

1 HB157
2 126522-1
3 By Representatives Rich, Long, Greer, Hammon, Baughn, Nordgren
4 and Collins
5 RFD: State Government
6 First Read: 03-MAR-11

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8 SYNOPSIS: Under existing law, there is no requirement
9 that a welfare recipient of TANF, food stamps, or
10 Medicaid must be tested for substance abuse. Also
11 under existing law, there is no requirement that
12 any adult applying for TANF, food stamps, or
13 Medicaid must be tested for substance abuse if
14 there is a reasonable suspicion of the appearance
15 or demeanor of the applicant that implies that the
16 applicant may be under the influence of a
17 controlled substance.

18 This bill would make such requirements.

19 This bill would provide for the Department
20 of Human Resources to be responsible for testing;
21 would provide that any positive test results are
22 not admissible in any criminal proceeding; would
23 provide that any adult who fails the test or
24 refuses to take the test would be ineligible for
25 TANF, food stamps, or Medicaid; and would provide
26 for the department to promulgate rules pursuant to

1 the Administrative Procedure Act to implement this
2 act.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Relating to public assistance; to require the random
9 testing of a welfare recipient of TANF, food stamps, or
10 Medicaid for substance abuse; to require any adult applying
11 for TANF, food stamps, or Medicaid to be tested if the
12 appearance or demeanor of the applicant implies that the
13 applicant is under the influence of a controlled substance; to
14 provide for the Department of Human Resources to be
15 responsible for having the testing administered; to provide
16 that any positive tests may not be admissible in any criminal
17 proceeding; to provide for the ineligibility of any adult who
18 tests positive; and to provide for the department to
19 promulgate rules pursuant to the Administrative Procedure Act
20 to implement this act.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) The Department of Human Resources
23 shall design and implement a substance abuse screening program
24 for the random testing of any adult receiving TANF, food
25 stamps under the federal food stamp program, or Medicaid under
26 the state medical assistance program, with the screening
27 program including testing of the adult's blood or urine for

1 the presence of controlled substances pursuant to subsection
2 (c).

3 (b) The department shall require any adult applying
4 for TANF, food stamps, or Medicaid under the state medical
5 assistance program to be screened for substance abuse pursuant
6 to subsection (a) when the case worker determines, based on
7 the appearance or demeanor of the applicant, that the
8 applicant may be under the influence of a controlled
9 substance.

10 (c) Any adult shall be ineligible for public
11 assistance if any of the following occurs:

12 (1) The adult does not participate in the substance
13 abuse screening program established pursuant to subsection
14 (a).

15 (2) The adult tests positive in a substance abuse
16 test administered by the program for the presence of any of
17 the following:

18 a. A Schedule I controlled substance.

19 b. A Schedule II - V controlled substance not
20 prescribed for that adult.

21 (d) The results of testing conducted pursuant to
22 this section shall not be admissible in any criminal
23 proceeding without the consent of the person tested.

24 (e) The commissioner of the department shall
25 promulgate rules pursuant to the Administrative Procedure Act
26 to prescribe the design, operation, standards, and training of
27 personnel for the implementation of this act.

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.