State of Arkansas

As Engrossed: S1/19/17 S1/23/17 S2/7/17

Regular Session, 2017

A Bill

SENNTE BILL 123

By: Senator B. Johnson

By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO UPDATE THE DRUG SCREENING AND TESTING ACT
OF 2015; TO MAKE THE TWO-YEAR PILOT PROGRAM A
PERMANENT PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO UPDATE THE DRUG SCREENING AND TESTING
ACT OF 2015; AND TO MAKE THE TWO-YEAR
PILOT PROGRAM A PERMANENT PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-76-703(a), concerning the administration
of the Drug Screening and Testing Act of 2015, is amended to read as follows:

(a)(1) Subject to state appropriation, the Department of Workforce
Services, in coordination with the Department of Human Services, shall
establish and administer a two-year pilot drug screening and testing program
of suspicion-based drug screening and testing for each applicant who is
otherwise eligible for the Temporary Assistance for Needy Families Program, §
20-76-101 et seq., or its successor program and for each recipient of the
Temporary Assistance for Needy Families Program, § 20-76-101 et seq., or its
successor program.

(2) The pilot drug screening and testing program shall include
the population statewide as determined by the department and all applicants
and all recipients in the counties bordering the following states:

(A) Mississippi;

(B) Missouri;
As Engrossed:  S1/19/17 S1/23/17 S2/7/17

(C) Oklahoma;
(D) Tennessee; and
(E) Any other state bordering Arkansas with a drug screening or drug testing program for the Temporary Assistance for Needy Families Program.

SECTION 2. Arkansas Code § 20-76-703(c)(2), concerning the administration of the Drug Screening and Testing Act of 2015, is amended to read as follows:

(2) An applicant or recipient shall not be denied Temporary Assistance for Needy Families Program benefits on the basis of failing a drug test if the applicant has a current and valid prescription or a written certification and a registry identification card issued under Arkansas Constitution, Amendment 98, for the drug in question.

SECTION 3. Arkansas Code § 20-76-703(d)(1), concerning the administration of the Drug Screening and Testing Act of 2015, is amended to read as follows:

(d)(1) An applicant or recipient shall undergo a confirmation test using the same urine specimen sample from the initial positive test prior to receiving Temporary Assistance for Needy Families Program benefits.

SECTION 4. The introductory language of Arkansas Code § 20-76-704(a), concerning the duties and powers of the Department of Workforce Services, is amended to read as follows:

(a) The Department of Workforce Services, in coordination with the Department of Human Services, shall:

SECTION 5. Arkansas Code § 20-76-704(a)(2)-(4), concerning the duties of the Department of Workforce Services, is amended to read as follows:

(2) Develop appropriate screening techniques and processes to establish reasonable cause that an applicant or recipient is using a drug and to establish the necessary criteria to permit the department Department of Workforce Services, in coordination with the Department of Human Services, to require the applicant or recipient to undergo no less than a urine-based
five-panel drug test;

(3) Identify and select a screening tool as a part of the development of the screening technique that will be employed for the pilot drug screening and testing program under this subchapter;

(4) Develop a plan for funding of the costs of the screening process, the urine-based no less than five-panel drug testing process, personnel and information systems modification, and other costs associated with the development and implementation of the testing process; and

SECTION 6. Arkansas Code § 20-76-704(b), concerning the report by the Department of Workforce Services on the Drug Screening and Testing Act of 2015, is amended to read as follows:

(b) Upon conclusion of the first year of the pilot program and conclusion of the pilot program Annually, the department Department of Workforce Services, in coordination with the Department of Human Services, shall submit a report of the past calendar year on or before December 31 February 1 to the General Assembly that includes without limitation:

(1) The number of individuals screened;

(2) The number of screened individuals for whom there was a reasonable suspicion of illegal drug use;

(3) The number of screened individuals who took a drug test;

(4) The number of screened individuals who refused to take a drug test;

(5) The number of screened individuals who received a positive result on the drug test;

(6) The number of screened individuals who received a negative result on the drug test;

(7) The number of individuals who received a positive result on a drug test for a second or subsequent time; and

(8) The amount of costs incurred by the department for the administration of the pilot drug screening and testing program; and

(9) The number of applications and re-applications received for the Temporary Assistance for Needy Families Program, § 20-76-101 et seq., in the previous year and the current year.

SECTION 7. The introductory language of Arkansas Code § 20-76-705,
concerning the standards in the drug screening and testing program, is amended to read as follows:

The drug screening and testing program shall include without limitation:

SECTION 8. Arkansas Code § 20-76-705(5)(A) and (B), concerning the standards in the drug screening and testing program, are amended to read as follows:

(5)(A) A requirement that an applicant or recipient be tested using the urine-based no less than five-panel drug test upon the conclusion of the determined treatment period.

(B) If an applicant or recipient receives a positive result on the urine-based no less than five-panel drug test or any subsequent drug test, the applicant shall be ineligible for program benefits for six (6) months.

SECTION 9. Arkansas Code § 20-76-708(a), concerning the rulemaking authority under the Drug Screening and Testing Act of 2015, is amended to read as follows:

(a) The Director of the Department of Workforce Services, in coordination with the Department of Human Services, shall promulgate rules necessary for the implementation of this subchapter.

SECTION 10. Arkansas Code § 20-76-709 is amended to read as follows:

20-76-709. Effective date.

This subchapter shall be effective no later than December 31, 2015, and shall expire after a period of two (2) years from the beginning date of the pilot program unless amended or extended by the General Assembly.

/s/B. Johnson