

**SUBSTITUTE FOR
HOUSE BILL NO. 4090**

(As amended February 9, 1999)

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 571.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 571. (1) [THE FAMILY INDEPENDENCE AGENCY SHALL
- 2 IMPLEMENT A PILOT PROGRAM OF SUBSTANCE ABUSE TESTING AS A
- 3 CONDITION FOR FAMILY INDEPENDENCE ASSISTANCE ELIGIBILITY IN
- 4 AT LEAST 3 COUNTIES, INCLUDING RANDOM SUBSTANCE ABUSE TESTING.
- 5 IT IS THE INTENT OF THE LEGISLATURE THAT A STATEWIDE PROGRAM OF
- SUBSTANCE ABUSE TESTING OF FAMILY INDEPENDENCE ASSISTANCE
- RECIPIENTS, INCLUDING RANDOM SUBSTANCE ABUSE TESTING, BE
- IMPLEMENTED] AN INDIVIDUAL DESCRIBED IN SECTION 57B [SHALL NOT BE
- CONSIDERED TO HAVE TESTED POSITIVE FOR SUBSTANCE ABUSE UNTIL THE
- SAMPLE HAS BEEN RETESTED TO RULE OUT A FALSE POSITIVE. AN INDIVIDUAL
- DESCRIBED IN SECTION 57B] WHO TESTS POSI-
- 6 TIVE FOR SUBSTANCE ABUSE UNDER THIS SECTION SHALL AGREE TO AND
- 7 PARTICIPATE IN SUBSTANCE ABUSE ASSESSMENT AND COMPLY WITH A SUB-
- 8 STANCE ABUSE TREATMENT PLAN. [AN INDIVIDUAL IS EXEMPT FROM SUBSTANCE
- ABUSE TESTING AUTHORIZED BY THIS SECTION IF THE INDIVIDUAL IS
- PARTICIPATING IN A SUBSTANCE ABUSE REHABILITATION PROGRAM THAT THE
- INDIVIDUAL WAS ORDERED TO PARTICIPATE IN BY A CIRCUIT COURT THAT HAS
- ESTABLISHED PROCEDURES TO EXPEDITE THE CLOSING OF CRIMINAL CASES
- INVOLVING A CRIME ESTABLISHED UNDER PART 74 OF THE PUBLIC HEALTH
- CODE, 1978 PA 368, MCL 333.7401 TO 333.7461.] BEFORE IMPLEMENTING
- SUBSTANCE ABUSE
- 9 TESTING UNDER THIS SECTION, THE FAMILY INDEPENDENCE AGENCY SHALL
- 10 NOTIFY THE SENATE AND HOUSE OF REPRESENTATIVES STANDING
- 11 COMMITTEES HAVING JURISDICTION OVER THIS ACT AND THE SENATE AND

HB4090, As Passed House, February 9, 1999

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1 HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES HAVING
2 JURISDICTION OVER THE FAMILY INDEPENDENCE AGENCY BUDGET OF THE
3 PLANNED IMPLEMENTATION.

4 (2) IF THE FAMILY INDEPENDENCE AGENCY IMPLEMENTS SUBSTANCE
5 ABUSE TESTING AS AUTHORIZED BY SUBSECTION (1), THE FAMILY INDE-
6 PENDENCE AGENCY SHALL SUBMIT AN ANNUAL REPORT ON THE TESTING PRO-
7 GRAM TO THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMIT-
8 TEES HAVING JURISDICTION OVER THIS ACT AND THE SENATE AND HOUSE
9 OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES HAVING JURISDIC-
10 TION OVER THE FAMILY INDEPENDENCE AGENCY BUDGET. THE ANNUAL
11 REPORT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING INFORMATION
12 FOR THE PRECEDING YEAR:

13 (A) THE NUMBER OF INDIVIDUALS TESTED, THE SUBSTANCES TESTED
14 FOR, THE RESULTS OF THE TESTING, AND THE NUMBER OF REFERRALS FOR
15 TREATMENT.

16 (B) THE COSTS OF THE TESTING AND THE RESULTING TREATMENT.

17 (C) SANCTIONS, IF ANY, THAT HAVE BEEN IMPOSED ON RECIPIENTS
18 AS A RESULT OF THE TESTING PROGRAM.

19 (D) THE PERCENTAGE AND NUMBER OF HOUSEHOLDS RECEIVING FAMILY
20 INDEPENDENCE ASSISTANCE THAT INCLUDE AN INDIVIDUAL WHO HAS TESTED
21 POSITIVE FOR SUBSTANCE ABUSE UNDER THE PROGRAM AND THAT ALSO
22 INCLUDE AN INDIVIDUAL WHO HAS BEEN NAMED AS A PERPETRATOR IN A
23 CASE CLASSIFIED AS A CENTRAL REGISTRY CASE UNDER THE CHILD PRO-
24 TECTION LAW, 1975 PA 238, MCL 722.621 TO 722.638.

[(3) THE SUBSTANCE ABUSE TREATMENT TESTING AUTHORIZED IN
SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL 65 YEARS OLD OR
OLDER.]

25 Enacting section 1. This amendatory act does not take
26 effect unless House Bill No. 4091 of the 90th Legislature is
27 enacted into law.