

## HOUSE BILL NO. HB0082

Public assistance-drug testing.

Sponsored by: Representative(s) Miller, Burkhart, Davison, Edmonds, Gay, Jaggi, Peasley, Quarberg and Teeters and Senator(s) Jennings and Peterson

## A BILL

for

1 AN ACT relating to welfare and the personal opportunities  
2 with employment responsibilities program; requiring  
3 controlled substances testing for applicants as specified;  
4 providing exceptions; providing for suspension of  
5 eligibility following a positive test for controlled  
6 substances; providing a definition; providing for rules and  
7 regulations; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 42-2-115 is created to read:

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13 **42-2-115. Drug screening for applicants for temporary**  
14 **assistance for needy families.**

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1           (a) The department shall require a drug test to  
2 screen each individual who applies for POWER benefits for  
3 the use of controlled substances by that individual. The  
4 cost of drug testing shall be the responsibility of the  
5 individual tested.

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7           (b) This section shall apply to any parent or  
8 caretaker relative who is included in the cash assistance  
9 group of a minor recipient, including an individual who may  
10 be exempt from work activity requirements due to the age of  
11 the youngest child or who may be exempt from work activity  
12 requirements under W.S. 42-2-202.

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14           (c) An individual who tests positive for controlled  
15 substances because of a positive drug test under this  
16 section is ineligible to receive POWER benefits for one (1)  
17 year after the date of the positive drug test unless the  
18 individual meets the requirements of subsection (e) of this  
19 section.

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21           (d) The department shall:

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23                   (i) Provide notice of drug testing to each  
24 individual at the time of application. The notice shall

1 advise the individual that drug testing will be conducted  
2 as a condition for receiving POWER benefits and that the  
3 individual must bear the cost of testing. If the  
4 individual tests negative for controlled substances, the  
5 department shall increase the amount of the initial POWER  
6 benefit by the amount paid by the individual for the drug  
7 testing. The individual shall be advised that the required  
8 drug testing may be avoided if the individual does not  
9 apply for POWER benefits. Dependent children under the age  
10 of eighteen (18) are exempt from the drug testing  
11 requirement;

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13 (ii) Require that for two (2) parent families,  
14 both parents comply with the drug testing requirement;

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16 (iii) Advise each individual to be tested,  
17 before the test is conducted, that the individual may, but  
18 is not required to, advise the agent administering the test  
19 of any prescription or over-the-counter medication the  
20 individual is taking;

21

22 (iv) Require each individual to be tested to  
23 sign a written acknowledgement that the individual has

1 received and understood the notice and advice provided  
2 under paragraphs (i) and (iii) of this subsection;

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4 (v) Assure each individual to be tested a  
5 reasonable degree of dignity while producing and submitting  
6 a sample for drug testing, consistent with the state's need  
7 to ensure the reliability of the sample;

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9 (vi) Specify circumstances under which an  
10 individual who fails a drug test has the right to take one  
11 (1) or more additional tests;

12

13 (vii) Inform an individual who tests positive  
14 for a controlled substance and is deemed ineligible for  
15 POWER benefits that the individual may reapply for those  
16 benefits one (1) year after the date of the positive drug  
17 test unless the individual meets the requirements of  
18 subsection (e) of this section. If the individual tests  
19 positive again, the individual shall be ineligible to  
20 receive POWER benefits for three (3) years after the date  
21 of the second positive drug test unless the individual  
22 meets the requirements of subsection (e) of this section;

23

1           (viii) Provide any individual who tests positive  
2 with a list of substance abuse treatment providers,  
3 certified pursuant to W.S. 9-2-2701, available in the area  
4 in which the individual resides. Neither the department  
5 nor the state is responsible for providing or paying for  
6 substance abuse treatment as part of the screening  
7 conducted under this section.

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9           (e) An individual who is denied POWER benefits  
10 because of a positive drug test may reapply for those  
11 benefits after six (6) months if the individual documents  
12 the successful completion of a substance abuse treatment  
13 program offered by a provider certified pursuant to W.S.  
14 9-2-2701. An individual who has met the requirements of  
15 this subsection and reapplies for POWER benefits shall also  
16 pass an additional drug test and meet the requirements of  
17 this section. The cost of any drug testing and substance  
18 abuse treatment provided under this section shall be the  
19 responsibility of the individual being tested and receiving  
20 treatment. An individual who fails the drug test required  
21 under this section may reapply for benefits under this  
22 subsection only once.

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1           (f) If a parent is deemed ineligible for POWER  
2 benefits because of a positive drug test conducted under  
3 this section:

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5           (i) The dependent child's eligibility for POWER  
6 benefits is not affected;

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8           (ii) An appropriate protective payee shall be  
9 designated to receive benefits on behalf of the child;

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11           (iii) The parent may choose to designate another  
12 individual to receive benefits for the parent's minor  
13 child. The designated individual shall be an immediate  
14 family member or, if an immediate family member is not  
15 available or the family member declines the designation,  
16 another individual approved by the department shall be  
17 designated. The designated individual shall also undergo  
18 drug testing before being approved to receive benefits on  
19 behalf of the child. If the designated individual tests  
20 positive for controlled substances, the individual shall  
21 not be eligible to receive benefits on behalf of the child  
22 except as provided in subsection (e) of this section.

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1 (g) The department shall adopt rules and regulations  
2 to implement this section.

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4 **Section 2.** W.S. 42-2-102(a) by creating a new  
5 paragraph (x) is amended to read:

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7 **42-2-102. Definitions.**

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9 (a) Except as otherwise specifically provided, as  
10 used in this article:

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12 (x) "POWER" or "POWER program" means the  
13 personal opportunities with employment responsibilities  
14 program authorized by this article.

15

16 **Section 3.** This act is effective July 1, 2012.

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(END)