

Mandatory Drug Testing for Public Assistance¹

This IPRO report examines the state-level procedures used to monitor drug use among cash assistance recipients and procedures to prevent granting aid to drug-users.

Definitions

Chemical drug test: Urine drug screening, or toxicological screening, is a process of chemical analysis designed to test patients for drug abuse, or to insure that a patient is substance-free before undergoing a medical procedure or for legal purposes.²

Substance Abuse Subtle Screening Inventory (SASSI): The SASSI is a brief and easily administered psychological screening measure done by the SASSI Institute that helps to identify individuals who may be substance dependent or substance use disordered. The SASSI also provides information that is useful in treatment planning. The single page paper and pencil questionnaire can be administered in individual or group settings.³

Temporary Assistance for Needy Families (TANF): Commonly referred to as welfare, this program helps families with dependent children by providing financial assistance each month. States and territories operate the programs. There is a time limit on the cash assistance, and work is a major component of TANF.⁴

Overview

As the need for welfare and cash assistance rises due to economic downturns, states turn towards solutions to ensure assistance is being used effectively. The number of people in the United States in need of assistance rose by 4.2 million from 2009 to 2010.⁵ This report focuses its research on Iowa and other Midwestern states.

Costs and Benefits of Mandatory Drug Testing for Assistance

Benefits to Mandatory Drug Testing

- Taxpayers benefit from the assurance that their money is being utilized properly as opposed to being misused by recipients to buy drugs. This may help boost support for the cash assistance programs.⁶

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² "Urine Drug Screening - Person, Used, Health, Definition." *Encyclopedia of Mental Disorders*. Web. 23 Feb. 2011. <<http://www.minddisorders.com/Py-Z/Urine-drug-screening.html>>.

³ *The SASSI Institute*. Web. 23 Feb. 2011. <<http://www.sassi.com/>>.

⁴ "Temporary Assistance to Needy Families." *Oregon.gov Home Page*. Web. 24 Feb. 2011. <<http://www.oregon.gov/DHS/assistance/cash/tanf.shtml>>.

⁵ "Drug Testing Laws- Laws for All U.S. States and Territories." *Workplace Drug Testing, Employee Drug Testing, Drug Testing Company. Reduce Workers' Compensation Claims, Costs*. Web. 23 Feb. 2011. <http://www.ohsinc.com/laws_state_drug_testing_laws_said.htm>.

⁶ Rachel Carpenter. "Should Welfare or Public Assistance Recipients Be Drug Tested?" *Associated Content from Yahoo! - Associatedcontent.com*. Web. 24 Feb. 2011.

- Ensuring that assistance recipients are drug-free creates a general improvement in health and incentives for good health among assistance recipients.⁷
- Questionnaire tests have been cited to have an accuracy rate between 89-97 percent and can distinguish between drug users and abusers as well as detecting alcohol abuse. These tests are less invasive and less costly than drug tests, thus reducing the monetary and intrusive costs of chemical drug testing while ensuring accurate results.⁸
- If a treatment program is put into effect for those who test positive, participants will face a more solid financial footing upon graduation from the treatment and assistance programs. A national study of treatment programs serving women noted employment gains, a slight rise in income, and a decline in the number of people receiving public benefits.⁹

Costs to Mandatory Drug Testing

- The average cost of a drug test is \$42 per person tested. Around 13 percent of Iowans qualify for TANF, therefore the cost to administer this test to all who qualify would be close to \$15 million.^{10,11} This does not include the costs of hiring personnel to administer the tests, ensuring confidentiality of results, or running confirmation tests to guard against false positives.¹²
- Drug tests often fail to identify people using more powerful and addictive drugs (i.e. cocaine, heroin) since these drugs exit the body's system in a matter of hours or days.¹³
- Imposing sanctions on cash assistance recipients could have negative effects on children. Without the benefits of assistance, families may be unable to meet the child's needs (i.e. housing, food, clothing). Welfare sanctions and benefit decreases have been shown to increase the risk that children will be hospitalized and face food insecurity.¹⁴ Thus, what might appear to be savings in the cash assistance programs will be a transfer of costs to child welfare and foster care programs.
- The proportion of assistance recipients using or abusing alcohol or illicit drugs is consistent with the proportion of the United States adult population that does not receive assistance. Making drug tests especially punitive for assistance recipients.¹⁵

Legal Ramifications

Michigan

In *Marchwinski versus Howard*, the American Civil Liberties Union challenged Michigan's mandatory drug testing for all recipients and the 2000 ruling stated that it violated the Fourth Amendment of unreasonable searches as it was not suspicion-based testing. The United States Court of Appeals for

⁷ Ibid.

