

Legislative Analysis



DRUG TESTING OF FIP RECIPIENTS

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House Bill 6161

Sponsor: Rep. David Farhat

Committee: Family and Children Services

Complete to 9-13-04

A SUMMARY OF HOUSE BILL 6161 AS INTRODUCED 9-9-04

The Social Welfare Act permits the Family Independence Agency to require recipients of Family Independent Program assistance to submit to a drug test as a condition of receiving assistance. Prior to the statewide implementation of the drug testing policy, the FIA was required to implement a pilot drug testing program in at least three counties. It was the intent of the legislature that statewide implementation occur by April 1, 2003.

The bill would permit the FIA to require a drug test for FIP assistance if a departmental employee has probable cause to suspect the recipient of substance abuse. The bill would also delete language regarding the pilot program.

The pilot program operated in Berrien County, Alpena and Presque Isle counties, and the Joy/Greenfield office of Wayne County for five weeks in October and November 1999, until a temporary restraining order was issued. In September 2000, the federal district court issued a preliminary injunction prohibiting the FIA from conducting suspicionless drug tests of FIP assistance applicants and recipients, finding that such a practice violates the Fourth Amendment to the U.S. Constitution. A three-judge panel of the 6th Circuit Court of Appeals reversed the decision of the district court in October 2002. In March 2003, the case was reheard before the entire 6th Circuit Court (“en banc”), which - in an evenly divided vote - affirmed the decision of the district court.

MCL 400.571

FISCAL IMPACT:

This bill converts a pilot program in three counties to a permanent statewide program. However, the language is permissive and allows FIA to order substance abuse testing “if a department employee has probable cause to suspect substance abuse.” Clearly, the costs of substance abuse testing of FIA benefit recipients will rise, but by an indeterminate amount.

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