

**ASSEMBLY BILL**

**No. 730**

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**Introduced by Assembly Member Grove**

February 17, 2011

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An act to add Section 11267 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 730, as introduced, Grove. CalWORKs eligibility: periodic drug testing.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program, using federal Temporary Assistance to Needy Families (TANF) program, state, and county funds. Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits.

This bill would require a recipient of CalWORKs aid to undergo drug testing on a periodic basis, as a condition of continued eligibility. The bill would specify those substances for which drug testing would be conducted. The bill would require a recipient who fails a periodic drug test to successfully complete a one-year drug treatment program. The bill would discontinue the individual's aid under the CalWORKS program upon failure of the individual to participate in testing or to successfully complete the required drug treatment program. The bill would require the department to seek any federal approvals necessary for the implementation of the bill.

Because counties administer the CalWORKs program, by increasing county duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11267 is added to the Welfare and  
 2 Institutions Code, to read:  
 3 11267. (a) For purposes of this section, the following terms  
 4 have the following meanings:  
 5 (1) “Drug” means any of the following:  
 6 (A) A controlled substance classified as Schedule I, as specified  
 7 in Section 11054 of the Health and Safety Code.  
 8 (B) The following controlled substances, classified as Schedule  
 9 II, as specified in Section 11055 of the Health and Safety Code:  
 10 (i) Cocaine.  
 11 (ii) Opium.  
 12 (iii) Phencyclidine.  
 13 (iv) Methamphetamine.  
 14 (C) A prescription medication for which the individual does not  
 15 have a valid prescription.  
 16 (2) “Drug testing” means a chemical test administered for the  
 17 purpose of determining the presence or absence of a drug or its  
 18 metabolites in a person’s bodily tissue, fluids, or products.  
 19 (3) “Periodic basis” means a mechanism for providing for  
 20 regularly scheduled periodic drug testing of recipients.  
 21 (b) A recipient of aid, as a condition of continued eligibility  
 22 under this chapter, shall be required to undergo drug testing on a  
 23 periodic basis. If the recipient fails to participate in the drug testing  
 24 program the recipient’s aid under this chapter shall be discontinued.  
 25 (c) A recipient who fails a drug test conducted pursuant to this  
 26 section shall successfully complete a one-year drug treatment  
 27 program approved by the department, and shall remain drug free  
 28 during that program. If a recipient fails to complete the drug

1 treatment program pursuant to this subdivision, the recipient's aid  
2 under this chapter shall be discontinued.

3 (d) The department shall seek any federal approvals necessary  
4 for the implementation of this section.

5 SEC. 2. If the Commission on State Mandates determines that  
6 this act contains costs mandated by the state, reimbursement to  
7 local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.