

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2388

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

8 and

9 Holt and Allen of the
Senate

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12 COMMITTEE SUBSTITUTE

13 [drug testing - requiring drug testing for certain
14 persons - codification - effective date]

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

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

20 A. The Department of Human Services shall, beginning November
21 1, 2012, require a drug test to screen each individual who receives
22 Temporary Assistance for Needy Families (TANF) within three (3)
23 months of being approved for benefits. The cost of drug testing
24 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

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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.

23 53-2-3314 JM 4/12/2012 10:10:34 AM

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