

SUSPICION-BASED DRUG TESTING OF WELFARE RECIPIENTS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6481

Sponsor: Rep. Leslie Mortimer

Committee: Government Operations

Complete to 9-18-06

A SUMMARY OF HOUSE BILL 6481 AS INTRODUCED 9-14-06

The bill would amend Section 57l of the Social Welfare Act to authorize the Department of Human Services (DHS) to require a recipient of family independence assistance to submit to substance abuse testing *if a DHS employee has reasonable suspicion of substance abuse by the recipient.*

The bill would require the DHS to implement a new pilot program of suspicion-based substance abuse testing as a condition of eligibility for family independence assistance. The pilot program description contained as described in current Section 57l(2) would be deleted and replaced with a new protocol including all of the following:

- The DHS administers a substance abuse survey.
- A substance abuse professional screens the individual for suspicion of substance abuse using an empirically validated substance abuse screening tool in a one-on-one contact.
- The substance abuse professional determines the level of treatment needed and makes the appropriate referral.

The remaining language in current Section 57l would not be changed except that all references to the "Family Independence Agency" would be changed to the "Department [of Human Services]."

Provisions of the current Section 57l that would remain are:

- An individual would not be considered to have tested positive for substance abuse until the sample was retested by gas chromatography with mass spectrometry, gas chromatography, high performance liquid chromatography, or an equally or more specific test using the original sample.
- An individual who tests positive for substance abuse would have to agree to and participate in substance abuse assessment and comply with a required substance abuse treatment plan. Failure to comply with a substance abuse assessment or treatment plan would be penalized in the same manner as a Work First Program violation.

- An individual is exempt from substance abuse testing if the individual is participating in a court-ordered substance abuse rehabilitation program under Part 74 of the Public Health Code.
- Before implementing substance abuse testing, the DHS would have to notify the standing committees of the Senate and House of Representatives having jurisdiction over the Social Welfare Act and the DHS budget for implementing the program.
- The DHS would have to submit an annual report with specified data about the substance abuse testing program to these standing committees.
- Substance abuse testing would not be required of individuals 65 years old and older.

MCL 400.57l

FISCAL IMPACT:

The bill could increase costs to the State related to drug testing within the suspicion-based pilot drug testing program required under the bill. Currently, the DHS is implementing Jobs Education and Training (JET) pilot projects in different regions of the state. The JET pilot sites will include a family assessment tool for public assistance clients, which will include survey questions on substance abuse and a substance abuse screening. If all clients whose survey and screening indicate a possibility of a drug abuse problem are also required to submit to a drug test, the number of drug tests will increase from current levels. Currently, drug tests are typically administered only to clients who are already in treatment.

Data is not available at this time to determine the number of additional individuals that might have to undergo a drug test under the bill. Information should be available in the near future as the JET pilot programs are fully implemented.

Legislative Analyst: Shannan Kane
Fiscal Analyst: Bob Schneider

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