

113TH CONGRESS
1ST SESSION

H. R. 1069

To amend title IV of the Social Security Act to require States to implement a drug screening and testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2013

Mr. BOUSTANY introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend title IV of the Social Security Act to require States to implement a drug screening and testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “TANF Substance
5 Abuse Prevention Act”.

1 **SEC. 2. DRUG SCREENING AND TESTING PROGRAM FOR AP-**
2 **PLICANTS FOR AND RECIPIENTS OF ASSIST-**
3 **ANCE UNDER STATE TANF PROGRAMS.**

4 (a) STATE PLAN REQUIREMENT OF DRUG TESTING
5 PROGRAM.—Section 402(a) of the Social Security Act (42
6 U.S.C. 602(a)) is amended by adding at the end the fol-
7 lowing:

8 “(8) CERTIFICATION THAT THE STATE WILL
9 OPERATE AN ILLEGAL DRUG USE SCREENING AND
10 TESTING PROGRAM.—

11 “(A) IN GENERAL.—A certification by the
12 chief executive officer of the State that the
13 State will operate a program in accordance with
14 section 408(a)(13) to screen all applicants for
15 assistance under the State program funded
16 under this part, and all individuals described in
17 subparagraph (C) of such section, for the use of
18 illegal drugs (as defined in subparagraph (E) of
19 such section), and to test all such applicants
20 and individuals who are found as a result of the
21 screening to have a high risk of substance
22 abuse.

23 “(B) AUTHORITY FOR CONTINUED TEST-
24 ING.—The program described in subparagraph
25 (A) may include a plan to continue screening or
26 testing individuals receiving assistance under

1 the State program funded under this part for il-
 2 legal drug use at random or set intervals after
 3 the initial screening or testing of the individ-
 4 uals, at the discretion of the State agency ad-
 5 ministering such State program.”.

6 (b) REQUIREMENT THAT APPLICANTS AND INDIVID-
 7 UALS RECEIVING ASSISTANCE BE SCREENED, AND IF
 8 NECESSARY TESTED, FOR ILLEGAL DRUG USE.—Section
 9 408(a) of the Social Security Act (42 U.S.C. 608(a)) is
 10 amended by adding at the end the following:

11 “(13) REQUIREMENT FOR DRUG SCREENING
 12 AND TESTING; DENIAL OF ASSISTANCE FOR INDIVID-
 13 UALS NOT SCREENED, OR IF NECESSARY, TESTED
 14 FOR THE USE OF ILLEGAL DRUGS.—

15 “(A) IN GENERAL.—A State to which a
 16 grant is made under section 403 shall not use
 17 any part of the grant to provide assistance to
 18 any individual who has not been screened for
 19 the use of illegal drugs, or who, having been
 20 found as a result of the screening to have a
 21 high risk of substance abuse, has not been test-
 22 ed for the use of illegal drugs, under the pro-
 23 gram required under section 402(a)(8).

24 “(B) SCREENING METHOD.—The method
 25 by which substance abuse screening is to be

1 conducted under this paragraph is by means of
2 a survey that has been shown to be effective in
3 identifying likely substance abuse and that is
4 administered by an interview or a self-adminis-
5 tered test designed to determine whether an in-
6 dividual should be further evaluated for sub-
7 stance abuse.

8 “(C) TRANSITION RULE.—In the case of
9 an individual who is receiving assistance under
10 the State program funded under this part on
11 the effective date of this paragraph, or whose
12 application for assistance is approved before
13 such date if the assistance has not begun as of
14 such date, a State may not provide assistance
15 to the individual unless the individual is
16 screened for illegal drug use in accordance with
17 this paragraph after the 3rd month that begins
18 after such date and, if found as a result of the
19 screening to have a high risk of substance
20 abuse, is tested for the use of illegal drugs,
21 under the program so described.

22 “(D) LIMITATION ON WAIVER AUTHOR-
23 ITY.—The Secretary may not waive the provi-
24 sions of this paragraph under section 1115.

1 “(E) ILLEGAL DRUG DEFINED.—In this
2 paragraph, the term ‘illegal drug’ means a con-
3 trolled substance as defined in section 102 of
4 the Controlled Substances Act (21 U.S.C. 802).

5 “(F) PRESERVATION OF ASSISTANCE FOR
6 OTHER FAMILY MEMBERS.—If an individual is
7 denied assistance under this paragraph, the
8 State shall continue to provide the assistance
9 that would otherwise be provided in respect of
10 the other members of the family of the indi-
11 vidual, through protective or vendor payments
12 to a 3rd party for the benefit of the other fam-
13 ily members.”.

14 (c) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the amendments made by this section
17 shall take effect on the 1st day of the 1st calendar
18 quarter that begins on or after the date that is 1
19 year after the date of the enactment of this Act.

20 (2) DELAY PERMITTED IF STATE LEGISLATION
21 REQUIRED.—In the case of a State plan under sec-
22 tion 402(a) of the Social Security Act which the Sec-
23 retary of Health and Human Services determines re-
24 quires State legislation (other than legislation appro-
25 priating funds) in order for the plan to meet the ad-

1 ditional requirements imposed by the amendments
2 made by this Act, the State plan shall not be re-
3 garded as failing to comply with the requirements of
4 such section 402(a) solely on the basis of the failure
5 of the plan to meet such additional requirements be-
6 fore the 1st day of the 1st calendar quarter begin-
7 ning after the close of the 1st regular session of the
8 State legislature that begins after the date of enact-
9 ment of this Act. For purposes of the previous sen-
10 tence, in the case of a State that has a 2-year legis-
11 lative session, each year of such session shall be
12 deemed to be a separate regular session of the State
13 legislature.

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