receiving assistance  
9 pursuant to the TANF program. The Department shall not exceed  
10 expending Fifty Thousand Dollars (\$50,000.00) of their appropriated  
11 funds on this program. Those persons refusing to submit to the drug  
12 test, or having a confirmed positive drug test, shall be referred to  
13 the Department of Mental Health and Substance Abuse Services for a  
14 substance abuse program. The Department of Mental Health and  
15 Substance Abuse Services shall advise the Department of Human  
16 Services as to a person's compliance or noncompliance with the  
17 substance abuse program. If the person is compliant and completes  
18 the substance abuse program, the Department of Human Services shall  
19 continue to provide benefits to the person under the TANF program.  
20 If the person is not compliant or does not complete the substance  
21 abuse program, the Department of Human Services shall suspend the  
22 person's benefits under the TANF program and make a referral to the  
23 child welfare division of the Department;

24



1 Prior to receiving any subsidy or incentive, the  
2 employer shall enter into a written contract with  
3 the Department, and

4 (3) subsidized public sector employment which is  
5 employment by an agency of a federal, state, or  
6 local governmental entity which is directly  
7 supplemented by federal or state funds. Prior to  
8 receiving any subsidy or incentive, the employer  
9 shall enter into a written contract with the  
10 Department.

11 Subsidized hourly employment or unsubsidized hourly  
12 employment pursuant to this subparagraph shall only be  
13 approved by the Department as work activity if such  
14 employment is subject to:

15 (a) the federal minimum wage requirements  
16 pursuant to the Fair Labor Standards Act of  
17 1938, as amended,

18 (b) the federal Social Security tax and Medicare  
19 tax, and

20 (c) regulations promulgated pursuant to the  
21 federal Occupational Safety and Health Act  
22 of 1970 and rules promulgated by the State  
23 Department of Labor pursuant thereto,

24 b. a program of work experience,

- 1 c. on-the-job training,
- 2 d. assisted job search which may include supervised or
- 3 unsupervised job-seeking activities,
- 4 e. job readiness assistance which may include, but is not
- 5 limited to:
- 6 (1) orientation in the work environment and basic
- 7 job-seeking and job retention skills,
- 8 (2) instruction in completing an application for
- 9 employment and writing a resume, and
- 10 (3) instruction in conducting oneself during a job
- 11 interview, including appropriate dress,
- 12 f. job skills training which is directly related to
- 13 employment in a specific occupation for which there is
- 14 a written commitment by an employer to offer
- 15 employment to a recipient who successfully completes
- 16 the training. Job skills training includes, but is
- 17 not limited to, customized training designed to meet
- 18 the needs of a specific employer or a specific
- 19 industry,
- 20 g. community service programs which are job-training
- 21 activities provided in areas where sufficient public
- 22 or private sector employment is not available. Such
- 23 activities are linked to both education or training
- 24

1 and activities that substantially enhance a  
2 recipient's employability,

3 h. literacy and adult basic education programs,

4 i. vocational-educational programs, not to exceed twelve  
5 (12) months for any individual, which are directed  
6 toward vocational-educational training and education  
7 directly related to employment,

8 j. education programs which are directly related to  
9 specific employment opportunities, if a recipient has  
10 not received a high school diploma or General  
11 Equivalency Degree, and

12 k. child care for other STARS recipients. The recipient  
13 must meet training and licensing requirements for  
14 child care providers as required by the Oklahoma Child  
15 Care Facilities Licensing Act;

16 ~~5-~~ 6. Single, custodial parents with a child up to one (1) year  
17 of age may be exempt from work activities for a lifetime total  
18 exemption of twelve (12) months;

19 ~~6-~~ 7. In order to receive assistance, unmarried teen parents of  
20 a minor child at least twelve (12) weeks of age must participate in  
21 educational activities or work activities approved by the state;

22 ~~7-~~ 8. For single-parent families, except for teen parents,  
23 educational activities, other than vocational-technical training, do  
24 not count toward meeting the required twenty (20) hours of work

1 activity. For two-parent families, educational activities, except  
2 vocational-technical training, do not count toward meeting the  
3 required thirty-five (35) hours of work activity;

