

1 H.160

2 Introduced by Representatives Cupoli of Rutland City, Devereux of Mount

3 Holly, and Gage of Rutland City

4 Referred to Committee on

5 Date:

6 Subject: Human services; public assistance; substance abuse; drug testing

7 Statement of purpose of bill as introduced: This bill proposes to require drug  
8 testing for recipients of public assistance and to offer voluntary, and in some  
9 cases mandatory, substance abuse treatment for recipients whose test results  
10 are positive.

11 An act relating to substance abuse testing and treatment for recipients of  
12 public assistance

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 33 V.S.A. § 145 is added to read:

15 § 145. SUBSTANCE ABUSE TESTING AND TREATMENT

16 (a) The Department shall develop a program to test each recipient of public  
17 aid or benefits for the illegal use of controlled substances.

18 (b)(1) The Department shall test each recipient within three months after  
19 aid or benefits begin or, for current recipients, within three months after the  
20 effective date of this section, for the illegal use of a controlled substance.

1           (2) If the test results indicate that the recipient has used a controlled  
2           substance and the recipient cannot produce a valid prescription from a health  
3           care provider for that substance in the recipient's name or if the recipient does  
4           produce such a prescription but the test results indicate that the recipient has  
5           used more than a therapeutic dosage of the substance, the recipient shall be  
6           offered substance abuse treatment as described in subsection (c) of this section.

7           (3) If the test results indicate that the recipient has not used a controlled  
8           substance or has not used a controlled substance that was not prescribed for the  
9           recipient by a licensed health care provider, the recipient shall be notified that  
10          he or she will be subject to random drug testing at least annually.

11          (c) Any recipient who tests positive for the illegal use of a controlled  
12          substance that was not prescribed for the recipient by a licensed health care  
13          provider shall:

14           (1) For the first such positive result, be offered substance abuse  
15           treatment at no cost to the recipient.

16           (A) If the recipient accepts the offer and completes the treatment  
17           program, he or she may continue to receive aid or benefits and shall be notified  
18           that he or she will be subject to random drug tests every three months for the  
19           remainder of the time the recipient receives aid or benefits.

20           (B) If the recipient rejects the treatment offer or accepts the offer but  
21           fails to complete the treatment program, he or she may continue to receive aid

1 or benefits but will be notified that he or she will be subject to another drug  
2 test within the following three-month period.

3 (2) For the second such positive result, be offered substance abuse  
4 treatment at no cost to the recipient.

5 (A) If the recipient accepts the offer and completes the treatment  
6 program, he or she may continue to receive aid or benefits and shall be notified  
7 that he or she will be subject to random drug tests every three months for the  
8 remainder of the time the recipient receives aid or benefits.

9 (B) If the recipient rejects the treatment offer or accepts the offer but  
10 fails to complete the treatment program, he or she may continue to receive aid  
11 or benefits but will be notified that he or she will be subject to another drug  
12 test within the following three-month period and that another positive result  
13 will require the recipient to obtain treatment or lose eligibility for aid or  
14 benefits.

15 (3) For the third such positive result, be required to complete a  
16 substance abuse treatment program at no cost to the recipient.

17 (A) If the recipient accepts the offer and completes the treatment  
18 program, he or she may continue to receive aid or benefits and shall be notified  
19 that he or she will be subject to random drug tests every three months for the  
20 remainder of the time the recipient receives aid or benefits.

1           (B) If the recipient refuses the treatment offer or accepts the offer but  
2           fails to complete the treatment program, the recipient's aid or benefits shall be  
3           suspended for a period of one year. In order to regain eligibility at the end of  
4           the suspension period, the recipient shall submit to a new drug test at that time.  
5           If the results of the new drug test indicate that the recipient has used a  
6           controlled substance, the recipient's aid or benefits shall not be reinstated. The  
7           recipient may reapply for benefit reinstatement again after a period of no less  
8           than nine months. The recipient shall be subject to two random drug tests  
9           within the six-month period following the date of reapplication and, if both  
10           tests come back negative and the recipient meets all other eligibility  
11           requirements, aid or benefits shall be reinstated.

12           (d) The Commissioner shall adopt rules to carry out the purposes of this  
13           section.

14           (e) As used in this section:

15           (1) "Controlled substance" means a Schedule I, II, III, or IV controlled  
16           substance as defined in 21 C.F.R. § 1308.

17           (2) "Health care professional" means an individual, partnership,  
18           corporation, facility, or institution licensed or certified or authorized by law to  
19           provide professional health care services, including prescribing Schedule II,  
20           III, or IV controlled substances.

- 1       Sec. 2. EFFECTIVE DATE
- 2       This act shall take effect on passage.