

1 H.866

2 Introduced by Representative Turner of Milton

3 Referred to Committee on

4 Date:

5 Subject: Human services; Temporary Assistance to Needy Families; suspicion-  
6 based drug testing

7 Statement of purpose of bill as introduced: This bill proposes to require the  
8 Department for Children and Families to screen applicants of the Reach Up  
9 program for substance use disorder. If an applicant screens positive, this bill  
10 requires the Department to administer a suspicion-based drug test.

11 An act relating to suspicion-based drug testing in the Reach Up program

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

13 Sec. 1. 33 V.S.A. § 1109 is added to read:

14 § 1109. SUSPICION-BASED DRUG TESTING PROGRAM

15 (a) The Department shall develop and administer a substance abuse  
16 screening and suspicion-based drug testing program for applicants of the  
17 Reach Up program. The Department shall screen all applicants to the Reach  
18 Up program for substance use disorder, using a clinically appropriate screening  
19 tool. If the result of the screening gives the Department reason to believe an

1 applicant is abusing one or more substances, it shall order a drug test for the  
2 illegal use of controlled substances.

3 (b) If an applicant refuses to take a drug test required pursuant to  
4 subsection (a) of this section, the applicant shall not be eligible for Reach Up  
5 benefits.

6 (c)(1) An applicant who tests negative for the illegal use of a controlled  
7 substance and who otherwise meets the requirements of this chapter shall be  
8 deemed eligible to participate in the Reach Up program.

9 (2) An applicant shall be offered treatment for substance use disorder at  
10 no cost if the applicant tests positive for the use of one or more controlled  
11 substances and cannot produce a valid prescription from a health care provider  
12 for that substance in the applicant's name or can produce such a prescription  
13 but the test results indicate that the applicant used more than a therapeutic  
14 dosage of the substance.

15 (A) If the applicant accepts treatment and otherwise meets the  
16 requirements of this chapter, he or she shall be deemed eligible to participate in  
17 the Reach Up program. The applicant shall receive Reach Up benefits while  
18 undergoing treatment, but his or her Reach Up benefits shall be terminated in  
19 the event treatment is not completed.

20 (B) If the applicant refuses to participate in or fails to complete  
21 treatment, the applicant shall not be eligible for Reach Up benefits and shall

1 not be eligible to reapply to the program for one year from the date of refusal  
2 or termination of treatment.

3 (3) The Department shall notify a participant who completed treatment  
4 that it may conduct random drug tests for the illegal use of controlled  
5 substances while the participant is enrolled in the Reach Up program. A  
6 participant's Reach Up benefits shall be terminated and the participant shall  
7 not be eligible to reapply to the Reach Up program for one year from the date  
8 of termination if the applicant tests positive for the use of one or more  
9 controlled substances and either:

10 (A) cannot produce a valid prescription from a health care provider  
11 for that substance in the applicant's name; or

12 (B) can produce such a prescription, but the test results indicate that  
13 the applicant used more than a therapeutic dosage of the substance.

14 (d) The results of any drug test for the illegal use of controlled substances  
15 shall be kept confidential by the Department and shall only be used for the  
16 purpose of determining an applicant's or a participant's eligibility for the  
17 Reach Up program.

18 (e) If, pursuant to this section, an applicant is deemed ineligible for benefits  
19 or a participant's benefits are terminated, the benefits of an applicant's or a  
20 participant's otherwise eligible dependent child or children shall not be  
21 reduced or terminated. The applicant or participant shall designate a protective

1 payee to receive the benefits on behalf of the dependent child or children. The  
2 protective payee shall be an immediate family member, or if an immediate  
3 family member is not available or declines the option, another person may be  
4 designated with the approval of the Department.

5 (f) As used in this section:

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

8 (2) "Health care provider" means an individual, partnership,  
9 corporation, facility, or institution licensed, certified, or authorized to provide  
10 professional health care services, including prescribing Schedule II, III, or IV  
11 controlled substances.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2018.