

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 275**

As Recommended by House Committee on
Federal and State Affairs

Brief*

House Sub. for SB 275 would add provisions establishing a drug screening program for cash assistance recipients. The new program would be effective January 1, 2013, administered by the Department of Social and Rehabilitation Services (SRS). (The contents of SB 275, as passed by the Senate, were deleted.)

The bill would require one-third of cash assistance applicants and recipients to be tested at the state agency's expense for the initial drug screening each year. A re-test option would be offered. Applicants would be required only to pay for a drug re-test; if the test results were negative, then the applicant would be reimbursed.

For a first positive test, the recipient would be required to participate in an education or treatment program and be subject to subsequent drug tests. Those failing to participate would lose cash assistance for 12 months. For a second positive test, the recipient would be required to participate in an education or treatment program and would lose cash assistance for 12 months. For a third positive test, the recipient would be terminated from cash assistance.

The bill would establish program limitations for recipients with certain drug offenses. If after July 1, 2012, a recipient were convicted of a crime that has an element of felony possession, use or distribution of a controlled substance, the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

person would become forever ineligible for cash assistance, unless it was a first offense. For a first offense felony drug charge, the person would be ineligible for cash assistance for five years from the date of conviction.

The bill would provide that if a recipient opts out of a drug test, SRS would be authorized to order a test under the reasonable suspicion of drug use. For households that include a recipient who has been terminated from cash assistance, the other eligible recipients would receive their benefits through a designated third party.

The bill would require SRS to provide an annual report to the House Committees on Appropriations and Health and Human Services and the Senate Committees on Ways and Means and Public Health and Welfare beginning in January 2015.

Background

SB 275, as passed by the Senate, would have repealed KSA 41-333 to KSA 41-341, inclusive, that authorized issuance of a salesperson's permit for the sale of, or the taking or soliciting of orders, for the sale of alcoholic liquor or cereal malt beverages in the State of Kansas.

In the Senate Committee on Federal and State Affairs, according to a representative of the Director of Alcoholic Beverage Control, the application and issuance of salespersons' permits is burdensome to the industry and the Department, and serves no compelling state interest.

Written testimony in support of the bill was submitted by representatives of the Kansas Wine & Spirits Wholesalers Association and Kansas Beer Wholesalers Association. No opponents testified on the bill.

According to the Kansas Division of the Budget, SB 275 would decrease revenue to the State General Fund by \$9,000 in FY 2013.

The House Committee on Federal and State Affairs removed the Senate-passed contents of SB 275 and added the contents of HB 2686 that would establish a program of drug screening for cash assistance recipients.

The House Committee's hearing on HB 2686 included one proponent, Representative Kasha Kelly, and one opponent, a representative of the American Civil Liberties Union (ACLU).

The House Committee adopted three amendments to the original version of HB 2686. The first amendment shifted the responsibility for paying the drug testing costs from the individual to the state agency. The second amendment changed the year from 2000 to 2012 and increased the severity of the crime to a "felony" position. The third amendment added language that any person whose drug screening results in a positive test may have a re-test at a different screening facility and with a more detailed drug analysis. For the re-test, the individual would pay, and if the results were negative, then the state agency would reimburse the individual for the costs.

The revised fiscal note of March 8, 2012, did not include the costs of the state agency paying for the drug testing since the original bill required the individuals to pay for drug testing. The cost of drug testing was estimated at \$264,000 per year by the Department of Social and Rehabilitation Services (SRS). The state agency estimated that 12.0 FTE new positions would be required for regional staff to administer the testing program, with a full year of expenses estimated at \$725,000, including \$457,923 from the State General Fund, for the new staff.

SRS estimated potential annual savings up to \$4,286,457 from the federal Temporary Assistance to Needy Families Fund if 4,893 persons either failed a drug test, refused to take a drug test, or had a drug-related conviction.