

State of Arkansas *As Engrossed: S1/19/17 S1/23/17*

91st General Assembly

Regular Session, 2017

# A Bill

SENATE BILL 123

By: Senator B. Johnson

By: Representative Lundstrum

## For An Act To Be Entitled

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

## Subtitle

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

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

*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;~~*



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

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

10 (2) An applicant or recipient shall not be denied Temporary  
11 Assistance for Needy Families Program benefits on the basis of failing a drug  
12 test if the applicant has a current and valid prescription or a written  
13 certification and a registry identification card issued under Arkansas  
14 Constitution, Amendment 98, for the drug in question.

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17 SECTION 3. Arkansas Code § 20-76-703(d)(1), concerning the  
18 administration of the Drug Screening and Testing Act of 2015, is amended to  
19 read as follows:

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

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24 SECTION 4. The introductory language of Arkansas Code § 20-76-704(a),  
25 concerning the duties and powers of the Department of Workforce Services, is  
26 amended to read as follows:

27 (a) The Department of Workforce Services, in coordination with the  
28 Department of Human Services, shall:

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30 SECTION 5. Arkansas Code § 20-76-704(a)(2)-(4), concerning the duties  
31 of the Department of Workforce Services, is amended to read as follows:

32 (2) Develop appropriate screening techniques and processes to  
33 establish reasonable cause that an applicant or recipient is using a drug and  
34 to establish the necessary criteria to permit the ~~department~~ Department of  
35 Workforce Services, in coordination with the Department of Human Services, to  
36 require the applicant or recipient to undergo no less than a urine-based

1 five-panel drug test;

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

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

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10 SECTION 6. Arkansas Code § 20-76-704(b), concerning the report by the  
11 Department of Workforce Services on the Drug Screening and Testing Act of  
12 2015, is amended to read as follows:

13 (b) ~~Upon conclusion of the first year of the pilot program and~~  
14 ~~conclusion of the pilot program~~ Annually, the ~~department~~ Department of  
15 Workforce Services, in coordination with the Department of Human Services,  
16 shall submit a report on or before December 31 to the General Assembly that  
17 includes without limitation:

18 (1) The number of individuals screened;

19 (2) The number of screened individuals for whom there was a  
20 reasonable suspicion of illegal drug use;

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

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

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

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

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

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

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

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36 SECTION 7. The introductory language of Arkansas Code § 20-76-705,

1 concerning the standards in the drug screening and testing program, is  
2 amended to read as follows:

3 The drug screening and testing ~~pilot~~ program shall include without  
4 limitation:

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6 SECTION 8. Arkansas Code § 20-76-705(5)(A) and (B), concerning the  
7 standards in the drug screening and testing program, are amended to read as  
8 follows:

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

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

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17 SECTION 9. Arkansas Code § 20-76-708(a), concerning the rulemaking  
18 authority under the Drug Screening and Testing Act of 2015, is amended to  
19 read as follows:

20 (a) The Director of the Department of Workforce Services, in  
21 coordination with the Department of Human Services, shall promulgate rules  
22 necessary for the implementation of this subchapter.

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24 SECTION 10. Arkansas Code § 20-76-709 is amended to read as follows:  
25 20-76-709. Effective date.

26 This subchapter shall be effective no later than December 31, 2015, ~~and~~  
27 ~~shall expire after a period of two (2) years from the beginning date of the~~  
28 ~~pilot program unless amended or extended by the General Assembly.~~

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30 /s/B. Johnson  
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