

1 HB390
2 190311-1
3 By Representatives Hanes, Mooney, Whorton (R), Pettus,
4 Williams (JW), Butler, Farley, Moore (B) and Wilcox
5 RFD: State Government
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8 SYNOPSIS: Under existing law, there is no requirement
9 that a person applying for or receiving benefits
10 under the Supplemental Nutrition Assistance Program
11 (SNAP) be tested for illegal substance abuse.

12 This bill would require an applicant for
13 SNAP benefits to be tested for substance abuse if
14 there is reasonable suspicion that the person uses
15 or is under the influence of a drug.

16 This bill would provide that a person
17 testing positive for a drug without a valid
18 prescription a second time would be ineligible for
19 SNAP benefits and would provide that when a parent
20 of a dependent child tests positive for drugs
21 without a valid prescription, the parent may
22 designate a third party to receive the benefits for
23 the benefit of the dependent child.

24 This bill would specify who is responsible
25 for the costs associated with the drug screening.

1 This bill also would authorize the
2 Department of Human Resources to adopt rules to
3 implement this program.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

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9 Relating to Supplemental Nutrition Assistance
10 Program (SNAP) benefits; to require the Department of Human
11 Resources to implement and administer a drug screening program
12 for an applicant for SNAP benefits upon reasonable suspicion
13 of illegal substance use; to require the department to provide
14 notice of the drug screening to applicants; to specify who is
15 responsible for costs associated with the drug screening; to
16 provide that a person testing positive for a drug without a
17 valid prescription a second time would be ineligible for SNAP
18 benefits; to provide that if a parent of a dependent child
19 tests positive for drugs, the parent may designate a third
20 party to receive the benefits for the benefit of the dependent
21 child; and to authorize the department to adopt rules to
22 implement the act.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) As used in this section, the
25 following words shall have the following meanings:

26 (1) DRUG. Includes all of the following:

1 a. A controlled substance for which a medical
2 prescription or other legal authorization is required for
3 purchase or possession, including, but not limited to: An
4 amphetamine, a tetrahydrocannabinol, oxycodone, cocaine,
5 phencyclidine (PCP), an opiate, a barbiturate, a
6 benzodiazepine, a methamphetamine, a propoxyphene, a tricyclic
7 antidepressant, or a metabolite of any of these substances.

8 b. A drug whose manufacture, sale, use, or
9 possession is forbidden by law.

10 (2) DRUG SCREENING. Any chemical, biological, or
11 physical instrumental analysis administered by a laboratory
12 certified by the United States Department of Health and Human
13 Services or other licensing agency in this state for the
14 purpose of determining the presence or absence of a drug or
15 its metabolites.

16 (b) The Department of Human Resources shall
17 implement and administer a drug screening program that
18 requires a person who is otherwise eligible for SNAP benefits
19 to be screened for drugs if there is a reasonable suspicion
20 the person uses or is under the influence of drugs. A person
21 shall be screened for drugs pursuant to this subsection if any
22 of the following occur:

23 (1) The person has a conviction for the use or
24 distribution of a drug without a prescription within five
25 years of the date of the application for SNAP benefits.

26 (2) The person tested positive for drugs as a result
27 of a drug screening required under this section.

1 (3) Based on the facts and circumstances available
2 to the department, a reasonable person would conclude the
3 applicant uses or is under the influence of drugs without a
4 prescription.

5 (c) The department shall require each applicant to
6 disclose, under penalty of perjury, any criminal conviction
7 related to the use or distribution of a drug on any
8 application for SNAP benefits.

9 (d) The cost of the initial drug screening of each
10 applicant shall be the responsibility of the department. The
11 cost of any subsequent drug screening is the responsibility of
12 the person screened. The department shall reimburse the person
13 for the cost of the drug screening if the person tests
14 negative for a drug.

15 (e) (1) An applicant who refuses to take a drug
16 screening or who delays the drug screening beyond the time set
17 by the department is ineligible to receive SNAP benefits.

18 (2) An applicant who tests positive for a drug as a
19 result of a drug screening required under this section and who
20 is unable to produce a valid prescription for the drug shall
21 receive a warning that any subsequent positive drug screening
22 shall result in a denial of benefits. Upon a second positive
23 drug screening, the person shall be ineligible for SNAP
24 benefits for one year after the date of the positive drug
25 screening results. Upon a third positive drug screening, the
26 person shall be permanently ineligible for SNAP benefits. No

1 person shall be subjected to more than two additional drug
2 screenings in any calendar year.

3 (3) A person who is denied SNAP benefits under this
4 section when he or she was an applicant may request an
5 administrative hearing to review the denial.

6 (f) The results of a drug screening under this
7 section may not be admitted in any criminal proceeding, but
8 shall be admissible without further authentication or
9 qualification in administrative hearings of the department and
10 judicial review of department determinations.

11 (g) The department shall do all of the following:

12 (1) Provide notice of the potential for drug
13 screening to applicants for SNAP benefits at the time of
14 application. The notice shall advise the applicant that a drug
15 screening may be conducted as a condition for receiving
16 benefits and that the applicant shall bear the cost of the
17 drug screening after the initial screening. The applicant
18 shall be advised that the required drug screening may be
19 avoided if the applicant does not apply for SNAP benefits.

20 (2) Require each applicant to be screened to sign a
21 written acknowledgment that he or she has received notice of
22 the department's drug-screening policy and that he or she
23 understands the drug-screening requirement.

24 (h) If a parent is deemed ineligible for SNAP
25 benefits as a result of failing a drug screening conducted
26 under this section, the eligibility for benefits of a
27 dependent child or other family member is not affected.

1 (i) If a person is denied benefits under this
2 section, an appropriate protective payee shall be designated
3 to receive benefits on behalf of the dependent child of, or
4 any other family member living with the applicant. The person
5 may choose the person designated to receive benefits for the
6 dependent child or other family members. The person designated
7 must be an immediate family member unless an immediate family
8 member is not available or the family member declines the
9 option. The person designated must be approved by the
10 department.

11 (j) The department shall adopt rules to prescribe
12 the design, operation, and standards for the implementation of
13 this section.

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.