**A** **BILL**

TO AMEND CHAPTER 1, TITLE 1 OF THE 1976 CODE, BY ADDING ARTICLE 27, RELATING TO DRUG TESTING AND PUBLIC ASSISTANCE, TO DEFINE THE TERM “PUBLIC ASSISTANCE”, TO PROVIDE THAT, EXCEPT AS OTHERWISE PROHIBITED BY LAW, A PERSON SEEKING PUBLIC ASSISTANCE MUST SUBMIT TO CERTAIN DRUG TESTS, TO PROVIDE THAT A PERSON MUST BE GIVEN NOTICE THAT DRUG TESTING WILL BE CONDUCTED AS A CONDITION FOR RECEIVING BENEFITS AND THAT THE PERSON MUST BEAR THE COST OF TESTING, TO PROVIDE THAT A PERSON WHO TESTS POSITIVE FOR CONTROLLED SUBSTANCES IS INELIGIBLE TO RECEIVE BENEFITS FOR ONE YEAR AFTER THE DATE OF THE POSITIVE DRUG TEST, TO PROVIDE THAT A PERSON WHO TESTS POSITIVE AND IS DENIED BENEFITS AS A RESULT MAY REAPPLY FOR THOSE BENEFITS AFTER SIX MONTHS IF HE SUCCESSFULLY COMPLETES A SUBSTANCE ABUSE TREATMENT PROGRAM AND PASSES AN INITIAL DRUG TEST, TO PROVIDE THAT A PERSON WHO TWICE FAILS A DRUG TEST MAY NOT RECEIVE ADDITIONAL PUBLIC ASSISTANCE, AND TO PROVIDE THAT THE AGENCY THAT ADMINISTERS THIS TEST SHALL IMMEDIATELY TERMINATE THE PUBLIC ASSISTANCE BENEFITS IT PAYS HIM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Article 27

Drug Testing as a Condition

of Receiving Public Assistance

Section 1‑1‑1710. For purposes of this article, ‘public assistance’ means cash or in‑kind income received from a public source and for which the recipient is eligible on the basis of financial need.

Section 1‑1‑1720. Except as otherwise prohibited by law, a person:

(1) seeking or receiving public assistance shall submit to drug testing administered by the agency from which the person is seeking or receiving public assistance;

(2) must be given notice that drug testing will be conducted as a condition for receiving benefits and that the person must bear the cost of testing. If the person tests negative for controlled substances, the agency from which the person is seeking or receiving public assistance shall increase the amount of the initial benefit by the amount paid by the person for the drug testing;

(3) who tests positive for controlled substances is ineligible to receive benefits for one year after the date of the positive drug test;

(4) who tests positive and is denied benefits as a result may reapply for those benefits after a period of six months if:

(a) the person can document successful completion of a substance abuse treatment program; and

(b) the person reapplies for benefits and passes an initial drug test. Any drug test conducted while the person is undergoing substance abuse treatment is the responsibility of the person being tested and receiving treatment; and

(5) who twice fails a drug test required under this section may not receive additional public assistance benefits, and the agency that administered the drug test immediately shall terminate public assistance benefits it provides to him.”

SECTION 2. This act takes effect upon approval by the Governor.

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