

INTERIM STUDY PROPOSAL 2009-209

1  
2 State of Arkansas  
3 87th General Assembly  
4 First Extraordinary Session, 2010

**A Bill**

Call Item ##  
**BPG/CDS**  
SENATE BILL

5  
6 By: Senator Altes

7  
8 Filed with: Arkansas Legislative Council  
9 pursuant to A.C.A. §10-3-217.

10  
11 **For An Act To Be Entitled**

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

20  
21 **Subtitle**

22 TO REQUIRE RECIPIENTS OF PUBLIC  
23 ASSISTANCE TO UNDERGO RANDOM DRUG  
24 TESTING AS A CONDITION OF CONTINUED  
25 ELIGIBILITY AND REQUIRE A RECIPIENT WHO  
26 FAILS A RANDOM DRUG TEST TO SUCCESSFULLY  
27 COMPLETE A TREATMENT PROGRAM.

28  
29  
30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

31  
32 SECTION 1. NOT TO BE CODIFIED. This act shall be known as "RJ's Law".

33  
34 SECTION 2. Arkansas Code § 20-76-409 is amended to read as follows:  
35 20-76-409. Disqualification and sanction.

36 (a) Each individual applying for assistance under this chapter shall

1 state in writing during the application process whether the individual or any  
2 member of the household of the individual has been found guilty of or pleaded  
3 guilty or nolo contendere to a crime described in subsection (b) of this  
4 section.

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

11 (1) Assistance under any state program funded wholly or  
12 partially under part A of title IV of the Social Security Act;

13 (2) Assistance under any state program created by this chapter;  
14 or

15 (3) Benefits under the food stamp program.

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

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

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

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

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

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

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

36 (A) Successfully complete a one-year drug treatment

1 program approved by the Department of Human Services; and

2 (B) Remain drug free during the duration of the drug  
3 treatment program described in subdivision (g)(2)(A) of this section.

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

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

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

15 (k) As used in this section:

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

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

19 (B) The following controlled substances:

20 (i) Cocaine;

21 (ii) Opium;

22 (iii) Phencyclidine; or

23 (iv) Methamphetamine; and

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

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

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

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

35 (B) Does not give the department discretion to waive the  
36 selection of any individual selected under the mechanism. Filed Date:

1 02/05/2010 By: BPG\CDS