

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1920 Session of  
2017

INTRODUCED BY SAYLOR, BAKER, BARRAR, COX, DUNBAR, GILLEN,  
GILLESPIE, KAUFFMAN, KEEFER, MARSICO, MILLARD, M. QUINN,  
RYAN, TOOIL, WARNER AND WHEELAND, NOVEMBER 15, 2017

REFERRED TO COMMITTEE ON HEALTH, NOVEMBER 15, 2017

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in general powers and  
4 duties of the Department of Public Welfare, providing for the  
5 testing of applicants for illegal drug use.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known  
9 as the Human Services Code, is amended by adding a section to  
10 read:

11 Section 216. Testing Applicants for Illegal Drug Use.--(a)  
12 The department shall establish and administer a program to  
13 screen an individual applying for or renewing benefits at a  
14 county assistance office for drug use if an employee has  
15 reasonable cause to believe the individual is under the  
16 influence of a controlled substance.

17 (b) The program under subsection (a) shall consist of at  
18 least the following:

19 (1) A written questionnaire designed to determine the

likelihood of an applicant having a controlled substance abuse disorder.

(2) Disclosure at the time of application or renewal that, upon reasonable suspicion by an employee at the county assistance office that the individual is under the influence of a controlled substance, the individual may be asked to submit to a drug test.

(3) Mandatory training for each employee of the county assistance office who assists, counsels or advises an individual applying for benefits on the signs, symptoms and characteristics of the use of a controlled substance.

(4) A policy for obtaining an immediate drug test from an individual if there is reasonable cause to suspect the individual is currently under the influence of a controlled substance.

(c) The following limitations shall apply:

(1) To the extent not prohibited by Federal law, the department shall administer a drug test on individuals determined likely to have a substance abuse disorder based on the individual's responses on the questionnaire under subsection (b)(1) or individuals who have been identified by a county assistance office employee as being under the influence of a controlled substance.

(2) The results of the drug test under paragraph (1) shall not be disseminated beyond the department and the Department of Corrections to the extent the individual is required to be tested for drug use as part of a parole agreement.

(d) The department may contract with a nonprofit association, corporation or government agency or combination thereof to administer drug tests on those individuals identified

1 under subsection (b)(1) and (4).

2 (e) An individual who tests positive for a controlled  
3 substance shall be subject to the following:

4 (1) (i) For the first positive drug test, an individual  
5 shall be provided an assessment for addiction and an assessment  
6 for treatment for addiction as indicated by treatment criteria  
7 developed by the Department of Drug and Alcohol Programs. An  
8 assessment shall be conducted by the single county authority on  
9 drugs and alcohol or a designee.

10 (ii) The recommended treatment shall be provided by  
11 facilities licensed by the Division of Drug and Alcohol Program  
12 Licensure in the Department of Drug and Alcohol Programs.

13 (iii) Medicaid eligibility and determinations shall be  
14 expedited to ensure access to assessment and addiction treatment  
15 through Medicaid. If the individual cooperates with the  
16 assessment and treatment, no penalty shall be imposed.

17 (iv) If the individual refuses to cooperate with the  
18 assessment and treatment, public assistance provided to the  
19 individual shall be suspended for six months.

20 (v) The department must notify the individual of the  
21 positive drug test no later than seven days after receipt of the  
22 drug test results and that the suspension in public assistance,  
23 if the individual is receiving any, will begin on the next  
24 scheduled distribution of public assistance.

25 (vi) After suspension, an individual may reapply for public  
26 assistance after submitting to a retest.

27 (2) (i) For a second positive drug test or positive drug  
28 retest after prior suspension, the public assistance to which  
29 the individual is otherwise entitled, if any, shall be suspended  
30 for twelve months.

1     (ii) The department must notify the individual of the  
2     positive drug test no later than seven days after receipt of the  
3     drug test results and that the suspension in public assistance,  
4     if the individual is receiving any, shall begin on the next  
5     scheduled distribution of public assistance.

6     (iii) After suspension, an individual may reapply for public  
7     assistance after submitting to a retest.

8     (3) For a third positive drug test or second positive drug  
9     retest after prior suspension, the individual may no longer  
10    apply for or receive public assistance.

11    (f) A refusal to submit to a drug test after identification  
12    of a reasonable suspicion of controlled substance use by the  
13    county assistance employe or refusal to submit to a retest after  
14    prior suspension shall be treated as a positive drug test and  
15    subject to the penalties in subsection (e).

16    (g) As used in this section, the term "controlled substance"  
17    shall mean any substance designated as such under the act of  
18    April 14, 1972 (P.L.233, No.64), known as The Controlled  
19    Substance, Drug, Device and Cosmetic Act.

20    Section 2. This act shall take effect in 60 days.