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## A BILL FOR AN ACT

RELATING TO PUBLIC ASSISTANCE.

**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-           Temporary assistance for needy families; drug  
5 screening. (a) The department shall require all applicants for  
6 temporary assistance for needy families who are adults or who  
7 are minor parents not required to live with a parent, guardian,  
8 or other adult caretaker to submit to a drug test. The  
9 applicant shall pay the cost of the drug test.

10           (b) The department shall provide notice of drug testing to  
11 each applicant at the time of application. The notice shall  
12 advise the applicant:

13           (1) That drug testing of all applicants subject to  
14 subsection (a) will be conducted as a condition of  
15 receiving temporary assistance for needy families  
16 benefits;

17           (2) That the applicant shall bear the cost of the testing;



1       (3) Of facilities authorized to conduct drug testing for  
2           purposes of this section;

3       (4) That the applicant may advise the agent administering  
4           the test of any prescription or over-the-counter  
5           medication the applicant is taking;

6       (5) Of the circumstances under which an applicant who  
7           fails a drug test has the right to take one or more  
8           additional tests pursuant to this section; and

9       (6) That a positive result on a drug test conducted  
10           pursuant to this section will result in ineligibility  
11           for benefits as specified in this section.

12       The department shall require each applicant to be tested to  
13           sign a written acknowledgment that the applicant has received  
14           and understood the notice provided under this subsection.

15       (c) If the applicant tests negative for controlled  
16           substances, the department shall refund the cost of the drug  
17           test by increasing the amount of the first temporary assistance  
18           for needy families benefit payment received after the drug test  
19           by the amount paid by the applicant for the drug test. The  
20           applicant shall submit to drug testing every four to six months  
21           for the duration of the period the applicant receives temporary  
22           assistance for needy families benefits.



1       (d) An applicant who tests positive for controlled  
2 substances as a result of a drug test required under this  
3 section shall be ineligible to receive temporary assistance for  
4 needy families benefits for one year after the date of the  
5 positive drug test, except as otherwise provided in this  
6 section. If the applicant tests positive on a subsequent drug  
7 test, the applicant shall be ineligible to receive temporary  
8 assistance for needy families benefits for three years after the  
9 date of the second positive drug test, except as otherwise  
10 provided in this section. If the applicant tests positive on a  
11 drug test solely as a result of taking a medication prescribed  
12 by a licensed physician or the legal use of over-the-counter  
13 medication, the applicant shall be deemed to have tested  
14 negative for purposes of receiving temporary assistance for  
15 needy families benefits.

16       (e) The department shall provide any applicant who tests  
17 positive for a controlled substance with a list of licensed  
18 substance abuse treatment providers. If the applicant seeks  
19 substance abuse treatment as part of the screening conducted  
20 under this section, the applicant shall be responsible for  
21 paying for any costs charged by the substance abuse treatment  
22 providers.



1       (f) An applicant who tests positive under this section and  
2 is denied temporary assistance for needy families benefits as a  
3 result may reapply for those benefits after six months; provided  
4 that the applicant provides documentation of successful  
5 completion of a licensed substance abuse treatment program. An  
6 applicant who has met the requirements of this subsection and  
7 reapplies for temporary assistance for needy families benefits  
8 shall be required to submit to a drug test upon reapplication.  
9 The cost of any drug testing and substance abuse treatment  
10 undergone to comply with this subsection shall be the  
11 responsibility of the individual being tested and receiving  
12 treatment. An applicant who tests positive for controlled  
13 substances in the drug test required under subsection (a) may  
14 reapply for benefits under this subsection only once.

15       (g) The department shall adopt rules pursuant to chapter  
16 91 to carry out the requirements of this section. The rules  
17 shall include a process to appeal the results of a drug test  
18 administered pursuant to this section."

19       SECTION 2. Section 346-1, Hawaii Revised Statutes, is  
20 amended by adding a new definition to be appropriately inserted  
21 and to read as follows:



1        "Controlled substance" means a drug, substance, or  
2 immediate precursor in schedules I through V of chapter 329,  
3 part II."

4        SECTION 3. New statutory material is underscored.

5        SECTION 4. This Act shall take effect on January 1, 2013.

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INTRODUCED BY:

J. Ill.  
John M. Mayo  
Phu

JAN 17 2012



# H.B. NO. 1935

**Report Title:**

Temporary Assistance for Needy Families; Drug Testing

**Description:**

Requires applicants for Temporary Assistance for Needy Families assistance to undergo drug testing prior to receiving benefits. Effective January 1, 2013.

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

