

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE DRS35285-LU-46 (02/01)

Short Title: Require Drug Screening/Work First Benefits.

(Public)

Sponsors: Senator Jackson (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR OR RECIPIENTS  
3 OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 108A-29.1 reads as rewritten:

6 "~~§ 108A-29.1. Substance abuse treatment required; drug~~Drug testing for Work First  
7 Program recipients.

8 (a) ~~Each applicant or current recipient of Work First Program benefits, determined by a~~  
9 ~~Qualified Professional in Substance Abuse (QPSA) or by a physician certified by the American~~  
10 ~~Society of Addiction Medicine (ASAM) to be addicted to alcohol or drugs and to be in need of~~  
11 ~~professional substance abuse treatment services shall be required, as part of the person's MRA~~  
12 ~~and as a condition to receiving Work First Program benefits, to participate satisfactorily in an~~  
13 ~~individualized plan of treatment in an appropriate treatment program. As a mandatory program~~  
14 ~~component of participation in an addiction treatment program, each applicant or current~~  
15 ~~recipient shall be required to submit to an approved, reliable, and professionally administered~~  
16 ~~regimen of testing for presence of alcohol or drugs, without advance notice, during and after~~  
17 ~~participation, in accordance with the addiction treatment program's individualized plan of~~  
18 ~~treatment, follow up, and continuing care services for the applicant or current recipient.~~The  
19 Department shall develop a program to screen each applicant or recipient who is otherwise  
20 eligible for Work First Program assistance under this Article, and then test, using a urine  
21 dipstick five-panel test, each one whom the Department has reasonable cause to believe, based  
22 on the screening, engages in illegal use of controlled substances. Any applicant or recipient  
23 who is found to have tested positive for the use of a controlled substance that was not  
24 prescribed for the applicant or recipient by a licensed health care provider, or who refuses to  
25 submit to a test, shall, after an administrative hearing conducted by the Department in  
26 accordance with Chapter 150A of the General Statutes, be declared ineligible for Work First  
27 Program assistance for a period of three years from the date of the administrative hearing  
28 decision. However, the applicant or recipient may become eligible if, after having been referred  
29 by the Department, the applicant or recipient enters and successfully completes a substance  
30 abuse treatment program and does not test positive for illegal use of a controlled substance in  
31 the six-month period beginning on the date of entry into the rehabilitation or treatment  
32 program. The applicant or recipient shall continue to receive benefits while participating in the  
33 treatment program. The Department may test the applicant or recipient for illegal drug use at  
34 random or set intervals, at the Department's discretion, after the applicant or recipient  
35 completes the treatment program. If the applicant or recipient tests positive for the use of illegal  
36 drugs a second time, then the applicant or recipient shall be declared ineligible for Work First



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1 Program assistance for a period of three years from the date of the administrative hearing  
2 decision. The Department shall refer an applicant or recipient who tested positive for the use of  
3 a controlled substance under this section to an appropriate substance abuse treatment program  
4 approved by the Department.

5 ~~(b) An applicant or current recipient who fails to comply with any requirement imposed~~  
6 ~~pursuant to this section shall not be eligible for benefits or shall be subject to the termination of~~  
7 ~~benefits, but shall be considered to be receiving benefits for purposes of determining eligibility~~  
8 ~~for medical assistance. Case workers of applicants or recipients shall be required to report or~~  
9 ~~cause a report to be made to child protective services in accordance with the provisions of~~  
10 ~~Chapter 7B of the General Statutes for suspected child abuse as a result of drug abuse in~~  
11 ~~instances where the case worker has knowledge of either of the following:~~

12 ~~(1) An applicant or recipient has tested positive for the illegal use of a controlled~~  
13 ~~substance.~~

14 ~~(2) An applicant or recipient has refused to be tested for the illegal use of a~~  
15 ~~controlled substance.~~

16 ~~(c) The children of any applicant or current recipient shall remain eligible for benefits,~~  
17 ~~and these benefits shall be paid to a protective payee pursuant to G.S. 108A-38. Other members~~  
18 ~~of a household, including a person who has been declared ineligible for Work First Program~~  
19 ~~assistance shall, if otherwise eligible, continue to receive Work First Program assistance~~  
20 ~~benefits, and the benefits shall be paid to a protective payee pursuant to G.S. 108A-38.~~

21 ~~(d) An applicant or current recipient shall not be regarded as failing to comply with the~~  
22 ~~requirements of this section if an appropriate drug or alcohol treatment program is~~  
23 ~~unavailable. The Social Services Commission shall adopt rules pertaining to the screening and~~  
24 ~~testing of applicants and recipients under this section.~~

25 ~~(e) Area mental health authorities organized pursuant to Article 4 of Chapter 122C of~~  
26 ~~the General Statutes shall be responsible for administering the provisions of this section.~~

27 ~~(f) The requirements of this section may be waived or modified as necessary in the case~~  
28 ~~of individual applicants or recipients to the degree necessary to comply with Medicaid~~  
29 ~~eligibility provisions."~~

30 **SECTION 2.** This act is effective when it becomes law.