

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1785

5 By: Representative Baltz
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For An Act To Be Entitled

8 AN ACT TO REQUIRE THAT APPLICANTS FOR AND RECIPIENTS
9 OF PUBLIC ASSISTANCE TEST NEGATIVE FOR ILLEGAL DRUG
10 USE; AND FOR OTHER PURPOSES.
11

Subtitle

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13 AN ACT TO REQUIRE THAT APPLICANTS FOR AND
14 RECIPIENTS OF PUBLIC ASSISTANCE TEST
15 NEGATIVE FOR ILLEGAL DRUG USE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 20-76-401(b), concerning eligibility for
22 Transitional Employment Assistance Program benefits, is amended to read as
23 follows:

24 (b) Eligibility for transitional employment assistance is limited to
25 applicants for or recipients of assistance who:

26 (1) Are income and resource eligible; ~~and~~

27 (2) Sign and comply with a personal responsibility agreement;

28 and

29 (3) Have passed a random drug screen approved by the Arkansas
30 Transitional Employment Board by testing negative for illegal drugs.
31

32 SECTION 2. Arkansas Code § 20-76-409 is amended to read as follows:
33 20-76-409. Disqualification and sanction.

34 (a) ~~Each~~ An individual applying for assistance under this chapter
35 shall state in writing during the application process whether the individual
36 or any member of the household of the individual has been found guilty of or



1 pleaded guilty or nolo contendere to a crime described in subsection (b) of
 2 this section.

3 (b) ~~No~~ An individual who has been found guilty of or has pleaded
 4 guilty or nolo contendere to any state or federal offense classified as a
 5 felony by the law of the jurisdiction involved and which has as an element of
 6 the offense the distribution or manufacture of a controlled substance, as
 7 defined in section 102(6) of the Controlled Substances Act, 21 U.S.C. §
 8 802(6), ~~shall be~~ is not eligible for:

9 (1) Assistance under any state program funded wholly or
 10 partially under Part A of Title IV of the Social Security Act;

11 (2) Assistance under any state program created by this chapter;
 12 or

13 (3) Benefits under the ~~food stamp program~~ Supplemental Nutrition
 14 Assistance Program.

15 (c)(1)(A) An applicant for or recipient of benefits under this chapter
 16 shall submit to a drug screen to be tested for illegal drugs through a
 17 program established by the Department of Human Services.

18 (B) A drug screen under subdivision (c)(1)(A) of this
 19 section shall be administered to a random sampling of applicants or
 20 recipients.

21 (2) An individual who fails a drug screen by testing positive
 22 for illegal drugs shall not be eligible for:

23 (A) Assistance under a state program funded wholly or
 24 partially under part A of title IV of the Social Security Act;

25 (B) Assistance under a state program created by this
 26 chapter;

27 (C) Benefits under the Supplemental Nutrition Assistance
 28 Program; or

29 (D) Benefits under the Special Supplemental Food Program
 30 for Women, Infants and Children (WIC).

31 ~~(e)(1)~~ (d)(1) The amount of the assistance otherwise required to be
 32 provided under transitional employment assistance to the family members of an
 33 individual made ineligible by this section shall be reduced by the amount
 34 ~~which~~ that would have otherwise been made available to the individual.

35 (2) The amount of benefits otherwise required to be provided to
 36 a household under the food stamp program shall be determined by considering

1 the individual made ineligible by this section not to be a member of ~~such~~ the
 2 household, except that the income and resources of the individual shall be
 3 considered to be income and resources of the household.

4 ~~(d)~~(e) Clear notice of this section shall be provided in the personal
 5 responsibility agreement.

6 ~~(e)~~(f) This section ~~shall~~ does not apply to findings of guilt or pleas
 7 of guilty or nolo contendere for offenses occurring on or before July 1,
 8 1997.

9 ~~(f)~~(g) In accordance with this section, the State of Arkansas opts out
 10 of Section 115 of the Personal Responsibility and Work Opportunity Act of
 11 1996.

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 13 SECTION 3. DO NOT CODIFY. (a) The Department of Human Services shall
 14 adopt rules to implement Sections 1 and 2 of this act.

15 (b) The rules adopted under this act shall:

16 (1) List:

17 (A) Drug screens approved by the department under this
 18 act; and

19 (B) Entities approved by the department to administer drug
 20 screens under this act; and

21 (2) Set out a process for:

22 (A) Random drug screening of applicants for and recipients
 23 of:

24 (i) Assistance under a state program funded wholly
 25 or partially under Part A of Title IV of the Social Security Act;

26 (ii) Assistance under a state program created by
 27 this chapter; and

28 (iii) Benefits under the Supplemental Nutrition
 29 Assistance Program;

30 (B) Benefits under the Special Supplemental Food Program
 31 for Women, Infants and Children (WIC); and

32 (C) Approval of:

33 (i) Drug screens; and

34 (ii) Entities that administer drug screens.

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