

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2388

By: Liebmann, Bennett, Billy,
Roberts (Sean), Vaughn,
Russ and Johnson of the
House

7
8 and

Holt and Allen of the
Senate

11
12 COMMITTEE SUBSTITUTE

13 An Act relating to poor persons; requiring drug
14 testing for applicants for Temporary Assistance for
15 Needy Families benefits; specifying cost of testing
16 shall be paid by applicant; specifying individuals
17 subject to testing requirement; providing that
18 applicants testing positive for controlled substances
19 shall be ineligible for benefits; specifying duration
20 of ineligibility; directing the Department of Human
21 Services to provide notice of drug testing
22 requirements; specifying required contents of notice;
23 authorizing applicants to inform Department of
24 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

1 for the designation of an individual to receive
2 benefits on behalf of a child; specifying
3 requirements; directing Department to adopt rules;
4 providing for codification; and providing an
5 effective date.

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

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

10 A. The Department of Human Services shall, beginning November
11 1, 2012, require a drug test to screen each individual who receives
12 Temporary Assistance for Needy Families (TANF) within three (3)
13 months of being approved for benefits. The cost of drug testing
14 shall be the responsibility of the individual tested.

15 1. An individual subject to the requirements of this section
16 includes any parent or caretaker relative who is included in the
17 cash assistance group, including an individual who may be exempt
18 from work activity requirements due to the age of the youngest child
19 or who may be exempt from work activity requirements as specified by
20 the Department.

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

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

7 B. The Department shall:

8 1. Provide notice of drug testing to each applicant for TANF
9 benefits at the time of application. The notice shall advise the
10 applicant that drug testing is required as a condition for
11 continuing to receive TANF benefits, if approved and that the
12 applicant shall bear the cost of testing. The applicant shall be
13 advised that the required drug testing may be avoided if the
14 applicant does not apply for TANF benefits. Dependent children
15 under eighteen (18) years of age shall be exempt from the drug-
16 testing requirement;

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

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

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

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

7 6. Assure each individual being tested a reasonable degree of
8 dignity while producing and submitting a sample for drug testing,
9 consistent with the need of the state to ensure the reliability of
10 the sample;

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

13 8. Inform an individual who tests positive for a controlled
14 substance and is deemed ineligible for TANF benefits that the
15 individual may reapply for those benefits one (1) year after the
16 date of the positive drug test unless the individual meets the
17 requirements of subsection C of this section. If the individual
18 tests positive again, the individual shall be ineligible to receive
19 TANF benefits for three (3) years after the date of the second
20 positive drug test unless the individual meets the requirements of
21 subsection C of this section; and

22 9. Provide any individual who tests positive with a list of
23 licensed substance abuse treatment providers available in the area
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1 in which the individual resides. Neither the Department nor the
2 state shall be responsible for providing or paying for substance
3 abuse treatment as part of the screening conducted pursuant to this
4 section.

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

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

21 1. The eligibility of the dependent child for TANF benefits
22 shall not be affected;
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1 2. An appropriate protective payee shall be designated to
2 receive benefits on behalf of the child; and

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

13 E. The Department shall adopt rules to implement the
14 requirements of this section.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
18 02/29/2012 - DO PASS, As Amended and Coauthored.