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Michigan's Snyder signs welfare drug-testing bills

By [Kellan Howell](#) - *The Washington Times* - Saturday, December 27, 2014

Michigan Gov. Rick Snyder signed new legislation Friday to enact a drug-testing program for adult welfare recipients.

The one-year pilot program will be implemented in three counties that have not yet been determined, the Associated Press reported Friday.

Welfare recipients or applicants suspected of drug use will be required to take a drug test. Anyone who refuses to take the test will be suspended from welfare benefits for six months.

If a person tests positive for drugs they will be referred to a treatment program and required to submit periodic drug tests. Refusal to participate in the rehab program will result in a termination of welfare benefits. But benefits can be restored after a person submits a clean drug test.

Mr. Snyder said that the program is intended to help people get clean so they can get good jobs.

"We want to remove the barriers that are keeping people from getting good jobs, supporting their families and living independently," Mr. Snyder said in a press statement, AP reported. "This pilot program is intended to help ensure recipients get the wrap-around services they need to overcome drug addiction and lead successful lives. We'll then have opportunity to assess effectiveness and outcomes."

But opponents of the program say that similar efforts in other states have not been successful, and cost taxpayers more money.

The Senate Fiscal Agency estimated a statewide program would cost nearly \$700,000 to \$3.4 million, but would only save taxpayers between \$370,000 and \$3.7 million in caseload reductions, the Associated Press reported.

Other groups, like the American Civil Liberties Union argue that drug testing welfare recipients discriminates against poor people who don't use drugs at a higher rate than the general population.

"We give out tax credits to schools, we give out tax credits to students, we give out tax credits to police and fire (departments)," Sen. Vincent Gregory, D-Southfield, said earlier this year on the Senate floor, AP reported. "And yet the only (group) that we are now saying is subject to drug screening are the poor — the poorest of the poor."

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POLITICS

Court Strikes Down Drug Tests for Florida Welfare Applicants

By LIZETTE ALVAREZ DEC. 3, 2014

MIAMI — A federal appeals court on Wednesday struck down a 2011 Florida law requiring drug tests for people seeking welfare benefits even if they are not suspected of drug use, a measure pushed by Gov. Rick Scott in his first term in office.

The three-judge panel of the United States Court of Appeals for the 11th Circuit, in Atlanta, ruled that the law, one of the strictest in the country, was an unreasonable search because Florida officials had failed to show a “substantial need” to test all people who applied for welfare benefits. Applicants were required to submit to urine tests, a measure that Mr. Scott said would protect children of welfare applicants by ensuring that their parents were not buying and using drugs.

“The state has not demonstrated a more prevalent, unique or different drug problem among TANF applicants than in the general population,” the panel said in its unanimous decision, using an acronym for Temporary Assistance for Needy Families.

Eleven states have passed laws to mandate drug testing since 2011, but most of those differ from Florida’s because they require testing only if drug use is suspected. After the Florida Legislature approved its law, Georgia followed suit. A similar measure was ruled unconstitutional in 2003 by a Michigan Court of Appeals.

The American Civil Liberties Union of Florida sued the state on behalf of a welfare applicant, Luis Lebron, a Navy veteran and single father, shortly after the law took effect in 2011. A federal judge ruled it unconstitutional in 2013, but Florida appealed.

“The court has once again confirmed what we argued all along: that the state of Florida cannot treat an entire class of people like suspected criminals simply because

they've asked the state for temporary assistance," said Maria Kayanan, the associate legal director of the Florida A.C.L.U.

From July through October 2011 — the four months when testing took place in Florida before a federal injunction — 2.6 percent of the state's applicants for cash assistance, or 108 of 4,086, failed the drug test, according to figures from the state obtained by the group. The most common reason was marijuana use. Another 40 applicants did not go through with the testing.

Because the Florida law required that applicants who passed the test be reimbursed for the cost, an average of \$30, the cost to the state was \$118,140. This was more than would have been paid in benefits to the people who failed the test.

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Meadville Tribune

April 6, 2013

Sen. defends welfare drug testing measure

By John Finnerty
Meadville Tribune

HARRISBURG — The state senator sponsoring legislation to require welfare assistance applicants to undergo random drug testing defended the bill Thursday on the ground it is common practice in the business world.

