

HOUSE BILL 365

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 71,  
relative to drug testing of certain recipients of  
public assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, Part 1, is amended by adding the following as a new section to be appropriately designated:

71-3-167.

(a) The commissioner of human services shall design and implement a substance abuse screening program for adult persons receiving or seeking to receive temporary assistance under this part with the screening program including periodic testing of the person's blood or urine for the presence of controlled substances as set out in this section.

(b) An adult person shall be ineligible for any temporary assistance if:

(1) The person does not participate in the substance abuse screening program established under this section; or

(2) The person tests positive in a substance abuse test administered by the program for the presence of:

(A) A Schedule I controlled substance; or

(B) A Schedule II - V controlled substance not prescribed for that person.

(c) The substance abuse testing component of the screening program shall be designed so as to require that testing occurs as an initial condition precedent prior to the receipt of such assistance and once for each subsequent year the adult person receives

such assistance, with the person being randomly assigned a month within that year to submit to testing upon receipt of reasonable notice from the department.

(d) The results of testing conducted under this section shall not be admissible in any criminal proceeding without the consent of the person tested.

(e) The commissioner of human services is authorized to promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, in order to effectuate this section.

SECTION 2. Tennessee Code Annotated, Section 71-3-154(a), is amended by adding the following as new subdivision (6):

(6) An adult recipient has successfully complied with the drug screening program required by § 71-3-167.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.