⁸ "States Consider Drug Tests for Welfare Recipients." *FoxNews*. Web. 24 Feb. 2011. <<http://www.foxnews.com/story/0,2933,510707,00.html>>.

⁹ Ibid.

¹⁰ 357,000 x 42 = 14,994,000 ≈ \$15 million.

¹¹ "SNAP Outreach - Iowa Food Bank Association." *Home - Iowa Food Bank Association*. Web. 26 Sept. 2011. <<http://iowafba.org/Programs/SNAPOutreach.aspx>>.

¹² "Drug Testing of Public Assistance Recipients as a Condition of Eligibility." *American Civil Liberties Union*. Web. 1 May 2011. <<http://www.aclu.org/drug-law-reform/drug-testing-public-assistance-recipients-condition-eligibili>>.

¹³ "Drugs of Abuse Reference Guide," LabCorp Inc, Internet. Available:

http://www.labcorp.com/images/Drugs_of_Abuse_Reference_Guide_Flyer_3166.pdf

¹⁴ *The Impact of Welfare Sanctions on the Health of Infants and Toddlers*. Children's Sentinel Nutrition Assessment Program: July 2002.

¹⁵ Ibid.

the Sixth Circuit reversed the decision but withdrew the reversal in 2003 after rehearing the case. IN April 2003, the United States Court of Appeals for the Sixth Circuit struck down a law that requires drug testing of Michigan welfare recipients and declared it unconstitutional.^{16, 17}

State Action: Enforcement Procedures in Midwestern States

Iowa

A legislative panel rejected a proposal to require passage of a drug test before being eligible for state welfare benefits on the grounds that not enough information was available on how this procedure would be implemented making the idea dead for the current session.¹⁸

In the late 1990s, Iowa considered drug testing but decided it was more cost-effective to use questionnaires such as SASSI and other observational methods to detect substance abuse as they yielded a high rate of accuracy while maintaining a very low monetary cost.¹⁹ A fifty state analysis can be seen in Figure 1.

Illinois

Illinois is currently considering House Bill 0011, which requires new applicants for TANF to undergo drug testing and subsequent treatment if drug test is positive before receiving assistance.²⁰

²¹ A pilot period is in effect consisting of three Illinois counties and if successful, the policy will extend statewide.²² As of May 2011, the bill was pending committee assignment.²³

Minnesota

Minnesota is among at least six states that tie eligibility for some public assistance to drug testing for convicted felons and parolees.²⁴ Recently, the Minnesota House of Representatives proposed a bill requiring drug tests for people who receive public assistance.²⁵

Missouri

The Legislature introduced a bill requiring welfare recipients to take a drug test before receiving government assistance. The bill passed in the House but has yet to be addressed in the State Senate

¹⁶ Marchwinski v. Howard, 113 F. Supp. 2d 1134 (E.D. Mich. 2000), aff'd, 60 F. App'x 601 (6th Cir. 2003)

¹⁷ Kennedy, Kelli. "States Eye Drug Tests for Welfare Recipients - Seattlepi.com." Web. 14 May 2011. <<http://www.seattlepi.com/default/article/States-eye-drug-tests-for-welfare-recipients-1374095.php>>.

¹⁸ "States Pass Bills Mandating Drug Testing for Welfare Recipients." *The Top News Headlines on Current Events from Yahoo! News*. Web. 27 Feb. 2011.

<http://news.yahoo.com/s/ac/20110216/us_ac/7874532_states_pass_bills_mandating_drug_testing_for_welfare_recipients_1>.

¹⁹ "Panel Rejects Plan Linking Welfare to Drug Tests." *Sioux City Journal*. Web. 25 Feb. 2011.

<http://www.siouxcityjournal.com/news/state-and-regional/iowa/article_c262d876-2f07-11e0-a203-001cc4c002e0.html>.

²⁰ "HB0011 97th General Assembly." *Illinois General Assembly Home Page*. Web. 15 Apr. 2011.

<<http://www.ilga.gov/legislation/97/HB/09700HB0011.htm>>.

²¹ Ibid.

²² "Illinois General Assembly - Bill Status for HB." *Illinois General Assembly Home Page*. Web. 14 May 2011.

<<http://ilga.gov/legislation/BillStatus.asp?DocTypeID=HB>>.

²³ "Drug Testing for Welfare Recipients on Illinois Agenda." *St. Louis Sports, News, Jobs, Classifieds, Entertainment & Weather*. Web. 14 May 2011. <http://www.stltoday.com/news/local/illinois/article_45ca84f8-2a5c-11e0-96d9-00127992bc8b.html>.

