

Regular Session, 2010

HOUSE BILL NO. 617

BY REPRESENTATIVE LABRUZZO

WELFARE: Requires at least twenty 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 twenty percent of recipients of cash assistance; to prioritize drug testing of
5 pregnant women receiving cash assistance; to establish a cost savings program for
6 drug testing; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

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

1 of Social Services in consultation with the secretary of the Department of Health and
2 Hospitals and the commissioner of administration to establish a mandatory drug
3 testing program for ~~certain~~ twenty percent of adults in the Family Independence
4 Temporary Assistance Program, with a priority on pregnant women, and certain
5 adults in the Temporary Assistance for Needy Families Block Grant Program.

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

17 * * *

18 E. The secretary of the Department of Social Services shall enter into an
19 agreement with a private contractor for the full implementation of the provisions of
20 this Section. Such contractor shall be responsible for testing for the presence of
21 illegal drugs in those adult participants of the Family Independence Temporary
22 Assistance Program who are selected according to the established procedure
23 authorized by Subsection B of this Section. The secretary may also drug test certain
24 adult participants, to be determined by the secretary in consultation with the
25 secretary of the Department of Health and Hospitals and the commissioner of
26 administration, in other initiatives comprising the Temporary Assistance for Needy
27 Families Block Grant Program. Contracts entered into pursuant to the terms of this
28 Subsection shall be negotiated with the contractor found most qualified; however,

1 no contract for services may be entered into unless the contractor demonstrates that
2 it possesses all of the following:

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

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

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

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

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

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

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

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)]

LaBruzzo

HB No. 617

Abstract: Expands drug testing to 20% 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 20% of adult recipients of the Family Independence Temporary Assistance Program (FITAP) be drug tested.

Proposed law prioritizes drug testing of pregnant women within the group to 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 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; and 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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Changed the minimum percentage of cash assistance recipients who shall be drug tested prior to receiving benefits from 50% to 20%.
2. Added a provision to prioritize drug testing of pregnant women within the group to be drug tested.