

House Bill 699

By: Representative Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to public assistance, so as to require drug testing for  
3 applicants of certain public assistance; to require the Department of Human Services to  
4 implement and maintain such program; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
9 general provisions relative to public assistance, is amended by adding a new Code section  
10 to read as follows:

11 "49-4-3.1.

12 (a) As used in this Code section, the term 'benefits' means state public assistance and state  
13 administered federal public assistance provided by the Department of Human Services,  
14 including Temporary Assistance for Needy Families (TANF). The term 'benefits' shall not  
15 include assistance related to the provision of medical care or treatment.

16 (b) On or after January 1, 2013, the Department of Human Services shall institute a  
17 random drug testing program for recipients of benefits. The department shall require a  
18 drug test consistent with acceptable drug testing standards for the screening of each person,  
19 18 years of age or older, who applies for benefits.

20 (c) A person who tests positive for a controlled substance as a result of a drug test required  
21 under this Code section shall be ineligible to receive any further benefits, unless such  
22 person meets the requirements of subsection (f) or (g) of this Code section.

23 (d) The cost of drug testing shall be the responsibility of the applicant; provided, however,  
24 that if the applicant tests negative for controlled substances, the department shall increase  
25 the amount of the initial benefit by the amount paid by the individual for the drug testing.

26 (e) The department shall:

27 (1) Provide notice of drug testing to each person at the time of application for benefits.  
28 The notice shall advise the individual that drug testing will be conducted as a condition  
29 for receiving benefits and that the individual must bear the cost of testing. The individual  
30 shall be advised that the required drug testing may be avoided if the individual does not  
31 apply for benefits;

32 (2) Require, for two-parent families receiving TANF benefits, that both parents shall  
33 comply with the drug testing requirement;

34 (3) Advise each individual to be tested, before the test is conducted, that he or she may,  
35 but is not required to, advise the agent administering the test of any prescription or  
36 over-the-counter medication he or she is taking;

37 (4) Inform the applicant of circumstances under which an individual who fails a drug test  
38 has the right to take one or more additional tests;

39 (5) Require each individual to be tested to sign a written acknowledgment that he or she  
40 has received and understood the notice and advice provided under this Code section; and

41 (6) Assure each person being tested a reasonable degree of dignity while producing and  
42 submitting a sample for drug testing, consistent with the state's need to ensure the  
43 reliability of the sample.

44 (f) A person who tests positive for a controlled substance and is deemed ineligible for  
45 benefits may reapply for those benefits no sooner than one year after the date of the  
46 positive drug test unless such person meets the requirements of subsection (g) of this Code  
47 section. If the individual tests positive a second or subsequent time, he or she shall be  
48 ineligible to receive benefits for three years after the date of the second or subsequent  
49 positive drug test unless such person meets the requirements of subsection (g) of this Code  
50 section. Where an applicant has a valid medical prescription for a controlled substance for  
51 which he or she tested positive, such recipient shall not be considered to have failed a drug  
52 test for such substance.

53 (g) The department shall provide a person who fails a drug test with a list of licensed  
54 substance abuse treatment providers available in the area in which he or she resides that  
55 meet the requirements of the department and are approved by the department. Neither the  
56 department nor the state shall be responsible for providing or paying for substance abuse  
57 treatment as part of the screening conducted under this subsection. An individual who tests  
58 positive under this Code section and, as a result, is denied benefits may reapply for those  
59 benefits during the ineligibility period after successful completion of a substance abuse  
60 treatment program approved by the department. A person who meets the requirements of  
61 this subsection and reapplies for benefits shall also be retested and pass a drug test and  
62 meet any other applicable requirements of this Code section. The cost of any retesting and  
63 substance abuse treatment provided under this subsection shall be the responsibility of the

64 individual being tested and receiving treatment. A person may reapply for benefits under  
65 this subsection only once during the ineligibility period. No additional retesting  
66 opportunities shall be provided during the ineligibility periods set forth in subsection (f)  
67 of this Code section.

68 (h) If a parent is deemed ineligible for benefits as a result of failing a drug test conducted  
69 under this Code section, the dependent child's eligibility for benefits shall not be affected.  
70 An appropriate protective payee shall be designated to receive benefits on behalf of the  
71 child. The parent may choose to designate another individual to receive benefits for the  
72 parent's minor child. The designated individual shall be an immediate family member, or,  
73 if an immediate family member is not available or the family member declines the option,  
74 another individual, approved by the department, may be designated. The designated  
75 individual shall also undergo drug testing before being approved to receive benefits on  
76 behalf of the child. If the designated individual tests positive for a controlled substance,  
77 he or she shall be ineligible to receive benefits on behalf of the child.

78 (i) The department shall adopt rules and regulations consistent with the requirements of  
79 this Code section for the implementation and maintenance of a drug testing program."

80

## SECTION 2.

81 All laws and parts of laws in conflict with this Act are repealed.