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## A BILL FOR AN ACT

RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

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

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

4           "§346-       Drug screening for applicants for temporary  
5 assistance for needy families. (a) The department shall  
6 require a drug test to screen each individual who applies for  
7 temporary assistance for needy families.

8           (b) An individual who tests positive for a controlled  
9 substance as a result of a drug test required under this  
10 section shall be ineligible to receive temporary assistance for  
11 needy families benefits; provided that upon the successful  
12 completion of a six-month substance abuse treatment program  
13 offered by a special treatment facility, as defined in section  
14 334-1, the individual may receive temporary assistance for needy  
15 family benefits.

16           (c) The costs associated with any drug testing and  
17 substance abuse treatment program required under this section



1 shall be the responsibility of the individual being tested or  
2 receiving substance abuse treatment.

3 (d) The department shall:

4 (1) Provide notice of drug testing to each individual at  
5 the time of application for temporary assistance for  
6 needy families; provided that:

7 (A) The notice shall advise the individual that drug  
8 testing shall be conducted as a condition for  
9 receiving temporary assistance for needy families  
10 benefits and that the individual shall bear the  
11 cost of testing;

12 (B) If the individual tests negative for controlled  
13 substances, the department shall reimburse the  
14 individual for the amount paid for the drug  
15 testing;

16 (C) The individual shall be advised that the required  
17 drug testing may be avoided if the individual  
18 does not apply for temporary assistance for needy  
19 families benefits; and

20 (D) Dependent children of the applicant who are under  
21 the age of eighteen shall be exempt from the  
22 drug-testing requirement;



- 1        (2) Advise each individual to be tested, before the drug  
2        test is conducted, that the individual shall advise  
3        the agent administering the test of any prescription  
4        or over-the-counter medication that the individual is  
5        taking;
- 6        (3) Require each individual subject to drug testing to  
7        sign a written acknowledgment that the individual has  
8        received and understood the notice and advice provided  
9        under paragraphs (1) and (2);
- 10       (4) Assure each individual being tested a reasonable  
11       degree of dignity while producing and submitting a  
12       sample for drug testing, consistent with the State's  
13       need to ensure the reliability of the drug test  
14       sample;
- 15       (5) Specify circumstances under which an individual who  
16       fails a drug test has the right to take one or more  
17       additional drug tests; and
- 18       (6) Provide any individual who has a positive drug test  
19       result with a list of licensed special treatment  
20       facilities that are licensed by the department.  
21       Neither the department nor the State shall be  
22       responsible for providing or paying for substance



1           abuse treatment as part of the drug screening required  
2           under this section.

3           (e) Applicants for temporary assistance for needy family  
4 benefits shall comply with the following:

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

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

9 Failure of a temporary assistance for needy families applicant  
10 to comply with this subsection shall result in the applicant's  
11 ineligibility for such benefits.

12           (f) If a parent is deemed ineligible for temporary  
13 assistance for needy families benefits as a result of failing a  
14 drug test required under this section:

15           (1) The dependent child's eligibility for temporary  
16           assistance for needy families benefits shall not be  
17           affected;

18           (2) An appropriate protective payee shall be designated to  
19           receive benefits on behalf of the child; and

20           (3) The parent may choose to designate another individual  
21           to receive benefits for the parent's minor child;

22           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 benefits  
 8           on behalf of the child; provided that none of the  
 9           costs associated with the drug testing shall be  
 10          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 benefits on behalf of the  
 14          child.

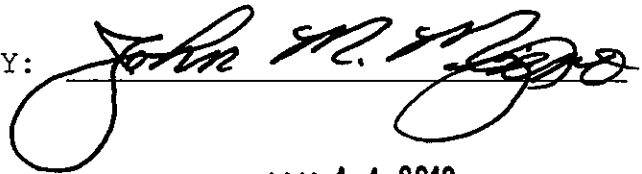
15          (g) The department shall adopt rules in accordance with  
 16          chapter 91 to implement this section."

17          SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:



JAN 11 2012



**Report Title:**

Temporary Assistance for Needy Families; Drug Screening

**Description:**

Requires drug testing for temporary assistance for needy families (TANF) applicants. Provides that applicants who test positive for a controlled substance may receive TANF funds upon the successful completion of a 6-month substance abuse program.

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

