

JAN 19 2012

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 be appropriately designated
3 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 substance abuse test pursuant to the requirements of
7 chapter 329B to screen each individual who applies for temporary
8 assistance for needy families. The cost of the substance abuse
9 test shall be the responsibility of the individual tested.
10 (b) An individual who tests positive for controlled
11 substances as a result of a substance abuse test required under
12 this section shall be ineligible to receive temporary assistance
13 for needy families benefits for one year after the date of the
14 positive substance abuse test, unless the individual meets the
15 requirements of subsection (d).
16 (c) The department shall:
17 (1) Provide notice of substance abuse testing to each
18 individual at the time of application for temporary



1 assistance for needy families benefits. The notice
2 shall advise the individual that substance abuse
3 testing will be conducted as a condition for receiving
4 temporary assistance for needy families benefits and
5 that the individual is responsible for the cost of
6 testing. If the individual tests negative for
7 controlled substances, the department shall increase
8 the amount of the initial temporary assistance for
9 needy families benefit by the amount paid by the
10 individual for the substance abuse testing. The
11 individual shall be advised that the required
12 substance abuse testing may be avoided if the
13 individual does not apply for temporary assistance for
14 needy families benefits. Dependent children under the
15 age of nineteen are exempt from the substance abuse
16 testing requirement;

- 17 (2) Advise each individual to be tested, before the test
18 is conducted, that the individual may, but is not
19 required to, advise the agent administering the test
20 of any prescription or over-the-counter medication the
21 individual is taking;



- 1 (3) Require each individual to be tested to sign a written
2 acknowledgment that the individual has received and
3 understood the notice and advice provided under
4 subsections (c)(1) and (c)(2);
- 5 (4) Specify circumstances under which an individual who
6 fails a substance abuse test has the right to take an
7 additional test;
- 8 (5) Inform an individual who tests positive for a
9 controlled substance and is deemed ineligible for
10 temporary assistance for needy families benefits that
11 the individual may reapply for those benefits one year
12 after the date of the positive drug test, unless the
13 individual meets the requirements of subsection (d).
14 If the individual tests positive again, the individual
15 shall be ineligible to receive temporary assistance
16 for needy families benefits for three years after the
17 date of the second positive drug test, unless the
18 individual meets the requirements of subsection (d);
19 and
- 20 (6) Provide any individual who tests positive with a list
21 of substance abuse treatment providers accredited by
22 the department of health, pursuant to section 321-193.



1 It shall be the responsibility of the individual to
2 pay for substance abuse treatment as part of the
3 screening conducted under this section.

4 (d) An individual who tests positive under this section
5 and is denied temporary assistance for needy families benefits
6 may reapply for those benefits after six months if the
7 individual can document the successful completion of a substance
8 abuse treatment program accredited by the department of health,
9 pursuant to section 321-193. An individual who has met the
10 requirements of this subsection and subsequently reapplies for
11 temporary assistance for needy families benefits shall also meet
12 the requirements of subsection (a). The cost of any substance
13 abuse testing and substance abuse treatment obtained pursuant to
14 this subsection shall be the responsibility of the individual.
15 An individual who fails the substance abuse test required under
16 subsection (a) may reapply for temporary assistance for needy
17 families benefits only once after meeting the substance abuse
18 treatment program requirement under this subsection.

19 (e) If a parent is deemed ineligible for temporary
20 assistance for needy families benefits as a result of failing a
21 substance abuse test conducted under this section:



- 1 (1) The dependent child's eligibility for temporary
2 assistance for needy families benefits shall not be
3 affected;
- 4 (2) An appropriate representative payee shall be
5 designated to receive benefits on behalf of the child;
6 and
- 7 (3) The parent may choose to designate another individual
8 to receive benefits for the parent's dependent child.
9 The designated individual shall be an immediate family
10 member or, if an immediate family member is not
11 available or the family member declines the option,
12 another individual, approved by the department, may be
13 designated. The designated individual must also
14 undergo substance abuse testing pursuant to this
15 section before being approved to receive benefits on
16 behalf of the child. If the designated individual
17 tests positive for controlled substances, that
18 individual is ineligible to receive benefits on behalf
19 of the child.
- 20 (f) For the purposes of this section:
21 "Controlled substance" has the same meaning as in section

22 329-1.



S.B. NO. 2157

Report Title:

Temporary Assistance for Needy Families; Substance Abuse Testing

Description:

Requires the department of human services to test all temporary assistance for needy families benefits applicants for substance abuse.

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

