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**SFA****BILL ANALYSIS**

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House Bill 4090 (Substitute S-1 as reported by the Committee of the Whole)  
House Bill 4091 (as reported without amendment)  
Sponsor: Representative Lauren Hager (H.B. 4090)  
Representative Jennifer Faunce (H.B. 4091)  
House Committee: Family and Children Services  
Senate Committee: Families, Mental Health and Human Services

## **CONTENT**

House Bill 4090 (S-1) would amend the Social Welfare Act to provide for the Family Independence Agency to implement a program of substance abuse testing for family independence assistance recipients. House Bill 4091 would amend the Act to specify that eligibility for family independence assistance would be subject to the substance abuse testing program. The bills are tie-barred. House Bill 4090 (S-1) is described below.

The bill would authorize the FIA to require substance abuse testing as a condition of eligibility for family independence assistance. The bill would require the FIA to implement, in at least three counties, a pilot program of substance abuse testing, including random testing, as a condition for family independence assistance eligibility. The bill states a legislative intent that a statewide testing program, including random testing, be implemented before April 1, 2003.

A person could not be considered to have tested positive until retested by mass spectrometry to rule out a false positive. Someone who tested positive would have to agree to and participate in substance abuse assessment and comply with a treatment plan. Failure to comply would be penalized in the same manner as a Work First Program violation. (Work First noncompliance penalties may be cumulative and may include grant reduction, removal from the family independence group, and termination of assistance to the family. Penalties may not be imposed if a recipient demonstrates good cause for noncompliance or if needed child care or transportation is not reasonably available or provided.)

Before implementing testing, the FIA would have to notify the Senate and House standing committees having jurisdiction over the Social Welfare Act and the Senate and House Appropriations subcommittees having jurisdiction over the FIA budget. If the FIA did implement testing, it would have to submit an annual report on the testing program to those committees and subcommittees. The report would have to include at least all of the following information for the preceding year: the number of individuals tested, the substances tested for, the results of the testing, and the number of referrals for treatment; the costs of the testing and the resulting treatment; sanctions, if any, that were imposed on recipients as a result of the testing program; and the percentage and number of households receiving FIA assistance that included a person who tested positive for substance abuse under the program and that also included a person who had been named as a perpetrator in a child abuse or neglect case classified as a central registry case under the Child Protection Law.

Testing under the bill would not apply to a person who was 65 years of age or older, or who was participating in a court-ordered substance abuse rehabilitation program to expedite the closing of criminal cases involving a substance abuse offense.

Proposed MCL 400.571

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State government. Since each Family Independence Program (FIP) recipient could be considered for testing as a condition of program eligibility, the potential Department costs would be the result of performing an illegal substance test for each recipient. The Department will consider a pilot project for FY 1998-99, which would advise each program applicant about the mandatory test. Also, current recipients could be randomly selected for drug screening and possible testing.

In addition, individuals who tested positive would be retested to verify the initial test results. Tests range in cost from \$1.80 for a single panel of five drugs to \$16.25 for a skin five drug test. The November 1998 FIP recipient level was approximately 287,400. Assuming one-third are adults, the cost of drug testing the entire adult caseload would range from \$172,300 to \$1.6 million. The cost for transportation, to the sample collection sites included in the pilot project, is not included in the above assumption.

Date Completed: 3-4-99

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.