

HOUSE BILL NO. HB0082

Public assistance-drug testing.

Sponsored by: Representative(s) Miller, Burkhart, Davison,
Edmonds, Gay, Jaggi, Peasley, Quarberg and
Teeters and Senator(s) Jennings and Peterson

A BILL

for

1 AN ACT relating to welfare and the personal opportunities
2 with employment responsibilities program; requiring
3 controlled substances testing for applicants as specified;
4 providing exceptions; providing for suspension of
5 eligibility following a positive test for controlled
6 substances; providing a definition; providing for rules and
7 regulations; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 42-2-115 is created to read:

12

13 **42-2-115. Drug screening for applicants for temporary**
14 **assistance for needy families.**

15

1 (a) The department shall require a drug test to
2 screen each individual who applies for POWER benefits for
3 the use of controlled substances by that individual. The
4 cost of drug testing shall be the responsibility of the
5 department.

6

7 (b) This section shall apply to any parent or
8 caretaker relative who is included in the cash assistance
9 group of a minor recipient, including an individual who may
10 be exempt from work activity requirements due to the age of
11 the youngest child or who may be exempt from work activity
12 requirements under W.S. 42-2-202.

13

14 (c) An individual who tests positive for controlled
15 substances, unless the substance was obtained directly
16 from, or pursuant to a valid prescription or order of a
17 practitioner while acting in the course of his professional
18 practice, because of a positive drug test under this
19 section is ineligible to receive POWER benefits for one (1)
20 month after the date of the positive drug test unless the
21 individual meets the requirements of subsection (e) of this
22 section.

23

24 (d) The department shall:

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2 (i) Provide notice of drug testing to each
3 individual at the time of application. The notice shall
4 advise the individual that drug testing will be conducted
5 as a condition for receiving POWER benefits. The
6 individual shall be advised that the required drug testing
7 may be avoided if the individual does not apply for POWER
8 benefits. Dependent children under the age of eighteen
9 (18) are exempt from the drug testing requirement;

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11 (ii) Require that for two (2) parent families,
12 where both parents live within the home with the children,
13 both parents comply with the drug testing requirement;

14

15 (iii) Advise each individual to be tested,
16 before the test is conducted, that the individual may, but
17 is not required to, advise the agent administering the test
18 of any prescription or over-the-counter medication the
19 individual is taking;

20

21 (iv) Require each individual to be tested to
22 sign a written acknowledgement that the individual has
23 received and understood the notice and advice provided
24 under paragraphs (i) and (iii) of this subsection;

1

2 (v) Assure each individual to be tested a
3 reasonable degree of dignity while producing and submitting
4 a sample for drug testing, consistent with the state's need
5 to ensure the reliability of the sample;

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7 (vi) Specify circumstances under which an
8 individual who fails a drug test has the right to take one
9 (1) or more additional tests;

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11 (vii) Inform an individual who tests positive
12 for a controlled substance and is deemed ineligible for
13 POWER benefits that the individual may reapply for those
14 benefits one (1) month after the date of the positive drug
15 test unless the individual meets the requirements of
16 subsection (e) of this section. If the individual tests
17 positive again, the individual shall be ineligible to
18 receive POWER benefits for one (1) year after the date of
19 the second positive drug test unless the individual meets
20 the requirements of subsection (e) of this section;

21

22 (viii) Provide any individual who tests positive
23 with a list of substance abuse treatment providers,

1 certified pursuant to W.S. 9-2-2701, available in the area
2 in which the individual resides.

3

4 (e) An individual who is denied POWER benefits
5 because of a positive drug test may reapply for those
6 benefits immediately if the individual documents the
7 successful participation in a substance abuse treatment
8 program offered by a provider certified pursuant to W.S.
9 9-2-2701. An individual who has met the requirements of
10 this subsection and reapplies for POWER benefits shall also
11 pass an additional drug test and meet the requirements of
12 this section. An individual who fails the drug test
13 required under this section may reapply for benefits under
14 this subsection only once.

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16 (f) If a parent is deemed ineligible for POWER
17 benefits because of a positive drug test conducted under
18 this section:

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20 (i) Any other household member's eligibility for
21 POWER benefits is not affected;

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1 (ii) An appropriate protective payee shall be
2 designated to receive benefits on behalf of any dependent
3 child of a parent who is ineligible;

4
5 (iii) An ineligible parent may choose to
6 designate another individual to receive benefits for the
7 parent's minor child. The designated individual shall be
8 an immediate family member or, if an immediate family
9 member is not available or the family member declines the
10 designation, another individual approved by the department
11 shall be designated. The designated individual shall also
12 undergo drug testing before being approved to receive
13 benefits on behalf of the child. If the designated
14 individual tests positive for controlled substances, the
15 individual shall not be eligible to receive benefits on
16 behalf of the child except as provided in subsection (e) of
17 this section.

18
19 (g) The department shall adopt rules and regulations
20 to implement this section.

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22 **Section 2.** W.S. 42-2-102(a) by creating a new
23 paragraph (x) is amended to read:

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1 **42-2-102. Definitions.**

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3 (a) Except as otherwise specifically provided, as
4 used in this article:

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6 (x) "POWER" or "POWER program" means the
7 personal opportunities with employment responsibilities
8 program authorized by this article.

9

10 **Section 3.** This act is effective July 1, 2012.

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(END)