

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 216

4
5 By: Senator Altes
6 By: Representative Glidewell

For An Act To Be Entitled

10 AN ACT TO REQUIRE RECIPIENTS OF CERTAIN PUBLIC
11 ASSISTANCE TO UNDERGO RANDOM DRUG TESTING AS A
12 CONDITION OF CONTINUED ELIGIBILITY; TO REQUIRE A
13 RECIPIENT WHO FAILS A RANDOM DRUG TEST TO
14 SUCCESSFULLY COMPLETE A TREATMENT PROGRAM; TO
15 DISCONTINUE PUBLIC ASSISTANCE IF A RECIPIENT
16 FAILS TO SUCCESSFULLY COMPLETE A TREATMENT
17 PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

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19 TO REQUIRE RECIPIENTS OF PUBLIC
20 ASSISTANCE TO UNDERGO RANDOM DRUG
21 TESTING AS A CONDITION OF CONTINUED
22 ELIGIBILITY AND REQUIRE A RECIPIENT WHO
23 FAILS A RANDOM DRUG TEST TO SUCCESSFULLY
24 COMPLETE A TREATMENT PROGRAM.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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30 SECTION 1. NOT TO BE CODIFIED. This act shall be known as "RJ's Law".
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32 SECTION 2. Arkansas Code § 20-76-409 is amended to read as follows:
33 20-76-409. Disqualification and sanction.

34 (a) Each individual applying for assistance under this chapter shall
35 state in writing during the application process whether the individual or any
36 member of the household of the individual has been found guilty of or pleaded



1 guilty or nolo contendere to a crime described in subsection (b) of this
2 section.

3 (b) No individual who has been found guilty of or has pleaded guilty
4 or nolo contendere to any state or federal offense classified as a felony by
5 the law of the jurisdiction involved and ~~which~~ that has as an element of the
6 offense the distribution or manufacture of a controlled substance, as defined
7 in section 102(6) of the Controlled Substances Act, 21 U.S.C. § 802(6), shall
8 be 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.

14 (c)(1) The amount of the assistance otherwise required to be provided
15 under transitional employment assistance to the family members of an
16 individual made ineligible by this section shall be reduced by the amount
17 ~~which~~ that would have otherwise been made available to the individual.

18 (2) The amount of benefits otherwise required to be provided to
19 a household under the food stamp program shall be determined by considering
20 the individual made ineligible by this section not to be a member of ~~such~~ the
21 household, except that the income and resources of the individual shall be
22 considered to be income and resources of the household.

23 (d) Clear notice of this section shall be provided in the personal
24 responsibility agreement.

25 (e) This section shall not apply to findings of guilt or pleas of
26 guilty or nolo contendere for offenses occurring on or before July 1, 1997.

27 (f) In accordance with this section, the State of Arkansas opts out of
28 Section 115 of the Personal Responsibility and Work Opportunity Act of 1996.

29 (g)(1) An individual receiving assistance under this chapter, as a
30 condition of continued eligibility under this chapter, is required to undergo
31 drug testing on a random selection basis.

32 (2) An individual who fails a drug test conducted under
33 subdivision (g)(1) of this section shall:

34 (A) Successfully complete a one-year drug treatment
35 program approved by the Department of Human Services; and

36 (B) Remain drug free during the duration of the drug

1 treatment program described in subdivision (g)(2)(A) of this section.

2 (h) If an individual receiving assistance under this chapter fails to
3 complete the drug treatment program described in subdivision (g)(2)(A) of
4 this section or remain drug free during the duration of the drug treatment
5 program described in subdivision (g)(2)(A) of this section, the individual's
6 assistance under this chapter shall be discontinued.

7 (i) The department shall seek any federal approvals necessary for the
8 implementation of subsections (g) and (h) of this section.

9 (j) The department may promulgate rules necessary to implement
10 subsections (g), (h), and (i) of this section including criteria for
11 successful completion of the drug treatment program described in subdivision
12 (g)(2)(A) of this section.

13 (k) As used in this section:

14 (1) "Drug" means any of the following:

15 (A) Any controlled substance classified in Schedule I as
16 described in § 5-64-401;

17 (B) The following controlled substances:

18 (i) Cocaine;

19 (ii) Opium;

20 (iii) Phencyclidine; or

21 (iv) Methamphetamine; and

22 (C) Any prescription medication for which the individual
23 in possession of the prescription medication does not have a valid
24 prescription;

25 (2) "Drug testing" means a chemical test administered for the
26 purpose of determining the presence or absence of a drug or its metabolites
27 in a person's bodily tissue, fluids, or products; and

28 (3) "Random selection basis" means a mechanism for selecting
29 individuals for drug testing that:

30 (A) Results in an equal probability that any individual
31 from a group of individuals subject to the selection mechanism will be
32 selected; and

33 (B) Does not give the department discretion to waive the
34 selection of any individual selected under the mechanism.

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