

2019 Texas House Bill No. 4269, Texas Eighty-Sixth Legislature

TEXAS BILL TEXT

TITLE: Relating to the drug testing of certain persons seeking and receiving financial assistance or supplemental nutrition assistance benefits.

VERSION: Introduced

March 08, 2019

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Image 1 within document in PDF format.

SUMMARY: Relating to the drug testing of certain persons seeking and receiving financial assistance or supplemental nutrition assistance benefits.

TEXT:

86R10454 MM-D

By: Zedler

H.B. No. 4269

A BILL TO BE ENTITLED

AN ACT relating to the drug testing of certain persons seeking and receiving financial assistance or supplemental nutrition assistance benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: ARTICLE 1. DRUG SCREENING AND TESTING OF CERTAIN TANF APPLICANTS AND RECIPIENTS

SECTION 1.01. Subchapter B, Chapter 31, Human Resources Code, is amended by adding Section 31.0321 to read as follows:

Sec. 31.0321. DRUG SCREENING AND TESTING; ELIGIBILITY. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Controlled substance" and "marihuana" have the meanings assigned by Chapter 481, Health and Safety Code.

(b) Except as provided in Subsections (f) and (g):

(1) each adult applicant for financial assistance benefits, including an applicant applying solely on behalf of a child, who initially applies for those benefits or who applies for the continuation of those benefits must submit to a marihuana and controlled substance use screening assessment; and

(2) each minor parent who is the head of household must submit to a marihuana and controlled substance use screening assessment on the initial application for financial assistance benefits and on any application for the continuation of those benefits.

(c) A person whose marihuana and controlled substance use screening assessment conducted under this section indicates good cause to suspect the person of the use of marihuana, other than low-THC cannabis authorized by Chapter 169, Occupations Code, or use of a controlled substance not prescribed for the person by a health care practitioner shall submit to a drug test to establish the eligibility of the person and the person's family for financial assistance benefits.

(d) Except as provided in Subsection (e), a person whose drug test conducted under this section indicates the presence in the person's body of marihuana, other than low-THC cannabis authorized by Chapter 169, Occupations Code, or use of a controlled substance not prescribed for the person by a health care practitioner is ineligible for financial assistance benefits for the person and the person's family for a period of 12 months beginning on the first day of the month after the month in which the drug test was administered.

(e) A person who is denied eligibility for financial assistance benefits because of the results of a drug test conducted under this section may reapply for financial assistance benefits six months after the first day of the month after the month in which the drug test was administered if the person provides proof of the person's successful completion of or current enrollment in a substance abuse treatment program. A person reapplying for financial assistance benefits must submit to a drug test as required by Subsection (f), regardless of whether the person is continuing to receive substance abuse treatment.

(f) A person who is denied eligibility for financial assistance benefits because of the results of a drug test conducted under this section must submit to a drug test, without first submitting to a marihuana and controlled substance use screening assessment, at the time of any reapplication for financial assistance benefits and on any application for the continuation of those benefits.

(g) A person who has been convicted of a felony drug offense must submit to a drug test, without first submitting to a marihuana and controlled substance use screening assessment, at the time of an initial application for financial assistance benefits and on any application for the continuation of those benefits.

(h) If a person is denied eligibility for financial assistance benefits three times because of the results of a drug test conducted under this section, the person and the person's family are permanently ineligible for those benefits.

(i) Before denying eligibility for financial assistance benefits under this section, the commission must:

(1) notify the person who submitted to a drug test of the results of the test and the commission's proposed determination of ineligibility; and

(2) confirm the results of the drug test through a second drug test or other appropriate method.

(j) The commission shall:

(1) use the most efficient and cost-effective marihuana and controlled substance use screening assessment tool that the commission and the Department of State Health Services can develop based on validated marihuana and controlled substance use screening assessment tools; and

(2) pay the cost of any marihuana and controlled substance use screening assessment or drug test administered under this section out of the federal Temporary Assistance for Needy Families block grant funds.

(k) The commission shall report to the Department of Family and Protective Services for use in an investigation conducted under Chapter 261, Family Code, if applicable, a person whose drug test conducted under this section indicates the presence in the person's body of marihuana, other than low-THC cannabis authorized by Chapter 169, Occupations Code, or a controlled substance not prescribed for the person by a health care practitioner.

(I) The executive commissioner of the commission shall adopt rules implementing this section.

SECTION 1.02. (a) Section 31.0321, Human Resources Code, as added by this article, applies to:

- (1) an adult applicant, including an applicant applying solely on behalf of a child, who initially applies for financial assistance benefits under Chapter 31, Human Resources Code, on or after the effective date of this article;
- (2) a minor parent who is the head of household who initially applies for financial assistance benefits under Chapter 31, Human Resources Code, on or after the effective date of this article;
- (3) an adult applicant, including an applicant applying solely on behalf of a child, who applies for the continuation of financial assistance benefits under Chapter 31, Human Resources Code, on or after the effective date of this article; and
- (4) a minor parent who is the head of household who applies for the continuation of financial assistance benefits under Chapter 31, Human Resources Code, on or after the effective date of this article.

