

1 SB500
2 131366-1
3 By Senators Brewbaker, Beason, Williams, Sanford, Bussman,
4 Allen, Brooks, Dial, McGill, Glover, Taylor, Holtzclaw and
5 Reed
6 RFD: Health
7 First Read: 24-MAY-11

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8 SYNOPSIS: Under existing law, there is no requirement
9 that any adult applying for or receiving state
10 subsidized health care benefits must be tested
11 initially and periodically for substance abuse.

12 This bill would make such requirement.

13 This bill would provide for the Alabama
14 Department of Public Health to be responsible for
15 testing; would provide that any positive test
16 results are not admissible in any criminal
17 proceeding; would provide that any adult who fails
18 the test or refuses to take the test would be
19 ineligible for state subsidized health care
20 benefits; would provide for the payment of the
21 tests; would provide for the Public Health Officer
22 to promulgate rules pursuant to the Administrative
23 Procedure Act to implement this act; and would
24 provide for exemptions.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 Relating to health care; to require any adult
4 applying for or receiving health care benefits subsidized by
5 the state to be tested initially and periodically for
6 substance abuse; to provide for the Department of Public
7 Health to be responsible for having the testing administered;
8 to provide that any positive tests may not be admissible in
9 any criminal proceeding; to provide for the ineligibility of
10 any adult who tests positive; to provide for payment of the
11 tests; to provide for the Public Health Officer to promulgate
12 rules pursuant to the Administrative Procedure Act to
13 implement this act; and to provide for exemptions.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall be known and cited as the
16 Patient Accountability and Personal Responsibility Act.

17 Section 2. (a) The Department of Public Health shall
18 design and implement a substance abuse screening program for
19 any adult receiving or seeking to receive health care benefits
20 subsidized by the state, with the screening program including
21 periodic testing of the adult's blood or urine for the
22 presence of controlled substances as set out in subsection
23 (b).

24 (b) Any adult shall be ineligible for state
25 subsidized health care benefits if any of the following
26 occurs:

1 (1) The adult does not participate in the substance
2 abuse screening program established pursuant to subsection
3 (a).

4 (2) The adult tests positive in a substance abuse
5 test administered by the program for the presence of any of
6 the following:

7 a. A Schedule I controlled substance.

8 b. A Schedule II-V controlled substance not
9 prescribed for that adult.

10 (c) The substance abuse testing component of the
11 screening program shall be designed so as to require that
12 testing occurs as an initial condition precedent prior to the
13 receipt of subsidized health care benefits and once for each
14 subsequent year the adult receives subsidized health care
15 benefits with the adult being randomly assigned a month within
16 that year to submit to testing upon receipt of reasonable
17 notice from the department.

18 (d) The results of testing conducted pursuant to
19 this section shall not be admissible in any criminal
20 proceeding without the consent of the person tested.

21 (e) The cost of periodic tests shall be added to the
22 tested adult's portion of the premium.

23 (f) The Public Health Officer shall promulgate rules
24 pursuant to the Administrative Procedure Act to prescribe the
25 design, operation, and standards for the implementation of
26 this act.

1 Section 3. Persons receiving state subsidized health
2 care benefits who are residents of a nursing home, penal
3 facility, mental health facility, or any other long-term care
4 facility shall be exempt from Section 2.

5 Section 4. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.