

2019 Alabama House Bill No. 3, Alabama 2019 Regular Session

ALABAMA BILL TEXT

TITLE: Human Resources Dept., Supplemental Nutrition Assistance Program (SNAP), benefits, drug testing for applicant required

VERSION: Introduced

March 05, 2019

Hanes



Image 1 within document in PDF format.

SUMMARY: Under existing law, there is no requirement that a person applying for or receiving benefits under the Supplemental Nutrition Assistance Program (SNAP) be tested for illegal substance abuse. This bill would require an applicant for SNAP benefits to be tested for substance abuse if there is reasonable suspicion that the person uses or is under the influence of a drug. This bill would provide that a person testing positive for a drug without a valid prescription a second time would be ineligible for SNAP benefits and would provide that when a parent of a dependent child tests positive for drugs without a valid prescription, the parent may designate a third party to receive the benefits for the benefit of the dependent child. This bill would specify who is responsible for the costs associated with the drug screening. This bill also would authorize the Department of Human Resources to adopt rules to implement this program

TEXT:

HB3

190311-1

By Representative Hanes

RFD: Judiciary

First Read: 05-MAR-19

PFD: 01/10/2019

190311-1:n:01/23/2018:CMH/bm LSA2018-272

SYNOPSIS: Under existing law, there is no requirement that a person applying for or receiving benefits under the Supplemental Nutrition Assistance Program (SNAP) be tested for illegal substance abuse.

This bill would require an applicant for SNAP benefits to be tested for substance abuse if there is reasonable suspicion that the person uses or is under the influence of a drug.

This bill would provide that a person testing positive for a drug without a valid prescription a second time would be ineligible for SNAP benefits and would provide that when a parent of a dependent child tests positive for drugs without a valid prescription, the parent may designate a third party to receive the benefits for the benefit of the dependent child.

This bill would specify who is responsible for the costs associated with the drug screening.

This bill also would authorize the Department of Human Resources to adopt rules to implement this program.

A BILL

TO BE ENTITLED

AN ACT, Relating to Supplemental Nutrition Assistance Program (SNAP) benefits; to require the Department of Human Resources to implement and administer a drug screening program for an applicant for SNAP benefits upon reasonable suspicion of illegal substance use; to require the department to provide notice of the drug screening to applicants; to specify who is responsible for costs associated with the drug screening; to provide that a person testing positive for a drug without a valid prescription a second time would be ineligible for SNAP benefits; to provide that if a parent of a dependent child tests positive for drugs, the parent may designate a third party to receive the benefits for the benefit of the dependent child; and to authorize the department to adopt rules to implement the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this section, the following words shall have the following meanings:

(1) DRUG. Includes all of the following:

a. A controlled substance for which a medical prescription or other legal authorization is required for purchase or possession, including, but not limited to: An amphetamine, a tetrahydrocannabinol, oxycodone, cocaine, phencyclidine (PCP), an opiate, a barbiturate, a benzodiazepine, a methamphetamine, a propoxyphene, a tricyclic antidepressant, or a metabolite of any of these substances.

b. A drug whose manufacture, sale, use, or possession is forbidden by law.

(2) DRUG SCREENING. Any chemical, biological, or physical instrumental analysis administered by a laboratory certified by the United States Department of Health and Human Services or other licensing agency in this state for the purpose of determining the presence or absence of a drug or its metabolites.

(b) The Department of Human Resources shall implement and administer a drug screening program that requires a person who is otherwise eligible for SNAP benefits to be screened for drugs if there is a reasonable suspicion the person uses or is under the influence of drugs. A person shall be screened for drugs pursuant to this subsection if any of the following occur:

(1) The person has a conviction for the use or distribution of a drug without a prescription within five years of the date of the application for SNAP benefits.

(2) The person tested positive for drugs as a result of a drug screening required under this section.

(3) Based on the facts and circumstances available to the department, a reasonable person would conclude the applicant uses or is under the influence of drugs without a prescription.

(c) The department shall require each applicant to disclose, under penalty of perjury, any criminal conviction related to the use or distribution of a drug on any application for SNAP benefits.

(d) The cost of the initial drug screening of each applicant shall be the responsibility of the department. The cost of any subsequent drug screening is the responsibility of the person screened. The department shall reimburse the person for the cost of the drug screening if the person tests negative for a drug.

(e)(1) An applicant who refuses to take a drug screening or who delays the drug screening beyond the time set by the department is ineligible to receive SNAP benefits.

(2) An applicant who tests positive for a drug as a result of a drug screening required under this section and who is unable to produce a valid prescription for the drug shall receive a warning that any subsequent positive drug screening shall result in a denial of benefits. Upon a second positive drug screening, the person shall be ineligible for SNAP benefits for one year after the date of the positive drug screening results. Upon a third positive drug screening, the person shall be permanently ineligible for SNAP benefits. No person shall be subjected to more than two additional drug screenings in any calendar year.

(3) A person who is denied SNAP benefits under this section when he or she was an applicant may request an administrative hearing to review the denial.

(f) The results of a drug screening under this section may not be admitted in any criminal proceeding, but shall be admissible without further authentication or qualification in administrative hearings of the department and judicial review of department determinations.

(g) The department shall do all of the following:

(1) Provide notice of the potential for drug screening to applicants for SNAP benefits at the time of application. The notice shall advise the applicant that a drug screening may be conducted as a condition for receiving benefits and that the applicant shall bear the cost of the drug screening after the initial screening. The applicant shall be advised that the required drug screening may be avoided if the applicant does not apply for SNAP benefits.

(2) Require each applicant to be screened to sign a written acknowledgment that he or she has received notice of the department's drug-screening policy and that he or she understands the drug-screening requirement.

(h) If a parent is deemed ineligible for SNAP benefits as a result of failing a drug screening conducted under this section, the eligibility for benefits of a dependent child or other family member is not affected.

(i) If a person is denied benefits under this section, an appropriate protective payee shall be designated to receive benefits on behalf of the dependent child of, or any other family member living with the applicant. The person may choose the person designated to receive benefits for the dependent child or other family members. The person designated must be an immediate family member unless an immediate family member is not available or the family member declines the option. The person designated must be approved by the department.

(j) The department shall adopt rules to prescribe the design, operation, and standards for the implementation of this section.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.