²⁴ CLASP: Policy Solutions That Work for Low-Income People. Web. 25 Feb. 2011. <<http://www.clasp.org>>.

²⁵ Ibid.

as of May 2011. The bill would require further review of the projected costs associated with mandating drug tests.²⁶ Senate members suggested that the fiscal note on the bill did not take into consideration the additional costs of the state having to care for children of drug users who are denied access to food stamps.²⁷ The proposal would cost the state about \$5.3 million each year. A similar bill has been filibustered in the Senate.²⁸

State Action

Utah

Utah currently has a contract with a company that provides individual drug tests for \$40. The test identifies Marijuana, Cocaine, Amphetamines, Opiates, and other drugs. The contract also includes a required confirmation test because of frequent false positives. Drug tests are valid only if the initial test and confirmation results match. Based on a 2009 TANF caseload of 6,377 recipients, the cost for every recipient to be tested would be \$255,080. These results are based on one test but it is likely multiple tests would be needed.²⁹ With the cost of a drug test, potential lawsuit, childcare, and transportation, the cost for the first year of the program would be \$1,411,316. Assuming a generous five percent of TANF recipients have substance abuse issues and they all test positive, the maximum savings in cash assistance that would be generated if these families were expelled from the program would be \$153,376.42.³⁰

Florida

As of July 2011, the Florida Department of Children and Family Services became required to conduct drug tests on adults applying to the federal Temporary Assistance for Needy Families program. The aid recipients would be responsible for the cost of their screening, which they would get back in their assistance if they qualify for it by passing the drug test. Those who fail the required drug testing may designate another individual to receive the benefits on behalf of their children.³¹

²⁶ "SB7 - Creates the "TANF Child Protection and Drug Free Home Act" regarding Drug Testing for Work-eligible TANF Applicants and Recipients." *Missouri State Senate*. Web. 25 Feb. 2011.

<http://www.senate.mo.gov/11info/BTS_Web/Bill.aspx?SessionType=R&BillID=4065298>.

²⁷ "Missouri House Approves Drug Testing Welfare Recipients, but Proposal Shows Trouble in Senate." *St. Louis Today*. Web. 14 May 2011. <http://www.stltoday.com/news/local/govt-and-politics/political-fix/article_12c95ddd-654b-56ed-943a-169704da04a6.html>.

²⁸ *Missouri House of Representatives*. Web. 14 May 2011.

<<http://house.mo.gov/content.aspx?info=/bills101/sbills/sb607.htm>>.

²⁹ *ACLU of Utah*. Web. 27 Feb. 2011. <<http://www.acluutah.org>>.

³⁰ *Ibid*.

³¹ "Florida Governor Signs Welfare Drug-screen Measure - CNN." *Featured Articles from CNN*. 01 June 2011. Web. 29 Aug. 2011. <http://articles.cnn.com/2011-06-01/politics/florida.welfare.drug.testing_1_drug-testing-drug-screening-tanf?_s=PM:POLITICS>.

Figure 1³²
Drug Testing Policies

State	No drug testing	Required non-testing screens and treatment	Drug test required	Have attempted to pass drug testing legislation
Alabama	X			
Alaska	X			
Arizona				X
Arkansas	X			
California	X			
Colorado	X			
Connecticut	X			
Delaware	X			
Florida			X	
Georgia	X			
Hawaii				X
Idaho		X		
Illinois				X
Indiana*			X	
Iowa				X
Kansas				X
Kentucky	X			
Louisiana	X			
Maine	X			
Maryland		X		
Massachusetts	X			
Michigan				X
Minnesota*			X	
Mississippi	X			
Missouri				X
Montana	X			
Nebraska	X			
Nevada	X			
New Hampshire	X			
New Jersey	X			
New Mexico	X			
New York		X		
North Carolina	X			
North Dakota				X
Ohio	X			
Oklahoma		X		
Oregon	X			
Pennsylvania				X
Rhode Island	X			
South Carolina				X
South Dakota	X			
Tennessee	X			
Texas	X			
Utah			X	
Vermont				X
Virginia		X		X
Washington				X
West Virginia				X
Wisconsin			X	
Wyoming	X			

³² Ibid.

Notes

- Noted in detail in “Enforcement Procedures in Midwestern States”
- *Drug testing required for convicted felons and parolees

This report was prepared in May 2011 by the Iowa Policy Research Organization (IPRO), a nonpartisan public policy undergraduate research group at the University of Iowa. For additional research on this or other issues, please visit our website at <http://www.uiowa.edu/~ipro/> or contact us at rene-rocha@uiowa.edu.