

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1785

By: Representative Baltz

## For An Act To Be Entitled

AN ACT TO REQUIRE THAT APPLICANTS FOR AND RECIPIENTS  
OF PUBLIC ASSISTANCE TEST NEGATIVE FOR ILLEGAL DRUG  
USE; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT TO REQUIRE THAT APPLICANTS FOR AND  
RECIPIENTS OF PUBLIC ASSISTANCE TEST  
NEGATIVE FOR ILLEGAL DRUG USE.

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

SECTION 1. Arkansas Code § 20-76-401(b), concerning eligibility for Transitional Employment Assistance Program benefits, is amended to read as follows:

(b) Eligibility for transitional employment assistance is limited to applicants for or recipients of assistance who:

- (1) Are income and resource eligible; ~~and~~
- (2) Sign and comply with a personal responsibility agreement;

and

(3) Have passed a random drug screen approved by the Arkansas Transitional Employment Board by testing negative for illegal drugs.

SECTION 2. Arkansas Code § 20-76-409 is amended to read as follows:  
20-76-409. Disqualification and sanction.

(a) ~~Each~~ An individual applying for assistance under this chapter shall state in writing during the application process whether the individual or any member of the household of the individual has been found guilty of or



pleaded guilty or nolo contendere to a crime described in subsection (b) of this section.

(b) ~~No~~ An individual who has been found guilty of or has pleaded guilty or nolo contendere to any state or federal offense classified as a felony by the law of the jurisdiction involved and which has as an element of the offense the distribution or manufacture of a controlled substance, as defined in section 102(6) of the Controlled Substances Act, 21 U.S.C. § 802(6), ~~shall be~~ is not eligible for:

(1) Assistance under any state program funded wholly or partially under Part A of Title IV of the Social Security Act;

(2) Assistance under any state program created by this chapter;

or

(3) Benefits under the ~~food stamp program~~ Supplemental Nutrition Assistance Program.

(c)(1)(A) An applicant for or recipient of benefits under this chapter shall submit to a drug screen to be tested for illegal drugs through a program established by the Department of Human Services.

(B) A drug screen under subdivision (c)(1)(A) of this section shall be administered to a random sampling of applicants or recipients.

(2) An individual who fails a drug screen by testing positive for illegal drugs shall not be eligible for:

(A) Assistance under a state program funded wholly or partially under part A of title IV of the Social Security Act;

(B) Assistance under a state program created by this chapter;

(C) Benefits under the Supplemental Nutrition Assistance Program; or

(D) Benefits under the Special Supplemental Food Program for Women, Infants and Children (WIC).

~~(e)(1)~~(d)(1) The amount of the assistance otherwise required to be provided under transitional employment assistance to the family members of an individual made ineligible by this section shall be reduced by the amount ~~which~~ that would have otherwise been made available to the individual.

(2) The amount of benefits otherwise required to be provided to a household under the food stamp program shall be determined by considering

the individual made ineligible by this section not to be a member of ~~such~~ the household, except that the income and resources of the individual shall be considered to be income and resources of the household.

~~(d)~~(e) Clear notice of this section shall be provided in the personal responsibility agreement.

~~(e)~~(f) This section ~~shall~~ does not apply to findings of guilt or pleas of guilty or nolo contendere for offenses occurring on or before July 1, 1997.

~~(f)~~(g) In accordance with this section, the State of Arkansas opts out of Section 115 of the Personal Responsibility and Work Opportunity Act of 1996.

SECTION 3. DO NOT CODIFY. (a) The Department of Human Services shall adopt rules to implement Sections 1 and 2 of this act.

(b) The rules adopted under this act shall:

(1) List:

(A) Drug screens approved by the department under this act; and

(B) Entities approved by the department to administer drug screens under this act; and

(2) Set out a process for:

(A) Random drug screening of applicants for and recipients of:

(i) Assistance under a state program funded wholly or partially under Part A of Title IV of the Social Security Act;

(ii) Assistance under a state program created by this chapter; and

(iii) Benefits under the Supplemental Nutrition Assistance Program;

(B) Benefits under the Special Supplemental Food Program for Women, Infants and Children (WIC); and

(C) Approval of:

(i) Drug screens; and

(ii) Entities that administer drug screens.