

SENATE BILL No. 275

March 19, 2013, Introduced by Senator HUNE and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 57y.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 57Y. (1) THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A
2 PROGRAM OF SUBSTANCE ABUSE SCREENING AND TESTING BASED ON
3 REASONABLE SUSPICION FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND
4 RECIPIENTS AS DESCRIBED IN THIS SECTION.

5 (2) NOT LATER THAN JULY 1, 2014, THE DEPARTMENT SHALL
6 ADMINISTER SUBSTANCE ABUSE SCREENING AND TESTING BASED ON
7 REASONABLE SUSPICION FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND
8 RECIPIENTS IN 3 OR MORE COUNTIES IN THIS STATE. THE DEPARTMENT
9 SHALL DETERMINE WHICH 3 OR MORE COUNTIES SHALL BEGIN THE INITIAL

1 ADMINISTRATION OF THE SUBSTANCE ABUSE SCREENING AND TESTING BASED
2 ON REASONABLE SUSPICION REQUIRED IN THIS SUBSECTION.

3 (3) NOT LATER THAN JULY 1, 2015, THE DEPARTMENT SHALL
4 ADMINISTER SUBSTANCE ABUSE SCREENING AND TESTING BASED ON
5 REASONABLE SUSPICION FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND
6 RECIPIENTS IN 1/2 OF THE COUNTIES IN THIS STATE. THE DEPARTMENT
7 SHALL DETERMINE WHICH COUNTIES SHALL BEGIN ADMINISTERING SUBSTANCE
8 ABUSE SCREENING AND TESTING BASED ON REASONABLE SUSPICION ON JULY
9 1, 2015.

10 (4) NOT LATER THAN JULY 1, 2016, THE DEPARTMENT SHALL
11 ADMINISTER SUBSTANCE ABUSE SCREENING AND TESTING BASED ON
12 REASONABLE SUSPICION FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND
13 RECIPIENTS IN ALL OF THE COUNTIES OF THIS STATE.

14 (5) UPON INITIAL APPLICATION AND AT ANNUAL REDETERMINATION,
15 THE DEPARTMENT SHALL SCREEN FAMILY INDEPENDENCE PROGRAM APPLICANTS
16 AND RECIPIENTS FOR REASONABLE SUSPICION OF SUBSTANCE ABUSE USING AN
17 EMPIRICALLY VALIDATED SUBSTANCE ABUSE SCREENING TOOL.

18 (6) IF THE RESULTS OF THE SUBSTANCE ABUSE SCREENING GIVES THE
19 DEPARTMENT A REASONABLE SUSPICION TO BELIEVE THAT THE APPLICANT OR
20 RECIPIENT HAS ENGAGED IN THE ILLEGAL USE OF A CONTROLLED SUBSTANCE,
21 THE APPLICANT OR RECIPIENT IS REQUIRED TO TAKE A SUBSTANCE ABUSE
22 TEST. IF THE APPLICANT OR RECIPIENT TESTS POSITIVE FOR ILLEGAL USE
23 OF A CONTROLLED SUBSTANCE AND IT IS THE FIRST TIME HE OR SHE HAS
24 TESTED POSITIVE, IN ORDER TO OBTAIN OR MAINTAIN ELIGIBILITY IN THE
25 FAMILY INDEPENDENCE PROGRAM, HE OR SHE IS SUBJECT TO THE PROVISIONS
26 SET FORTH IN SECTIONS 57E(1)(E) AND 57G. IF THE APPLICANT OR
27 RECIPIENT REFUSES TO TAKE A SUBSTANCE ABUSE TEST, HE OR SHE IS

1 INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE, BUT MAY
2 REAPPLY AFTER 6 MONTHS. THE APPLICANT OR RECIPIENT MUST TEST
3 NEGATIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE IN ORDER TO
4 RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

5 (7) IF THE APPLICANT OR RECIPIENT TESTS POSITIVE FOR ILLEGAL
6 USE OF A CONTROLLED SUBSTANCE UNDER A TEST REQUIRED UNDER THIS
7 SECTION AND IT IS THE SECOND OR A SUBSEQUENT POSITIVE TEST, HE OR
8 SHE MAY CHOOSE TO PROCEED IN 1 OF THE FOLLOWING WAYS:

9 (A) HE OR SHE WILL BE INELIGIBLE FOR FAMILY INDEPENDENCE
10 PROGRAM ASSISTANCE, BUT MAY REAPPLY AFTER 6 MONTHS. THE APPLICANT
11 OR RECIPIENT MUST TEST NEGATIVE FOR ILLEGAL USE OF A CONTROLLED
12 SUBSTANCE IN ORDER TO RECEIVE FAMILY INDEPENDENCE PROGRAM
13 ASSISTANCE.

