2 John Ochekan Assembly Free First 3 Regular Session, 2015 HOUSE BILL 1785 4 By: Representative Baltz HOUSE BILL 1785 5 By: Representative Baltz For An Act To Be Entitled 7 For An Act To Be Entitled 8 AN ACT TO REQUIRE THAT APPLICANTS FOR AND RECIPIENTS 9 OF PUBLIC ASSISTANCE TEST NEGATIVE FOR ILLEGAL DRUG 10 USE; AND FOR OTHER PURPOSES. 11 Subtitle 13 Subtitle 14 AN ACT TO REQUIRE THAT APPLICANTS FOR AND 15 RECIPIENTS OF PUBLIC ASSISTANCE TEST 16 NEGATIVE FOR ILLEGAL DRUG USE. 17 Image: Section 1. 18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 21 SECTION 1. 21 SECTION 1. 22 SECTION 1. 23 follows: 24 (b) Eligibility for transitional employment assistance is limited to 23 follows: 24 (b) Are income and resource eligible; and 25 (c) Sign and comply with a personal responsibility agreementi 26	1 2	State of Arkansas 90th General Assembly A Bill	
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shall state in writing during the application process whether the individual			
or any member of the household of the individual has been found guilty of or			



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1 pleaded guilty or nolo contendere to a crime described in subsection (b) of 2 this section. 3 (b) No An individual who has been found guilty of or has pleaded 4 guilty or nolo contendere to any state or federal offense classified as a 5 felony by the law of the jurisdiction involved and which has as an element of 6 the offense the distribution or manufacture of a controlled substance, as defined in section 102(6) of the Controlled Substances Act, 21 U.S.C. § 7 8 802(6), shall be is not eligible for: 9 (1) Assistance under any state program funded wholly or 10 partially under Part A of Title IV of the Social Security Act; 11 (2) Assistance under any state program created by this chapter; 12 or 13 (3) Benefits under the food stamp program Supplemental Nutrition 14 Assistance Program. 15 (c)(l)(A) An applicant for or recipient of benefits under this chapter 16 shall submit to a drug screen to be tested for illegal drugs through a 17 program established by the Department of Human Services. 18 (B) A drug screen under subdivision (c)(1)(A) of this 19 section shall be administered to a random sampling of applicants or 20 recipients. 21 (2) An individual who fails a drug screen by testing positive 22 for illegal drugs shall not be eligible for: 23 (A) Assistance under a state program funded wholly or partially under part A of title IV of the Social Security Act; 24 25 (B) Assistance under a state program created by this 26 <u>chapter;</u> 27 (C) Benefits under the Supplemental Nutrition Assistance 28 Program; or 29 (D) Benefits under the Special Supplemental Food Program 30 for Women, Infants and Children (WIC). 31 (c)(1)(d)(1) The amount of the assistance otherwise required to be provided under transitional employment assistance to the family members of an 32 individual made ineligible by this section shall be reduced by the amount 33 which that would have otherwise been made available to the individual. 34 35 (2) The amount of benefits otherwise required to be provided to 36 a household under the food stamp program shall be determined by considering

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1 the individual made ineligible by this section not to be a member of such the 2 household, except that the income and resources of the individual shall be 3 considered to be income and resources of the household. 4 (d)(e) Clear notice of this section shall be provided in the personal 5 responsibility agreement. 6 (e)(f) This section shall does not apply to findings of guilt or pleas 7 of guilty or nolo contendere for offenses occurring on or before July 1, 8 1997. 9 (f) (g) In accordance with this section, the State of Arkansas opts out 10 of Section 115 of the Personal Responsibility and Work Opportunity Act of 11 1996. 12 SECTION 3. DO NOT CODIFY. (a) The Department of Human Services shall 13 adopt rules to implement Sections 1 and 2 of this act. 14 15 (b) The rules adopted under this act shall: 16 (1) List: 17 (A) Drug screens approved by the department under this 18 act; and 19 (B) Entities approved by the department to administer drug 20 screens under this act; and (2) Set out a process for: 21 22 (A) Random drug screening of applicants for and recipients 23 of: 24 (i) Assistance under a state program funded wholly or partially under Part A of Title IV of the Social Security Act; 25 26 (ii) Assistance under a state program created by 27 this chapter; and (iii) Benefits under the Supplemental Nutrition 28 29 Assistance Program; 30 (B) Benefits under the Special Supplemental Food Program 31 for Women, Infants and Children (WIC); and 32 (C) Approval of: 33 (i) Drug screens; and 34 (ii) Entities that administer drug screens. 35 36

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