

SENATE BILL REPORT

SB 5585

As of February 20, 2013

Title: An act relating to requiring drug testing for recipients of benefits under the temporary assistance for needy families program.

Brief Description: Requiring drug testing for recipients of benefits under the temporary assistance for needy families program.

Sponsors: Senator Benton.

Brief History:

Committee Activity: Human Services & Corrections: 2/14/13.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Joan Miller (786-7784)

Background: In 1996, Congress enacted the Temporary Assistance for Needy Families (TANF) program, which provided a block grant of federal funding to states that established a program to move TANF recipients into permanent jobs.

The Department of Social and Health Services (DSHS) administers the TANF block grant in Washington State under the WorkFirst program. Eligible WorkFirst recipients receive a comprehensive assessment prior to referral to job search activities. The assessment covers a broad range of topics critical to obtaining employment, including education, the availability of child care, history of family violence, and history of drug abuse. The information obtained through this assessment is used to develop an individual responsibility plan (IRP) for each recipient. An IRP must include an employment goal, a plan for meeting that goal, and a description of services available to remove barriers to employment.

If a recipient refuses to engage in work or work-related activities required by DSHS, then the family's grant must be reduced by the recipient's share.

Summary of Bill: If the results of the WorkFirst assessment indicate a reasonable likelihood that a recipient may have a substance abuse disorder involving a controlled substance, then the recipient must take a drug test at the expense of DSHS.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Refusal. If a recipient refuses to take a drug test without good cause, then DSHS must place the recipient's case in sanction status for noncompliance with the IRP. DSHS must also reduce the family's grant by the recipient's share or by 40 percent of the grant amount, whichever is greater. DSHS must terminate the recipient's case if the recipient remains in noncompliance status for more than four months for refusing to take a drug test. The recipient may not reapply to TANF until 28 days after the termination.

Positive Test. If a recipient tests positive for the unlawful use of controlled substances, then DSHS must provide the recipient with a list of treatment providers. The recipient may continue to receive benefits under TANF if the recipient enters into and follows the requirements of the IRP. Requirements may include attending drug treatment for 60 days at DSHS's expense and testing negative in subsequent drug tests during treatment as well as at the end of treatment. If a recipient fails to meet these requirements, then DSHS must place the recipient's case in sanction status for noncompliance with the IRP. DSHS must terminate the recipient's case if the recipient remains in noncompliance status for more than four months. The recipient may not reapply to TANF until 28 days after the termination.

Negative Test. If a recipient tests negative for the unlawful use of controlled substances, then the recipient remains in compliance with TANF, subject to any other eligibility requirements.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Because this bill is about TANF, we want to make sure that we get families up and running the very best we can. We want to make sure children and the families are being fed and that we are not feeding a drug benefit. If there is substance abuse, let us take care of it because if we are going to get these people back to work, they are not going to be able to retain or get a job if they have a substance abuse problem. The process is similar to current law because I did not want to create another level of bureaucracy. Many individuals are required to take drug tests in order to retain full-time employment and all its benefits. Why should it be any different for a person receiving state-granted funding to submit to the same level of testing before receiving a monthly subsidy check.

CON: TANF provides a lifeline for families experiencing extreme poverty and hardship. This bill proposes a solution that is in search of a problem. DSHS already has a very effective and efficient system in place to identify and provide treatment to the small number of TANF parents who suffer from chemical dependency. When parents apply to TANF, they must undergo a comprehensive evaluation, which screens applicants for substance abuse disorders. If a recipient is found to have a chemical dependency, treatment is mandated in the IRP. Failure to comply with the IRP results in sanctions, a loss of 40 percent of the family's grant, and may lead to termination of the grant. In addition to being redundant, this bill would add unnecessary costs at a time when the state has a serious budget deficit. This

bill would also have the effect of delaying access to treatment services because a recipient would be required to take a drug test instead of immediately beginning treatment and recovery. TANF recipients assessed with chemical dependency are already required to undergo treatment in their IRP. This bill creates redundancy, unnecessary duplication, and another level of bureaucracy. It is a waste of resources that are needed elsewhere. Drug testing provides additional obstacles that delay getting parents into treatment. Overcoming addiction takes time and relapses do occur, even when someone is in treatment. Recovery is a process. It takes one day at a time. Seeing this problem as only a positive or negative on a drug test will contribute negatively to potential recovery. This bill is redundant and will delay treatment by adding one more step for the tiny fraction of 1 percent of the TANF recipients who are assessed with chemical dependency. The existing statute already requires drug testing during treatment, sometimes daily. There will be relapses and people fall back, but they eventually move forward. If our goal is to get people working and healthy, why would we want to add another step in this process and deny them the help they need? This bill is a waste of money.

Persons Testifying: PRO: Representative Angel.

CON: Kate Baber, Statewide Poverty Action Network; Carol Mullin, Jewish Family Service; Bob Cooper, WA Defender Assn., WA Assn. of Criminal Defense Lawyers.