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# HOUSE BILL No. 1866

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2-72; IC 12-14-29.

**Synopsis:** Drug testing of TANF applicants and recipients. Requires the division of family and children to require drug abuse testing for applicants and recipients of the federal Temporary Assistance for Needy Families (TANF) program. Exempts individuals 65 years of age or older from drug abuse testing. Establishes a procedure for retesting to protect from false positive tests. Requires a TANF applicant or recipient who tests positive to agree to participate in a drug abuse assessment and required drug abuse treatment plan.

**Effective:** July 1, 2003.

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### Koch, Neese, Thomas

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January 23, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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## HOUSE BILL No. 1866



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-7-2-72 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 72. "Drug abuse", for  
3 purposes of **IC 12-14-29 and IC 12-23**, means:

4 (1) psychological or physical dependence on the effect of drugs  
5 or harmful substances; or

6 (2) abuse of the use of drugs or harmful substances;  
7 that is harmful to the individual or society.

8 SECTION 2. IC 12-14-29 IS ADDED TO THE INDIANA CODE  
9 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2003]:

11 **Chapter 29. Drug Abuse Testing Under Temporary Assistance**  
12 **for Needy Families**

13 **Sec. 1. (a) Except as provided under subsection (b), the division**  
14 **shall require drug abuse testing, including random drug abuse**  
15 **testing, as a condition of eligibility for:**

16 (1) **an applicant for; or**  
17 (2) **recipient of;**



1 assistance under the federal Temporary Assistance for Needy  
2 Families (TANF) program.

3 (b) An individual who is at least sixty-five (65) years of age is  
4 exempt from drug abuse testing under subsection (a).

5 Sec. 2. The division shall develop and implement a drug abuse  
6 testing program under this chapter that includes the following:

7 (1) Testing an applicant before the individual is eligible to  
8 receive benefits under TANF.

9 (2) Beginning July 1, 2003, testing twenty percent (20%) of  
10 TANF recipients selected randomly by the division at least  
11 every six (6) months.

12 (3) A urinalysis test.

13 (4) An appeals process for applicants and recipients.

14 (5) Determining a percentage of loss per month for four (4)  
15 months of TANF benefits for a recipient that refuses to submit  
16 to a drug test.

17 Sec. 3. An applicant or recipient tested under this chapter must  
18 not be considered to have tested positive for drug abuse until the  
19 sample obtained from the original test has been retested to rule out  
20 a false positive by:

21 (1) gas chromatography with mass spectrometry;

22 (2) gas chromatography;

23 (3) high performance liquid chromatography; or

24 (4) an equal or more specific test.

25 Sec. 4. An individual described in section 1 of this chapter who  
26 tests positive for drug abuse under this chapter shall agree to  
27 participate in drug abuse assessment and comply with a required  
28 drug abuse treatment plan.

29 Sec. 5. (a) An applicant for TANF who:

30 (1) refuses to take a drug test required under this chapter  
31 without good cause; or

32 (2) fails to comply with a drug abuse assessment or treatment  
33 plan within two (2) months after receipt of the assessment or  
34 plan;

35 is not eligible to receive benefits under the TANF program.

36 (b) A recipient who refuses to submit to random drug testing  
37 shall lose a percentage of the recipient's benefits determined by the  
38 division under section 2(5) of this chapter. After four (4) months of  
39 refusing to submit to a drug abuse test, the division shall deny  
40 TANF benefits to the recipient.

41 Sec. 6. The division may adopt rules under IC 4-22-2 necessary  
42 to implement this chapter.

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