

# Bill would tie drug testing to benefits

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TOPEKA — A portion of Kansans receiving welfare or unemployment benefits would have to pass drug tests or face losing state assistance under a bill lawmakers plan to debate in coming weeks.

Conservative lawmakers say randomly testing some percentage of Kansans who get welfare and unemployment money could reduce the unknown amount of taxpayer money spent on illegal drugs, get more people into treatment and cut down the number of people who keep getting state assistance because they fail company drug screens and remain out of work.

Incoming Senate Vice President Jeff King, R-Independence, said under a forthcoming bill those who fail would lose temporary financial assistance until they complete drug treatment and job skills programs. If they fail the test again, their assistance would be suspended

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for a year. A third failure would trigger a longer-term suspension.

"This is not meant to be punitive in any way," he said. "This is to identify people with substance abuse problems and get them the help and job skills they need to get out and be productive in the job market."

King said he's still figuring out what percentage of benefit recipients would be tested, what treatment and training programs the state would use and other nuances of the bill.

For families, if one parent tested positive, the other parent could apply for benefits that help their children.

If both parents (or a single parent) test positive, an associate of the family could apply for benefits for the children as long as that person could pass the drug test.

People who fail the test would still be eligible for food stamps.

"We're not cutting off the benefits for the children in any way, shape or form," King

## At least 36 states pursued some form of drug testing for public assistance in 2011, according to the National Conference of State Legislatures. Florida, Arizona and Missouri passed such laws.

said. "We're just making sure those benefits would go to someone who is not using illegal substances."

The proposal follows new restrictions on welfare benefits under Gov. Sam Brownback's administration.

Since taking office, Brownback's team has reduced the maximum number of months a Kansan can get benefits from 60 to 48 and required more active job searching in order to get the average \$280 monthly assistance.

About 39,000 people got such assistance in Kansas when Brownback took office.

With stricter policies in place, 38 percent no longer get that money, the Kansas City Star reported earlier this month.

Brownback's spokeswoman was noncommittal about the governor's position on drug testing, saying only that he will "carefully consider" all bills lawmakers send him.

Senate President Susan

Wagle, R-Wichita, said she and many lawmakers will likely support the idea.

"If someone on assistance has the funds to buy illegal drugs, then certainly they're receiving too much assistance," she said.

House Speaker Ray Merrick, R-Olathe, said he has supported several ideas aimed at controlling how welfare money is spent.

"It blows my mind when I'm in line shopping and somebody comes in that are getting benefits and have their card and I see what they're spending money on," he said.

"Cigarettes, alcohol. I'm not saying everybody does that. But some people do and we need to tighten it down."

He supports testing recipients for drug use.

At the start of 2013, Kansas had 45,238 people seeking unemployment benefits.

Department of Labor spokeswoman Cassie Sparks said labor officials don't have

statistics reflecting unemployment benefits being spent on drugs or figures showing how failed drug tests affect employers.

But she said the state has a variety of job skills training programs in place.

House Minority Leader Paul Davis, D-Lawrence, said testing only welfare and unemployment recipients sends a disturbing message about the state's neediest residents.

"It implies that a class of people must have a drug problem," he said. "It singles out a certain class of people who are poor and are in need of help."

Davis suggested others who get state funding also should be tested. But he said he's interested in the bill because it also has the potential to get more people with addiction problems the help they need.

"If done right, it can be something that is workable," he said.

### Testing in other states

At least 36 states pursued some form of drug testing for public assistance in 2011, according to the National Conference of State Legislatures.

Florida, Arizona and Missouri passed such laws. Arizona and Missouri approved tests for welfare recipients who state officials have reason to believe are using drugs.

Florida's law sought to test all applicants, but after it went into effect it was blocked by federal judges who said it may violate the constitutional ban on unreasonable search and seizure.

Last year, 28 states pushed for drug tests, with laws passing in Utah, Georgia, Tennessee and Oklahoma. Utah tests people officials have reason to believe are using drugs.

The other states test all applicants, although Georgia's law is on hold pending the outcome of the Florida lawsuit.

A bill in Kansas that would have required a third of welfare applicants to be tested failed to get a serious vote last year in part because of questionable outcomes in Florida.

The Miami Herald reported that 108 of 4,086 people — or 2.6 percent — failed the drug screen. Most often the test caught marijuana users.

While conservative lawmakers advocated for the bill in Kansas, the ACLU called it

"a bill in search of a problem that does not exist." The group said applicants for public benefits don't use drugs at a higher rate than the general population, and it noted that drug use in Kansas is lower than in many states pushing for drug test laws, according to the 2006 and 2007 National Survey on Drug Use and Health by the U.S. Department of Health and Human Services.

It's not clear how much the new Kansas proposal would save or cost the state.

A bill approved by Congress last year opened the door to testing people who get unemployment benefits. King said that he is crafting the new bill with Florida's experience and existing federal guidelines and prior court rulings in mind.

He said it would be up to state officials to create rules for exactly how the tests are administered, and he said he would like the law to be open enough to accommodate any new, more precise drug testing that emerges in coming years.

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