STATE OF NEW YORK

7097

2017-2018 Regular Sessions

IN ASSEMBLY

April 4, 2017

Introduced by M. of A. GOODELL -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to prohibiting illegal drug use and to authorize random drug testing of individuals receiving public assistance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (b) of subdivision 4 of section 132 of the social services law, as added by section 23 of part B of chapter 436 of the laws of 1997, is amended and a new paragraph (b-1) is added to read as follows:

(b) When the screening process indicates that there is reason to believe that an applicant or recipient is abusing or dependent on alcohol or drugs, **or in the event a random drug test performed by or on behalf of the social services district indicates the presence of any illegal drugs,** the social services district shall require a formal alcohol or substance abuse assessment, which may include drug testing, to be performed by an alcohol and/or substance abuse professional credentialed by the office of alcoholism and substance abuse services. The assessment may be performed directly by the district or pursuant to contract with the district. **Applicants or recipients who are exempt from participating in work activities pursuant to section three hundred thirty-two of this chapter shall be exempt from random drug testing.**

(b-1) (i) Each social services district shall determine the nature and extent of any random drug test based on the extent of the substance abuse problem in the district, the most commonly abused substances, the cost of drug testing, and the applicant or recipient's history of failed drug tests, criminal history related to controlled substances offenses, if any, and whether there are children under the age of eighteen living with the applicant or recipient.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(ii) The district shall advise each applicant or recipient that they may refuse to take a random drug test and that such refusal shall not impact their eligibility for public assistance. An applicant or recipient who refuses to submit to a random drug test shall be required to participate in a formal alcohol or substance abuse assessment pursuant to paragraph (b) of this subdivision.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law provided, however, that the commissioner of temporary and disability assistance shall have the power to promulgate any rules or regulations necessary for the implementation of this act.