

Regular Session, 2010

HOUSE BILL NO. 611

BY REPRESENTATIVE LABRUZZO

WELFARE: Requires all recipients of cash assistance to be drug tested prior to receiving benefits

1 AN ACT

2 To amend and reenact R.S. 46:460.10(A), (B), and (E) and to enact R.S. 46:460.10(F),
3 relative to drug testing of adult recipients of public assistance; to expand drug testing
4 to all recipients of cash assistance; to establish a cost savings program for drug
5 testing; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:460.20(A), (B), and (E) are hereby amended and reenacted and
8 R.S. 46:460.10(F) is hereby enacted to read as follows:

9 §460.10. Drug testing for ~~certain~~ adult recipients of public assistance; legislative
10 policy; procedures; cost savings program

11 A. The legislature hereby reaffirms the legitimate government function of
12 promoting the safety and welfare of children and adults. The legislature declares that
13 the best interests of a significant portion of the state's population are served by
14 ensuring that they are free of the physical and mental impairments associated with
15 drug dependence. The legislature also affirms the importance of ensuring that
16 Louisiana's citizens are ready to work, and in order for Louisiana's citizens to be
17 work-ready, they must be free of drug dependence. The legislature further reaffirms
18 its compelling interest in providing safeguards to eliminate the misappropriation of
19 entitlement benefits. The legislature hereby directs the secretary of the Department
20 of Social Services in consultation with the secretary of the Department of Health and

1 Hospitals and the commissioner of administration to establish a mandatory drug
2 testing program for ~~certain~~ all adults in the Family Independence Temporary
3 Assistance Program and certain adults in the Temporary Assistance for Needy
4 Families Block Grant Program.

5 B. The secretary of the Department of Social Services shall cause to be
6 instituted a mandatory drug testing program for ~~certain~~ all adult participants, ~~to be~~
7 ~~determined by the secretary in consultation with the secretary of the Department of~~
8 ~~Health and Hospitals and the commissioner of administration,~~ in the Family
9 Independence Temporary Assistance Program and certain adults in the Temporary
10 Assistance for Needy Families Block Grant Program. No participant shall be tested
11 if such testing is prohibited by federal law. No sanction shall be imposed on an adult
12 participant if such sanction is prohibited by federal law. Such testing program shall
13 provide procedural safeguards to ensure the protection of the constitutional rights of
14 the program participants and provide that testing shall be done by state certified
15 laboratories.

16 * * *

17 E. The secretary of the Department of Social Services shall enter into an
18 agreement with a private contractor for the full implementation of the provisions of
19 this Section. Such contractor shall be responsible for testing all adult participants of
20 the Family Independence Temporary Assistance Program for illegal drugs. The
21 secretary may also drug test certain adult participants, to be determined by the
22 secretary in consultation with the secretary of the Department of Health and
23 Hospitals and the commissioner of administration, in other initiatives comprising the
24 Temporary Assistance for Needy Families Block Grant Program. Contracts entered
25 into pursuant to the terms of this Subsection shall be negotiated with the contractor
26 found most qualified; however, no contract for services may be entered into unless
27 the contractor demonstrates that it possesses all of the following:

28 (1) The qualifications, experience, and management personnel necessary to
29 carry out the terms of the contract.

1 (2) The ability to comply with applicable state and federal laws regarding
2 privacy.

3 (3) The ability to conduct drug testing in accordance with acceptable
4 scientific laboratory standards while maintaining the appropriate laboratory
5 accreditation by an organization chosen by the secretary of the Department of Social
6 Services.

7 (4) The technical competence to conduct initial drug screens of a large
8 number of people using technology to test urine, hair, saliva, sweat, or whatever
9 specimen proves to be the most cost-effective. The types of drugs to be tested shall
10 include at a minimum, marijuana, hashish, cocaine, opiates, methamphetamines,
11 benzodiazepines, amphetamines, and phencyclidine (PCP).

12 (5) The technical competence to conduct a more comprehensive and accurate
13 drug test of any adult participant whose initial drug screen shows the presence of the
14 illegal drugs listed in Paragraph (4) of this Subsection.

15 E. F. The secretary shall prepare a written statistical report on the program
16 and submit the report to the legislature on or before January 1, 1999, and annually
17 thereafter.

18 Section 2. This Act shall become effective on January 1, 2011.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

LaBruzzo

HB No. 611

Abstract: Expands drug testing to all adult recipients of public cash assistance. Establishes a cost savings program for 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 Social Services (DSS), in consultation with the secretary of the Dept. of Health and Hospitals and the commissioner of administration, to define which adult participants are subject to testing.

Proposed law retains present law but also requires that all adult recipients of the Family Independence Temporary Assistance Program (FITAP) be drug tested.

Proposed law creates a cost savings program for drug testing. Requires the secretary of DSS to contract with a private contractor found to be the most qualified to test all adult recipients of FITAP and certain adults in other TANF programs. Requires the contractor to demonstrate that it has the following: qualifications, experience, and management personnel to carry-out the terms of the contract; the ability to comply with state and federal privacy laws; the ability to conduct drug testing within acceptable scientific standards and maintain proper accreditation; the technical competence to conduct a cost-effective drug screening of specimen; the ability to conduct a follow-up test of any adult participant who fails an initial drug screening.

Effective January 1, 2011.

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