

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.

INTERIM STUDY PROPOSAL 2007-217

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

GRH/YTC
SENATE BILL

By: Senator Altes
By: Representative Glidewell

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

For An Act To Be Entitled

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

Subtitle

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

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

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

SECTION 2. Arkansas Code § 20-76-409 is amended to read as follows:

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20-76-409. Disqualification and sanction.

(a) Each individual applying for assistance under this chapter shall state in writing during the application process whether the individual or any member of the household of the individual has been found guilty of or pleaded guilty or nolo contendere to a crime described in subsection (b) of this section.

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

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

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

(3) Benefits under the food stamp program.

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

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

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

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

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

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

(2) An individual who fails a drug test conducted under

1 subdivision (g)(1) of this section shall:

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

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

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

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

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

17 (k) As used in this section:

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

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

21 (B) The following controlled substances:

22 (i) Cocaine;

23 (ii) Opium;

24 (iii) Phencyclidine; or

25 (iv) Methamphetamine; and

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

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

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

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

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

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