

*Boddicker
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HSB 738

HUMAN RESOURCES
Succeeded By
SF/HI *207*

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY
CHAIRPERSON BODDICKER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

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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, a child's parent or other
8 specified relative whose needs are included in the cash
9 assistance grant payable to the child's family shall agree to
10 participate in drug testing and comply with any required
11 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. Any confirmatory test shall be performed using
23 a chromatographic technique such as gas chromatography/mass
24 spectrometry, or another comparably reliable analytical
25 method.

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

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

35 6. The department shall adopt rules to administer this

1 section. The rules shall include but are not limited to all
2 of the following:

3 a. Testing procedures to ensure collection of test samples
4 are performed under sanitary conditions, with regard for the
5 privacy of the person providing the sample, and in a manner
6 reasonably calculated to preclude contamination or
7 substitution of the sample. Test samples shall be split at
8 the time of collection to permit conformatory tests of the
9 sample. The department shall establish standards for analysis
10 of samples and for determining test results to be positive.

11 b. Labeling and other documentation of test sample
12 collections so as to reasonably preclude the possibility of
13 misidentification of the person tested in relation to the test
14 result provided, and requirement for samples to be handled and
15 tracked in a manner such that control and accountability are
16 maintained from initial collection to each stage in handling,
17 testing, and storage, through final disposition.

18 c. A person being tested shall be given an opportunity to
19 provide any information which may be considered relevant to
20 the test, including identification of prescription or
21 nonprescription drugs currently or recently used, or other
22 relevant medical information. To assist a person in providing
23 the information described in this paragraph, the department
24 shall provide the person with a list of the drugs to be
25 tested.

26 d. A medical review officer shall review and interpret any
27 confirmed positive test results, including both quantitative
28 and qualitative test results, to ensure that the chain of
29 custody is complete and sufficient on its face and that any
30 information provided by the person pursuant to paragraph "b"
31 is considered.

32 e. A procedure to provide written notification to a person
33 of the results of a confirmed positive drug test by certified
34 mail or other verifiable means. The notification shall
35 include the person's right to request and obtain a second

1 confirmatory test at an approved laboratory of the person's
2 choice. If the results of the second test do not confirm the
3 results of the initial confirmatory test, the initial
4 confirmatory test shall not be considered a confirmed positive
5 drug test.

6 f. The department shall prohibit a laboratory or other
7 medical facility reporting information to anyone other than
8 the department or the tested person relating to the results of
9 a drug test conducted pursuant to this section.

10 g. A procedure to address incidents of false positive
11 tests.

12 h. A procedure to ensure the confidentiality of test
13 results, including but not limited to specifying those with
14 access to test result information.

15 i. Other procedures to administer this section in a fair
16 and reliable manner.

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EXPLANATION

19 This bill establishes a family investment program (FIP)
20 eligibility requirement for participation in drug testing and
21 substance abuse treatment.

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

26 New Code section 239B.2B applies to family investment
27 program applicants and participants who are a child's parent
28 or other specified relative whose needs are included in the
29 program's cash assistance grant payable to the child's family.
30 These persons must agree to participate in drug testing and to
31 comply with any required substance abuse treatment plan as a
32 condition of eligibility for FIP.

33 The department of human services is to implement a drug
34 testing and substance abuse treatment program for the persons
35 subject to the eligibility requirement. The program is to

1 include random drug testing of participants, drug testing of
2 all applicants, and required compliance with a substance abuse
3 treatment plan for any person who tests positive for the
4 presence of a drug that was not lawfully prescribed for the
5 person. Drug testing includes confirmation of any positive
6 result with a chromatographic/mass spectrometry technique or
7 comparable method.

8 If an applicant or participant subject to the bill's
9 requirements has, on three or more occasions, a confirmed
10 positive test for a drug that was not lawfully prescribed for
11 the person or does not successfully comply with a required
12 substance abuse treatment plan, the applicant or participant
13 is ineligible for FIP assistance.

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

17 The department is directed to adopt rules to administer the
18 provisions of the bill. The rules are to address collection,
19 labeling, and other documentation of test samples,
20 notification concerning test results, interpretation of test
21 results, prohibition against laboratory disclosure of test
22 results, other confidentiality provisions, procedure to
23 address incidents of false positive tests, and other
24 procedures for fairness and reliability.

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3/21/00 Removed from Calendar

FEB 29 2000
Place On Calendar

HOUSE FILE **2497**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 738)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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HF 2497

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**HOUSE FILE 2497
FISCAL NOTE**

A fiscal note for **House File 2497** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2497 adds Section 239B.2B, Code of Iowa, requiring Family Investment Program (FIP) applicants and recipients to participate in a drug testing and treatment program as a condition of eligibility for FIP benefits. The Bill requires the Department of Human Services (DHS) to implement a drug program including random testing of existing participants, drug testing of all applicants, and treatment of all individuals whose drug tests are positive. An individual who fails drug testing on three or more occasions or fails to comply with treatment is ineligible for FIP cash assistance.

ASSUMPTIONS

1. Of the existing FIP caseload, 2,000 individuals annually will receive random drug testing. An additional 14,000 individuals annually will apply for FIP benefits and receive drug testing.
2. Of the 16,000 individuals receiving drug testing, 10.6%, or 1,700, will fail and require second and third drug testings. Therefore, a total of 20,000 drug tests will be performed annually. At a cost of \$166 per test, annual drug testing costs will be approximately \$3.2 million.
3. Of the 1,700 individuals who fail drug testing, approximately 24% will receive eight days of half treatment, 55% will receive 20 days of outpatient treatment, and 21% will receive 20 full days and eight half days of residential and follow-up treatment. Total annual treatment costs are estimated at \$1.4 million.
4. Child care, transportation, and legal costs for the individuals receiving treatment are estimated at \$1.0 million annually.
5. Contractor and system costs required to implement HF 2497 are estimated at \$558,000 in FY 2001 and \$550,000 in FY 2002.
6. In FY 2002, an average of 195 monthly cash assistance grants will be reduced by approximately \$65 per month, for a total annual FIP cash grant reduction of \$152,000.
7. Federal funds of approximately \$1.0 million will be received each year to offset the cost of FIP drug testing and treatment.

FISCAL IMPACT

The anticipated General Fund impact of HF 2497 is \$5.2 million in FY 2001 and \$5.1 million in FY 2002 and each year thereafter.

SOURCE

Department of Human Services

(LSB 5139hv, DAA)