14 (B) HE OR SHE SHALL ENROLL IN A SUBSTANCE ABUSE TREATMENT
15 PROGRAM. DURING PARTICIPATION IN THE SUBSTANCE ABUSE TREATMENT
16 PROGRAM REQUIRED UNDER THIS SUBDIVISION, THE APPLICANT OR RECIPIENT
17 IS INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE.
18 THE APPLICANT OR RECIPIENT SHALL SIGN A RELEASE TO AUTHORIZE THE
19 SUBSTANCE ABUSE TREATMENT COUNSELOR TO COMMUNICATE WITH THE
20 DEPARTMENT REGARDING THE APPLICANT'S OR RECIPIENT'S PROGRESS IN THE
21 SUBSTANCE ABUSE TREATMENT PROGRAM. AFTER 90 DAYS AND SUCCESSFUL
22 COMPLETION OF THE SUBSTANCE ABUSE TREATMENT PROGRAM, THE APPLICANT
23 OR RECIPIENT MAY RETAKE THE SUBSTANCE ABUSE TEST. IF HE OR SHE
24 TESTS NEGATIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE AND MEETS
25 ALL OTHER ELIGIBILITY REQUIREMENTS, HE OR SHE IS ELIGIBLE TO
26 RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE. IF, AFTER 90 DAYS,
27 HE OR SHE IS NOT FOLLOWING THE TREATMENT PLAN, HE OR SHE MAY NOT

1 RETAKE THE SUBSTANCE ABUSE TEST FOR 6 MONTHS. IF, AT ANY TIME AFTER
2 PARTICIPATING IN THE SUBSTANCE ABUSE TREATMENT PROGRAM, THE
3 APPLICANT OR RECIPIENT TESTS POSITIVE FOR ILLEGAL USE OF A
4 CONTROLLED SUBSTANCE, HE OR SHE REMAINS INELIGIBLE TO RECEIVE
5 FAMILY INDEPENDENCE PROGRAM ASSISTANCE AND WILL NOT BE ALLOWED TO
6 REAPPLY AND RETAKE A SUBSTANCE ABUSE TEST FOR FAMILY INDEPENDENCE
7 PROGRAM ASSISTANCE FOR 12 MONTHS.

8 (8) BEGINNING MARCH 1, 2015, AND EACH SUBSEQUENT YEAR, THE
9 DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT INCLUDES,
10 BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

11 (A) THE NUMBER OF INDIVIDUALS SCREENED.

12 (B) THE NUMBER OF INDIVIDUALS SCREENED FOR WHOM THERE WAS A
13 REASONABLE SUSPICION OF ILLEGAL USE OF A CONTROLLED SUBSTANCE.

14 (C) THE NUMBER OF INDIVIDUALS WHO CONSENTED TO SUBMITTING TO A
15 SUBSTANCE ABUSE TEST.

16 (D) THE NUMBER OF INDIVIDUALS WHO REFUSED TO SUBMIT TO A
17 SUBSTANCE ABUSE TEST.

18 (E) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE
19 ABUSE TEST WHO TESTED POSITIVE FOR ILLEGAL USE OF A CONTROLLED
20 SUBSTANCE.

21 (F) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE
22 ABUSE TEST WHO TESTED NEGATIVE FOR ILLEGAL USE OF A CONTROLLED
23 SUBSTANCE.

24 (G) THE NUMBER OF INDIVIDUALS WHO TESTED POSITIVE FOR ILLEGAL
25 USE OF A CONTROLLED SUBSTANCE FOR A SECOND OR SUBSEQUENT TIME.

26 (H) THE NUMBER OF INDIVIDUALS TESTED, THE ILLEGAL CONTROLLED
27 SUBSTANCES TESTED FOR, THE RESULTS OF THE TESTING, AND THE NUMBER

1 OF REFERRALS FOR TREATMENT BASED ON THE TESTING RESULTS.

2 (I) SANCTIONS, IF ANY, THAT HAVE BEEN IMPOSED ON RECIPIENTS AS
3 A RESULT OF THE SCREENING AND TESTING PROGRAM.

4 (J) THE COSTS INCURRED BY THE DEPARTMENT FOR ADMINISTERING THE
5 PROGRAM.

6 (9) ALL INFORMATION, INTERVIEWS, REPORTS, STATEMENTS,
7 MEMORANDA, AND SUBSTANCE ABUSE TEST RESULTS, WRITTEN OR OTHERWISE,
8 RECEIVED BY THE DEPARTMENT THROUGH A SUBSTANCE ABUSE SCREENING OR
9 TESTING PROGRAM REQUIRED UNDER THIS SECTION ARE CONFIDENTIAL
10 COMMUNICATIONS SUBJECT TO THE PRIVACY PROTECTIONS UNDER THE HEALTH
11 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, PUBLIC LAW
12 104-191, AND MAY NOT BE USED OR RECEIVED IN EVIDENCE, OBTAINED IN
13 DISCOVERY OR DISCLOSED IN ANY PUBLIC OR PRIVATE PROCEEDINGS, EXCEPT
14 IN ACCORDANCE WITH THIS SECTION OR IN DETERMINING ELIGIBILITY UNDER
15 THIS ACT.

16 (10) AS USED IN THIS SECTION:

17 (A) "APPLICANT" MEANS AN INDIVIDUAL 18 YEARS OF AGE OR OLDER
18 WHO APPLIES FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

19 (B) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
20 SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.

21 (C) "RECIPIENT" MEANS AN INDIVIDUAL 18 YEARS OF AGE OR OLDER
22 WHO RECEIVES FAMILY INDEPENDENCE PROGRAM ASSISTANCE.