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SFA

BILL ANALYSIS

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House Bill 4090 (Substitute H-1 as passed by the House)
House Bill 4091 (as passed by the House)
Sponsor: Representative Lauren Hager (House Bill 4090)
Representative Jennifer Faunce (House Bill 4091)
House Committee: Family and Children Services
Senate Committee: Families, Mental Health and Human Services

Date Completed: 2-17-99

CONTENT

House Bills 4090 (H-1) and 4091 would amend the Social Welfare Act to provide for a program of substance abuse testing for family independence assistance recipients. The bills are tie-barred.

House Bill 4090 (H-1) would require that the Family Independence Agency (FIA) 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 also states: "It is the intent of the legislature that a statewide program of substance abuse testing of family independence assistance recipients, including random substance abuse testing, be implemented".

A person who was eligible for family independence assistance could not be considered to have tested positive for substance abuse until his or her sample was retested to rule out a false positive. An individual who tested positive would have to agree to and participate in substance abuse assessment and comply with a substance abuse treatment plan.

A person would be exempt from testing if he or she were participating in a substance abuse rehabilitation program that was ordered by a circuit court that had established procedures to expedite the closing of criminal cases involving a substance abuse offense under the Public Health Code.

Before implementing testing under the bill, 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 substance abuse testing, it would have to submit an annual report on the testing program to those standing committees and Appropriations 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.
- 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.

Substance abuse treatment testing authorized by the bill would not apply to a person who was 65 years of age or older.

House Bill 4091 specifies that eligibility for family independence assistance would be subject to the substance abuse testing program proposed by House Bill 4090.

Proposed MCL 400.571 (H.B. 4090)
MCL 400.57b (H.B. 4091)

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 could 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.

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.