

SUBSTITUTE FOR  
HOUSE BILL NO. 4118

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
(MCL 400.1 to 400.119b) by adding section 57y.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 57Y. (1) THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A  
2        PROGRAM OF SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING  
3        FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS AS  
4        DESCRIBED IN THIS SECTION.

5        (2) SUBJECT TO STATE APPROPRIATION, NOT LATER THAN APRIL 1,  
6        2014, THE DEPARTMENT SHALL, IN ACCORDANCE WITH SECTION 14G,  
7        ADMINISTER A SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING  
8        PILOT PROGRAM FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND  
9        RECIPIENTS IN 3 OR MORE COUNTIES IN THIS STATE. THE DEPARTMENT  
10       SHALL DETERMINE WHICH 3 OR MORE COUNTIES SHALL BEGIN THE INITIAL  
11       ADMINISTRATION OF THE SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND

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1 TESTING REQUIRED IN THIS SUBSECTION.

2 (3) UPON INITIAL APPLICATION AND AT ANNUAL REDETERMINATION,  
3 THE DEPARTMENT SHALL SCREEN FAMILY INDEPENDENCE PROGRAM APPLICANTS  
4 AND RECIPIENTS FOR SUSPICION OF SUBSTANCE ABUSE USING AN  
5 EMPIRICALLY VALIDATED SUBSTANCE ABUSE SCREENING TOOL.

6 (4) IF THE RESULTS OF THE SUBSTANCE ABUSE SCREENING GIVES THE  
7 DEPARTMENT A REASONABLE SUSPICION TO BELIEVE THAT THE APPLICANT OR  
8 RECIPIENT HAS ENGAGED IN THE ILLEGAL USE OF A CONTROLLED SUBSTANCE,  
9 THE APPLICANT OR RECIPIENT IS REQUIRED TO TAKE A SUBSTANCE ABUSE  
10 TEST.

11 (5) IF THE APPLICANT OR RECIPIENT REFUSES TO TAKE A SUBSTANCE  
12 ABUSE TEST, HE OR SHE IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM  
13 ASSISTANCE, BUT MAY REAPPLY AFTER 6 MONTHS. IF THE APPLICANT OR  
14 RECIPIENT REAPPLIES FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE, HE  
15 OR SHE MUST TEST NEGATIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE  
16 IN ORDER TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

17 [(6) IF THE APPLICANT OR RECIPIENT TESTS NEGATIVE FOR ILLEGAL USE  
OF A CONTROLLED SUBSTANCE, THE COST OF ADMINISTERING THE SUBSTANCE ABUSE  
TEST TO HIM OR HER SHALL BE PAID FOR BY THE DEPARTMENT.]

18 (7) IF THE APPLICANT OR RECIPIENT TESTS POSITIVE FOR ILLEGAL  
19 USE OF A CONTROLLED SUBSTANCE, AND IT IS THE FIRST TIME THAT HE OR  
20 SHE TESTS POSITIVE UNDER THE PILOT PROGRAM DESCRIBED IN THIS  
21 SECTION, THE DEPARTMENT SHALL REFER THE INDIVIDUAL TO THE REGIONAL  
22 SUBSTANCE ABUSE COORDINATING AGENCIES AND, IF HE OR SHE IS  
23 OTHERWISE ELIGIBLE, PROVIDE OR CONTINUE TO PROVIDE FAMILY  
24 INDEPENDENCE PROGRAM ASSISTANCE TO HIM OR HER. FOR AN APPLICANT  
25 DESCRIBED IN THIS SUBSECTION, THE COST OF ADMINISTERING THE  
26 SUBSTANCE ABUSE TEST TO HIM OR HER SHALL BE DEDUCTED FROM HIS OR  
27 HER FIRST FAMILY INDEPENDENCE PROGRAM ASSISTANCE PAYMENT. FOR A  
RECIPIENT DESCRIBED IN THIS SUBSECTION, THE COST OF ADMINISTERING

