

HOUSE BILL No. 6161

September 9, 2004, Introduced by Reps. Farhat, Shackleton, Amos, Casperson, Milosch, Stakoe, Nofs, Huizenga, Koetje, Wenke, Hoogendyk, Ward, Hune, Emmons, Voorhees, Brandenburg, LaJoy, Palsrok, Walker, Robertson, Pastor, Acciavatti, Stahl, Shaffer and Hummel and referred to the Committee on Family and Children Services.

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~~ **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 probable cause to suspect that recipient of substance abuse.**

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

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

13 **(2)** ~~-(3)-~~ An individual described in section 57b shall not be
14 considered to have tested positive for substance abuse until the
15 sample has been retested to rule out a false positive by gas
16 chromatography with mass spectrometry, gas chromatography, high
17 performance liquid chromatography, or an equally, or more,
18 specific test using the same sample obtained for the original
19 test. An individual described in section 57b who tests positive
20 for substance abuse under this section shall agree to and
21 participate in substance abuse assessment and comply with a
22 required substance abuse treatment plan. Failure to comply with
23 a substance abuse assessment or treatment plan shall be penalized
24 in the same manner as a work first program violation imposed
25 under section 57d or 57g. An individual is exempt from substance
26 abuse testing authorized by this section if the individual is
27 participating in a substance abuse rehabilitation program that

1 the individual was ordered to participate in by a circuit court
2 that has established procedures to expedite the closing of
3 criminal cases involving a crime established under part 74 of the
4 public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

5 (3) ~~-(4)-~~ Before implementing substance abuse testing under
6 this section, the family independence agency shall notify the
7 senate and house of representatives standing committees having
8 jurisdiction over this act and the senate and house of
9 representatives appropriations subcommittees having jurisdiction
10 over the family independence agency budget of the planned
11 implementation.

12 (4) ~~-(5)-~~ If the family independence agency implements
13 substance abuse testing as authorized and required by this
14 section, the family independence agency shall submit an annual
15 report on the testing program to the senate and house of
16 representatives standing committees having jurisdiction over this
17 act and the senate and house of representatives appropriations
18 subcommittees having jurisdiction over the family independence
19 agency budget. The annual report shall include at least all of
20 the following information for the preceding year:

21 (a) The number of individuals tested, the substances tested
22 for, the results of the testing, and the number of referrals for
23 treatment.

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

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

27 (d) The percentage and number of households receiving family

1 independence assistance that include an individual who has tested
2 positive for substance abuse under the program and that also
3 include an individual who has been named as a perpetrator in a
4 case classified as a central registry case under the child
5 protection law, 1975 PA 238, MCL 722.621 to 722.638.

6 (5) ~~-(6)-~~ The substance abuse testing authorized and required
7 by this section does not apply to an individual 65 years old or
8 older.