



James M. Jeffords Center's

Vermont Legislative Research Service



Drug Testing of Welfare Applicants and Recipients

(SNAP), formerly known as food stamps, and Medicaid. TANF is the only program for which drug testing of applicants has been successfully implemented.

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The purpose of this report is to find the impact of drug testing for persons receiving services or payments from the State Human Services Agency.

TANF is administered by the U.S. Department of Health and Human Services, but benefits and services are provided by each individual state. The Department of Health and Human Services provides a grant to states to:

- "(1) provide assistance to needy families with children so that they can live in their own homes or the homes of relatives;
- (2) end dependence of needy parents on government benefits through work, job preparation, and marriage;
- (3) reduce out-of wedlock pregnancies; and
- (4) promote the formation and maintenance of two-parent families."²

TANF is jointly financed by federal and state funding. The TANF federal spending given to a state is "equal to peak expenditures for pre-TANF programs during the FY1992-to-FY1995

¹ National Conference of State Legislators, "Drug Testing and Public Assistance," January 2013, accessed on February 26, 2013, <http://www.ncsl.org/issues-research/human-services/drug-testing-and-public-assistance.aspx>.

² Congressional Research Service, "The Temporary Assistance for Needy Families (TANF) Block Grant: A Primer on TANF Financing and Federal Requirements," October 2012, accessed on February 26, 2013 <https://www.fas.org/sgp/crs/misc/RL32748.pdf>, Summary.

the Federal mandate to move welfare recipients to work. Yet, it does not constitute a special need sufficient to warrant a departure from the Fourth Amendment's main rule."⁹ The pilot program was deemed to be a violation of the Fourth Amendment due to the suspicion-less nature of the drug tests. The program was shut down and modified so that "tests would be conducted only when 'there is a reasonable suspicion that [a] recipient is using drugs.'"¹⁰

Vermont

Vermont does not require drug testing for welfare applicants or recipients. Vermont's TANF program receives \$47.4 million from the Federal TANF block grant. Vermont's maintenance of effort spending level at 75% is \$25.5 million. This sums the total of TANF spending in Vermont to be \$72.9 million annually.¹¹ Vermont's main TANF program is named Reach Up.¹²

Missouri

Missouri's House Bill 73, which was signed into law by Governor Nixon on July 12, 2011 and took effect August 2011¹³, directs the Defense Security Service (DDS) to create a program to screen certain TANF recipients or applicants for potential illegal drug use.¹⁴ The bill, referred to as "HB 73," stops

a substance abuse treatment program. On complettu

Workforce Boards.”²⁴

In 2011, Florida passed a law that requires all applicants for TANF

Drug treatment programs must be completed at the expense of the applicant.³² A failed drug test by a parent does not affect the benefits of his or her children. In this case, a designated payee, usually an immediate family member, is put in place to receive and distribute benefits for the affected child. This designated payee is also drug tested.³³

Prior to the implementation of Florida's TANF drug testing law, "the state had conducted a suspicion-

prevention of drug use or protection of children. Due to the recentness of the passing of other states legislation, drug testing may be more effective, however currently these programs appear to be of limited effectiveness.

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