

Drug Screening for Cash Assistance Programs; SB 149

SB 149 authorizes the screening of applicants or recipients of cash assistance programs or employment security benefits, commonly referred to as Unemployment Insurance (UI) benefits, for unlawful use of controlled substances or unlawful controlled substance analogs, as defined by KSA 21-5701 and 21 U.S.C. § 802.

Screening for Cash Assistance

The Secretary of the Department for Children and Families (DCF) must establish a drug screening program by January 1, 2014, for applicants or recipients of cash assistance. The Secretary may adopt rules and regulations. Persons would be screened whenever there is a reasonable suspicion the person is using a controlled substance.

Should an individual's screening test be positive, the person may request an additional test at a different drug testing facility. The person must pay for that test and will be reimbursed if the second test results are negative.

If the results of a screening test are positive, the person must complete a substance abuse treatment program and a job skills program. A person who fails or refuses to complete either program is ineligible for benefits. If a person tests positive a second time, cash assistance from DCF terminates for 12 months or until both the substance abuse treatment program and the job skills program are completed a second time, whichever occurs later.

If a person who becomes ineligible due to a screening test is a parent or guardian of a minor child, the Secretary for Children and Families (Secretary) may approve a protective payee, recommended by the parent or guardian, to receive payments for the child's benefit. If the Secretary determines there is a reasonable suspicion the designated protective payee is using an unlawful controlled substance, that person must submit to a screening test. If the proposed payee's test is positive, the Secretary will select another payee.

Starting on July 1, 2013, a first-time offender convicted of a controlled substance-related felony, as classified by federal or state law, will be ineligible for cash assistance for five years. Persons convicted of subsequent controlled substance felonies are ineligible for cash assistance for life.

Drug screening results are confidential, except for DCF hearings.

Screening for Unemployment Insurance (UI) Benefits

The bill repeals the disqualification for receiving UI benefits if the person fails a pre-employment drug screening. In its place, UI applicants or recipients must submit to controlled substance screening tests. If test results are positive, the person must complete both a substance abuse treatment program and a job skills program. Subject to applicable federal law, a person who fails or refuses to complete either program is ineligible for UI benefits. After a second positive test, a person loses UI benefits for 12 months or until another substance abuse treatment program and a job skills program are completed, whichever occurs later. After a third

positive test, and subject to applicable federal law, a person is no longer eligible for UI benefits. The Secretary of Labor may promulgate rules and regulations to implement the requirements of the bill.

Employers must report to the Secretary of Labor the name and address of each applicant who was refused employment by reason of misconduct and other information required by the Secretary.

Other Provisions

The bill adds members of the Senate and House of Representatives to the list of state employees who are eligible for drug screening if a reasonable suspicion is present, as determined by the Division of Personnel within the Department of Administration.