

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: 5/19/17

A Bill

SENATE BILL 123

5 By: Senator B. Johnson
6 By: Representative Lundstrum
7

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.
12
13

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.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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 shall establish and administer a ~~two-year pilot~~ drug screening and*
26 *testing program of suspicion-based drug screening and testing for each*
27 *applicant who is otherwise eligible for the Temporary Assistance for Needy*
28 *Families Program, § 20-76-101 et seq., or its successor program and for each*
29 *recipient of the Temporary Assistance for Needy Families Program, § 20-76-101*
30 *et seq., or its successor program.*

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

34 *~~(A) Mississippi;~~*

35 *~~(B) Missouri;~~*

36 *~~(C) Oklahoma;~~*



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

5
6 SECTION 2. Arkansas Code § 20-76-703(d)(1), concerning the
7 administration of the Drug Screening and Testing Act of 2015, is amended to
8 read as follows:

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

12
13 SECTION 3. Arkansas Code § 20-76-704(a)(2)-(4), concerning the duties
14 of the Department of Workforce Services, is amended to read as follows:

15 (2) Develop appropriate screening techniques and processes to
16 establish reasonable cause that an applicant or recipient is using a drug and
17 to establish the necessary criteria to permit the department to require the
18 applicant or recipient to undergo no less than a ~~urine-based~~ five-panel drug
19 test;

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

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

27
28 SECTION 4. Arkansas Code § 20-76-704(b), concerning the report by the
29 Department of Workforce Services on the Drug Screening and Testing Act of
30 2015, is amended to read as follows:

31 ~~(b) Upon conclusion of the first year of the pilot program and~~
32 ~~conclusion of the pilot program~~ Annually, the department shall submit a
33 report on or before December 31 to the General Assembly that includes without
34 limitation:

35 (1) The number of individuals screened;

36 (2) The number of screened individuals for whom there was a

1 reasonable suspicion of illegal drug use;

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

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

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

7 (6) The number of screened individuals who received a negative
8 result on the drug test;

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

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

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

16
17 SECTION 5. The introductory language of Arkansas Code § 20-76-705,
18 concerning the standards in the drug screening and testing program, is
19 amended to read as follows:

20 The drug screening and testing ~~pilot~~ program shall include without
21 limitation:

22
23 SECTION 6. Arkansas Code § 20-76-705(5)(A) and (B), concerning the
24 standards in the drug screening and testing program, is amended to read as
25 follows:

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

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

33
34 SECTION 7. Arkansas Code § 20-76-709 is amended to read as follows:
35 20-76-709. Effective date.

36 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.~~

/s/B. Johnson