State of South Dakota

NINETY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2016

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SENATE BILL NO. 153

Introduced by: Senator Jensen (Phil) and Representative May

- 1 FOR AN ACT ENTITLED, An Act to provide for drug testing certain TANF applicants.
- 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 3 Section 1. That the code be amended by adding a NEW SECTION to read:
 - The Department of Social Services shall develop and implement a drug testing program to randomly test two percent of the adult applicants for the temporary assistance for needy families cash benefits upon application for benefits. A recipient who is found to have tested positive for the use of a controlled substance that was not prescribed for the applicant by a health care provider shall be tested again within forty-five days. If the applicant tests positive a second time for the use of a controlled substance that was not prescribed for the applicant by a health care provider, the department shall provide the applicant with information on available drug treatment programs, and the applicant shall be tested again within forty-five days. If the
- 12 applicant tests positive a third time for the use of a controlled substance that was not prescribed
- 13 for the applicant by a health care provider, the applicant becomes ineligible to receive benefits
- 14 for a period of one year. The applicant shall pay the cost of each test where the applicant tests
- positive for the use of a controlled substance that was not prescribed for the applicant by a

- 2 - SB 153

- 1 health care provider through a reduction in benefits.
- 2 Any aggrieved applicant is entitled to an administrative hearing to determine the validity of
- 3 the tests and to contest the decision to suspend the benefits.