

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 448 Session of 2015

INTRODUCED BY SAYLOR, CUTLER, MAJOR, OBERLANDER, GROVE, REGAN, TALLMAN, MURT, ZIMMERMAN, BAKER, BARRAR, BOBACK, CAUSER, D. COSTA, COX, DUNBAR, EVERETT, FEE, GABLER, GILLEN, GINGRICH, GRELL, HARHART, A. HARRIS, HICKERNELL, M. K. KELLER, KNOWLES, KORTZ, MARSICO, METCALFE, MILLARD, MOUL, MULLERY, PEIFER, PICKETT, RAPP, SACCONI, SIMMONS, TOEPEL, TOOHIL AND TOPPER, FEBRUARY 11, 2015

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 11, 2015

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in general powers and  
4 duties of the Department of Public Welfare, providing for the  
5 testing of applicants for illegal drug use.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known  
9 as the Public Welfare Code, is amended by adding a section to  
10 read:

11 Section 216. Testing Applicants for Illegal Drug Use.--(a)  
12 The department shall establish and administer a program to  
13 screen for drug use an individual applying for or renewing  
14 benefits at a county assistance office if an employe has  
15 reasonable cause to believe the individual is under the  
16 influence of a controlled substance.

17 (b) The program under subsection (a) shall consist of at

1 least the following:

2 (1) A written questionnaire designed to determine the  
3 likelihood of an applicant having a controlled substance abuse  
4 disorder.

5 (2) Disclosure at the time of application or renewal that,  
6 upon reasonable suspicion by an employe at the county assistance  
7 office that the individual is under the influence of a  
8 controlled substance, the individual may be asked to submit to a  
9 drug test.

10 (3) Mandatory training for each employe of the county  
11 assistance office who assists, counsels or advises an individual  
12 applying for benefits on the signs, symptoms and characteristics  
13 of the use of a controlled substance.

14 (4) A policy for obtaining an immediate drug test from an  
15 individual if there is reasonable cause to suspect the  
16 individual is currently under the influence of a controlled  
17 substance.

18 (c) The following limitations shall apply:

19 (1) To the extent not prohibited by Federal law, the  
20 department shall administer a drug test on individuals  
21 determined likely to have a substance abuse disorder based on  
22 the individual's responses on the questionnaire under subsection  
23 (b) (1) or who has been identified by a county assistance office  
24 employe as being under the influence of a controlled substance.

25 (2) The results of the drug test under paragraph (1) shall  
26 not be disseminated beyond the department and the Department of  
27 Corrections to the extent the individual is required to be  
28 tested for drug use as part of a parole agreement.

29 (d) The department may contract with a nonprofit  
30 association, corporation or government agency or combination

1 thereof to administer drug tests on those individuals identified  
2 under subsection (b) (1) and (4).

3 (e) An individual who tests positive for a controlled  
4 substance shall be subject to the following:

5 (1) (i) For the first positive drug test, an individual  
6 shall be provided an assessment for addiction and an assessment  
7 for treatment for addiction as indicated by treatment criteria  
8 developed by the Department of Drug and Alcohol Programs.

9 Assessments shall be conducted by the single county authority on  
10 drugs and alcohol or designee.

11 (ii) The recommended treatment shall be provided by  
12 facilities licensed by the Division of Drug and Alcohol Program  
13 Licensure in the Department of Drug and Alcohol Programs.

14 (iii) Medicaid eligibility and determinations shall be  
15 expedited to ensure access to assessment and addiction treatment  
16 through Medicaid. If the individual cooperates with the  
17 assessment and treatment, no penalty shall be imposed.

18 (iv) If the individual refuses to cooperate with the  
19 assessment and treatment, public assistance provided to the  
20 individual shall be suspended for six months.

21 (v) The department must notify the individual of the  
22 positive drug test no later than seven days after receipt of the  
23 drug test results and that the suspension in public assistance,  
24 if the individual is receiving any, will begin on the next  
25 scheduled distribution of public assistance.

26 (vi) After suspension, an individual may reapply for public  
27 assistance after submitting to a retest.

28 (2) (i) For a second positive drug test or positive drug  
29 retest after prior suspension, the public assistance to which  
30 the individual is otherwise entitled, if any, shall be suspended

1 for twelve months.

2 (ii) The department must notify the individual of the  
3 positive drug test no later than seven days after receipt of the  
4 drug test results and that the suspension in public assistance,  
5 if the individual is receiving any, shall begin on the next  
6 scheduled distribution of public assistance.

7 (iii) After suspension, an individual may reapply for public  
8 assistance after submitting to a retest.

9 (3) For a third positive drug test or second positive drug  
10 retest after prior suspension, the individual may no longer  
11 apply for or receive public assistance.

12 (f) A refusal to submit to a drug test after identification  
13 of a reasonable suspicion of controlled substance use by the  
14 county assistance employe or refusal to submit to a retest after  
15 prior suspension shall be treated as a positive drug test and  
16 subject to the penalties in subsection (e).

17 (g) As used in this section, the term "controlled substance"  
18 shall mean any substance designated as such under the act of  
19 April 14, 1972 (P.L.233, No.64), known as The Controlled  
20 Substance, Drug, Device and Cosmetic Act.

21 Section 2. This act shall take effect in 60 days.