

SUBSTITUTE FOR
HOUSE BILL NO. 6161

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 57l (MCL 400.57l), as added by 1999 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57l. (1) Subject to subsection (2), the family
2 independence agency may require **a recipient to submit to**
3 substance abuse testing as a condition for family independence
4 assistance eligibility under this act **if a department employee**
5 **has reasonable suspicion of substance abuse by the recipient.**

6 (2) The family independence agency shall implement a pilot
7 program of **suspicion-based** substance abuse testing as a condition
8 for family independence assistance eligibility ~~in at least 3~~
9 ~~counties, including random substance abuse testing. It is the~~
10 ~~intent of the legislature that a statewide program of substance~~
11 ~~abuse testing of family independence assistance recipients,~~

~~1 including random substance abuse testing, be implemented before
2 April 1, 2003. However, statewide implementation of the
3 substance abuse testing program shall not begin until all of the
4 following have been completed:~~

~~5 — (a) The pilot programs have first been evaluated by the
6 department and the evaluation has been submitted to the
7 legislature.~~

~~8 — (b) The evaluation under subdivision (a) includes at least
9 the factors enumerated in subsection (5)(a) through (d) as well
10 as an analysis of the pilot program.~~

~~11 — (c) Six months have passed since the evaluation required in
12 subdivision (a) has been submitted to the legislature. according
13 to a protocol that includes all of the following 4 steps:~~

~~14 (a) The family independence agency administers a substance
15 abuse survey.~~

~~16 (b) A substance abuse professional screens the individual for
17 suspicion of substance abuse using an empirically validated
18 substance abuse screening tool in a 1-on-1 contact.~~

~~19 (c) The substance abuse professional gathers additional
20 information about the individual, including information gathered
21 from a drug-screening test.~~

~~22 (d) The substance abuse professional determines the level of
23 treatment needed and makes the appropriate referral.~~

~~24 (3) An individual described in section 57b shall not be
25 considered to have tested positive for substance abuse until the
26 sample has been retested to rule out a false positive by gas
27 chromatography with mass spectrometry, gas chromatography, high~~

1 performance liquid chromatography, or an equally, or more,
2 specific test using the same sample obtained for the original
3 test. An individual described in section 57b who tests positive
4 for substance abuse under this section shall agree to and
5 participate in substance abuse assessment and comply with a
6 required substance abuse treatment plan. Failure to comply with
7 a substance abuse assessment or treatment plan shall be penalized
8 in the same manner as a work first program violation imposed
9 under section 57d or 57g. An individual is exempt from substance
10 abuse testing authorized by this section if the individual is
11 participating in a substance abuse rehabilitation program that
12 the individual was ordered to participate in by a circuit court
13 that has established procedures to expedite the closing of
14 criminal cases involving a crime established under part 74 of the
15 public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

16 (4) Before implementing substance abuse testing under this
17 section, the family independence agency shall notify the senate
18 and house of representatives standing committees having
19 jurisdiction over this act and the senate and house of
20 representatives appropriations subcommittees having jurisdiction
21 over the family independence agency budget of the planned
22 implementation.

23 (5) If the family independence agency implements substance
24 abuse testing as authorized and required by this section, the
25 family independence agency shall submit an annual report on the
26 testing program to the senate and house of representatives
27 standing committees having jurisdiction over this act and the

1 senate and house of representatives appropriations subcommittees
2 having jurisdiction over the family independence agency budget.
3 The annual report shall include at least all of the following
4 information for the preceding year:

5 (a) The number of individuals tested, the substances tested
6 for, the results of the testing, and the number of referrals for
7 treatment.

8 (b) The costs of the testing and the resulting treatment.

9 (c) Sanctions, if any, that have been imposed on recipients
10 as a result of the testing program.

11 (d) The percentage and number of households receiving family
12 independence assistance that include an individual who has tested
13 positive for substance abuse under the program and that also
14 include an individual who has been named as a perpetrator in a
15 case classified as a central registry case under the child
16 protection law, 1975 PA 238, MCL 722.621 to 722.638.

17 (6) The substance abuse testing authorized and required by
18 this section does not apply to an individual 65 years old or
19 older.