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SENATE FILE 2124

BY SCHUERER

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act establishing family investment program eligibility
2 requirements involving participation in drug testing and
3 compliance with a treatment plan.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2124

HUMAN RESOURCES

1 Section 1. NEW SECTION. 239B.2B DRUG TESTING AND
2 SUBSTANCE ABUSE TREATMENT.

3 1. For the purposes of this section, unless the context
4 otherwise requires, "drug" means the same as defined in
5 section 730.5.

6 2. As a condition of eligibility for an applicant or
7 participant under this chapter, the department shall require a
8 child's parent or other specified relative whose needs are
9 included in the cash assistance grant payable to the child's
10 family to agree to participate in drug testing and to comply
11 with a required substance abuse treatment plan.

12 3. The department shall implement a program of drug
13 testing and substance abuse treatment of persons subject to
14 subsection 2. The program shall include, but is not limited
15 to, all of the following:

16 a. Random drug testing of existing participants.

17 b. Drug testing of all applicants.

18 c. Required compliance with a substance abuse treatment
19 plan for a person who tests positive for the presence of a
20 drug that was not lawfully prescribed for the person. Drug
21 testing shall include confirmation of any initial positive
22 test results. The confirmatory test shall be a
23 chromatographic technique such as gas chromatography/mass
24 spectrometry, or another comparably reliable analytical
25 method.

26 4. An applicant or participant subject to subsection 2 who
27 has a confirmed positive test for a drug that was not lawfully
28 prescribed for the person and does not successfully comply
29 with a required substance abuse treatment plan shall be
30 ineligible for assistance.

31 5. A person's positive test result obtained under this
32 section shall not be used as evidence in any criminal action
33 involving the person.

34 6. The department shall adopt rules to administer this
35 section. The rules shall include but are not limited to

1 provision for all of the following:

2 a. Labeling and other documentation of test sample
3 collections so as to reasonably preclude the possibility of
4 misidentification of the person tested in relation to the test
5 result provided, and requirement for samples to be handled and
6 tracked in a manner such that control and accountability are
7 maintained from initial collection to each stage in handling,
8 testing, and storage, through final disposition.

9 b. A person being tested shall be provided an opportunity
10 to provide any information which may be considered relevant to
11 the test, including identification of prescription or
12 nonprescription drugs currently or recently used or other
13 relevant medical information. To assist a person in providing
14 the information described in this paragraph, the department
15 shall provide the person with a list of the drugs to be
16 tested.

17 c. A medical review officer shall review and interpret any
18 confirmed positive test results, including both quantitative
19 and qualitative test results, to ensure that the chain of
20 custody is complete and sufficient on its face and that any
21 information provided by the person pursuant to paragraph "b"
22 is considered.

23 d. Procedure to provide written notification to a person
24 of the results of a confirmed positive drug test by certified
25 mail or other verifiable means. The notification shall
26 include the person's right to request and obtain a second
27 confirmatory test at an approved laboratory of the person's
28 choice. If the results of the second test do not confirm the
29 results of the initial confirmatory test, the initial
30 confirmatory test shall not be considered a confirmed positive
31 drug test.

32 e. Prohibition against a laboratory or other medical
33 facility reporting information to anyone other than the
34 department or the tested person relating to the results of a
35 drug test conducted pursuant to this section.

1 f. Procedure to address incidents of false positive tests.

2 g. Procedure to ensure the confidentiality of test
3 results, including but not limited to specifying those with
4 access to test result information.

5 h. Other procedures to administer this section in a fair
6 and reliable manner.

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EXPLANATION

9 This bill establishes family investment program (FIP)
10 eligibility requirements involving participation in drug
11 testing and substance abuse treatment.

12 The bill defines the term "drug" as having the same meaning
13 as the definition in Code section 730.5, relating to private-
14 sector drug-free workplaces, which is any drug on schedules I
15 through IV of the federal Controlled Substances Act.

16 New Code section 239B.2B applies to family investment
17 program applicants and participants who are a child's parent
18 or other specified relative whose needs are included in the
19 program's cash assistance grant payable to the child's family.
20 These persons must agree to participate in drug testing and to
21 comply with a required substance abuse treatment plan as a
22 condition of eligibility for FIP.

23 The department of human services is to implement a drug
24 testing and substance abuse treatment program for the persons
25 subject to the eligibility requirement. The program is to
26 include random drug testing of participants, drug testing of
27 all applicants, and required compliance with a substance abuse
28 treatment plan for any person who tests positive for the
29 presence of a drug that was not lawfully prescribed for the
30 person. Drug testing includes confirmation of any positive
31 result with a chromatographic spectrometry technique or
32 comparable method.

33 If an applicant or participant subject to the bill's
34 requirements has a confirmed positive test for a drug that was
35 not lawfully prescribed for the person and does not

1 successfully comply with a required substance abuse treatment
2 plan, the applicant or participant is ineligible for FIP
3 assistance.

4 The bill prohibits a person's positive test result obtained
5 under the bill's provisions from being used as evidence in any
6 criminal action involving the person.

7 The department is directed to adopt rules to administer the
8 provisions of the bill. The rules are to address labeling and
9 other documentation of test samples, notification concerning
10 test results, interpretation of test results, prohibition
11 against laboratory disclosure of test results, other
12 confidentiality provisions, procedure to address incidents of
13 false positive tests, and other procedures for fairness and
14 reliability.

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