

HCS HB 1377 -- RESTRICTIONS ON TEMPORARY ASSISTANCE BENEFITS FOR NEEDY FAMILIES

SPONSOR: Schaaf (Brandon)

COMMITTEE ACTION: Voted "do pass" by the Committee on Healthcare Transformation by a vote of 8 to 3.

By July 1, 2011, this substitute requires the Department of Social Services to develop a program to screen work-eligible applicants for or work-eligible recipients of Temporary Assistance for Needy Families (TANF) Program benefits for the illegal use of a controlled substance. If based upon the screening or when other information is obtained which gives the department reasonable cause to believe that an applicant or recipient engages in the illegal use of a controlled substance, the applicant or recipient can be subject to a drug test by the department.

Applicants and recipients who test positive for the use of an unauthorized controlled substance will be referred to an appropriate substance abuse treatment program approved by the Department of Mental Health and must be given the opportunity to complete the program within a reasonable time. If the individual fails to complete or after completing the program still continues to test positive in subsequent drug tests, the Department of Social Services can, after a departmental administrative hearing, declare the individual ineligible for TANF benefits for one year. Any member of a household which includes a person who has been declared ineligible for TANF benefits, if otherwise eligible, will continue to receive protective or vendor payments through a third-party payee.

By September 30, 2010, the department must develop, implement, and enforce a policy requiring the immediate termination of an employee who fails to report any suspected illegal use of a controlled substance or fraud of the TANF Program by any applicant or recipient of TANF benefits.

The department must submit an annual report to the General Assembly beginning July 1, 2011, that tracks the total number of reported cases of suspected illegal drug use or fraud by participants in the TANF Program.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown but Greater than \$2,113,158 in FY 2011, Unknown but Greater than \$3,639,756 in FY 2012, and Unknown but Greater than \$3,816,751 in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that the bill is a good step toward providing protections for unborn children of women who are using illegal drugs and for taxpayers who are concerned about state funds being used to support illegal activities. The intent of the bill is to screen all TANF recipients for signs of drug use and those who give reasonable cause to believe that there is evidence of drug use. The majority of a surveyed population across the state were in favor of drug testing individuals receiving state aid. The benefits of the bill far outweigh the fiscal cost of drug testing.

Testifying for the bill was Representative Brandom.

OPPONENTS: Those who oppose the bill say that it is discriminatory because it only addresses poor people. It would be better public policy to require drug testing for any person who receives state aid instead of just restricting the testing to those receiving TANF benefits. The TANF population is not prone to using drugs any more frequently than any other population group. A weakness of the bill is that a recipient only gets a referral for treatment, but is not guaranteed treatment. If treatment is not provided, it would be bad public policy because it does not provide adequate alternatives. The bill will increase the cost to the foster care system, one of the highest expenses to the state, because cutting benefits may make an individual's income too low to support his or her children. The drug testing provision in the bill is unconstitutional as it relates to the Fourth Amendment of the federal Bill of Rights. The state would be better served by developing improved treatment programs or providing more adequate funding for its drug treatment programs. Missouri ranks among the bottom of the 50 states for funding drug treatment programs.

Testifying against the bill were Catholic Charities Archdiocese of St. Louis; Missouri Coalition Against Domestic and Sexual Violence; American Civil Liberties Union of Eastern Missouri; Missouri Catholic Conference; and Missouri Association for Social Welfare.