Democratic Sen. John Wozniak of Cambria County said many private employers require drug tests as part of the hiring process and so should the state for people applying for public assistance.

Pennsylvania now requires testing only of convicted drug felons applying for welfare. Last year, two such applicants failed drug tests, but Wozniak said the low rate doesn't mean the state shouldn't expand the requirement to all applicants.

Wozniak said drug testing would help dispel misperceptions about recipients' backgrounds while at the same time weeding out anyone trying to take advantage of the system.

"Everyone talks about how everyone is a slimy welfare recipient and, in most cases, they are just people who need some help," he said.

Acting Welfare Secretary Beverly Mackereth testified before a legislative committee earlier this spring that testing also deters drug users from applying for benefits because they know they'd fail.

Pennsylvania began testing convicted drug felons last year, with a pilot program in Schuylkill County that was expanded to 18 other counties in central and northeastern Pennsylvania.

Anne Bale, Welfare Department spokeswoman, said 40 former felons were tested in 2012 and that the two who did not pass meant a failure rate of 5 percent. She said the state paid the \$30 per test cost under an agreement with a drug testing laboratory.

Bale did not know if the lab could handle an increased volume should the state expand drug testing to all welfare applicants, adding "that's one of the things we need to figure out."

What's certain is the state cost of testing would rise substantially. The Welfare Department gets more than 100,000 applications for public assistance every year.

Pennsylvania is one of 29 states considering proposals to drug-screen welfare applicants. A bill has also been introduced in the U.S. House of Representatives. In most instances, the legislation is authored by Republican lawmakers. The rapid spread of the concept has prompted some media observers to suggest that the drug-screening welfare recipients bills are originating with the American Legislative Exchange Council, a conservative-leaning think tank.

An ALEC spokesman on Friday said that while the group has created dozens of model bills — mostly focusing on taxes and attacking labor — the council has taken no position on drug-testing welfare recipients. The closest proposal that ALEC has come up with is a piece of legislation that would require drug testing for convicted felons who are seeking subsidized housing, said Wilhelm Meierling, senior director of public affairs for ALEC.

Meierling declined to say if the staff at ALEC endorsed the idea of drug-testing welfare recipients.

State Rep. Tim Krieger, R-Westmoreland County, sponsored the drug testing bill in the Pennsylvania House. Wozniak's Senate bill is co-sponsored by 13 Republican senators and two other Democrats.

According to the National Conference of State Legislatures, at least seven states have passed various drug screening or testing laws for public assistance applicants or recipients. They are Arizona, Florida, Georgia, Missouri, Oklahoma, Tennessee and Utah.

A court challenge halted Florida's drug-testing program. State data there found that the cost of the drug tests amounted to \$45,000 more than the savings from detecting offenders.

Critics of drug-testing programs also cite other problems, including that people on parole for drug felonies may already be subject to drug testing, making further screening for welfare benefits duplicative.

"Such proposals are wasteful, ineffective, divert attention from real problems and are unconstitutional," said Amy Hirsh, managing attorney for the North Philadelphia Law Center. "They also hurt victims of domestic violence and sexual assault" who may feel the tests are invasive if they have to give a urine sample in front of an observer.

Finnerty reports from Harrisburg for Community Newspaper Holdings Inc.'s Pennsylvania newspapers, including The Meadville Tribune. Follow him on Twitter @cnhipa.

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Welfare regulations in Tennessee, Pennsylvania spur arguments

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By Alfred Lubrano, Inquirer Staff Writer

POSTED: April 13, 2013

In Tennessee, welfare benefits may be reduced for families whose children get bad grades in school.

The plan, laid out in a bill that has cleared committees in the state's House and Senate, touched off an uproar.

Quickly, the legislation was amended to say the money would not be cut if the parents attended parenting classes or got tutors for their children. Still, anger persists about the bill.

No such bill exists in Pennsylvania or New Jersey. But 15 cosponsors in the Pennsylvania legislature are backing a bill by State Sen. John Wozniak (D., Cambria) requiring drug tests for all welfare recipients.

