



DEPARTMENT OF SOCIAL  
AND REHABILITATION SERVICES

Don Jordan, Secretary

**House Health and Human Services**

**February 16, 2009**

**Public Assistance and Random Drug Testing**

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## **Public Assistance and Random Drug Testing**

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Madam Chair, thank you for the opportunity to present information regarding HB 2275, which establishes a program of random drug testing of public assistance applicants and recipients as a condition of eligibility for assistance. Public assistance applicants and recipients affected by this bill are assumed to be those who apply for or receive Temporary Assistance for Families (TAF), General Assistance, Food Assistance, or Medical Assistance.

Federal food assistance laws prohibit drug testing for purposes of eligibility or participation. The TAF and General Assistance programs have no regulations prohibiting drug testing as a condition of eligibility. SRS recognizes substance abuse as a serious barrier to employment and ongoing self sufficiency. With the onset of welfare reform in the mid 1990's, deliberate measures were initiated to identify applicants and recipients with substance abuse issues and to provide related treatment services essential in the recovery process.

All adult TAF recipients who are mandatory work participants are assessed for drug and alcohol abuse. Those with a potential substance abuse issue, as indicated on a validated assessment instrument, are referred to a Regional Alcohol/Drug Abuse Assessment Center (RADAC) case manager for further diagnosis and treatment. In FY 2008, 733 TAF recipients were referred for further diagnosis and treatment; of those, 20 percent entered treatment. Completion of the treatment plan, along with 20 weekly hours of work/work experience, is required. Failure to complete or comply with the treatment plan results in a loss of assistance. During FY 2008, 7 recipients failed to comply with their treatment plans and lost cash assistance.

No state currently conducts random drug testing of public assistance recipients. Michigan is the only state to have implemented a policy of drug testing TAF recipients as an eligibility condition. In 2003, the 6<sup>th</sup> circuit Court of Appeals struck down the Michigan law as unconstitutional based on violation of the Fourth Amendment rights against unreasonable search and seizure absent a reasonable suspicion that the recipients had committed a crime. Before the Michigan drug testing program was halted, only ten percent of recipients tested positive for drugs. Three percent of these tested positive for hard drugs such as cocaine and amphetamines. This is similar, if not lower, than rates of drug usage in the general population.

Implementing a formalized drug testing program will entail additional monitoring, tracking, sampling, recipient notification, and case coordination on the part of SRS staff and our treatment network. It is difficult to assess the associated costs of workload increases, screening and treatment.

Thank you for the opportunity to present information as the Committee weighs the merits and risks associated with HB2275.