

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 69**

**Senator Schaffer**

**Cosponsor: Senator Manning**

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**A B I L L**

To enact section 9.71 of the Revised Code to 1  
establish a drug testing requirement for adults 2  
who apply for need-based programs that provide 3  
cash assistance, medical assistance, housing 4  
assistance, food assistance, or energy assistance. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 9.71 of the Revised Code be enacted 6  
to read as follows: 7

**Sec. 9.71.** (A) As used in this section: 8

(1)(a) Except as provided in division (A)(1)(b) of this 9  
section, "controlled substance problem" means that an individual 10  
is determined by a chemical test to have a concentration of any of 11  
the controlled substances specified in division (A)(1)(j) of 12  
section 4511.19 of the Revised Code, or metabolites of such a 13  
controlled substance, in the individual's urine that equals or 14  
exceeds any of the applicable levels established in that division 15  
for urine. 16

(b) An individual shall not be determined to have a 17  
controlled substance problem if the individual obtained the 18  
controlled substance pursuant to a prescription issued by a 19

licensed health professional authorized to prescribe drugs and the individual injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 20  
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(2) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 23  
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(B) Notwithstanding any other section of the Revised Code and subject to divisions (C) and (D) of this section, a state agency operating a need-based program that provides cash assistance, medical assistance, housing assistance, food assistance, or energy assistance shall require each individual eighteen years of age or older who applies for the program to undergo, as a condition of eligibility for the program, a urine drug test to determine whether the individual has a controlled substance problem. An individual eighteen years of age or older who refuses to undergo a urine drug test or is determined by a urine drug test to have a controlled substance problem is ineligible for the program for which the individual applied and may not reapply sooner than thirty days after the date of the refusal or determination. 26  
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(C)(1) Division (B) of this section does not apply to a need-based program funded in whole or in part with federal funds unless either of the following is the case: 39  
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(a) The federal agency responsible for the program's administration approves the application of division (B) of this section to the program; 42  
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(b) Application of division (B) of this section to the program would not cause the state to lose federal funding for the program. 45  
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(2) A state agency operating a need-based program that provides cash assistance, medical assistance, housing assistance, food assistance, or energy assistance that is funded in whole or 48  
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in part with federal funds shall seek federal approval to make 51  
division (B) of this section apply to the program unless the 52  
federal agency responsible for the program's administration is not 53  
authorized by federal law, expressly or otherwise, to grant such 54  
approval. 55

(D) This section does not apply to unemployment compensation 56  
benefits paid pursuant to Chapter 4141. of the Revised Code. 57