

BILL ANALYSIS

Senate Research Center
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S.B. 51
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Health Services
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As Filed

DIGEST

Currently, other states are requiring mandatory drug testing for drug offenders to be eligible to receive welfare benefits. Increased focus on moving families from welfare to work, time limits on the receipt of benefits, and the requirement to meet federal work participation rates has increased the emphasis by other states on early identification and removal of potential barriers to employment. S.B. 51 requires applicants of financial assistance to state whether or not they have been convicted of certain drug-related offenses within the past five years and to submit to drug testing.

PURPOSE

As proposed, S.B. 51 establishes drug testing for certain persons seeking TANF benefits.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Department of Human Services in SECTION 1 (Sec 31.0038 (h), Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31A, Human Resources Code, by adding Section 31.0038, as follows:

Sec. 31.0038. DRUG-RELATED CONVICTIONS AND DRUG TESTING. Defines "controlled substance." Requires an applicant for financial assistance to state whether or not he or she has been convicted of an offense under Chapter 481, Health and Safety Code. Requires an applicant who has been convicted of an offense to submit to a drug test to be eligible for financial assistance. Requires the Texas Department of Human Services to provide for drug testing of each applicant. Provides that an applicant whose drug test indicates a controlled substance not prescribed is ineligible for financial assistance. Provides that an applicant whose drug test does not indicate controlled substances is not ineligible for financial assistance because of a conviction must submit to random drug testing while receiving benefits. Provides that a person who fails the drug test is ineligible for financial assistance until one year after the test. Requires a person denied eligibility and who reapplies to submit to additional drug testing after the expiration of the ineligibility period. Authorizes the department to notify the person of the results, confirm the results with a second test and provide the person with an opportunity for a public hearing concerning the results of the drug test. Requires the department to adopt rules.

SECTION 2. Requires a state agency to request the waiver and may delay implementing the provision until the waiver is granted, if the agency determines the waiver from a federal agency is necessary.

SECTION 3. Effective date September 1, 1999.

Makes application of this Act prospective.

SECTION 4. Emergency clause.