

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS35283-LU-43 (01/30)

Short Title: Require Drug Testing/Work First Benefits. (Public)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR AND RECIPIENTS
3 OF WORK FIRST PROGRAM ASSISTANCE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 108A-29.1 reads as rewritten:

6 "~~§ 108A-29.1. Substance abuse treatment required; drug~~ Drug testing required for Work
7 First Program applicants and recipients.

8 (a) ~~Each applicant or current recipient of Work First Program benefits, determined by a~~
9 ~~Qualified Professional in Substance Abuse (QPSA) or by a physician certified by the American~~
10 ~~Society of Addiction Medicine (ASAM) to be addicted to alcohol or drugs and to be in need of~~
11 ~~professional substance abuse treatment services shall be required, as part of the person's MRA~~
12 ~~and as a condition to receiving Work First Program benefits, to participate satisfactorily in an~~
13 ~~individualized plan of treatment in an appropriate treatment program. As a mandatory program~~
14 ~~component of participation in an addiction treatment program, each applicant or current~~
15 ~~recipient shall be required to submit to an approved, reliable, and professionally administered~~
16 ~~regimen of testing for presence of alcohol or drugs, without advance notice, during and after~~
17 ~~participation, in accordance with the addiction treatment program's individualized plan of~~
18 ~~treatment, follow up, and continuing care services for the applicant or current recipient.~~
19 The Department shall require a drug test to screen each applicant for or recipient of Work First
20 Program assistance. The cost of the drug testing is the responsibility of the individual tested.
21 The Department shall provide notice of drug testing to each applicant or recipient. The notice
22 shall advise the applicant or recipient that drug testing will be conducted as a condition of
23 receiving Work First Program assistance. The applicant or recipient shall be advised that the
24 required drug testing may be avoided if the applicant or recipient does not apply for Work First
25 Program assistance. Dependent children under the age of 18 are exempt from the requirements
26 of this section. The Department shall require the following:

- 27 (1) That for two-parent families, both parents comply with the drug-testing
28 requirement.
29 (2) That any teen parent who is emancipated pursuant to Article 35 of Chapter
30 7B of the General Statutes comply with the drug-testing requirement.
31 (3) That each applicant or recipient be advised before testing that he or she may
32 inform the agent administering the test of any prescription or
33 over-the-counter medication he or she is taking.
34 (4) That each applicant or recipient being tested to sign a written
35 acknowledgement that he or she has received and understood the notice and
36 advice provided under this subsection.



1 (5) That each applicant or recipient who fails a drug test understands that he or
2 she has the right to take one or more additional tests.

3 ~~(b) An applicant or current recipient who fails to comply with any requirement imposed~~
4 ~~pursuant to this section shall not be eligible for benefits or shall be subject to the termination of~~
5 ~~benefits, but shall be considered to be receiving benefits for purposes of determining eligibility~~
6 ~~for medical assistance. For an applicant or current recipient who tests negative for controlled~~
7 ~~substances, the Department shall increase the amount of the initial Work First Program~~
8 ~~assistance by the amount paid by the applicant or recipient for the drug testing. An applicant or~~
9 ~~recipient who tests positive for controlled substances as a result of a drug test required under~~
10 ~~this section is ineligible to receive Work First Program assistance for one year from the date of~~
11 ~~the positive drug test except as provided in subsection (b1) of this section. The individual may~~
12 ~~reapply after one year. However, if the individual has any subsequent positive drug tests, the~~
13 ~~individual shall be ineligible for benefits for three years from the date of the subsequent~~
14 ~~positive drug test unless the individual reapplies pursuant to subsection (b1) of this section.~~

15 **(b1)** An applicant or recipient deemed ineligible may reapply for Work First Program
16 assistance if the individual can document the successful completion of a substance abuse
17 treatment program offered by a provider under subsection (e) of this section and licensed by the
18 Department. The applicant or recipient who reapplies for Work First Program assistance after
19 completion of a substance abuse program shall pass a drug test. The cost of any drug testing
20 and substance abuse program provided under this subsection shall be the responsibility of the
21 applicant or recipient being tested and receiving treatment. An applicant or recipient who
22 reapplies for Work First Program assistance pursuant to this subsection may reapply one time
23 only.

24 (c) The children of any applicant or current recipient shall remain eligible for benefits,
25 and these benefits shall be paid to a protective payee pursuant to G.S. 108A-38.

26 ~~(d) An applicant or current recipient shall not be regarded as failing to comply with the~~
27 ~~requirements of this section if an appropriate drug or alcohol treatment program is~~
28 ~~unavailable. The Social Services Commission shall adopt rules pertaining to the testing of~~
29 ~~applicants and recipients under this section.~~

30 (e) Area mental health authorities organized pursuant to Article 4 of Chapter 122C of
31 the General Statutes shall be responsible for administering the provisions of this section.

32 ~~(f) The requirements of this section may be waived or modified as necessary in the case~~
33 ~~of individual applicants or recipients to the degree necessary to comply with Medicaid~~
34 ~~eligibility provisions."~~

35 **SECTION 2.** This act is effective when it becomes law.