

HOUSE BILL No. 5820

September 7, 2016, Introduced by Rep. Lucido and referred to the Committee on Appropriations.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 57y and 57z (MCL 400.57y and 400.57z), section
57y as added by 2014 PA 394 and section 57z as added by 2014 PA
395.

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 and section 57z.

5 (2) Subject to state appropriation, the department shall, in
6 accordance with section 14g, administer a suspicion-based substance
7 abuse screening and testing ~~pilot program~~ for family independence
8 program applicants and recipients ~~in 3 or more counties in this~~

1 state. ~~The department shall determine which 3 or more counties~~
2 ~~shall begin the initial administration of the suspicion-based~~
3 ~~substance abuse screening and testing required in this subsection.~~

4 (3) Upon initial application and at annual redetermination,
5 the department shall screen family independence program applicants
6 and recipients for suspicion of substance abuse using an
7 empirically validated substance abuse screening tool.

8 (4) If the results of the substance abuse screening gives the
9 department a reasonable suspicion to believe that the applicant or
10 recipient has engaged in the use of a controlled substance, the
11 applicant or recipient is required to take a substance abuse test.

12 (5) 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.

17 (6) If the applicant or recipient tests negative for use of a
18 controlled substance, the cost of administering the substance abuse
19 test to him or her shall be paid for by the department.

20 Sec. 57z. (1) If an applicant or recipient tests positive for
21 use of a controlled substance and it is the first time that he or
22 she tested positive for use of a controlled substance under the
23 ~~pilot~~ program described in this section and section 57y, the
24 department shall refer the individual to a department-designated
25 community mental health entity and, if he or she is otherwise
26 eligible, provide or continue to provide family independence
27 program assistance to him or her. For an applicant described in

1 this subsection, the cost of administering the substance abuse test
2 to him or her shall be deducted from his or her first family
3 independence program assistance payment. For a recipient described
4 in this subsection, the cost of administering the substance abuse
5 test to him or her shall be deducted from his or her first family
6 independence program assistance payment after the redetermination.
7 If the applicant or recipient described in this subsection fails to
8 participate in treatment offered by the department-designated
9 community mental health entity or fails to submit to periodic
10 substance abuse testing required by the department-designated
11 community mental health entity, the department shall terminate his
12 or her family independence program assistance.

13 (2) If an applicant or recipient tests positive for use of a
14 controlled substance and it is the second or subsequent time that
15 he or she tested positive for use of a controlled substance under
16 the ~~pilot~~ program described in this section and section 57y, he or
17 she is ineligible for family independence program assistance. If
18 the applicant or recipient reapplies for family independence
19 program assistance, he or she must test negative for use of a
20 controlled substance in order to receive family independence
21 program assistance. The department may provide a referral to the
22 applicant or recipient to a department-designated community mental
23 health entity for substance abuse treatment.

24 ~~—— (3) The pilot program described in this section and section~~
25 ~~57y shall begin not later than October 1, 2015 and conclude not~~
26 ~~later than September 30, 2016 but shall last not less than 1 year.~~

27 (3) ~~(4) Not later than 60 days after the conclusion of the~~

~~pilot program described in this section and section 57y, BY NOT~~
LATER THAN NOVEMBER 30, 2016 AND EACH NOVEMBER 30 AFTER THAT, the
department shall submit a report to the legislature that includes,
at least, all of the following:

(a) The number of individuals screened.

(b) The number of individuals screened for whom there was a
reasonable suspicion of use of a controlled substance.

(c) The number of individuals who consented to submitting to a
substance abuse test.

(d) The number of individuals who refused to submit to a
substance abuse test.

(e) The number of individuals who submitted to a substance
abuse test who tested positive for use of a controlled substance.

(f) The number of individuals who submitted to a substance
abuse test who tested negative for use of a controlled substance.

(g) The number of individuals who tested positive for use of a
controlled substance a second or subsequent time.

(h) The amount of the costs incurred by the department for
administering the program.

(i) The number of applicants and recipients who were referred
to a department-designated community mental health entity under
this section.

(j) Sanctions, if any, that have been imposed on recipients as
a result of the substance abuse testing under this section.

(4) ~~(5)~~ For the purposes of this section and section 57y only,
an applicant or recipient is an individual who is 18 years of age
or older.

1 (5) ~~(6)~~—For purposes of this section and section 57y only,
2 "use of a controlled substance" does not include a recipient or
3 applicant who has a prescription for the controlled substance from
4 a treating physician or a recipient or applicant who tests positive
5 for marihuana if the recipient or applicant is a qualifying patient
6 who has been issued and possesses a registry identification card
7 according to the Michigan medical marihuana act, 2008 IL 1, MCL
8 333.26421 to 333.26430.

9 (6) ~~(7)~~—As used in this section and section 57y, "controlled
10 substance" means that term as defined in section 7104 of the public
11 health code, 1978 PA 368, MCL 333.7104.

12 (7) ~~(8)~~—As used in this section:

13 (a) "Department-designated community mental health entity"
14 means that term as defined in section 100a of the mental health
15 code, 1974 PA 258, MCL 330.1100a.

16 (b) "Qualifying patient" and "registry identification card"
17 mean those terms as defined in section 3 of the Michigan medical
18 marihuana act, 2008 IL 1, MCL 333.26423.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.