

112TH CONGRESS
1ST SESSION

H. R. 3722

To amend part A of title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families program.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2011

Mr. PEARCE (for himself, Mr. WESTMORELAND, Mr. ROE of Tennessee, Mr. DUNCAN of South Carolina, Mr. DESJARLAIS, Mr. HUIZENGA of Michigan, Mr. POSEY, Mr. KING of Iowa, and Mr. MULVANEY) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part A of title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Putting Drug Free
5 Families First Act of 2011”.

1 **SEC. 2. DRUG TESTING PROGRAM FOR APPLICANTS FOR**
2 **AND RECIPIENTS OF ASSISTANCE UNDER**
3 **STATE TANF PROGRAMS.**

4 (a) REQUIREMENT THAT APPLICANTS AND INDIVID-
5 UALS RECEIVING ASSISTANCE BE TESTED FOR ILLEGAL
6 DRUG USE.—Section 408(a) of the Social Security Act
7 (42 U.S.C. 608(a)) is amended by adding at the end the
8 following:

9 “(12) REQUIREMENT FOR DRUG TESTING; DE-
10 NIAL OF ASSISTANCE FOR INDIVIDUALS FOUND TO
11 HAVE USED AN ILLEGAL DRUG.—

12 “(A) IN GENERAL.—A State to which a
13 grant is made under section 403 may not use
14 any part of the grant to provide assistance
15 under the State program funded under this
16 part to an individual unless the individual is
17 tested for the use of the drugs listed in sub-
18 paragraph (B)(i)—

19 “(i) if the individual has applied for
20 such assistance and the application has not
21 been approved, before the receipt of such
22 assistance; and

23 “(ii) in any other case, before the end
24 of the 3-month period that begins on the
25 date of the enactment of this paragraph.

1 “(B) DRUGS TO BE INCLUDED IN TEST-
2 ING.—

3 “(i) IN GENERAL.—In conducting
4 drug testing pursuant to subparagraph
5 (A), the State shall test for each of the fol-
6 lowing:

7 “(I) Marijuana.

8 “(II) Cocaine.

9 “(III) Opiates.

10 “(IV) Amphetamines.

11 “(V) Methamphetamine.

12 “(VI) Phencyclidine.

13 “(VII) Heroin.

14 “(VIII) Lysergic acid diethylam-
15 ide.

16 “(IX) 3,4-methylenedioxy am-
17 phetamine.

18 “(ii) EXCEPTION FOR PRESCRIPTION
19 USE OF DRUGS.—A positive test for a drug
20 listed in clause (i) shall be disregarded for
21 purposes of this paragraph if such drug
22 was used pursuant to a valid prescription
23 or as otherwise authorized by law.

1 “(C) DENIAL OF ASSISTANCE FOR INDI-
2 VIDUALS WHO TEST POSITIVE FOR AN ILLEGAL
3 DRUG.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in subparagraph (D), if an individual
6 tests positive pursuant to subparagraph
7 (A) for the use of any drug listed in sub-
8 paragraph (B)(i), the State may not pro-
9 vide assistance under the State program
10 funded under this part to such individual
11 unless—

12 “(I) a 1-year (or, if the individual
13 has so tested positive for the 2nd
14 time, 3-year) period has elapsed since
15 the results of the test were deter-
16 mined; and

17 “(II) the individual tests negative
18 for the use of each drug listed in sub-
19 paragraph (B)(i) at the end of such
20 period.

21 “(ii) PERMANENT INELIGIBILITY
22 AFTER THIRD POSITIVE TEST RESULT.—If
23 an individual tests positive pursuant to
24 subparagraph (A) for the third time for
25 the use of any drug listed in subparagraph

1 (B)(i), the State shall treat such individual
2 as permanently ineligible for assistance
3 under the State program funded under this
4 part.

5 “(D) REHABILITATION EXCEPTION AFTER
6 FIRST POSITIVE TEST RESULT.—In the case of
7 an individual who tests positive pursuant to
8 subparagraph (A) for the first time for the use
9 of any drug listed in subparagraph (B)(i), the
10 period for which assistance may not be provided
11 to an individual by reason of subparagraph
12 (C)(i) shall be 180 days if the State determines
13 that the individual—

14 “(i) has successfully completed a drug
15 rehabilitation or treatment program for the
16 drug for which the individual tested posi-
17 tive; and

18 “(ii) tests negative for the use of such
19 drug at the end of such 180-day period.

20 “(E) PAYMENT OF COSTS.—The State
21 shall require each individual who applies for as-
22 sistance under the State program funded under
23 this part to pay the portion of the cost of the
24 drug testing pursuant to subparagraph (A) that
25 pertains to such individual. If such individual

1 tests negative for the use of each drug listed in
2 subparagraph (B)(i) and the State provides as-
3 sistance under the State program funded under
4 this part to the individual, the State shall in-
5 crease the first payment of such assistance in
6 an amount equal to the amount paid by the in-
7 dividual under this subparagraph for the drug
8 testing.

9 “(F) DESIGNEE FOR CHILD BENE-
10 FICIARY.—In the case of a parent of a minor
11 child, if such parent tests positive pursuant to
12 subparagraph (A) for the use of any drug listed
13 in subparagraph (B)(i), the State shall des-
14 ignate an individual other than such parent to
15 receive payments for assistance under the State
16 program funded under this part on behalf of
17 the minor child. The State may not so des-
18 ignate an individual unless the individual has
19 been tested for the use of each drug listed in
20 subparagraph (B)(i) and did not test positive.

21 “(G) DEFINITION OF DRUG REHABILITA-
22 TION OR TREATMENT PROGRAM.—In this para-
23 graph, the term ‘drug rehabilitation or treat-
24 ment program’ means a program that—

1 “(i) has been determined by the State
2 to provide rehabilitation or treatment for
3 the use of an illegal drug; and

4 “(ii) complies with all applicable Fed-
5 eral, State, and local laws and regula-
6 tions.”.

7 (b) PENALTY FOR FAILURE TO IMPLEMENT ILLEGAL
8 DRUG USE TESTING PROGRAM.—Section 409(a) of the
9 Social Security Act (42 U.S.C. 609(a)) is amended by add-
10 ing at the end the following:

11 “(16) PENALTY FOR FAILURE TO IMPLEMENT
12 ILLEGAL DRUG USE TESTING PROGRAM.—If the Sec-
13 retary determines that a State to which a grant is
14 made under section 403 in a fiscal year has violated
15 section 408(a)(12) during the fiscal year, the Sec-
16 retary shall reduce the grant payable to the State
17 under section 403(a)(1) for the immediately suc-
18 ceeding fiscal year by an amount equal to 10 percent
19 of the State family assistance grant.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the 1st day of the 1st cal-
22 endar quarter that begins on or after the date that is 1
23 year after the date of the enactment of this Act.

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