DIGEST

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LaBruzzo HB No. 7

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). Allows the secretary of the Dept. of Children and Family Services (DCFS), in consultation with the secretary of the Dept. of Health and Hospitals (DHH), 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 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 fund, to be deposited into the state general fund prior to any additional drug testing above 20% of adult participants of FITAP.

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

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

Effective Jan. 1, 2012.

(Amends R.S. 46:460.10(A), (B), (C), and (E); Adds R.S. 46:460.10(F))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Made technical changes.

2. Added provisions that make the percentage of adult participants in the Family Independence Temporary Assistance Program (FITAP) that are tested contingent on the adequacy of funding generated by the Family Independence Temporary Assistance Program Drug Testing and Treatment Fund.

3. Added a provision that specifies that the drug testing of adult participants in FITAP is random.

4. Added a provision that reimburses the state $20,000 prior to the drug testing of more than 20% of adult participants in FITAP.

5. Added a provision that provides that the determination of sufficient funding shall be made by the secretaries of Dept. of Children and Family Services, the Dept. of Health and Hospitals, and the commissioner of administration.