As states face hard fiscal times, politicians explore ways to regulate welfare, a divisive issue despite being significantly diminished since 1996.

"If you're asking for benefits, you should expect stipulations," Stacey Campfield, the Republican state senator who introduced the original Tennessee legislation, said in an interview. His bill would cut welfare payments by 30 percent to parents whose children were left back a grade. "They [welfare recipients] have to be accountable."

Not everyone sees it that way. "You shouldn't adapt a policy that singles out someone just because she's needy," said Liz Schott, senior fellow with the Center on Budget and Policy Priorities, which specializes in low-income issues. "It demonizes poor families."

While arguments blaze on, one point gets universal agreement: Fewer people are on welfare than before 1996.

"Welfare" refers to Temporary Assistance for Needy Families (TANF). It's cash assistance given to the poor, usually mothers with children. In Pennsylvania, a family of two gets \$316 a month, or \$3,792 a year. (The federal poverty level for a family of two is \$15,510.) In New Jersey, a family of two gets \$322 monthly.

The 1996 changes moved welfare from a federal entitlement to a block-grant program administered by the states, which now have much more discretion in how TANF money is distributed.

These days, people can't exceed five years on welfare, and they must be working or training for work.

In Pennsylvania, nearly 500,000 people were on welfare rolls in 1995. Around 190,000 people get TANF benefits today, according to the Greater Philadelphia Coalition Against Hunger. Of those, about 55,000 are adults, with the vast majority being children. In New Jersey, there are 25,000 adults on welfare, 57,000 children.

Just because millions no longer receive welfare nationwide doesn't mean their poverty has been resolved, antipoverty advocates say.

In 1995, for every 100 U.S. families in poverty, 75 received welfare benefits, the center found. Today, it's closer to 27 out of 100.

In Pennsylvania and New Jersey, TANF benefits amount to between 20 percent and 30 percent of the federal poverty level, the Center found.

Around here, the Tennessee measure caught people by surprise.

"I was shocked," said Peter Zurflieh, staff attorney with the Community Justice Project of the Pennsylvania Legal Aid Network in Harrisburg. "It's one more way to control the behavior of poor folks."

Donna Cooper, executive director of Public Citizens for Children and Youth in Philadelphia, called the bill "extraordinarily backward," adding that no scientific research exists showing that decreasing people's TANF changes their behavior.

The Tennessee bill is a way for states to say that poor people cost the rest of the citizenry money, said Sanford Schram, social-work professor at Bryn Mawr College. "States look for scapegoats," he said.

And, experts say, impoverished children often do badly in school precisely because they're poor: scant food, bad housing, and dysfunction in the family all contribute to difficulties making good grades. Taking money from such families would serve to further damage these children, noted Elizabeth Lower-Basch, a TANF expert with the Center for Law and Social Policy in Washington.

As in years past, some Pennsylvania legislators are exploring drug-testing TANF recipients.

"A high number of our constituents support it," said Jon Hopcraft, spokesman for State Sen. David Argall (R., Schuylkill), a cosponsor of the Wozniak bill to screen all TANF recipients for illegal drugs.

Acknowledging that he had seen no proof that TANF recipients abuse drugs, the issue "gets taxpayers very upset." It's not clear how the bill will fare.

Recently, Florida instituted drug tests for TANF recipients. Around 2.5 percent of the U.S. population that tests positive for illegal drugs, figures show.

In February, the courts halted Florida drug tests, which had been called unconstitutional.

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Drug Testing and Public Assistance

Updated April 17, 2013

New Development: The Kansas legislature passed SB 149 and Governor Brownback signed the law and Families to establish a drug screening program for applicants and current recipients of cash assistance for controlled substances.

Quick Facts:

- At least eight states have passed legislation regarding drug testing or screening for public assistance (Missouri, Oklahoma, Tennessee and Utah.) Some apply to all applicants; others include specific language regarding illegal drug activity or has a substance use disorder; others require a specific screening process.
- Florida's law was halted by a district judge. In February 2013, the 11th Circuit Court of Appeals ruled the program unconstitutional.
- Tennessee's bill requires the department to develop a plan of suspicion-based testing and reporting.
- As of April 17, 2013, at least 29 states have proposed legislation requiring some form of drug testing.

