

House File 2250 - Introduced

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A BILL FOR

1 An Act requiring random drug testing for recipients of certain
2 public benefits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 96.5, Code 2009, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 11. *Drug testing.* If, pursuant to section
4 96.5A, the department determines that an individual receiving
5 benefits has a confirmed positive test result for a drug
6 that was not lawfully prescribed for the person. The period
7 of ineligibility shall continue until the individual has a
8 negative test result for the drug for which the individual had
9 a confirmed positive test result.

10 Sec. 2. NEW SECTION. 96.5A **Drug testing.**

11 1. For the purposes of this section, unless the context
12 otherwise requires, "*drug*" means the same as defined in section
13 730.5.

14 2. As a condition of eligibility for an individual seeking
15 benefits under this chapter, the individual shall agree to
16 participate in drug testing in accordance with this section.

17 3. The department shall implement a program of drug testing
18 of persons subject to subsection 2. The program shall include
19 but is not limited to all of the following:

20 a. Random drug testing of individuals receiving benefits.

21 b. Drug testing of individuals applying for benefits.

22 c. Drug testing shall include confirmation of any
23 initial positive test results. Any confirmatory test shall
24 be performed using a chromatographic technique such as gas
25 chromatography/mass spectrometry, or another comparably
26 reliable analytical method.

27 4. An individual subject to the provisions of subsection 2
28 who has a confirmed positive test result for a drug that was
29 not lawfully prescribed for the individual shall be ineligible
30 for benefits pursuant to section 96.5, subsection 11. The
31 period of ineligibility shall continue until the individual has
32 a negative test result for the drug for which the individual
33 had a confirmed positive test result.

34 5. An individual's positive test result obtained under this
35 section shall not be used as evidence in any criminal action

1 involving the individual.

2 6. The department shall adopt rules to administer this
3 section. The rules shall include but are not limited to
4 procedures for conducting drug tests, which shall be consistent
5 with the requirements for drug testing provided in section
6 730.5, and such other procedures to administer this section in
7 a fair and reliable manner.

8 Sec. 3. NEW SECTION. 239B.2C Drug testing.

9 1. For the purposes of this section, unless the context
10 otherwise requires, "drug" means the same as defined in section
11 730.5.

12 2. As a condition of eligibility for an applicant or
13 participant under this chapter, a child's parent or other
14 specified relative whose needs are included in the cash
15 assistance grant payable to the child's family shall agree to
16 participate in drug testing in accordance with this section.

17 3. The department shall implement a program of drug testing
18 of persons subject to subsection 2. The program shall include
19 but is not limited to all of the following:

20 a. Random drug testing of existing participants.

21 b. Drug testing of all applicants.

22 c. Drug testing shall include confirmation of any
23 initial positive test results. Any confirmatory test shall
24 be performed using a chromatographic technique such as gas
25 chromatography/mass spectrometry, or another comparably
26 reliable analytical method.

27 4. An applicant or participant subject to the provisions
28 of subsection 2 who has a confirmed positive test result for
29 a drug that was not lawfully prescribed for the person shall
30 be ineligible for assistance. The period of ineligibility
31 applicable to a person shall continue until the person has a
32 negative test result for the drug for which the person had a
33 confirmed positive test result.

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

1 involving the person.

2 6. The department shall adopt rules to administer this
3 section. The rules shall include but are not limited to
4 procedures for conducting drug tests, which shall be consistent
5 with the requirements for drug testing provided in section
6 730.5, and such other procedures to administer this section in
7 a fair and reliable manner.

8

EXPLANATION

9 This bill establishes a requirement for participation
10 in drug testing for individuals receiving unemployment
11 compensation benefits and for persons seeking eligibility for
12 the family investment program (FIP).

13 For both programs, the bill defines the term "drug" as
14 having the same meaning as the definition in Code section
15 730.5, relating to private sector drug-free workplaces, which
16 is any drug on schedules I through V of the federal Controlled
17 Substances Act. In addition, the bill provides that the drug
18 testing procedures for both programs shall be consistent with
19 the drug testing requirements provided in Code section 730.5
20 concerning private sector workplaces.

21 New Code section 96.5A establishes a drug testing
22 requirement for individuals receiving and applying for
23 unemployment compensation benefits. Code section 96.5 is
24 amended to provide that an individual is disqualified for
25 unemployment compensation benefits if the individual has a
26 confirmed positive drug test which disqualification shall
27 continue until the individual has a negative test result for
28 that drug.

29 New Code section 239B.2C establishes a drug testing
30 requirement for FIP applicants and participants who are a
31 child's parent or other specified relative whose needs are
32 included in the program's cash assistance grant payable to the
33 child's family. If an applicant or participant subject to the
34 new section's requirements has a confirmed positive test result
35 for a drug that was not lawfully prescribed for the person,

1 the applicant or participant is ineligible for FIP assistance.
2 The period of ineligibility continues until the person has a
3 negative test result for the drug for which the person had a
4 confirmed positive test result.

5 The department of workforce development, for purposes
6 of unemployment compensation, and the department of human
7 services, for purposes of the FIP, are to implement a drug
8 testing program for the persons subject to the eligibility
9 requirement. The program is to include random drug testing
10 of participants and drug testing of all applicants. Drug
11 testing includes confirmation of any positive result with a
12 chromatographic/mass spectrometry technique or comparable
13 method.

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 Each department is directed to adopt rules to administer the
18 provisions of the bill.