

SUBSTITUTE FOR
HOUSE BILL NO. 6481

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 57l (MCL 400.57l), as added by 1999 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57l. (1) Subject to subsection (2), the ~~family~~
2 ~~independence agency~~ **DEPARTMENT** may require **A RECIPIENT TO SUBMIT**
3 **TO** substance abuse testing as a condition for family independence
4 assistance eligibility under this act **IF A DEPARTMENT EMPLOYEE HAS**
5 **REASONABLE SUSPICION OF SUBSTANCE ABUSE BY THE RECIPIENT.**

6 (2) ~~The family independence agency~~ **NOT SOONER THAN JANUARY**
7 **1, 2007, THE DEPARTMENT** shall implement a pilot program of
8 **SUSPICION-BASED** substance abuse testing as a condition for family
9 independence assistance eligibility ~~in at least 3 counties,~~

~~including random substance abuse testing. 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 before April 1, 2003. However, statewide implementation of the substance abuse testing program shall not begin until all of the following have been completed:~~

~~—— (a) The pilot programs have first been evaluated by the department and the evaluation has been submitted to the legislature.~~

~~—— (b) The evaluation under subdivision (a) includes at least the factors enumerated in subsection (5)(a) through (d) as well as an analysis of the pilot program.~~

~~—— (c) Six months have passed since the evaluation required in subdivision (a) has been submitted to the legislature.~~ **ACCORDING TO A PROTOCOL THAT INCLUDES ALL OF THE FOLLOWING STEPS:**

(A) THE DEPARTMENT ADMINISTERS A SUBSTANCE ABUSE SURVEY TO EACH RECIPIENT AND AFTER ADMINISTERING THE SURVEY, THE DEPARTMENT EMPLOYEE HAS A REASONABLE SUSPICION OF SUBSTANCE ABUSE BY THE RECIPIENT.

(B) A SUBSTANCE ABUSE PROFESSIONAL SCREENS THE INDIVIDUAL FOR SUSPICION OF SUBSTANCE ABUSE USING AN EMPIRICALLY VALIDATED SUBSTANCE ABUSE SCREENING TOOL IN A 1-ON-1 CONTACT.

(C) THE SUBSTANCE ABUSE PROFESSIONAL GATHERS ADDITIONAL INFORMATION ABOUT THE INDIVIDUAL, INCLUDING INFORMATION GATHERED FROM A DRUG-SCREENING TEST.

(D) THE SUBSTANCE ABUSE PROFESSIONAL DETERMINES THE LEVEL OF

1 **TREATMENT NEEDED AND MAKES THE APPROPRIATE REFERRAL.**

2 (3) An individual described in section 57b shall not be
3 considered to have tested positive for substance abuse until the
4 sample has been retested to rule out a false positive by gas
5 chromatography with mass spectrometry, gas chromatography, high
6 performance liquid chromatography, or an equally, or more, specific
7 test using the same sample obtained for the original test. An
8 individual described in section 57b who tests positive for
9 substance abuse under this section shall agree to and participate
10 in substance abuse assessment and comply with a required substance
11 abuse treatment plan. Failure to comply with a substance abuse
12 assessment or treatment plan shall be penalized in the same manner
13 as a work first program violation imposed under section 57d or 57g.
14 An individual is exempt from substance abuse testing authorized by
15 this section if the individual is participating in a substance
16 abuse rehabilitation program that the individual was ordered to
17 participate in by a circuit court that has established procedures
18 to expedite the closing of criminal cases involving a crime
19 established under part 74 of the public health code, 1978 PA 368,
20 MCL 333.7401 to 333.7461.

21 (4) Before implementing substance abuse testing under this
22 section, the ~~family independence agency~~ **DEPARTMENT** shall notify
23 the senate and house of representatives standing committees having
24 jurisdiction over this act and the senate and house of
25 representatives appropriations subcommittees having jurisdiction
26 over the ~~family independence agency~~ **DEPARTMENT** budget of the
27 planned implementation.

1 (5) If the ~~family independence agency~~ **DEPARTMENT** implements
2 substance abuse testing as authorized and required by this section,
3 the ~~family independence agency~~ **DEPARTMENT** shall submit an annual
4 report on the testing program to the senate and house of
5 representatives standing committees having jurisdiction over this
6 act and the senate and house of representatives appropriations
7 subcommittees having jurisdiction over the ~~family independence~~
8 ~~agency~~ **DEPARTMENT** budget. The annual report shall include at least
9 all of the following information for the preceding year:

10 (a) The number of individuals tested, the substances tested
11 for, the results of the testing, and the number of referrals for
12 treatment.

13 (b) The costs of the testing and the resulting treatment.

14 (c) Sanctions, if any, that have been imposed on recipients as
15 a result of the testing program.

16 (d) The percentage and number of households receiving family
17 independence assistance that include an individual who has tested
18 positive for substance abuse under the program and that also
19 include an individual who has been named as a perpetrator in a case
20 classified as a central registry case under the child protection
21 law, 1975 PA 238, MCL 722.621 to 722.638.

22 (6) The substance abuse testing authorized and required by
23 this section does not apply to an individual 65 years old or older.