
DIGEST

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HB 193 Original

2020 Regular Session

Mack

Abstract: Expands drug testing to 20% of adult recipients of public cash assistance. Establishes a cost-savings program for a drug testing program.

Present law provides for drug testing of certain adult recipients participating in the Temporary Assistance for Needy Families Block Grant (TANF). Present law further allows the secretary of the Dept. of Children and Family Services (DCFS), in consultation with the secretary of the La. Dept. of Health (LDH), and the commissioner of administration, to define which adult participants are subject to testing.

Proposed law retains present law but requires that 20% of adult recipients of the Family Independence Temporary Assistance Program (FITAP) be drug tested. Proposed law requires that drug testing comply with standards utilized by the office of behavioral health.

Proposed law provides that if it is determined that the Family Independence Temporary Assistance Program Drug Testing and Treatment Fund (the fund), as provided for in proposed law (R.S. 46:460.11), has deposits sufficient to conduct testing of more than 20% of adults in FITAP, then the percentage of all adult FITAP participants tested will be based on the adequacy of the fund.

Proposed law requires reimbursement of \$20,000 to the state, from the Family Independence Temporary Assistance Program Drug Testing and Treatment Fund (the fund), to be deposited into the state general fund prior to any additional drug testing above 20% of adult participants of FITAP.

Proposed law requires each participant of the FITAP program to sign a written consent form which informs the participant that, in order to receive or to continue receiving cash assistance benefits, the participant shall consent to random drug testing administered by DCFS. A participant who does not sign the form granting consent to a drug test shall not be eligible to receive or to continue receiving cash assistance.

Proposed law specifies that DCFS shall randomly select the participants to be drug tested according to a procedure established through the rules and regulations promulgated according to the Administrative Procedure Act.

Proposed law provides that if it is determined that the Family Independence Temporary Assistance Program Drug Testing and Treatment Fund (the fund), as provided for in proposed law (R.S. 46:460.11), has deposits sufficient to conduct testing of more than 20% of adults in FITAP, then the percentage of all adult FITAP participants tested will be based on the adequacy of the fund.

Proposed law provides that the determination of sufficient funding for the implementation of proposed law shall be made by the secretaries of DCFS, LDH, and the commissioner of administration.

Present law requires a participant to complete an education and rehabilitation program upon the initial identification of such participant as an illegal drug user verified by a positive test result as a prerequisite to continued receipt of benefits. Also, present law requires the drug testing program to provide for the suspension of a participant from the entitlement program when he is subsequently identified by a verified positive test result as an illegal drug user. Further, present law prohibits the suspension of a participant from an entitlement program while he is taking part in the education and rehabilitation program or an education and rehabilitation program is unavailable to the participant.

Proposed law modifies present law by specifying that the required education and rehabilitation program must be completed within 90 days, pending availability, of a positive drug screen. Also, proposed law provides that a participant who fails to complete the required education and rehabilitation program in the allotted time will be suspended from participation in the cash assistance program for a period of one year from the date of the positive drug screen or until the satisfactory completion of the program. Proposed law provides that a participant who is subsequently identified by a verified positive test result as an illegal drug user will be suspended from participation in the cash assistance program for one year from the date of the positive drug screen. Also, proposed law requires the suspended participant to reapply for assistance after the suspension period and completion of the reentry program required by law. Proposed law also prohibits the suspension of a participant from the cash assistance program while the participant is taking part in the education and rehabilitation program required to be completed within 90 days of the initial positive test result, or when the participant is actively engaged in treatment that exceeds 90 days, or when an education and rehabilitation program is unavailable to the participant.

Present law requires DCFS in consultation with LDH and the commissioner of administration to promulgate rules providing that the cost of testing for illegal drugs shall be borne by the department that grants the public assistance.

Proposed law retains present law and further requires that the costs associated with a participant's subsequent drug screening shall be borne by the participant.

Proposed law requires the secretary of DCFS to create rules and regulations that comply with the Administrative Procedure Act, to implement proposed law. Also, proposed law requires that the implementation of the random drug testing program be conducted in the most efficient and cost-effective manner possible.

Present law requires the annual preparation and submission of a written statistical report on the FITAP program.

Proposed law requires that the DCFS child welfare division investigate cases in which a FITAP applicant with children is denied benefits based on the failure to complete the required education and rehabilitation program or a subsequent positive drug screen within 72 hours of the denial.

Effective Jan. 1, 2021.

(Amends R.S. 46:460.10)