

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

694R0612

HOUSE BILL NO. 1204

Introduced by: Representatives Russell, Brunner, Greenfield, Jensen, Kirkeby, Kopp, Lederman, Moser, Olson (Betty), Rausch, Rounds, Schrempp, Steele, and Verchio and Senators Maher and Schmidt

1 FOR AN ACT ENTITLED, An Act to authorize reasonable suspicion testing and prohibit the
2 use of controlled substances by welfare recipients.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 28-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Upon reasonable suspicion, the Department of Social Services may test a recipient of public
7 assistance for marijuana or controlled drugs and substances. Marijuana is defined in subdivision
8 22-42-1(7) and controlled drugs and substances are defined in chapter 34-20B. If a recipient
9 tests positive for marijuana, a controlled drug, or a controlled substance, the Department of
10 Social Services may deny public assistance for the recipient. A recipient who tests positive for
11 marijuana, a controlled drug, or a controlled substance may appeal the positive test result
12 according to the contested case procedure in chapter 1-26.

13 Section 2. That § 28-12-3 be repealed.

14 ~~28-12-3. Pursuant to section 115(d)(1)(A) of Public Law 104-193, South Dakota opts out~~



1 ~~of the provisions of section 115(a)(2) of Public Law 104-193.~~