

1 HB131  
2 126522-1  
3 By Representatives Rich, Roberts, Johnson (W), Baughn and  
4 Sanderford  
5 RFD: State Government  
6 First Read: 05-FEB-13

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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.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
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.