

S-5203

1 Amend Senate File 2336 as follows:

2 1. Page 78, after line 24 by inserting:

3 <Sec. ____ . NEW SECTION. 239B.2C Substance abuse
4 screening.

5 1. For the purposes of this section, unless the
6 context otherwise requires, "*substance abuse screening*
7 *program*" or "*screening program*" means the substance
8 abuse screening program administered pursuant to this
9 section.

10 2. The substance abuse screening program
11 requirements of this section apply to the following
12 applicants for assistance under this chapter:

13 a. Each adult parent, guardian, or specified
14 relative who is included in the applicant family,
15 including both parents of a two-parent family, or
16 an individual who may be exempt from work activity
17 requirements due to the age of the youngest child or
18 who may be exempt from work activity requirements under
19 the PROMISE JOBS program.

20 b. A minor parent who is not required to live
21 with a parent, guardian, or other adult caretaker in
22 accordance with this chapter.

23 3. As a condition of eligibility for an applicant
24 who is subject to this section to participate in the
25 family investment program, the applicant shall, if not
26 otherwise prohibited by state or federal law, agree to
27 participate in the substance abuse screening program.

28 4. The department shall design and implement a
29 substance abuse screening program for applicants who
30 are subject to this section. To the extent authorized
31 under applicable federal requirements, the screening
32 program shall include but is not limited to all of the
33 following elements:

34 a. Random drug testing of a percentage of the
35 applicants. Such testing shall be conducted on an
36 applicant's blood or urine for the presence of a
37 controlled substance. However, if the information
38 available in regard to a specific applicant indicates
39 there is a strong likelihood that the applicant is
40 using a controlled substance, such testing may be
41 required.

42 b. Assure each applicant being drug tested a
43 reasonable degree of dignity while producing and
44 submitting a sample for drug testing, consistent with
45 the department's need to ensure the reliability of the
46 sample.

47 c. The results of the blood or urine testing shall
48 not be admissible in any criminal proceeding without
49 the consent of the person subject to the testing.

50 d. Provision for the cost of the blood or urine

1 testing under the screening program to be paid by the
2 applicant.

3 e. Provide any applicant who tests positive in a
4 drug test under the screening program with a list of
5 licensed substance abuse treatment programs available
6 in the area in which the applicant resides. Neither
7 the department nor the state is not responsible for
8 providing or paying for substance abuse treatment as
9 part of the screening conducted under this section.

10 f. An applicant with a positive drug test result
11 who is denied assistance under this chapter may
12 reapply for assistance at any time if the individual
13 can document the successful completion of a licensed
14 substance abuse treatment program. An applicant
15 who has met the requirements of this paragraph
16 and reapplies for assistance must also pass a drug
17 test under the screening program in order for the
18 application to be approved. Any drug test conducted
19 while the individual is undergoing substance abuse
20 treatment must meet the requirements for a drug test
21 under the screening program. The cost of any drug
22 testing or substance abuse treatment provided under
23 this subsection shall be the responsibility of the
24 individual being tested or receiving treatment.

25 g. Other design, operation, and standards
26 provisions adopted in rule to ensure the screening
27 program is implemented in a fair and economical manner.

28 5. An adult applicant is not eligible to
29 participate in the family investment program if any of
30 the following is applicable:

31 a. The applicant does not agree to participate in
32 the substance abuse screening program.

33 b. The applicant tests positive in a blood or urine
34 drug test administered under the screening program for
35 the presence of either of the following:

36 (1) A substance listed in schedule I under section
37 124.204.

38 (2) A substance listed in schedule II, III, or
39 IV under chapter 124 that was not prescribed for the
40 applicant or participant.

41 6. If an applicant parent is deemed ineligible for
42 assistance as a result of having a positive test result
43 from a drug test conducted under the screening program,
44 all of the following apply:

45 a. The eligibility of the applicant's dependent
46 child for assistance is not affected.

47 b. An appropriate protective payee shall be
48 designated to receive assistance on behalf of the
49 dependent child. The applicant parent may choose
50 to designate an individual as the protective payee.

1 The individual designated by the applicant parent
2 as the protective payee must be a specified relative
3 or other immediate family member unless such family
4 member is not available or the family member declines
5 the designation. In which case another individual,
6 approved by the department, shall be designated as the
7 protective payee. The individual must also participate
8 in the screening program before being approved to be
9 the protective payee. If the designated individual has
10 a positive test result, the designated individual shall
11 be ineligible to be the protective payee.
12 7. The department shall adopt rules to implement
13 this section.>
14 2. By renumbering as necessary.

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