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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1919

01/24/2012 Authored by Drazkowski, Scott and Barrett

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; requiring testing for controlled substances in the
1.3 Minnesota family investment program; proposing coding for new law in
1.4 Minnesota Statutes, chapter 256J.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[256J.261] TESTING FOR CONTROLLED SUBSTANCES.**

1.7 (a) The department shall require a drug test consistent with the established
1.8 procedures and reliability safeguards provided for screening in sections 181.951, 181.953,
1.9 and 181.954, to screen each individual who applies for MFIP. The cost of the drug testing
1.10 is the responsibility of the applicant. An individual subject to the requirements of this
1.11 section includes any parent or caregiver relative who is included in the cash assistance
1.12 unit, including an individual who may be exempt from work activity requirements
1.13 under section 256J.561, subdivision 3. An individual who tests positive for controlled
1.14 substances as a result of a drug test required under this section is ineligible to receive
1.15 MFIP benefits for one year after the date of the positive drug test unless the individual
1.16 meets the requirements of paragraph (b), clause (10).

1.17 (b) The department shall:

1.18 (1) provide notice of drug testing to each individual at the time of application. The
1.19 notice must advise the individual that the drug testing will be conducted as a condition
1.20 of receiving MFIP benefits and that the individual must bear the cost of the testing. If
1.21 the individual tests negative for controlled substances, the department shall increase
1.22 the amount of the initial MFIP grant by the amount paid by the individual for the drug
1.23 testing. The individual shall be advised that the required drug testing may be avoided if

the individual does not apply for MFIP benefits. Dependent children under the age of 18 are exempt from the drug-testing requirement;

(2) require that for two-parent families, both parents must comply with the drug-testing requirement;

(3) require that any teen parent who is not required to live with a parent, legal guardian, or other adult caregiver must comply with the drug-testing requirement;

(4) advise each individual to be tested, before the test is conducted, that the individual may, but is not required to, advise the agent administering the test of any prescription or over-the-counter medication the individual is taking;

(5) require each individual to be tested to sign a written acknowledgment that the individual has received and understood the notice and advice provided under clauses (1) and (4);

(6) assure each individual being tested a reasonable degree of dignity while producing and submitting a sample for drug testing, consistent with the state's need to ensure the reliability of the sample;

(7) specify the circumstances under which an individual who fails a drug test has the right to take one or more additional tests;

(8) inform an individual who tests positive for a controlled substance and is deemed ineligible for MFIP benefits that the individual may reapply for benefits one year after the date of the positive drug test unless the individual meets the requirements of clause (10). If the individual tests positive again, the individual is ineligible to receive MFIP benefits for three years after the date of the second positive drug test unless the individual meets the requirements of clause (10);

(9) provide any individual who tests positive with a list of licensed substance abuse treatment providers available in the area in which the individual resides. Neither the department nor the state is responsible for providing or paying for substance abuse treatment as part of the screening conducted under this section; and

(10) an individual who tests positive under this section and is denied MFIP benefits as a result may reapply for those benefits after six months if the individual can document the successful completion of a substance abuse treatment program offered by a licensed provider. An individual who has met the requirements of this clause and reapplies for MFIP benefits must also pass an initial drug test and meet the requirements of paragraph (a). Any drug test conducted while the individual is undergoing substance abuse treatment must meet the requirements of paragraph (a). The cost of any drug testing and substance abuse treatment provided under this section shall be the responsibility of the individual

being tested and receiving treatment. An individual who fails the drug test required under paragraph (a) may reapply for benefits under this clause only once.

(c) If a parent is deemed ineligible for MFIP benefits as a result of failing a drug test conducted under this section:

(1) the dependent child's eligibility for MFIP is not affected;

(2) an appropriate protective payee shall be designated to receive benefits on behalf of the child;

(3) the parent may choose to designate another individual to receive benefits for the parent's minor child. The designated individual must be an immediate family member, or, if an immediate family member is not available or the family member declines the option, another individual, approved by the department, may be designated. The designated individual must also undergo drug testing before being approved to receive benefits on behalf of the child. If the designated individual tests positive for controlled substances, the individual is ineligible to receive benefits on behalf of the child.

(d) The department shall adopt rules to implement this section.

EFFECTIVE DATE. This section is effective for applicants submitting applications on or after July 1, 2012, and for current recipients at the time of their next eligibility recertification.