

HCS HB 1377 -- DRUG TESTING OF ELECTED OFFICIALS AND PUBLIC ASSISTANCE RECIPIENTS (Brandom)

COMMITTEE OF ORIGIN: Committee on Healthcare Transformation

This substitute requires all state elected officials to submit to chemical testing for determining the drug content of the blood before taking office and once every two years thereafter. The person tested will be responsible for the cost of the test and, upon request, will have access to the results. To be considered valid, the test must be administered according to methods and devices approved by the Department of Health and Senior Services and performed by licensed medical personnel or by a person possessing a valid permit issued by the department for this purpose. Refusal to take a drug test will be considered an admission of guilt, and the elected official will be subject to sanctions authorized by law. An official who tests positive for illegal drugs must participate in a drug treatment program or face sanctions as authorized by law. Anyone administering the test will not be civilly liable for damages to the person tested except for negligence or by a willful and wanton act or omission.

By July 1, 2011, the Department of Social Services must develop a program to screen work-eligible applicants or work-eligible recipients of Temporary Assistance for Needy Families (TANF) Program benefits for the illegal use of a controlled substance. Any applicant or recipient who refuses to participate in the testing process will be ineligible to receive TANF benefits for one year. If based upon the screening the department has reasonable suspicion to believe that an applicant or recipient engages in the illegal use of a controlled substance, the applicant or recipient can be subject to a drug test by the department. If an applicant or recipient tests positive for illegal use of a controlled substance, the department can, after a departmental administrative hearing, declare the individual ineligible for TANF benefits for one year. Any member of a household which includes a person who has been declared ineligible for TANF benefits, if otherwise eligible, will continue to receive protective or vendor payments through a third-party payee.

By September 30, 2010, the department must develop, implement, and enforce a policy requiring the immediate termination of an employee who fails to report any suspected illegal use of a controlled substance or fraud of the TANF Program by any applicant or recipient of TANF benefits.

The department must submit an annual report to the General Assembly beginning July 1, 2011, that tracks the total number of reported cases of suspected illegal drug use or fraud by

participants in the TANF Program.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown but Greater than \$2,604,377 in FY 2011, Unknown but Greater than \$3,604,933 in FY 2012, and Unknown but Greater than \$3,768,814 in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.