
HOUSE BILL 2096

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Hochstatter, Mielke, Fuhrman and Nealey.

Read first time February 22, 1991. Referred to Committee on Human Services\Appropriations.

1 AN ACT Relating to drug testing for recipients of aid to families
2 with dependent children; adding new sections to chapter 74.12 RCW; and
3 making an appropriation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.12 RCW
6 to read as follows:

7 If the director or his or her designated agent has reason to
8 believe an adult in a family or assistance unit is abusing a schedule
9 I controlled substance as defined in RCW 69.50.204 or a schedule II
10 controlled substance as defined in RCW 69.50.206, and if funds are
11 available in the AFDC drug test and treatment fund created in section
12 2 of this act, the director or his or her designated agent may order
13 that a drug test be performed on the individual. The department shall
14 contract with licensed drug testing and treatment facilities for drug
15 tests or treatment authorized under this section. An individual

1 testing positive for the unauthorized use of schedule I or II
2 controlled substance and an individual refusing to be tested if so
3 ordered shall lose his or her portion of the assistance payment until
4 such time as an independent drug test determines the individual is no
5 longer abusing the controlled substance. If an adult in the assistance
6 unit loses his or her portion of the assistance grant pursuant to this
7 section, the provisions of RCW 74.12.250, 74.12.260, 74.12.280,
8 74.12.290, 74.12.300, 74.12.310, 74.12.320, and 74.12.330 apply.

9 Nothing in this section shall be construed to provide the
10 department of social and health services or any other state or local
11 agency the authority to remove a dependent child from the care and
12 custody of a parent or guardian because such parent or guardian has
13 lost his or her portion of the assistance payment under this section.
14 Treatment provided an adult under this section may extend until it is
15 determined that the person is no longer abusing the controlled
16 substance as defined in this section.

17 Treatment provided an adult under this section shall not extend
18 beyond the time the person regains his or her portion of the assistance
19 payment that was previously lost. Treatment for a dependent child
20 required as a direct result of the adult's drug use may extend until
21 the treatment is no longer required.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.12 RCW
23 to read as follows:

24 The AFDC drug test and treatment fund is hereby established in the
25 custody of the state treasurer. The department of social and health
26 services shall deposit in the fund all state moneys that are withheld
27 as assistance payments under section 1 of this act. Moneys in the fund
28 shall be spent only for drug tests or treatment for recipients of aid
29 to families with dependent children. The first one hundred thousand

1 dollars in the AFDC drug test and treatment fund shall be used for drug
2 tests only and any amount over that ongoing minimum base amount may be
3 used for drug treatment. If the balance in the fund exceeds five
4 hundred thousand dollars, the amount over five hundred thousand dollars
5 shall revert to the general fund. Disbursements from the fund shall be
6 on authorization of the secretary of social and health services or the
7 secretary's designee. The fund is subject to the allotment procedure
8 provided under chapter 43.88 RCW, but no appropriation is required for
9 disbursements.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.12 RCW
11 to read as follows:

12 Assistance payments that are withheld under section 1 of this act
13 shall be distributed as follows:

14 (1) The portion of the payments that are from the state shall be
15 deposited in the AFDC drug test and treatment fund created in section
16 2 of this act; and

17 (2) The portion of the payments that are from the federal
18 government shall, consistent with federal law, be deposited in the
19 general fund to be appropriated for drug rehabilitation services and
20 children's needs.

21 NEW SECTION. **Sec. 4.** The sum of five hundred thousand
22 dollars, or as much thereof as may be necessary, is appropriated from
23 the general fund to the department of social and health services for
24 deposit in the AFDC drug test and treatment fund created in section 2
25 of this act for the biennium ending June 30, 1993, to carry out the
26 purposes of this act.