

**ARKANSAS SENATE**  
91st General Assembly - Regular Session, 2017  
**Amendment Form**

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**Subtitle of Senate Bill No. 123**

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

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**Amendment No. 2 to Senate Bill No. 123**

Amend Senate Bill No. 123 as engrossed, S1/19/17 (version: 01/19/2017 7:37:23 AM):

Delete everything after the enacting clause and substitute the following:

"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;~~  
~~(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 on or before December 31 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 ~~pilot~~ 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."~~

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator B. Johnson

JMB/JMB - 01-19-2017 13:40:49

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Secretary