

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 384

Introduced by Senator Benoit

(Coauthors: Senators Cox and Maldonado)

*(Coauthors: Assembly Members Bill Berryhill, DeVore, Fuller, Hagman,
Nestande, Nielsen, and Silva)*

February 26, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

SB 384, as amended, Benoit. CalWORKs eligibility: 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 random selection 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 random drug test to successfully complete a one-year drug treatment program, as specified. The bill would discontinue the individual's aid under the CalWORKs program upon failure of the individual to successfully complete the required drug treatment program. The bill would require the department to seek ~~any~~ federal approvals necessary for the implementation of this 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. This act shall be known, and may be cited, as
2 “RJ’s Law.”

3 SEC. 2. Section 11267 is added to the Welfare and Institutions
4 Code, to read:

5 11267. (a) For purposes of this section, the following terms
6 have the following meanings:

7 (1) “Drug” means any of the following:

8 (A) A controlled substance classified as Schedule I, as specified
9 in Section 11054 of the Health and Safety Code.

10 (B) The following controlled substances, classified as Schedule
11 II, as specified in Section 11055 of the Health and Safety Code:

12 (i) Cocaine.

13 (ii) Opium.

14 (iii) Phencyclidine.

15 (iv) Methamphetamine.

16 (C) A prescription medication for which the individual does not
17 have a valid prescription.

18 (2) “Drug testing” means a chemical test administered for the
19 purpose of determining the presence or absence of a drug or its
20 metabolites in a person’s bodily tissue, fluids, or products.

21 (3) “Random selection basis” means a mechanism for selecting
22 recipients for drug testing that results in an equal probability that
23 ~~any~~ a recipient from a group of recipients subject to the selection
24 mechanism will be selected, and does not give the department
25 discretion to waive the selection of ~~any~~ a recipient selected under
26 the mechanism.

1 (b) A recipient of aid, as a condition of continued eligibility
2 under this chapter, shall be required to undergo drug testing on a
3 random selection basis.

4 (c) A recipient who fails a drug test conducted pursuant to this
5 section shall successfully complete a one-year drug treatment
6 program approved by the department, and shall remain drug free
7 during that program. If the recipient fails to complete the drug
8 treatment program as required by this subdivision, the recipient's
9 aid under this chapter shall be discontinued.

10 (d) The department shall seek ~~any~~ federal approvals necessary
11 for the implementation of this section.

12 SEC. 3. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.