

By: Laubenberg

H.B. No. 139

A BILL TO BE ENTITLED

AN ACT

relating to drug testing of certain persons seeking 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, excluding an applicant applying solely on behalf of a child, for financial assistance benefits must submit to a drug test to establish the applicant's eligibility for those benefits.

(c) A person whose drug test conducted under this section indicates the presence in the person's body of a controlled substance not prescribed for the person by a health care practitioner is ineligible for financial assistance for a period of 12 months from the date the department receives the test results.

(d) Before denying financial assistance under this section, the department must:

(1) notify the person of the results of the drug test and the department's proposed determination of ineligibility;

(2) confirm the results of the drug test through a second drug test or other appropriate method; and

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

3 (e) The denial of financial assistance to an adult applicant
4 under this section does not affect the eligibility of the person's
5 child or other household members for financial assistance.

6 (f) The department shall prepare and submit an annual report
7 to the legislature that contains information on:

8 (1) the number of persons required to submit to a drug
9 test under this section;

10 (2) the number of persons who actually submitted to a
11 drug test under this section; and

12 (3) the number of persons denied financial assistance
13 because of the results of a drug test required under this section.

14 (g) The report required under Subsection (f):

15 (1) may be submitted electronically; and

16 (2) must be made available to the public on the Health
17 and Human Services Commission's Internet website.

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

20 SECTION 2. Section 31.0321, Human Resources Code, as added
21 by this Act, applies only to an application for an initial
22 determination of eligibility for financial assistance under
23 Chapter 31, Human Resources Code, submitted on or after the
24 effective date of this Act. An application for an initial
25 determination of eligibility for financial assistance submitted
26 before the effective date of this Act, and any application for a
27 redetermination of that eligibility submitted before, on, or after

1 the effective date of this Act, is governed by the law in effect
2 immediately before the effective date of this Act, and that law is
3 continued in effect for that purpose.

4 SECTION 3. If before implementing any provision of this Act
5 a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

10 SECTION 4. This Act takes effect September 1, 2011.