History and Overview

States have proposed drug testing of applicants and recipients of public welfare benefits since federal part of the Temporary Assistance for Needy Families block grant. In recent years, many states have proposed similar proposals. In 2009, over 20 states proposed legislation that would require drug testing as a condition of eligibility for similar proposals. None of these proposals became law because most of the legislation was focused on a 2003 Michigan Court of Appeals case. *Marchwinski v. Howard* ruled that subjecting every welfare recipient to drug testing, when drugs were being used, was unconstitutional.

The proposals gained momentum beginning in the 2011 session. Three states passed legislation in 2011, and three more passed legislation in 2013, bringing the total number of states to eight. In 2013, Kansas enacted legislation requiring drug testing for applicants suspected of using controlled substances. In 2012, [Utah](#) passed legislation requiring applicants to complete a drug test as a condition of receiving public assistance. In 2011, [Missouri](#) passed legislation requiring drug tests for all applicants for Temporary Assistance for Needy Families. In 2010, [Alabama](#) passed legislation requiring a plan for substance abuse testing for all applicants and [Oklahoma](#) passed a measure requiring all applicants for public assistance to complete a drug test.

2013 Legislation

At least 29 states have introduced legislative proposals requiring drug testing or screening for public assistance. As of April 17, 2013, at least 29 states have passed legislation to require drug testing when reasonable suspicion exists that the applicant or recipient is using controlled substances.

Legislative Proposals:

Alaska, Alabama, Arkansas, Connecticut, Hawaii, Iowa, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Nevada, New York, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Legislative Enactments:

The **Kansas** legislature passed SB 149 and Governor Brownback signed the bill into law on April 16 establish a drug screening program for applicants and current recipients of cash assistance when re substances. **Kansas SB 149** requires the Department for Children and Families to establish a drug recipients of cash assistance when reasonable suspicion exists that the person is using controlled su missed appointments, police records, termination from previous employment due to substance use the person is required to complete a substance abuse treatment program and a job skills program. and job skills program are ineligible for benefits. Those deemed ineligible for these reasons can des (ren). The bill also makes those convicted of a drug felony after July 1, 2013 ineligible for cash assi offenders are forever ineligible.

2012 Legislation

At least 28 states put forth proposals requiring drug testing for public assistance applicants or recip Oklahoma passed legislation.

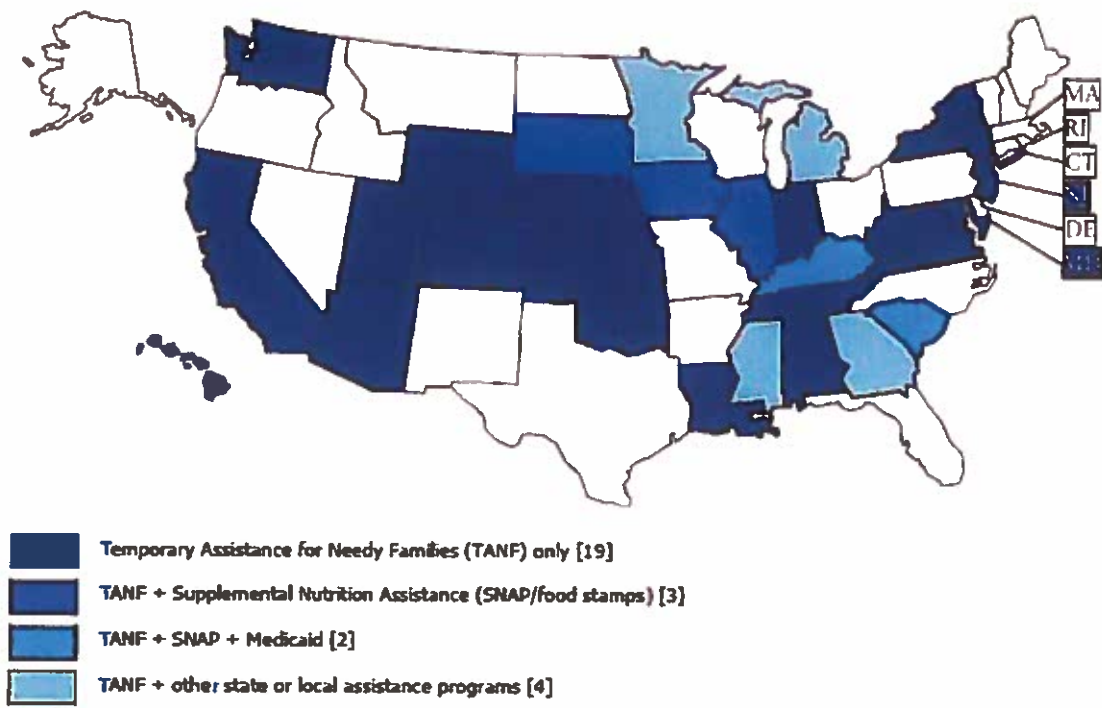
Utah passed [HB 155](#) requiring individuals applying for cash assistance to complete a written questio the person has a substance use disorder or is engaging in illegal drug activity, the applicant must ta complete treatment and remain drug free in order to receive benefits. The state will terminate bene Herbert signed the bill into law on March 23, 2012.

