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113TH CONGRESS
1ST SESSION

H. R. 1069

To amend title IV of the Social Security Act to require States to implement a drug screening and testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2013

Mr. BOUSTANY introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To amend title IV of the Social Security Act to require States to implement a drug screening and testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''TANF Substance Abuse Prevention Act''.

SEC. 2. DRUG SCREENING AND TESTING PROGRAM FOR APPLICANTS FOR AND RECIPIENTS OF ASSISTANCE UNDER STATE TANF PROGRAMS.

(a) STATE PLAN REQUIREMENT OF DRUG TESTING PROGRAM.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(8) CERTIFICATION THAT THE STATE WILL OPERATE AN ILLEGAL DRUG USE SCREENING AND TESTING PROGRAM.—

''(A) IN GENERAL.—A certification by the chief executive officer of the State that the State will operate a program in accordance with section 408(a)(13) to screen all applicants for assistance under the State program funded under this part, and all individuals described in subparagraph (C) of such section, for the use of illegal drugs (as defined in subparagraph (E) of such section), and to test all such applicants and individuals who are found as a result of the screening to have a high risk of substance abuse.

''(B) AUTHORITY FOR CONTINUED TESTING.—The program described in subparagraph (A) may include a plan to continue screening or testing individuals receiving assistance under

the State program funded under this part for illegal drug use at random or set intervals after the initial screening or testing of the individuals, at the discretion of the State agency administering such State program.''.

(b) REQUIREMENT THAT APPLICANTS AND INDIVIDUALS RECEIVING ASSISTANCE BE SCREENED, AND IF NECESSARY TESTED, FOR ILLEGAL DRUG USE.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(13) REQUIREMENT FOR DRUG SCREENING AND TESTING; DENIAL OF ASSISTANCE FOR INDIVIDUALS NOT SCREENED, OR IF NECESSARY, TESTED FOR THE USE OF ILLEGAL DRUGS.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to any individual who has not been screened for the use of illegal drugs, or who, having been found as a result of the screening to have a high risk of substance abuse, has not been tested for the use of illegal drugs, under the program required under section 402(a)(8).

''(B) SCREENING METHOD.—The method by which substance abuse screening is to be

conducted under this paragraph is by means of a survey that has been shown to be effective in identifying likely substance abuse and that is administered by an interview or a self-administered test designed to determine whether an individual should be further evaluated for substance abuse.

''(C) TRANSITION RULE.—In the case of an individual who is receiving assistance under the State program funded under this part on the effective date of this paragraph, or whose application for assistance is approved before such date if the assistance has not begun as of such date, a State may not provide assistance to the individual unless the individual is screened for illegal drug use in accordance with this paragraph after the 3rd month that begins after such date and, if found as a result of the screening to have a high risk of substance abuse, is tested for the use of illegal drugs, under the program so described.

''(D) LIMITATION ON WAIVER AUTHORITY.—The Secretary may not waive the provisions of this paragraph under section 1115.

''(E) ILLEGAL DRUG DEFINED.—In this paragraph, the term 'illegal drug' means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

''(F) PRESERVATION OF ASSISTANCE FOR OTHER FAMILY MEMBERS.—If an individual is denied assistance under this paragraph, the State shall continue to provide the assistance that would otherwise be provided in respect of the other members of the family of the individual, through protective or vendor payments to a 3rd party for the benefit of the other family members.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the 1st day of the 1st calendar quarter that begins on or after the date that is 1 year after the date of the enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the ad-

ditional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

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