

# Senate Bill 393

Sponsored by Senator KRUSE

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits grants of public assistance to individuals who test positive for substances of abuse.

## A BILL FOR AN ACT

1  
2 Relating to drug testing of public assistance clients; creating new provisions; and amending ORS  
3 418.134.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 411.**

6 **SECTION 2. (1) The Department of Human Services shall adopt rules that require all**  
7 **adult applicants for and recipients of public assistance to undergo testing for substances of**  
8 **abuse as defined in ORS 438.010.**

9 **(2) The testing required by subsection (1) of this section must be:**

10 **(a) A condition of eligibility for public assistance;**

11 **(b) Repeated after every six consecutive months of receipt of assistance; and**

12 **(c) In compliance with the requirements of ORS 438.435.**

13 **(3) The department must deny or terminate public assistance to any individual for whom**  
14 **the testing described in this section produces a positive result.**

15 **SECTION 3. ORS 418.134 is amended to read:**

16 418.134. (1) The Department of Human Services shall refer a person applying for or receiving  
17 temporary assistance for needy families to an evaluation by a mental health [*or drug abuse*] profes-  
18 sional if the department reasonably believes such referral is necessary. The Department of Human  
19 Services shall develop guidelines to assist in the identification and referral of individuals requiring  
20 mental health [*or drug abuse*] treatment.

21 **(2) Except as provided in section 2 of this 2007 Act,** if an evaluation conducted under sub-  
22 section (1) of this section determines that mental health [*or drug abuse*] treatment is necessary for  
23 the person to function successfully in the workplace, the department shall provide such resources  
24 as are necessary and available for the person to participate in and successfully complete treatment.

25 **(3)** A person who refuses to participate in an evaluation under subsection (1) of this section or  
26 treatment under subsection (2) of this section shall have payments reduced by the amount of \$50 for  
27 a period of two months. Continued refusal to participate during the two months of payment re-  
28 duction shall result in removal of the nonparticipating person from the eligibility determination for  
29 two months. Continued refusal to participate during the two months of ineligibility shall result in  
30 termination of all aid payments for the family.

31 **(4)** The department shall provide training to staff who work directly with persons applying for  
32 or receiving temporary assistance for needy families in assessment and evaluation of mental health

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 disorders, addictions and battered women's syndrome as may be necessary to implement the pro-  
2 visions of subsection (1) of this section.  
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