

By: Christian

H.B. No. 830

A BILL TO BE ENTITLED

AN ACT

relating to drug testing of certain persons seeking or receiving financial assistance benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 31, Human Resources Code, is amended by adding Section 31.0321 to read as follows:

Sec. 31.0321. DRUG TESTING AND ELIGIBILITY. (a) In this section, "controlled substance" has the meaning assigned by Chapter 481, Health and Safety Code.

(b) Each adult applicant, including an applicant applying solely on behalf of a child, for financial assistance benefits must submit to a drug test to establish the applicant's or the child's eligibility for those benefits. In addition, each adult recipient of financial assistance and each adult nonrecipient parent must submit to a drug test on any redetermination of eligibility for financial assistance benefits.

(c) A person whose drug test conducted under this section, including a monthly drug test conducted under Subsection (d), indicates the presence in the person's body of a controlled substance not prescribed for the person by a health practitioner is ineligible for financial assistance for the person and the person's family for a period of 6 months from the date the department receives the test results. If the person is an adult nonrecipient parent, the person's child is ineligible for financial assistance

1 for the same period.

2 (d) A person denied eligibility for the person or the  
3 person's family, including a child, under this section after  
4 submitting to a drug test under Subsection (b) must submit to a drug  
5 test if the person reapplies, or reapplies solely on behalf of a  
6 child, for financial assistance after expiration of the  
7 ineligibility period. If the person or the person's family,  
8 including a child, is determined eligible for financial assistance  
9 following a drug test under this subsection, the person must submit  
10 to additional monthly drug testing to maintain that eligibility.

11 (e) Before denying financial assistance under this section,  
12 the department shall:

13 (1) notify the person who submitted to a drug test of  
14 the results of the test and the department's proposed determination  
15 of ineligibility; and

16 (2) provide the person with an opportunity for a  
17 public hearing concerning the results of the drug test.

18 (f) The executive commissioner of the Health and Human  
19 Services Commission shall adopt rules implementing this section.

20 SECTION 2. (a) Section 31.0321, Human Resources Code, as  
21 added by this Act, applies to:

22 (1) an adult applicant, or adult applicant applying  
23 solely on behalf of a child, who initially applies for financial  
24 assistance under Chapter 31, Human Resources Code, on or after the  
25 effective date of this Act;

26 (2) an adult recipient of financial assistance under  
27 Chapter 31, Human Resources Code, who applies for continued

1 assistance on or after the effective date of this Act; and

2           (3) an adult nonrecipient parent under Chapter 31,  
3 Human Resources Code, who applies solely on behalf of a child for  
4 continued assistance on or after the effective date of this Act.

5           (b) An adult recipient of financial assistance who applied  
6 for financial assistance under Chapter 31, Human Resources Code, or  
7 an adult nonrecipient parent who applied solely on behalf of a child  
8 for financial assistance under Chapter 31, Human Resources Code,  
9 before the effective date of this Act is governed by the law in  
10 effect when the recipient applied for financial assistance, and  
11 that law is continued in effect for that purpose.

12           SECTION 3. If before implementing any provision of this Act  
13 a state agency determines that a waiver or authorization from a  
14 federal agency is necessary for implementation of that provision,  
15 the agency affected by the provision shall request the waiver or  
16 authorization and may delay implementing that provision until the  
17 waiver or authorization is granted.

18           SECTION 4. This Act takes effect September 1, 2009.