

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4118

(As amended, March 18, 2014)

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, <<  
6           >> 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

1 ADMINISTRATION OF THE SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND  
2 TESTING REQUIRED IN THIS SUBSECTION.

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

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

<<(5) IF AN APPLICANT OR RECIPIENT WHO IS A PARENT AND HAS A  
DEPENDENT CHILD IN HIS OR HER FAMILY INDEPENDENCE PROGRAM ASSISTANCE  
GROUP BECOMES INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM  
ASSISTANCE UNDER THIS SECTION, ALL OF THE FOLLOWING APPLY:

(A) THE APPLICANT'S OR RECIPIENT'S DEPENDENT CHILD REMAINS  
ELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

(B) AN APPROPRIATE PROTECTIVE PAYEE SHALL BE DESIGNATED TO  
RECEIVE FAMILY INDEPENDENCE PROGRAM BENEFITS ON BEHALF OF THE  
CHILD.

(C) THE APPLICANT OR RECIPIENT DESCRIBED IN THIS SUBSECTION  
MAY CHOOSE TO DESIGNATE ANOTHER INDIVIDUAL TO RECEIVE THE FAMILY  
INDEPENDENCE PROGRAM BENEFITS ON BEHALF OF THE CHILD. THE  
DESIGNATED INDIVIDUAL MUST BE AN IMMEDIATE FAMILY MEMBER OR, IF AN  
IMMEDIATE FAMILY MEMBER IS NOT AVAILABLE OR THE FAMILY MEMBER  
DECLINES, ANOTHER INDIVIDUAL APPROVED BY THE DEPARTMENT.

12 (6)>> IF THE APPLICANT OR RECIPIENT REFUSES TO TAKE A SUBSTANCE  
13 ABUSE TEST, HE OR SHE IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM  
14 ASSISTANCE, BUT MAY REAPPLY AFTER 6 MONTHS. IF THE APPLICANT OR  
15 RECIPIENT REAPPLIES FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE, HE  
16 OR SHE MUST <<TEST NEGATIVE FOR USE OF A CONTROLLED SUBSTANCE OR IF  
HE OR SHE TESTS POSITIVE FOR USE OF A CONTROLLED SUBSTANCE, THERE IS  
A DETERMINATION THAT USE OF THE CONTROLLED SUBSTANCE WAS NOT IN  
VIOLATION OF STATE LAW>>

17 IN ORDER TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

18 <<(7)>> IF THE APPLICANT OR RECIPIENT TESTS NEGATIVE FOR <<  
19 USE OF A CONTROLLED SUBSTANCE, <<OR TESTS POSITIVE FOR USE OF A  
CONTROLLED SUBSTANCE BUT IT IS DETERMINED THAT USE OF THE CONTROLLED  
SUBSTANCE WAS NOT IN VIOLATION OF STATE LAW,>> THE COST OF

House Bill No. 4118 as amended March 18 and 20, 2014

**ADMINISTERING THE**

20 **SUBSTANCE ABUSE TEST TO HIM OR HER SHALL BE PAID FOR BY THE**

21 **DEPARTMENT.**

<<(8)>> FOR FISCAL YEAR 2013-2014, \$500,000.00 IS APPROPRIATED TO THE DEPARTMENT OF HUMAN SERVICES TO BE EXPENDED TO IMPLEMENT AND ADMINISTER THE PILOT PROGRAM DESCRIBED UNDER THIS SECTION.>>

<<(9) FOR THE PURPOSES OF THIS SECTION AND SECTION 57Z, AN APPLICANT OR A RECIPIENT SHALL BE DETERMINED TO NOT HAVE USED A CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW IF 1 OF THE FOLLOWING IS TRUE:

(A) THE APPLICANT OR RECIPIENT HAS A VALID, DOCUMENTED PRESCRIPTION AS THAT TERM IS DEFINED IN SECTION 17708 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17708, FOR THAT CONTROLLED SUBSTANCE.

(B) THE APPLICANT OR RECIPIENT TESTS POSITIVE FOR MARIHUANA AND THE APPLICANT OR RECIPIENT IS IN POSSESSION OF A REGISTRY IDENTIFICATION CARD ACCORDING TO THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 TO 333.26430.

(C) THE APPLICANT OR RECIPIENT DISPUTES A POSITIVE TEST RESULT AND A GENERALLY ACCEPTED CONFIRMATORY TEST IS ADMINISTERED ON THE SAME SAMPLE PREVIOUSLY TESTED AND THE CONFIRMATORY TEST INDICATES A NEGATIVE RESULT FOR THE PRESENCE OF A CONTROLLED SUBSTANCE.>>

22 Enacting section 1. This amendatory act does not take effect

23 unless Senate Bill No. 275 of the 97th Legislature is enacted into

24 law.