

Stricken language would be deleted from and underlined language would be added to present law.
Act 314 of the Regular Session

State of Arkansas *As Engrossed: S1/19/17 S1/23/17 S2/7/17*
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 123

By: Senator B. Johnson
By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO UPDATE THE DRUG SCREENING AND TESTING ACT
OF 2015; TO MAKE THE TWO-YEAR PILOT PROGRAM A
PERMANENT PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO UPDATE THE DRUG SCREENING AND TESTING
ACT OF 2015; AND TO MAKE THE TWO-YEAR
PILOT PROGRAM A PERMANENT PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-76-703(a), concerning the administration of the Drug Screening and Testing Act of 2015, is amended to read as follows:

(a)(1) Subject to state appropriation, the Department of Workforce Services, in coordination with the Department of Human Services, shall establish and administer a ~~two-year pilot~~ drug screening and testing program of suspicion-based drug screening and testing for each applicant who is otherwise eligible for the Temporary Assistance for Needy Families Program, § 20-76-101 et seq., or its successor program and for each recipient of the Temporary Assistance for Needy Families Program, § 20-76-101 et seq., or its successor program.

(2) The ~~pilot~~ drug screening and testing program shall include the population statewide ~~as determined by the department and all applicants and all recipients in the counties bordering the following states:~~

~~(A) Mississippi;~~

~~(B) Missouri;~~



~~(C) — Oklahoma;~~
~~(D) — Tennessee; and~~
~~(E) — Any other state bordering Arkansas with a drug screening or drug testing program for the Temporary Assistance for Needy Families Program.~~

SECTION 2. Arkansas Code § 20-76-703(c)(2), concerning the administration of the Drug Screening and Testing Act of 2015, is amended to read as follows:

(2) An applicant or recipient shall not be denied Temporary Assistance for Needy Families Program benefits on the basis of failing a drug test if the applicant has a current and valid prescription or a written certification and a registry identification card issued under Arkansas Constitution, Amendment 98, for the drug in question.

SECTION 3. Arkansas Code § 20-76-703(d)(1), concerning the administration of the Drug Screening and Testing Act of 2015, is amended to read as follows:

(d)(1) An applicant or recipient shall undergo a confirmation test using the same ~~urine~~ specimen sample from the initial positive test prior to receiving Temporary Assistance for Needy Families Program benefits.

SECTION 4. The introductory language of Arkansas Code § 20-76-704(a), concerning the duties and powers of the Department of Workforce Services, is amended to read as follows:

(a) The Department of Workforce Services, in coordination with the Department of Human Services, shall:

SECTION 5. Arkansas Code § 20-76-704(a)(2)-(4), concerning the duties of the Department of Workforce Services, is amended to read as follows:

(2) Develop appropriate screening techniques and processes to establish reasonable cause that an applicant or recipient is using a drug and to establish the necessary criteria to permit the ~~department~~ Department of Workforce Services, in coordination with the Department of Human Services, to require the applicant or recipient to undergo no less than a ~~urine-based~~

five-panel drug test;

(3) Identify and select a screening tool as a part of the development of the screening technique that will be employed for the ~~pilot~~ drug screening and testing program under this subchapter;

(4) Develop a plan for funding of the costs of the screening process, the ~~urine-based~~ no less than five-panel drug testing process, personnel and information systems modification, and other costs associated with the development and implementation of the testing process; and

SECTION 6. Arkansas Code § 20-76-704(b), concerning the report by the Department of Workforce Services on the Drug Screening and Testing Act of 2015, is amended to read as follows:

(b) ~~Upon conclusion of the first year of the pilot program and conclusion of the pilot program~~ Annually, the department Department of Workforce Services, in coordination with the Department of Human Services, shall submit a report of the past calendar year on or before ~~December 31~~ February 1 to the General Assembly that includes without limitation:

(1) The number of individuals screened;

(2) The number of screened individuals for whom there was a reasonable suspicion of illegal drug use;

(3) The number of screened individuals who took a drug test;

(4) The number of screened individuals who refused to take a drug test;

(5) The number of screened individuals who received a positive result on the drug test;

(6) The number of screened individuals who received a negative result on the drug test;

(7) The number of individuals who received a positive result on a drug test for a second or subsequent time; ~~and~~

(8) The amount of costs incurred by the department for the administration of the ~~pilot~~ drug screening and testing program; and

(9) The number of applications and re-applications received for the Temporary Assistance for Needy Families Program, § 20-76-101 et seq., in the previous year and the current year.

SECTION 7. The introductory language of Arkansas Code § 20-76-705,

concerning the standards in the drug screening and testing program, is amended to read as follows:

The drug screening and testing ~~pilot~~ program shall include without limitation:

SECTION 8. Arkansas Code § 20-76-705(5)(A) and (B), concerning the standards in the drug screening and testing program, are amended to read as follows:

(5)(A) A requirement that an applicant or recipient be tested using the ~~urine-based~~ no less than five-panel drug test upon the conclusion of the determined treatment period.

(B) If an applicant or recipient receives a positive result on the ~~urine-based~~ no less than five-panel drug test or any subsequent drug test, the applicant shall be ineligible for program benefits for six (6) months.

SECTION 9. Arkansas Code § 20-76-708(a), concerning the rulemaking authority under the Drug Screening and Testing Act of 2015, is amended to read as follows:

(a) The Director of the Department of Workforce Services, in coordination with the Department of Human Services, shall promulgate rules necessary for the implementation of this subchapter.

SECTION 10. Arkansas Code § 20-76-709 is amended to read as follows:
20-76-709. Effective date.

~~This subchapter shall be effective no later than December 31, 2015, and shall expire after a period of two (2) years from the beginning date of the pilot program unless amended or extended by the General Assembly.~~

/s/B. Johnson

APPROVED: 03/01/2017