

JAN 18 2012

S.B. NO. 2014

A BILL FOR AN ACT

RELATING TO PUBLIC ASSISTANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

"§346- Mandatory drug testing for recipients of public assistance. (a) The department shall require drug testing of each individual who receives any public assistance under this chapter; provided that the individual's minor dependents shall be exempt from the drug testing requirement. Drug testing under this section shall be conducted at intervals prescribed by the department.

(b) An individual shall be ineligible for public assistance if the individual:

(1) Refuses to undergo drug testing required under this section; or

(2) Tests positive for a controlled substance as a result of a drug test required under this section;

provided that the department shall prescribe conditions under which an individual who tests positive for a controlled



1 substance under paragraph (2) may become eligible for public
2 assistance upon testing negative for controlled substances in a
3 subsequent drug test conducted pursuant to this section.

4 (c) The costs associated with any drug testing under this
5 section shall be the responsibility of the individual being
6 tested; provided that if the individual tests negative for
7 controlled substances, the department shall reimburse the
8 individual for the amount paid for the drug test.

9 (d) The department shall:

10 (1) Provide notice of drug testing to each individual
11 prior to subjecting the individual to drug testing
12 under this section; provided that the notice shall
13 advise the individual that:

14 (A) Drug testing shall be conducted as a condition
15 for receiving public assistance and that the
16 individual shall bear the cost of testing;

17 (B) If the individual tests negative for controlled
18 substances, the department shall reimburse the
19 individual for the amount paid for the drug
20 test;

21 (C) The required drug testing may be avoided if the
22 individual discontinues public assistance; and



1 (D) The minor dependents of the individual shall be
2 exempt from the drug testing requirement;

3 (2) Require each individual subject to drug testing,
4 before the drug test is conducted, to advise the agent
5 administering the test of any prescription or over-
6 the-counter medication that the individual is taking;

7 (3) Require each individual subject to drug testing to
8 sign a written acknowledgment that the individual has
9 received and understood the notice provided under
10 paragraph (1);

11 (4) Provide each individual being tested a reasonable
12 degree of dignity while producing and submitting a
13 sample for drug testing, consistent with the State's
14 need to ensure the reliability of the drug test
15 sample;

16 (5) Specify circumstances under which an individual who
17 tests positive for controlled substances has the right
18 to take one or more additional drug tests; and

19 (6) Provide any individual who tests positive for a
20 controlled substance with a list of special treatment
21 facilities that are licensed by the department.

22 Neither the department nor the State shall be



1 responsible for providing or paying for substance
2 abuse treatment as part of the drug testing required
3 under this section.

4 (e) Individuals who receive public assistance shall comply
5 with the following:

6 (1) For two-parent families, both parents shall comply
7 with the drug testing requirement; and

8 (2) A teenage parent shall comply with the drug testing
9 requirement.

10 Failure of an individual to comply with this subsection shall
11 result in the individual's ineligibility for public assistance.

12 (f) If a parent is deemed ineligible for public
13 assistance as a result of testing positive for controlled
14 substances under this section:

15 (1) The eligibility of the parent's minor dependents for
16 public assistance shall not be affected;

17 (2) An appropriate protective payee shall be designated to
18 receive public assistance on behalf of the minor
19 dependent; and

20 (3) The parent may choose to designate another individual
21 to receive public assistance on behalf of the parent's
22 minor dependents; provided that:



1 (A) The designated individual shall be an immediate
2 family member or, if an immediate family member
3 is not available or the family member declines
4 the option, another individual approved by the
5 department may be designated;

6 (B) The designated individual shall undergo drug
7 testing before being approved to receive public
8 assistance on behalf of the minor dependent;
9 provided that none of the costs associated with
10 the drug testing shall be borne by the State; and
11 (C) If the designated individual tests positive for
12 controlled substances, the individual shall be
13 ineligible to receive public assistance on behalf
14 of the minor dependent.

15 (g) The department shall adopt rules in accordance with
16 chapter 91 to implement this section.

17 (h) For the purposes of this section, "controlled
18 substance" shall have the same meaning as defined in section
19 329-1."

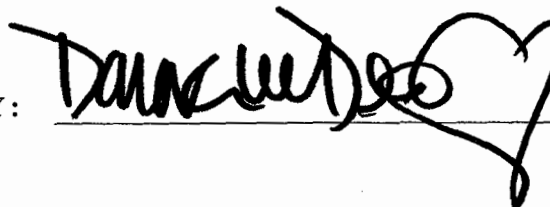
20 SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Dan Claitor", is written over a horizontal line. The signature is stylized with a large, looping initial "D" and a heart-like shape at the end.



Report Title:

Public Assistance; Drug Testing

Description:

Requires drug testing for public assistance recipients.
Disqualifies individuals from receiving public assistance if they refuse to undergo drug testing or test positive for controlled substances.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

