

HOUSE BILL 1289

By Butt

AN ACT to amend Tennessee Code Annotated, Title 50  
and Title 71, relative to drug tests.

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

SECTION 1. Tennessee Code Annotated, Section 50-7-302(a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) The claimant, at the sole expense of the claimant, unless the claimant is determined to be indigent by the administrator, participates in a substance abuse screening program established by the administrator;

SECTION 2. Tennessee Code Annotated, Section 71-3-154(k)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(k)(2) Pursuant to 21 U.S.C. § 862a(a), an individual convicted of any offense which is classified as a felony and which has as an element the possession, use, or distribution of a controlled substance as defined in 21 U.S.C. § 802(6) shall not be eligible for temporary assistance pursuant to this part.

SECTION 3. Tennessee Code Annotated, Section 71-3-154, is further amended by adding the following language as a new, appropriately designated subsection:

(n) No payment of assistance pursuant to this part shall be made to an individual that fails to participate in the substance abuse screening program described in § 71-1-501.

SECTION 4. Tennessee Code Annotated, Section 71-5-308(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) Pursuant to 21 U.S.C. § 862a(a), an individual convicted of any offense which is classified as a felony and which has as an element the possession, use, or

distribution of a controlled substance as defined in 21 U.S.C. § 802(6) shall not be eligible for food stamp program benefits.

(c) No individual shall be eligible for food stamp benefits unless the individual participates in the substance abuse screening program described in § 71-1-501.

SECTION 5. Tennessee Code Annotated, Title 71, Chapter 1, is amended by adding the following language as a new part:

71-1-501.

(a) The commissioner of human services shall design and implement a substance abuse screening program for persons eighteen (18) years of age or older receiving or seeking to receive temporary assistance or benefits under chapter 3 or chapter 5, part 3 of this title, 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) A person eighteen (18) years of age or older shall be ineligible for any temporary assistance or benefit under chapter 3 or chapter 5, part 3 of this title, 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.

71-5-502. The cost of testing a person pursuant to this part shall be charged to the person being tested unless the commissioner of human services determines that the person is indigent.

71-5-503. 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 part.

SECTION 6. The chief administrative officer of the division of employment security of the department of labor and workforce development and the commissioner of human services are authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. This act shall take effect July 1, 2011, the public welfare requiring it.