

[No. 17]

(HB 4090)

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 57I.

*The People of the State of Michigan enact:*

400.57I Assistance eligibility; substance abuse testing as condition; pilot program; statewide implementation; positive test; retest; noncompliance; penalty; exemption; notice of test implementation; report; applicability to individual 65 years or older.  
[M.S.A. 16.457I]

Sec. 57I. (1) Subject to subsection (2), the family independence agency may require substance abuse testing as a condition for family independence assistance eligibility under this act.

(2) The family independence agency shall implement a pilot program of substance abuse testing as a condition for family independence assistance eligibility in at least 3 counties, including random substance abuse testing. It is the intent of the legislature that a statewide program of substance abuse testing of family independence assistance recipients, including random substance abuse testing, be implemented before April 1, 2003. However, statewide implementation of the substance abuse testing program shall not begin until all of the following have been completed:

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

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

(c) Six months have passed since the evaluation required in subdivision (a) has been submitted to the legislature.

(3) An individual described in section 57b shall not be considered to have tested positive for substance abuse until the sample has been retested to rule out a false positive by gas chromatography with mass spectrometry, gas chromatography, high performance liquid chromatography, or an equally, or more, specific test using the same sample obtained for the original test. An individual described in section 57b who tests positive for substance abuse under this section shall agree to and participate in substance abuse

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assessment and comply with a required substance abuse treatment plan. Failure to comply with a substance abuse assessment or treatment plan shall be penalized in the same manner as a work first program violation imposed under section 57d or 57g. An individual is exempt from substance abuse testing authorized by this section if the individual is participating in a substance abuse rehabilitation program that the individual was ordered to participate in by a circuit court that has established procedures to expedite the closing of criminal cases involving a crime established under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

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

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

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

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

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

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

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

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4091 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved April 28, 1999.

Filed with Secretary of State April 28, 1999.

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**Compiler's note:** House Bill No. 4091, referred to in enacting section 1, was filed with the Secretary of State March 18, 1999, and became P.A. 1999, No. 9, Eff. Mar. 10, 2000.