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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2597

02/29/2012 Authored by Franson, Quam and Lohmer

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 drug testing for MFIP applicants and
1.3 participants; authorizing rulemaking; proposing coding for new law in Minnesota
1.4 Statutes, chapter 256J.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 256J.145] DRUG SCREENING FOR APPLICANTS AND
1.7 PARTICIPANTS.

1.8 Subdivision 1. Drug testing. (a) The commissioner shall require a drug test to
1.9 screen each individual who applies for MFIP. The commissioner shall also require a drug
1.10 test at recertification. The cost of drug testing is the responsibility of the individual tested.

1.11 (b) An individual subject to the requirements of this section includes any parent or
1.12 caretaker relative who is included in the MFIP assistance unit, including an individual
1.13 who may be exempt from work activity requirements due to the age of the youngest
1.14 child under section 256J.561, subdivision 3, or who may be exempt from work activity
1.15 requirements under chapter 256J.

1.16 (c) An individual who tests positive for illegal controlled substances or legal
1.17 controlled substances not prescribed by a licensed practitioner as a result of a drug test
1.18 required under this section is ineligible to receive MFIP assistance for one year after the
1.19 date of the positive drug test, unless the individual meets the requirements of subdivision 3.

1.20 Subd. 2. Duties of commissioner. The commissioner shall:

1.21 (1) provide notice of drug testing to applicants. The notice must advise the applicant
1.22 that drug testing will be conducted as a condition for receiving assistance when applying
1.23 for assistance and at recertification, and that the individual must bear the cost of testing.
1.24 If the individual tests negative, the commissioner shall increase the amount of the initial

2.1 assistance by the amount paid by the individual for the drug testing. The individual
2.2 must be advised that the required drug testing may be avoided if the individual does not
2.3 apply for assistance. Dependent children under the age of 18 are exempt from the drug
2.4 testing requirement;

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

2.7 (3) require that any minor parent under section 256J.14 must comply with the drug
2.8 testing requirement;

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

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

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

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

2.20 (8) inform an individual who tests positive and is deemed ineligible for assistance
2.21 that the individual may reapply for assistance one year after the date of the positive drug
2.22 test unless the individual meets the requirements of subdivision 3. If the individual tests
2.23 positive again, the individual is ineligible to receive assistance for three years after the
2.24 date of the second positive drug test unless the individual meets the requirement of
2.25 subdivision 3; and

2.26 (9) provide any individual who tests positive with a list of licensed substance abuse
2.27 treatment providers available in the area in which the individual resides that meet the
2.28 requirements of chapter 148C. The state is not responsible for providing or paying for
2.29 substance abuse treatment as part of the screening conducted under this section.

2.30 Subd. 3. **Positive drug test.** An individual who tests positive under this section and
2.31 is denied assistance as a result may reapply for assistance after six months if the individual
2.32 can document the successful completion of a substance abuse treatment program offered
2.33 by a licensed provider that meets the requirements of chapter 148C. An individual who
2.34 has met the requirements of this subdivision and reapplies for assistance must also pass
2.35 an initial drug test and meet the requirements of subdivision 1. Any drug test conducted
2.36 while the individual is undergoing substance abuse treatment must meet the requirements

3.1 of subdivision 1. The cost of any drug testing and substance abuse treatment provided
3.2 under this subdivision is the responsibility of the individual being tested and receiving
3.3 treatment. An individual who fails the drug test required under subdivision 1 may reapply
3.4 for assistance under this subdivision once.

3.5 Subd. 4. **Dependent children of ineligible individuals.** If a parent is deemed
3.6 ineligible for assistance as a result of failing a drug test conducted under this section:

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

3.8 (2) an appropriate protective payee shall be designated to receive assistance on
3.9 behalf of the child; and

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

3.17 Subd. 5. **Rulemaking authority.** The commissioner shall adopt rules to implement
3.18 this section.

3.19 Sec. 2. **EFFECTIVE DATE.**

3.20 Section 1 is effective July 1, 2012.