4 ~~8.~~ 9. A teen parent must live at home or in an approved, adult-  
5 supervised setting as specified in Section 230.55 of this title to  
6 receive TANF assistance;

7 9. 10. A recipient must comply with immunization requirements  
8 established pursuant to the TANF program;

9 ~~10.~~ 11. A recipient shall be subject to the increment in  
10 benefits for additional children established by Section 230.58 of  
11 this title;

12 ~~11.~~ 12. The following recipient resources are exempt from  
13 resource determination criteria:

14 a. an automobile with an equity allowance of not more  
15 than Five Thousand Dollars (\$5,000.00) pursuant to  
16 Section 230.53 of this title,

17 b. individual development accounts established pursuant  
18 to the Family Savings Initiative Act, or individual  
19 development accounts established prior to November 1,  
20 1998, pursuant to the provisions of Section 230.54 of  
21 this title in an amount not to exceed Two Thousand  
22 Dollars (\$2,000.00),

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1 c. the equity value of funeral arrangements owned by a  
2 recipient that does not exceed the limitation  
3 specified by Section 165 of this title, and

4 d. earned income disregards not to exceed One Hundred  
5 Twenty Dollars (\$120.00) and one-half (1/2) of the  
6 remainder of the earned income;

7 ~~12.~~ 13. An applicant who applies and is otherwise eligible to  
8 receive TANF benefits but who has resided in this state less than  
9 twelve (12) months shall be subject to Section 230.57 of this title;

10 ~~13.~~ 14. The recipient shall enter into a personal  
11 responsibility agreement with the Department for receipt of  
12 assistance pursuant to Section 230.65 of this title;

13 ~~14.~~

14 15. a. As a condition of participating in the STARS, all  
15 recipients are deemed to have given authorization for  
16 the release of any and all information necessary to  
17 allow all state and federal agencies to meet the  
18 program needs of the recipient.

19 b. The recipient shall be provided a release form to sign  
20 in order to obtain the required information. Failure  
21 to sign the release form may result in case closure;  
22 and

1       ~~15.~~ 16. The recipient shall comply with all other conditions  
2 and requirements of the STARS, and rules of the Commission  
3 promulgated pursuant thereto.

4       B. 1. Agencies of this state involved in providing services to  
5 recipients pursuant to the STARS shall exchange information as  
6 necessary for each agency to accomplish objectives and fulfill  
7 obligations created or imposed by the STARS and rules promulgated  
8 pursuant thereto.

9       2. Information received pursuant to the STARS shall be  
10 maintained by the applicable agency and, except as otherwise  
11 provided by this subsection, shall be disclosed only in accordance  
12 with any confidentiality provisions applicable to the agency  
13 originating the information.

14       3. The various agencies of the state shall execute operating  
15 agreements to facilitate information exchanges pursuant to the  
16 STARS.

17       C. In implementing the TANF program, the Department shall:

18       1. Provide assistance to aliens pursuant to Section 230.73 of  
19 this title;

20       2. Provide for the closure of the TANF case when the adult  
21 recipient refuses to cooperate with agreed upon work activities or  
22 other case requirements pursuant to the TANF program;

23       3. Provide for the sanctioning of parents who do not require  
24 their minor children to attend school; and

1 4. Deny temporary assistance to fugitive felons.

2 D. In order to ensure that the needy citizens of this state are  
3 receiving necessary benefits, the Department shall maintain a  
4 listing of all recipients receiving public assistance. The listing  
5 shall reflect each recipient's income, social security number, and  
6 the programs in which the recipient is participating including, but  
7 not limited to, TANF, food stamps, child care, and medical  
8 assistance.

9 E. The Department is hereby authorized to establish a grant  
10 diversion program and emergency assistance services.

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 466 of Title 74, unless there is  
13 created a duplication in numbering, reads as follows:

14 State elected officials shall be subject to the same drug  
15 testing requirements as specified in Section 1 of this act.

16 SECTION 2. This act shall become effective November 1, 2011.

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18 53-1-274 JM 1/19/2011 1:46:22 PM  
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