

By: King of Hemphill

H.B. No. 1244

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:

(1) "Commission" means the Health and Human Services Commission.

(2) "Controlled substance" and "marihuana" have the meanings 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) Except as provided in Subsection (d), 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 or marihuana is ineligible for financial assistance benefits for a period of six months from the date the commission receives the test results.

(d) A person who is denied financial assistance benefits because of the results of a drug test conducted under this section

1 may reapply for financial assistance benefits three months after
2 the date the commission receives the test results if the person
3 provides proof of the person's successful completion of or current
4 enrollment in a substance abuse treatment program. A person
5 reapplying for financial assistance benefits must submit to a drug
6 test as required by Subsection (b), regardless of whether the
7 person is continuing to receive substance abuse treatment.

8 (e) Before denying financial assistance benefits to a
9 person under this section, the commission must:

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

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

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

16 (f) The denial of financial assistance benefits to an adult
17 applicant under this section does not affect the eligibility of the
18 person's child or other household members for financial assistance
19 benefits.

20 (g) The commission shall prepare and submit an annual report
21 to the legislature that contains information on:

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

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

26 (3) the number of persons denied financial assistance
27 benefits because of the results of a drug test required under this

1 section.

2 (h) The report required under Subsection (g):

3 (1) may be submitted electronically; and

4 (2) must be made available to the public on the
5 commission's Internet website.

6 (i) The executive commissioner of the commission shall
7 adopt rules implementing this section.

8 SECTION 2. Section 31.0321, Human Resources Code, as added
9 by this Act, applies only to an application for an initial
10 determination of eligibility for financial assistance benefits
11 under Chapter 31, Human Resources Code, submitted on or after the
12 effective date of this Act. An application for an initial
13 determination of eligibility for financial assistance benefits
14 submitted before the effective date of this Act, and any
15 application for a redetermination of that eligibility submitted
16 before, on, or after the effective date of this Act, is governed by
17 the law in effect immediately before the effective date of this Act,
18 and that law is continued in effect for that purpose.

19 SECTION 3. If before implementing any provision of this Act
20 a state agency determines that a waiver or authorization from a
21 federal agency is necessary for implementation of that provision,
22 the agency affected by the provision shall request the waiver or
23 authorization and may delay implementing that provision until the
24 waiver or authorization is granted.

25 SECTION 4. This Act takes effect September 1, 2013.