

1 State of Arkansas *As Engrossed: S1/19/17 S1/23/17 S2/7/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 123

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5 By: Senator B. Johnson

6 By: Representative Lundstrum

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For An Act To Be Entitled

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

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Subtitle

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

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

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

24 *(a)(1) Subject to state appropriation, the Department of Workforce*
25 *Services, in coordination with the Department of Human Services, shall*
26 *establish and administer a ~~two-year pilot~~ drug screening and testing program*
27 *of suspicion-based drug screening and testing for each applicant who is*
28 *otherwise eligible for the Temporary Assistance for Needy Families Program, §*
29 *20-76-101 et seq., or its successor program and for each recipient of the*
30 *Temporary Assistance for Needy Families Program, § 20-76-101 et seq., or its*
31 *successor program.*

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

35 *~~(A) Mississippi;~~*

36 *~~(B) Missouri;~~*



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

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

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

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

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

23
24 SECTION 4. The introductory language of Arkansas Code § 20-76-704(a),
25 concerning the duties and powers of the Department of Workforce Services, is
26 amended to read as follows:

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

29
30 SECTION 5. Arkansas Code § 20-76-704(a)(2)-(4), concerning the duties
31 of the Department of Workforce Services, is amended to read as follows:

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

1 *five-panel drug test;*

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

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

9

10 *SECTION 6. Arkansas Code § 20-76-704(b), concerning the report by the*
11 *Department of Workforce Services on the Drug Screening and Testing Act of*
12 *2015, is amended to read as follows:*

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

18 *(1) The number of individuals screened;*

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

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

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

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

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

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

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

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

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36 *SECTION 7. The introductory language of Arkansas Code § 20-76-705,*

1 concerning the standards in the drug screening and testing program, is
2 amended to read as follows:

3 The drug screening and testing ~~pilot~~ program shall include without
4 limitation:

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

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

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

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

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

23

24 SECTION 10. Arkansas Code § 20-76-709 is amended to read as follows:
25 20-76-709. Effective date.

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

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30 /s/B. Johnson

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33 **APPROVED: 03/01/2017**

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