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1 THE SUBSTANCE ABUSE TEST TO HIM OR HER SHALL BE DEDUCTED FROM HIS  
2 OR HER FIRST FAMILY INDEPENDENCE PROGRAM ASSISTANCE PAYMENT AFTER  
3 THE REDETERMINATION. IF THE APPLICANT OR RECIPIENT DESCRIBED IN  
4 THIS SUBSECTION FAILS TO PARTICIPATE IN TREATMENT OFFERED BY THE  
5 REGIONAL SUBSTANCE ABUSE COORDINATING AGENCIES OR FAILS TO SUBMIT  
6 TO PERIODIC SUBSTANCE ABUSE TESTING REQUIRED BY THE REGIONAL  
7 SUBSTANCE ABUSE COORDINATING AGENCIES, THE DEPARTMENT SHALL  
8 TERMINATE HIS OR HER FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

9 [(8)] IF THE APPLICANT OR RECIPIENT TESTS POSITIVE FOR ILLEGAL  
10 USE OF A CONTROLLED SUBSTANCE AND IT IS THE SECOND OR SUBSEQUENT  
11 TIME HE OR SHE HAS TESTED POSITIVE FOR ILLEGAL USE OF A CONTROLLED  
12 SUBSTANCE AS PART OF THE PILOT PROGRAM DESCRIBED IN THIS SECTION,  
13 HE OR SHE IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE.  
14 IF THE APPLICANT OR RECIPIENT REAPPLIES FOR FAMILY INDEPENDENCE  
15 PROGRAM ASSISTANCE, HE OR SHE MUST TEST NEGATIVE FOR ILLEGAL USE OF  
16 A CONTROLLED SUBSTANCE IN ORDER TO RECEIVE FAMILY INDEPENDENCE  
17 PROGRAM ASSISTANCE. THE DEPARTMENT MAY PROVIDE A REFERRAL TO THE  
18 APPLICANT OR RECIPIENT TO THE REGIONAL SUBSTANCE ABUSE COORDINATING  
19 AGENCIES FOR SUBSTANCE ABUSE TREATMENT.

20 [(9)] THE PILOT PROGRAM DESCRIBED IN THIS SECTION SHALL CONCLUDE  
21 ON MARCH 31, 2015.

22 [(10)] NOT LATER THAN APRIL 30, 2015, THE DEPARTMENT SHALL SUBMIT  
23 A REPORT TO THE LEGISLATURE THAT INCLUDES, AT LEAST, ALL OF THE  
24 FOLLOWING:

25 (A) THE NUMBER OF INDIVIDUALS SCREENED.

26 (B) THE NUMBER OF INDIVIDUALS SCREENED FOR WHOM THERE WAS A  
27 REASONABLE SUSPICION OF ILLEGAL USE OF A CONTROLLED SUBSTANCE.

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1 (C) THE NUMBER OF INDIVIDUALS WHO CONSENTED TO SUBMITTING TO A  
2 SUBSTANCE ABUSE TEST.

3 (D) THE NUMBER OF INDIVIDUALS WHO REFUSED TO SUBMIT TO A  
4 SUBSTANCE ABUSE TEST.

5 (E) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE  
6 ABUSE TEST WHO TESTED POSITIVE FOR ILLEGAL USE OF A CONTROLLED  
7 SUBSTANCE.

8 (F) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE  
9 ABUSE TEST WHO TESTED NEGATIVE FOR ILLEGAL USE OF A CONTROLLED  
10 SUBSTANCE.

11 (G) THE NUMBER OF INDIVIDUALS WHO TESTED POSITIVE FOR ILLEGAL  
12 USE OF A CONTROLLED SUBSTANCE FOR A SECOND OR SUBSEQUENT TIME.

13 (H) THE AMOUNT OF THE COSTS INCURRED BY THE DEPARTMENT FOR  
14 ADMINISTERING THE PROGRAM.

15 [(11)] FOR THE PURPOSES OF THIS SECTION ONLY, AN APPLICANT OR  
16 RECIPIENT IS AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER.

17 [(12)] AS USED IN THIS SECTION, "CONTROLLED SUBSTANCE" MEANS  
18 THAT TERM AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE,  
19 1978 PA 368, MCL 333.7104.