

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

751X0625

SENATE BILL NO. 153

Introduced by: Senator Jensen (Phil) and Representative May

1 FOR AN ACT ENTITLED, An Act to provide for drug testing certain TANF applicants.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That the code be amended by adding a NEW SECTION to read:

4 The Department of Social Services shall develop and implement a drug testing program to
5 randomly test two percent of the adult applicants for the temporary assistance for needy families
6 cash benefits upon application for benefits. A recipient who is found to have tested positive for
7 the use of a controlled substance that was not prescribed for the applicant by a health care
8 provider shall be tested again within forty-five days. If the applicant tests positive a second time
9 for the use of a controlled substance that was not prescribed for the applicant by a health care
10 provider, the department shall provide the applicant with information on available drug
11 treatment programs, and the applicant shall be tested again within forty-five days. If the
12 applicant tests positive a third time for the use of a controlled substance that was not prescribed
13 for the applicant by a health care provider, the applicant becomes ineligible to receive benefits
14 for a period of one year. The applicant shall pay the cost of each test where the applicant tests
15 positive for the use of a controlled substance that was not prescribed for the applicant by a



- 1 health care provider through a reduction in benefits.
- 2 Any aggrieved applicant is entitled to an administrative hearing to determine the validity of
- 3 the tests and to contest the decision to suspend the benefits.