

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4090
(As amended, March 3, 1999)**

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 571.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 571. (1) SUBJECT TO SUBSECTION (2), THE FAMILY INDE-
2 PENDENCE AGENCY MAY REQUIRE SUBSTANCE ABUSE TESTING AS A CONDI-
3 TION FOR FAMILY INDEPENDENCE ASSISTANCE ELIGIBILITY UNDER THIS
4 ACT.
5 (2) THE FAMILY INDEPENDENCE AGENCY SHALL IMPLEMENT A PILOT
6 PROGRAM OF SUBSTANCE ABUSE TESTING AS A CONDITION FOR FAMILY
7 INDEPENDENCE ASSISTANCE ELIGIBILITY IN AT LEAST 3 COUNTIES,
8 INCLUDING RANDOM SUBSTANCE ABUSE TESTING. IT IS THE INTENT OF
9 THE LEGISLATURE THAT A STATEWIDE PROGRAM OF SUBSTANCE ABUSE
10 TESTING OF FAMILY INDEPENDENCE ASSISTANCE RECIPIENTS, INCLUDING
11 RANDOM SUBSTANCE ABUSE TESTING, BE IMPLEMENTED BEFORE APRIL 1, 2003.

1 (3) AN INDIVIDUAL DESCRIBED IN SECTION 57B SHALL NOT BE
2 CONSIDERED TO HAVE TESTED POSITIVE FOR SUBSTANCE ABUSE UNTIL THE
3 SAMPLE HAS BEEN RETESTED TO RULE OUT A FALSE POSITIVE, BY GAS
4 CHROMATOGRAPHY WITH MASS SPECTROMETRY, GAS CHROMATOGRAPHY, HIGH
5 PERFORMANCE LIQUID CHROMATOGRAPHY, OR AN EQUALLY, OR MORE, SPECIFIC
6 TEST USING THE SAME SAMPLE OBTAINED FOR THE ORIGINAL TEST. AN INDI-
7 VIDUAL DESCRIBED IN SECTION 57B WHO TESTS POSITIVE FOR SUBSTANCE
8 ABUSE UNDER THIS SECTION SHALL AGREE TO AND PARTICIPATE IN SUB-
9 STANCE ABUSE ASSESSMENT AND COMPLY WITH A REQUIRED SUBSTANCE
10 ABUSE TREATMENT PLAN. FAILURE TO COMPLY WITH A SUBSTANCE ABUSE
11 ASSESSMENT OR TREATMENT PLAN SHALL BE PENALIZED IN THE SAME
12 MANNER AS A WORK FIRST PROGRAM VIOLATION IMPOSED UNDER
13 SECTION 57D OR 57G. AN INDIVIDUAL IS EXEMPT FROM SUBSTANCE ABUSE
14 TESTING AUTHORIZED BY THIS SECTION IF THE INDIVIDUAL IS PARTICI-
15 PATING IN A SUBSTANCE ABUSE REHABILITATION PROGRAM THAT THE INDI-
16 VIDUAL WAS ORDERED TO PARTICIPATE IN BY A CIRCUIT COURT THAT HAS
17 ESTABLISHED PROCEDURES TO EXPEDITE THE CLOSING OF CRIMINAL CASES
18 INVOLVING A CRIME ESTABLISHED UNDER PART 74 OF THE PUBLIC HEALTH
19 CODE, 1978 PA 368, MCL 333.7401 TO 333.7461.

20 (4) BEFORE IMPLEMENTING SUBSTANCE ABUSE TESTING UNDER THIS
21 SECTION, THE FAMILY INDEPENDENCE AGENCY SHALL NOTIFY THE SENATE
22 AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES HAVING JURISDIC-
23 TION OVER THIS ACT AND THE SENATE AND HOUSE OF REPRESENTATIVES
24 APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER THE FAMILY
25 INDEPENDENCE AGENCY BUDGET OF THE PLANNED IMPLEMENTATION.

26 (5) IF THE FAMILY INDEPENDENCE AGENCY IMPLEMENTS SUBSTANCE
27 ABUSE TESTING AS AUTHORIZED AND REQUIRED BY THIS SECTION, THE
28 FAMILY INDEPENDENCE AGENCY SHALL SUBMIT AN ANNUAL REPORT ON THE
29 TESTING PROGRAM TO THE SENATE AND HOUSE OF REPRESENTATIVES
30 STANDING COMMITTEES HAVING JURISDICTION OVER THIS ACT AND THE

HB 4090, As Passed Senate, March 4, 1999

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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 PRO-
16 TECTION 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.

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