

1 SB26
2 133284-1
3 By Senator Brewbaker
4 RFD: Health
5 First Read: 07-FEB-12
6 PFD: 07/08/2011

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8 SYNOPSIS: Under existing law, there is no requirement
9 that any adult applying for or receiving state
10 subsidized health care benefits must be tested
11 initially and periodically for substance abuse.

12 This bill would make such requirement and
13 would provide for rescreening.

14 This bill would provide for the Alabama
15 Department of Public Health to be responsible for
16 testing; would provide that any positive test
17 results are not admissible in any criminal
18 proceeding; would provide that any adult who fails
19 the test or refuses to take the test would be
20 ineligible for state subsidized health care
21 benefits; would provide for the payment of the
22 tests; would provide for the Public Health Officer
23 to promulgate rules pursuant to the Administrative
24 Procedure Act to implement this act; and would
25 provide for exemptions.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Relating to health care; to require any adult
5 applying for or receiving health care benefits subsidized by
6 the state to be tested initially and periodically for
7 substance abuse; to provide for the Department of Public
8 Health to be responsible for having the testing administered;
9 to provide that any positive tests may not be admissible in
10 any criminal proceeding; to provide for the ineligibility of
11 any adult who tests positive; to provide for rescreening; to
12 provide for payment of the tests; to provide for the Public
13 Health Officer to promulgate rules pursuant to the
14 Administrative Procedure Act to implement this act; and to
15 provide for exemptions.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall be known and cited as the
18 Patient Accountability and Personal Responsibility Act.

19 Section 2. (a) The Department of Public Health shall
20 design and implement a substance abuse screening program for
21 any adult receiving or seeking to receive health care benefits
22 subsidized by the state, with the screening program including
23 periodic testing of the adult's blood or urine for the
24 presence of controlled substances as set out in subsection
25 (b).

1 (b) (1) Any adult shall be ineligible for state
2 subsidized health care benefits if any of the following
3 occurs:

4 a. The adult does not participate in the substance
5 abuse screening program established pursuant to subsection
6 (a).

7 b. The adult tests positive in a substance abuse
8 test administered by the program for the presence of any of
9 the following:

10 1. A Schedule I controlled substance.

11 2. A Schedule II-V controlled substance not
12 prescribed for that adult.

13 (2) Any adult ineligible for benefits pursuant to
14 subdivision (1), after 12 months, may be rescreened and if
15 eligible, may receive state subsidized health care benefits.

16 (c) The substance abuse testing component of the
17 screening program shall be designed so as to require that
18 testing occurs as an initial condition precedent prior to the
19 receipt of subsidized health care benefits and once for each
20 subsequent year the adult receives subsidized health care
21 benefits with the adult being randomly assigned a month within
22 that year to submit to testing upon receipt of reasonable
23 notice from the department.

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

1 (e) The cost of periodic tests shall be added to the
2 tested adult's portion of the premium.

3 (f) The Public Health Officer shall promulgate rules
4 pursuant to the Administrative Procedure Act to prescribe the
5 design, operation, and standards for the implementation of
6 this act.

7 Section 3. Persons receiving state subsidized health
8 care benefits who are residents of a nursing home, penal
9 facility, mental health facility, or any other long-term care
10 facility shall be exempt from Section 2.

11 Section 4. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.