



Mandatory Drug Testing for Unemployment Benefits and TANF is Costly and Ineffective

These bills are illegal and unconstitutional. Prior to 2011, the only state to pass such a law was Michigan. That law was struck down in 2003 by a federal appeals court. The court upheld a 2000 decision by a U.S. District Court judge that mandatory, suspicionless drug testing for public assistance violates the 4th Amendment's protection from unreasonable search and seizure, and is unnecessary, given the existence of more effective and less invasive means of detecting drug abuse.¹

These bills disproportionately impact the poor and communities of color. Mandatory drug testing of those receiving public benefits targets communities of color. Stigmatizing certain individuals who seek out one type of public assistance over another undermines fairness, and perpetuates the dangerous, baseless notion that low-income people and communities of color are somehow less deserving.

Simple drug testing is an expensive and ineffective method of identifying people with substance abuse problems. Drug tests identify drug usage, not substance abuse problems, and most positive tests identify marijuana users, rather than individuals struggling with addiction. Other less expensive and more reliable means of screening for substance abuse problems are available that do not damage the relationship between service providers and recipients.²

There is no heightened level of drug use amongst TANF recipients. Indeed in 2011 just 2 percent of Florida drug tests came back positive for drugs during the law's brief implementation. That is a rate four times lower than the estimated drug use of Floridians ages 12 and up, according to Justice Department estimates.

Drug testing is expensive and an inefficient use of state funds. The cost per "find" from drug testing could be anywhere from \$500 to thousands of dollars.³ Each drug test costs between \$35-75.⁴ TANF recipients use drugs at the same rate as the general population (around 8%⁵), which means the vast majority of testing kits return negative results.

Sanctions on TANF recipients will fall heavily on children. The majority, roughly 75%, of TANF beneficiaries are children from impoverished families.⁶ Removing or restricting assistance due to the behavior of a parent punishes the child for circumstances beyond his or her control. This proposal would also exacerbate existing stigma associated with receiving unemployment, TANF or other public benefits, and could potentially deter struggling individuals from applying for aid.

Drug testing also fails to find other serious problems like alcohol abuse and mental health disorders. A study by researchers from the Univ. of Michigan on a similar program found that the majority of those who tested positive were casual users with no classifiable underlying addiction. The drug testing program, however, ignored other serious issues like mental health problems.⁷ Additionally, none of the proposed bills offer funding for treatment for those who do test positive.

Conclusion: The legislation being proposed violates the constitution and imposes needless costs on taxpayers.

What can I do to help? Become a champion on this issue by stopping regressive legislation that unfairly impacts low-income communities and people of color.

1 "Federal appeals court upholds ban on testing welfare recipients for drugs." *Alcoholism & Drug Abuse Weekly* 15.18 (2003): 1. Academic Search Complete. EBSCO, 2010.

2 "States consider drug testing for welfare recipients." *Alcoholism & Drug Abuse Weekly* 21.8 (2009): 4-6. Academic Search Complete. EBSCO. Web. 25 June 2010.

3 *Workplace Substance Abuse Testing, Drug Testing: Cost and Effect.* R. Brinkley Smithers Inst., Cornell Univ. (1992).

4 Legal Action Center. *Drug Testing in Connection With Welfare Reform.* LAC. Web. 25 June 2010.

5 National Institutes of Health. *NIAAA Researchers Estimate Alcohol and Drug Use, Abuse, and Dependence.* NIH, 1996.

6 Administration for Children & Families. *U.S. Dept. of Health & Human Services. Caseload Data 2010.*

7 Pollack, Harold A., et al. "Drug testing welfare recipients—false positives, false negatives, unanticipated opportunities." *Women's Health Issues* 12.1 (2002): 23. Academic Search Complete. EBSCO. Web. 28 June 2010.

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