
HOUSE BILL 2424

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Angel, Ahern, Overstreet, Orcutt, Short, Fagan, McCune, Haler, and Hope

Read first time 01/13/12. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to requiring drug testing for applicants for
2 benefits under the temporary assistance for needy families program; and
3 amending RCW 74.08.025.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.08.025 and 2011 1st sp.s. c 42 s 7 are each amended
6 to read as follows:

7 (1) Public assistance may be awarded to any applicant:

8 (a) Who is in need and otherwise meets the eligibility requirements
9 of department assistance programs; and

10 (b) Who has not made a voluntary assignment of property or cash for
11 the purpose of qualifying for an assistance grant; and

12 (c) Who is not an inmate of a public institution except as a
13 patient in a medical institution or except as an inmate in a public
14 institution who could qualify for federal aid assistance: PROVIDED,
15 That the assistance paid by the department to recipients in nursing
16 homes, or receiving nursing home care, may cover the cost of clothing
17 and incidentals and general maintenance exclusive of medical care and
18 health services. The department may pay a grant to cover the cost of
19 clothing and personal incidentals in public or private medical

1 institutions and institutions for tuberculosis. The department shall
2 allow recipients in nursing homes to retain, in addition to the grant
3 to cover the cost of clothing and incidentals, wages received for work
4 as a part of a training or rehabilitative program designed to prepare
5 the recipient for less restrictive placement to the extent permitted
6 under Title XIX of the federal social security act.

7 (2) Any person otherwise qualified for temporary assistance for
8 needy families under this title who has resided in the state of
9 Washington for fewer than twelve consecutive months immediately
10 preceding application for assistance is limited to the benefit level in
11 the state in which the person resided immediately before Washington,
12 using the eligibility rules and other definitions established under
13 this chapter, that was obtainable on the date of application in
14 Washington state, if the benefit level of the prior state is lower than
15 the level provided to similarly situated applicants in Washington
16 state. The benefit level under this subsection shall be in effect for
17 the first twelve months a recipient is on temporary assistance for
18 needy families in Washington state.

19 (3) The department shall require a drug test to screen each
20 individual who applies for temporary assistance for needy families.
21 The cost of drug testing is the responsibility of the individual
22 tested.

23 (a) An individual subject to the requirement of this section
24 includes any parent or caretaker relative who is included in the family
25 assistance unit, including an individual who may be exempt from work
26 activity requirements due to the age of the youngest child or who may
27 be exempt from work activity requirements under RCW 74.08A.260.

28 (b) An individual who tests positive for controlled substances, as
29 defined in chapter 69.50 RCW, as a result of a drug test required under
30 this subsection is ineligible to receive temporary assistance for needy
31 families benefits for one year after the date of the positive drug test
32 unless the individual meets the requirements of subsection (5) of this
33 section.

34 (4) For individuals required to take a drug test pursuant to
35 subsection (3) of this section, the department shall:

36 (a) Provide notice of drug testing to each individual at the time
37 of application. The notice must advise the individual that drug
38 testing will be conducted as a condition of receiving temporary

1 assistance for needy families benefits and that the individual must
2 bear the cost of testing. If the individual tests negative for
3 controlled substances, the department shall increase the amount of the
4 initial cash benefit by the amount paid by the individual for the drug
5 testing. The department shall advise the individual that the required
6 drug testing may be avoided if the individual does not apply for
7 temporary assistance for needy families benefits. Dependent children
8 under the age of eighteen are exempt from the drug-testing requirement;

9 (b) Require that for two-parent families, both parents must comply
10 with the drug-testing requirement;

11 (c) Require that any parent under the age of eighteen who is not
12 required to live with a parent, legal guardian, or other adult
13 caretaker relative pursuant to RCW 74.04.0052 must comply with the
14 drug-testing requirement;

15 (d) Advise each individual to be tested, before the test is
16 conducted, that he or she may, but is not required to, advise the agent
17 administering the test of any prescription or over-the-counter
18 medication that he or she is taking;

19 (e) Require each individual to be tested to sign a written
20 acknowledgment that he or she has received and understands the notice
21 and advice provided in (a) and (d) of this subsection;

22 (f) Assure each individual being tested a reasonable degree of
23 dignity while producing and submitting a sample for drug testing,
24 consistent with the department's need to ensure the reliability of the
25 sample;

26 (g) Specify circumstances under which an individual who fails a
27 drug test has the right to take one or more additional tests;

28 (h) Inform an individual who tests positive for a controlled
29 substance and is deemed ineligible for temporary assistance for needy
30 families benefits that the individual may reapply for those benefits
31 one year after the date of the positive drug test unless the individual
32 meets the requirements of subsection (5) of this section. If the
33 individual tests positive again, he or she is ineligible to receive
34 temporary assistance for needy family benefits for three years after
35 the date of the second positive drug test unless the individual meets
36 the requirements of subsection (5) of this section; and

37 (i) Provide any individual who tests positive with a list of
38 licensed substance abuse treatment providers available in the area in

1 which he or she resides and are licensed by the department. The
2 department is not responsible for providing or paying for substance
3 abuse treatment as part of the screening conducted under this
4 subsection.

5 (5) An individual who tests positive under this section and, as a
6 result, is denied temporary assistance for needy family benefits may
7 reapply for those benefits after six months if the individual can
8 document the successful completion of a substance abuse treatment
9 program offered by a provider that is licensed by the department. An
10 individual who has met the requirements of this paragraph and reapplies
11 for temporary assistance for needy families benefits must also pass an
12 initial drug test and meet the requirements of subsection (3) of this
13 section. Any drug test conducted while the individual is undergoing
14 substance abuse treatment must meet the requirements set by the
15 department. The cost of any drug testing and substance abuse treatment
16 provided under this section is the responsibility of the individual
17 being tested and receiving treatment. An individual who fails the drug
18 test required under subsection (3) of this section may reapply for
19 benefits under this subsection only once.

20 (6) If a parent is deemed ineligible for temporary assistance for
21 needy families benefits as a result of failing a drug test conducted
22 under this section:

23 (a) The dependent child's eligibility for benefits is not affected;

24 (b) An appropriate protective payee must be designated to receive
25 benefits on behalf of the child;

26 (c) The parent may choose to designate another individual to
27 receive benefits for the parent's minor child. The designated
28 individual must be an immediate family member or, if an immediate
29 family member is not available or the family member declines the
30 option, another individual, approved by the department, may be
31 designated. The designated individual must also undergo drug testing
32 before being approved to receive benefits on behalf of the child. If
33 the designated individual tests positive for controlled substances, he
34 or she is ineligible to receive benefits on behalf of the child.

35 (7) Any person otherwise qualified for temporary assistance for
36 needy families who is assessed through the state alcohol and substance
37 abuse program as drug or alcohol-dependent and requiring treatment to

1 become employable shall be required by the department to participate in
2 a drug or alcohol treatment program as a condition of benefit receipt.

3 ~~((+4))~~ (8) The department may implement a permanent
4 disqualification for adults who have been terminated due to WorkFirst
5 noncompliance sanction three or more times since March 1, 2007. A
6 household that includes an adult who has been permanently disqualified
7 from receiving temporary assistance for needy families shall be
8 ineligible for further temporary assistance for needy families
9 assistance.

10 ~~((+5))~~ (9) Pursuant to 21 U.S.C. 862a(d)(1), the department shall
11 exempt individuals from the eligibility restrictions of 21 U.S.C.
12 862a(a)(1) and (2) to ensure eligibility for temporary assistance for
13 needy families benefits and federal food assistance.

14 (10) The department shall adopt rules to implement subsections (3)
15 through (6) of this section.

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