

1 S.120

2 Introduced by Senators McAllister and Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Human services; public assistance; substance abuse; drug testing

6 Statement of purpose of bill as introduced: This bill proposes to require
7 suspicion-based drug testing for recipients of public assistance and to offer
8 substance abuse treatment for recipients whose test results are positive.

9 An act relating to suspicion-based substance abuse testing and treatment for
10 recipients of public assistance

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 33 V.S.A. § 145 is added to read:

13 § 145. SUBSTANCE ABUSE TESTING AND TREATMENT

14 (a) The Department shall develop a program to test any recipient of public
15 aid or benefits when reasonable suspicion exists that the recipient may be
16 engaging in the illegal use of one or more controlled substances. Reasonable
17 suspicion shall include the recipient's demeanor, missed appointments,
18 convictions for use or distribution of controlled substances during the past
19 three years, termination from previous employment due to substance abuse,
20 and previous screening results held by the Department.

1 (b) If the test results indicate that the recipient has used a controlled
2 substance and the recipient cannot produce a valid prescription from a health
3 care provider for that substance in the recipient's name or if the recipient does
4 produce such a prescription but the test results indicate that the recipient has
5 used more than a therapeutic dosage of the substance, the recipient shall:

6 (1) For the first such positive result, be offered substance abuse
7 treatment at no cost to the recipient.

8 (A) If the recipient accepts the offer and completes the treatment
9 program, he or she may continue to receive aid or benefits and shall be notified
10 that he or she will be subject to random drug tests every three months for the
11 remainder of the time the recipient receives aid or benefits.

12 (B) If the recipient rejects the treatment offer or accepts the offer but
13 fails to complete the treatment program, he or she may continue to receive aid
14 or benefits but will be notified that he or she will be subject to another drug
15 test within the following three-month period.

16 (2) For the second such positive result, be offered substance abuse
17 treatment at no cost to the recipient.

18 (A) If the recipient accepts the offer and completes the treatment
19 program, he or she may continue to receive aid or benefits and shall be notified
20 that he or she will be subject to random drug tests every three months for the
21 remainder of the time the recipient receives aid or benefits.

1 (B) If the recipient rejects the treatment offer or accepts the offer but
2 fails to complete the treatment program, he or she may continue to receive aid
3 or benefits but will be notified that he or she will be subject to another drug
4 test within the following three-month period and that another positive result
5 will require the recipient to obtain treatment or lose eligibility for aid
6 or benefits.

7 (3) For the third such positive result, be required to complete a
8 substance abuse treatment program at no cost to the recipient.

9 (A) If the recipient accepts the offer and completes the treatment
10 program, he or she may continue to receive aid or benefits and shall be notified
11 that he or she will be subject to random drug tests every three months for the
12 remainder of the time the recipient receives aid or benefits.

13 (B) If the recipient refuses the treatment offer or accepts the offer but
14 fails to complete the treatment program, the recipient's aid or benefits shall be
15 suspended for a period of one year. In order to regain eligibility at the end of
16 the suspension period, the recipient shall submit to a new drug test at that time.
17 If the results of the new drug test indicate that the recipient has used a
18 controlled substance, the recipient's aid or benefits shall not be reinstated. The
19 recipient may reapply for benefit reinstatement again after a period of no less
20 than nine months. The recipient shall be subject to two random drug tests
21 within the six-month period following the date of reapplication and, if both

1 tests come back negative and the recipient meets all other eligibility
2 requirements, aid or benefits shall be reinstated.

3 (c) If a parent-recipient's public aid or benefits are suspended or terminated
4 due to the provisions of this section, a dependent child's aid or benefits shall
5 not be affected.

6 (1) The parent shall designate a protective payee to receive public aid
7 and benefits on behalf of the dependent child.

8 (2) The protective payee shall be an immediate family member, or if an
9 immediate family member is not available or declines the option, another
10 person may be designated with the approval of the Department.

11 (d) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to
12 carry out the purposes of this section.

13 (e) As used in this section:

14 (1) "Controlled substance" means a Schedule I, II, III, or IV controlled
15 substance as defined in 21 C.F.R. § 1308.

16 (2) "Health care provider" means an individual, partnership,
17 corporation, facility, or institution licensed or certified or authorized by law to
18 provide professional health care services, including prescribing Schedule II,
19 III, or IV controlled substances.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2015.