



Ohio Legislative Service Commission

Bill Analysis

Bob Bennett

Sub. S.B. 69

129th General Assembly
(LSC 129 0373-3)

Sens. Schaffer, Manning

BILL SUMMARY

- Requires the Director of Job and Family Services to establish a drug testing pilot program for Ohio Works First (OWF) in three counties selected by the Director.
- Permits the Director to select a county only if its board of county commissioners volunteers to have the county participate.
- Requires a participating county's department of job and family services to conduct an assessment of each adult member of an assistance group that applies for OWF to determine whether there is reasonable cause to suspect that an adult member has a chemical dependency.
- Requires an adult to undergo a drug test if an assessment reveals a reasonable cause to suspect that the adult has a chemical dependency.
- Makes an adult undergoing a drug test responsible for the test's cost.
- Requires a participating county department to refer an adult who fails a drug test to a board of alcohol, drug addiction, and mental health services and requires the board, to refer an adult who requests services to a certified alcohol and drug addiction program.
- Makes an adult, other than a pregnant woman, who refuses to cooperate with an assessment, refuses to undergo a drug test, or fails a drug test ineligible for OWF for one year or, if the adult successfully completes treatment and passes another drug test, six months.

- Provides that no other member of an assistance group is to be denied OWF on the basis that one or more adult members are ineligible due to sanctions under the pilot program.

CONTENT AND OPERATION

Drug testing pilot program

The bill requires the Director of Job and Family Services to establish a drug testing pilot program for Ohio Works First (OWF). OWF is a public assistance program that provides cash assistance to low-income families with children. OWF is funded in part with federal funds provided under the Temporary Assistance for Needy Families (TANF) block grant. OWF is also funded with state and county funds.

The Director must establish the OWF drug testing pilot program not later than 90 days after the bill's effective date. The pilot program is to be operated for two years in three counties. The Director is to select the counties, but may select a county only if the county's board of county commissioners volunteers to have the county participate. The Director must strive to have one rural, one suburban, and one urban county participate.¹

Assessment of adult assistance group members

The county department of job and family services of a county participating in the pilot program is to conduct an assessment of each adult member of an assistance group that applies to participate in OWF. The purpose of the assessment is to determine whether there is reasonable cause to suspect that any of the adult members of the assistance group have a chemical dependency. An adult has a chemical dependency if the adult uses a drug of abuse to the extent that the adult becomes physically or psychologically dependent on the drug or endangers the adult's health, safety, or welfare or that of others. The following are considered drugs of abuse:

(1) A drug, compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V. (Drugs are included in the schedules based on their potential for abuse. Those in schedules II, III, and IV can be legally obtained only pursuant to a prescription. No prescriptions may be written for schedule I drugs.)

(2) A harmful intoxicant (i.e., any compound, mixture, preparation, or substance, other than beer or intoxicating liquor, the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression,

¹ Section 1(B).

stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects);

(3) A drug considered a dangerous drug under Ohio's pharmacy law.²

The assessment must be conducted in accordance with rules the Director of Job and Family Services is to adopt. It is to be part of the process of determining whether the assistance group is eligible to participate in OWF.³

Drug test

A county department must require an adult member of an assistance group to undergo a drug test if an assessment reveals a reasonable cause to suspect that the adult has a chemical dependency. The drug test is to consist of either a chemical test of the adult's urine or an oral fluid test that uses a swab and is to determine whether a drug of abuse is present in a biological specimen taken from the adult's body. The county department is to determine which type of test to use. An adult undergoing the drug test is responsible for its cost.⁴

Referrals to treatment programs

A county department must refer an adult member of an assistance group who fails a drug test to the board of alcohol, drug addiction, and mental health services (ADAMHS board) that serves the same county as the county department. If the adult, acting on the referral, requests services from the ADAMHS board, the board must refer the adult to an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services.⁵

Sanctions

The bill provides that an adult assistance group member, other than a pregnant woman, who refuses to cooperate with an assessment, refuses to undergo a drug test, or fails a drug test is ineligible to participate in OWF for one year. However, the adult may reapply as soon as six months after the date the adult's ineligibility begins if the adult provides the county department documentation that is acceptable to the county department and shows that the adult successfully completed the treatment provided by

² Section 1(A) and (B).

³ Section 1(A), (B), and (H).

⁴ Section 1(A), (B), and (F).

⁵ Section 1(D).

the alcohol and drug addiction program to which the adult was referred. The adult must undergo another drug test as part of the reapplication process following completion of the treatment program. An adult who fails this drug test is ineligible to participate in OWF for one year. The ineligibility continues for the applicable time period regardless of whether that time period extends beyond the date the pilot program ends.⁶

An adult fails a drug test if the test reveals the presence of a drug of abuse in a biological specimen taken from the adult's body. However, the adult is not to be considered to have failed a drug test if the adult obtained the drug pursuant to a prescription and injected, ingested, or inhaled the drug in accordance with the prescriber's directions.⁷

An adult assistance group member who is a work-eligible individual for purposes of OWF must comply with all of the OWF requirements applicable to work-eligible individuals while the adult is ineligible to participate in OWF due to a sanction imposed by the bill. Under federal TANF regulations, an adult is a work-eligible individual even though the adult does not receive assistance under OWF if the adult lives with a child receiving assistance. However, this is not the case if the adult is any of the following: (1) a non-citizen who is ineligible to receive assistance due to the adult's immigration status, (2) a recipient of Supplemental Security Income benefits or a parent and a recipient of Social Security Disability Insurance benefits (this is at the option of the state and on a case-by-case basis), or (3) providing care for a disabled family member living in the home if there is medical documentation to support the need for the member to remain in the home to care for the disabled family member. Work-eligible individuals are subject to work participation requirements.⁸

No other member of an assistance group is to be denied eligibility for OWF on the basis that one or more adult members are denied eligibility under the pilot program. If the only members of the assistance group who are eligible are minor children, the assistance group's cash assistance is to be provided to a representative payee approved by the county department.⁹

⁶ Section 1(C) to (E).

⁷ Section 1(A).

⁸ Section 1(A) and (E); 45 Code of Federal Regulations 261.2(n).

⁹ Section 1(G).

Rules

The bill requires the Director of Job and Family Services to adopt rules as necessary to implement the pilot program. The rules are to be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.).¹⁰

Report

The Director of Job and Family Services is required by the bill to prepare a report regarding the pilot program. The report is due not later than 90 days after the pilot program's conclusion and is to include all of the following information:

- (1) The number of adults for whom assessments reveal a reasonable cause to suspect they have a chemical dependency;
- (2) The number of adults required to undergo drug tests;
- (3) The number of adults who fail drug tests;
- (4) The costs of the drug tests;
- (5) The total amount of time adults are denied eligibility for OWF under the pilot program as of the date the report is prepared.

County departments of job and family services of the counties participating in the pilot program are required to provide any information the Director needs to prepare the report. The Director must submit the report to the Governor, Senate President, Senate Minority Leader, Speaker of the House of Representatives, House Minority Leader, and Director of the Legislative Service Commission.¹¹

HISTORY

ACTION	DATE
Introduced	02-10-11

s0069(L0373-3)-129.docx/ks

¹⁰ Section 1(H).

¹¹ Section 1(I).