Georgia passed [HB 861](#) requiring drug tests for all individuals applying for Temporary Assistance for testing requirement at the time of application, and are required to pay for the test. If an applicant and until he or she tests negative. A parent's positive test result does not affect the child's eligibility through a protective payee who must also pass a drug test. Governor Deal signed the bill on April

Tennessee passed [SB 2580](#) requiring the department of human services to develop a plan to imple applicant. The bill requires the department to consult with experts in identifying appropriate screeni General Assembly its final plan and recommendations by January 2014.

Oklahoma passed [HB 2388](#) requiring the Department of Human Services to screen all adult applicar determine if they are engaged in illegal use of controlled substances. If so, the applicant's request f on May 16, 2012 and goes into effect November 1, 2012.

[Map of 2012 State Legislative Proposals](#)



Programs Included

Several states include other assistance programs, such as medical assistance, Supplemental Nutrition stamps), child care, and other state-funded programs. At least 12 states include language requiring using illegal substances. In most cases, if the applicant or recipient tests positive they are ineligible a substance abuse treatment program. The requirements often do not affect the eligibility of a child member or other designated person who has also passed a drug test is required to be the protective

Below is a table listing states with proposals in 2012 and the programs included:

Program	# of States	States
Temporary Assistance to Needy Families (TANF)	28	AL, AZ, CA, CO, TN, UT, VA, WI
TANF + Supplemental Nutrition Assistance Program only (SNAP, also known as food stamps)	6	IA, IL, MI, KY, IN
TANF + Medicaid	3	GA, KY, SC
TANF + other state or local programs	4	GA, MI, MN, MO

2011 Legislation

At least 36 states put forth proposals in 2011 around drug testing of welfare (Temporary Assistance Nutrition Assistance Program - SNAP) recipients. Three states enacted legislation:

Arizona established a temporary requirement for fiscal year 2011-2012 requiring the department to be engaging in illegal substance use ([S.1620](#)). This bill was signed by the Governor on April 6, 2011

Florida passed a law ([HB 353](#)) requiring all applicants for TANF benefits to be tested. Applicants must apply for benefits, and are required to pay for the test. If they test negative the applicant will be reimbursed for the test. If the applicant tests positive the applicant is ineligible for benefits for one year, but can reapply in 6 months. A parent's positive test result does not affect the child's eligibility for benefits; a protective payee who must also pass a drug test. The Governor signed the bill on May 31, 2011 ; Michigan's pilot program was challenged in the courts and ruled unconstitutional in 2003. The Amer

implemented. A federal judge ordered a temporary injunction and Governor Scott has appealed the upheld the lower court's ruling to halt enforcement of the program.

Missouri passed **HB 73** requiring the department to require a urine drug test for all applicants and r believe based on screening that they are engaged in illegal use. If the individual tests positive or re years unless they enter and complete a substance abuse treatment program, in which case they ca suspected child abuse as a result of drug abuse if caseworker knows they tested positive or refused and took effect August 28, 2011.

For more information, contact Rochelle Finzel in the NCSL Denver office at 303.364.7700 or cyf-info

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