(b) Except as provided by Subsections (a)(3) and (4) of this section, an adult applicant, including an applicant applying solely on behalf of a child, and a minor parent who is the head of household who applied for financial assistance benefits under Chapter 31, Human Resources Code, before the effective date of this article are governed by the law in effect when the person applied for financial assistance benefits, and that law is continued in effect for that purpose. ARTICLE 2. DRUG SCREENING AND TESTING OF CERTAIN SNAP APPLICANTS AND RECIPIENTS

SECTION 2.01. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.020 to read as follows:

Sec. 33.020. DRUG SCREENING AND TESTING; ELIGIBILITY. (a) In this section, "controlled substance" and "marihuana" have the meanings assigned by Chapter 481, Health and Safety Code.

(b) Except as provided in Subsections (f) and (g):

(1) each adult applicant for supplemental nutrition assistance benefits, including an applicant applying solely on behalf of a child, who initially applies for those benefits or who applies for the continuation of those benefits must submit to a marihuana and controlled substance use screening assessment; and

(2) each minor parent who is the head of household must submit to a marihuana and controlled substance use screening assessment on the initial application for supplemental nutrition assistance benefits and on any application for the continuation of those benefits.

(c) A person whose marihuana and controlled substance use screening assessment conducted under this section indicates good cause to suspect the person of the use of marihuana, other than low-THC cannabis authorized by Chapter 169, Occupations Code, or use of a controlled substance not prescribed for the person by a health care practitioner shall submit to a drug test to establish the eligibility of the person and the person's household for supplemental nutrition assistance benefits.

(d) Except as provided in Subsection (e), a person whose drug test conducted under this section indicates the presence in the person's body of a controlled substance not prescribed for the person by a health care practitioner or marihuana, other than low-THC cannabis authorized by Chapter 169, Occupations Code, is ineligible for supplemental nutrition assistance benefits for the person and the person's household for a period of 12 months beginning on the first day of the month after the month in which the drug test was administered.

(e) A person who is denied eligibility for supplemental nutrition assistance benefits because of the results of a drug test conducted under this section may reapply for supplemental nutrition assistance benefits six months after the first day of the month after the month in which the drug test was administered if the person provides proof of the person's successful completion of or current enrollment in a substance abuse treatment program. A person reapplying for supplemental nutrition assistance benefits must submit to a drug test as required by Subsection (f), regardless of whether the person is continuing to receive substance abuse treatment.

(f) A person who is denied eligibility for supplemental nutrition assistance benefits because of the results of a drug test conducted under this section must submit to a drug test, without first submitting to a marijuana and controlled substance use screening assessment, at the time of any reapplication for supplemental nutrition assistance benefits and on any application for the continuation of those benefits.

(g) A person who has been convicted of a felony drug offense must submit to a drug test, without first submitting to a marijuana and controlled substance use screening assessment, at the time of an initial application for supplemental nutrition assistance benefits and on any application for the continuation of those benefits.

(h) If a person is denied eligibility for supplemental nutrition assistance benefits three times because of the results of a drug test conducted under this section, the person and the person's household are permanently ineligible for those benefits.

(i) Before denying eligibility for supplemental nutrition assistance benefits under this section, the department must:

(1) notify the person who submitted to a drug test of the results of the test and the department's proposed determination of ineligibility; and

(2) confirm the results of the drug test through a second drug test or other appropriate method.

(j) The department shall:

(1) use the most efficient and cost-effective marijuana and controlled substance use screening assessment tool that the department and the Department of State Health Services can develop based on validated marijuana and controlled substance use screening assessment tools; and

(2) pay the cost of any marijuana and controlled substance use screening assessment or drug test administered under this section.

(k) The department shall report to the Department of Family and Protective Services for use in an investigation conducted under Chapter 261, Family Code, if applicable, a person whose drug test conducted under this section indicates the presence in the person's body of marijuana, other than low-THC cannabis authorized by Chapter 169, Occupations Code, or a controlled substance not prescribed for the person by a health care practitioner.

(l) The executive commissioner shall adopt rules implementing this section.

SECTION 2.02. (a) Section 33.020, Human Resources Code, as added by this article, applies to:

(1) an adult applicant, including an applicant applying solely on behalf of a child, who initially applies for supplemental nutrition assistance benefits under Chapter 33, Human Resources Code, on or after the effective date of this article;

(2) a minor parent who is the head of household who initially applies for supplemental nutrition assistance benefits under Chapter 33, Human Resources Code, on or after the effective date of this article;

(3) an adult applicant, including an applicant applying solely on behalf of a child, who applies for the continuation of supplemental nutrition assistance benefits under Chapter 33, Human Resources Code, on or after the effective date of this article; and

(4) a minor parent who is the head of household who applies for the continuation of supplemental nutrition assistance benefits under Chapter 33, Human Resources Code, on or after the effective date of this article.

(b) Except as provided by Subsections (a)(3) and (4) of this section, an adult applicant, including an applicant applying solely on behalf of a child, and a minor parent who is the head of household who applied for supplemental nutrition assistance benefits under Chapter 33, Human Resources Code, before the effective date of this article are governed by the law in effect when the person applied for supplemental nutrition assistance benefits, and that law is continued in effect for that purpose. **ARTICLE 3. FEDERAL AUTHORIZATION AND EFFECTIVE DATE**

SECTION 3.01. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3.02. This Act takes effect September 1, 2019.

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