

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

384S0341

HOUSE BILL NO. 1120

Introduced by: Representatives Kirkeby, Brunner, Deelstra, Feickert, Hansen (Jon), Hoffman, Jones, Moser, Nelson (Stace), Olson (Betty), Russell, Solum, and Verchio and Senators Lederman, Krebs, and Maher

1 FOR AN ACT ENTITLED, An Act to require persons applying or receiving certain aid or
2 assistance from the state to submit to drug and substances tests.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person who applies for or receives financial aid or assistance through welfare
5 programs administered by the Department of Social Services, Department of Human Services,
6 and the Department of Health is considered to have given consent to the withdrawal of blood
7 or other bodily substance to determine the presence of any controlled drug or substance. The
8 chemical analysis shall be administered at the direction of an employee of the state who has
9 cause to believe that the applicant for or recipient of state funds has drugs in that person's
10 system. Any person requested by an employee of the state under this section to submit to a
11 chemical analysis shall be advised that:

12 (1) If the person refuses to submit to the chemical analysis, none may be required, but
13 the person shall be immediately denied further financial aid or assistance from the
14 state for a period of six months; and



- 1 (2) If the person submits to a chemical analysis which discloses illegal drugs in that
- 2 person, the person is disqualified from receiving further financial aid or assistance
- 3 from the state for a period of twelve months.