

Regular Session, 2010

HOUSE BILL NO. 617

BY REPRESENTATIVE LABRUZZO

WELFARE: Requires at least fifty percent of recipients of cash assistance to be drug tested prior to receiving benefits

1 AN ACT

2 To amend and reenact R.S. 46:460.10(A), (B), and (E) and to enact R.S. 46:460.10(F),  
3 relative to drug testing of adult recipients of public assistance; to require drug testing  
4 for fifty percent of recipients of cash assistance; to establish a cost savings program  
5 for drug testing; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:460.10(A), (B), and (E) are hereby amended and reenacted and  
8 R.S. 46:460.10(F) is hereby enacted to read as follows:

9 §460.10. Drug testing for certain adult recipients of public assistance; legislative  
10 policy; ~~procedures;~~ cost savings program

11 A. The legislature hereby reaffirms the legitimate government function of  
12 promoting the safety and welfare of children and adults. The legislature declares that  
13 the best interests of a significant portion of the state's population are served by  
14 ensuring that they are free of the physical and mental impairments associated with  
15 drug dependence. The legislature also affirms the importance of ensuring that  
16 Louisiana's citizens are ready to work, and in order for Louisiana's citizens to be  
17 work-ready, they must be free of drug dependence. The legislature further reaffirms  
18 its compelling interest in providing safeguards to eliminate the misappropriation of  
19 entitlement benefits. The legislature hereby directs the secretary of the Department  
20 of Social Services in consultation with the secretary of the Department of Health and

1 Hospitals and the commissioner of administration to establish a mandatory drug  
2 testing program for ~~certain~~ fifty percent of adults in the Family Independence  
3 Temporary Assistance Program and certain adults in the Temporary Assistance for  
4 Needy Families Block Grant Program.

5 B. The secretary of the Department of Social Services shall cause to be  
6 instituted a mandatory drug testing program for ~~certain~~ fifty percent of adult  
7 participants, to be determined by the secretary in consultation with the secretary of  
8 the Department of Health and Hospitals and the commissioner of administration, in  
9 the Family Independence Temporary Assistance Program and certain adults in the  
10 Temporary Assistance for Needy Families Block Grant Program. No participant  
11 shall be tested if such testing is prohibited by federal law. No sanction shall be  
12 imposed on an adult participant if such sanction is prohibited by federal law. Such  
13 testing program shall provide procedural safeguards to ensure the protection of the  
14 constitutional rights of the program participants and provide that testing shall be  
15 done by state certified laboratories.

16 \* \* \*

17 E. The secretary of the Department of Social Services shall enter into an  
18 agreement with a private contractor for the full implementation of the provisions of  
19 this Section. Such contractor shall be responsible for testing for the presence of  
20 illegal drugs in those adult participants of the Family Independence Temporary  
21 Assistance Program who are selected according to the established procedure  
22 authorized by Subsection B of this Section. The secretary may also drug test certain  
23 adult participants, to be determined by the secretary in consultation with the  
24 secretary of the Department of Health and Hospitals and the commissioner of  
25 administration, in other initiatives comprising the Temporary Assistance for Needy  
26 Families Block Grant Program. Contracts entered into pursuant to the terms of this  
27 Subsection shall be negotiated with the contractor found most qualified; however,  
28 no contract for services may be entered into unless the contractor demonstrates that  
29 it possesses all of the following:

1           (1) The qualifications, experience, and management personnel necessary to  
2           carry out the terms of the contract.

3           (2) The ability to comply with applicable state and federal laws regarding  
4           privacy.

5           (3) The ability to conduct drug testing in accordance with acceptable  
6           scientific laboratory standards while maintaining the appropriate laboratory  
7           accreditation by an organization chosen by the secretary of the Department of Social  
8           Services.

9           (4) The technical competence to conduct initial drug screens of a large  
10          number of people using technology to test urine, hair, saliva, sweat, or whatever  
11          specimen proves to be the most cost-effective. The types of drugs to be tested shall  
12          include at a minimum, marijuana, hashish, cocaine, opiates, methamphetamines,  
13          benzodiazepines, amphetamines, and phencyclidine (PCP).

14          (5) The technical competence to conduct a more comprehensive and accurate  
15          drug test of any adult participant whose initial drug screen shows the presence of the  
16          illegal drugs listed in Paragraph (4) of this Subsection.

17           E: F. The secretary shall prepare a written statistical report on the program  
18           and submit the report to the legislature on or before January 1, 1999 and annually  
19           thereafter.

20           Section 2. This Act shall become effective on January 1, 2011.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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LaBruzzo

HB No. 617

**Abstract:** Expands drug testing to 50% of adult recipients of public cash assistance. Establishes a cost savings program for drug testing program.

Present law provides for drug testing of certain adult recipients participating in the Temporary Assistance for Needy Families Block Grant (TANF). Allows the secretary of the Dept. of Social Services (DSS), in consultation with the secretary of the Dept. of Health and Hospitals (DHH) and the commissioner of administration, to define which adult participants are subject to testing.

Proposed law retains present law but requires that 50% of adult recipients of the Family Independence Temporary Assistance Program (FITAP) be drug tested.

Proposed law creates a cost savings program for drug testing. Requires the secretary of DSS to contract with a private contractor found to be the most qualified to test those adult recipients of FITAP selected under the procedure established by the secretaries of the DSS, DHH, and the commissioner of administration, and to test certain adults in other TANF programs. Requires the contractor to demonstrate that it has the following: qualifications, experience, and management personnel to carry out the terms of the contract; the ability to comply with state and federal privacy laws; the ability to conduct drug testing within acceptable scientific standards and maintain proper accreditation; the technical competence to conduct a cost-effective drug screening of specimen; the ability to conduct a follow-up test of any adult participant who fails an initial drug screening.

Effective Jan. 1, 2011.

(Amends R.S. 46:460.10(A), (B), and (E); Adds R.S. 46:460.10(F))