

House File 356 - Introduced

HOUSE FILE 356

BY ALONS

A BILL FOR

1 An Act requiring applicants for and participants in certain
2 public assistance programs administered by the department of
3 human services to participate in a substance abuse screening
4 program.

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

1 Section 1. NEW SECTION. 217.14 Public assistance programs
2 — substance abuse screening.

3 1. For the purposes of this section, unless the context
4 otherwise requires:

5 a. "Department" means the department of human services.

6 b. "Public assistance program" means the food assistance
7 program food programs under chapter 234, the family investment
8 program under chapter 239B, or the medical assistance program
9 under chapter 249A.

10 c. "Substance abuse screening program" or "screening program"
11 means the substance abuse screening program administered
12 pursuant to this section.

13 2. As a condition of eligibility for an adult applicant
14 or adult participant to receive public assistance program
15 benefits, the applicant or participant shall, if not otherwise
16 prohibited by state or federal law, agree to participate in the
17 substance abuse screening program.

18 3. The department shall design and implement a substance
19 abuse screening program for adult applicants for and adult
20 participants in public assistance programs. To the extent
21 authorized under applicable federal requirements, the program
22 shall include but is not limited to all of the following
23 elements:

24 a. Periodic screening of the applicant's or participant's
25 blood or urine for the presence of a controlled substance.

26 b. A blood or urine screening is performed prior to the
27 applicant's initial receipt of public assistance.

28 c. A subsequent blood or urine screening of a participant is
29 performed at least annually with random assignment of a month
30 in which the participant is required to submit to the screening
31 upon receipt of notice from the department.

32 d. The results of the blood or urine screening shall not be
33 admissible in any criminal proceeding without the consent of
34 the person subject to the screening.

35 e. Provision for the cost of the blood or urine screening to

1 be deducted from the public assistance program benefits payable
2 to the applicant or participant.

3 *f.* Other design, operation, and standards provisions adopted
4 in rule to ensure the program is implemented in a fair and
5 economical manner.

6 4. An adult applicant or adult participant shall be
7 ineligible for public assistance program benefits if any of the
8 following is applicable:

9 *a.* The applicant or participant does not participate in the
10 substance abuse screening program.

11 *b.* The applicant or participant tests positive in a
12 substance abuse test administered under the screening program
13 for the presence of either of the following:

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

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

18 EXPLANATION

19 This bill requires applicants and participants in certain
20 public assistance programs administered by the department of
21 human services to participate in a substance abuse screening
22 program.

23 New Code section 217.14 defines "public assistance program"
24 to mean the food assistance program or food programs under Code
25 chapter 234, the family investment program under Code chapter
26 239B, or the medical assistance (Medicaid) program under Code
27 chapter 249A.

28 An applicant or participant for a public assistance program
29 is required as a condition of eligibility for the program,
30 unless prohibited by state or federal law, to participate
31 in the substance abuse screening program created by the
32 department pursuant to the bill to the extent authorized under
33 federal law. An applicant is subject to a blood or urine
34 screening prior to initial receipt of public assistance and at
35 least annually while receiving assistance. The results of a

1 screening are not admissible in any criminal proceeding without
2 the consent of the person subject to the screening. The cost
3 of the blood or urine screening is to be deducted from the
4 public assistance program benefits payable to the applicant or
5 participant. Other design, operation, and standards provisions
6 are required to be adopted in rule to ensure the program is
7 implemented in a fair and economical manner.

8 An applicant or participant is ineligible for public
9 assistance program benefits for failure to participate in the
10 substance abuse screening program or for testing positive in a
11 substance abuse test administered under the screening program
12 for the presence of either of the following: a substance
13 listed in schedule I under Code section 124.204 or for a
14 substance listed in schedule II, III, or IV under Code chapter
15 124 that was not prescribed for the applicant or participant.