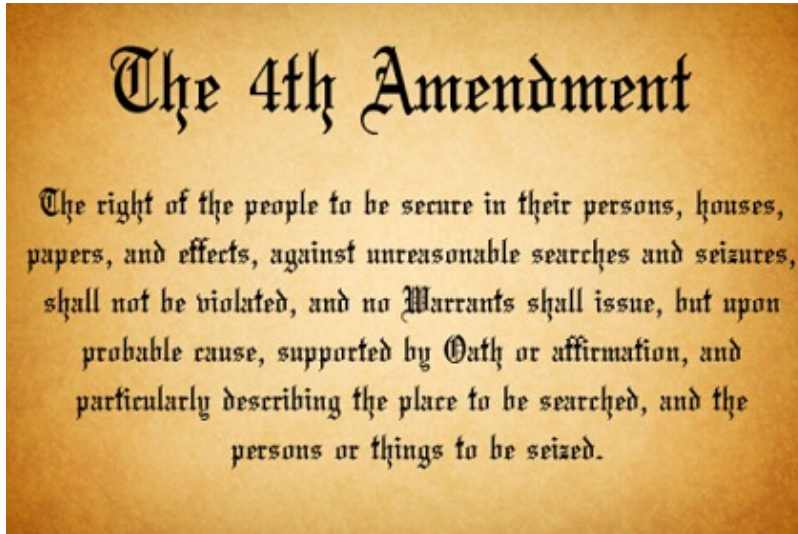


Is Drug Testing Applicants for Public Programs a Wise Idea?

Posted on Oct 14, Posted by [Kathleen Vinehout, State Senator 31st District](#) Category [Wisconsin](#)



Governor Walker wants to drug test applicants making SNAP (food stamps) and Unemployment Insurance claims. Findings about drug testing in other states including Florida and Tennessee show that **drug testing costs far more** to implement than was saved. And courts have ruled that drug testing recipients of public benefits without reason to believe the person abused drugs **is unconstitutional**.

MADISON - "If you require drug testing for unemployment insurance claims are you going to drug test farmers for crop insurance next?" the Colfax farmer asked the candidate.

In several recent legislative forums, local candidates advocated for a proposal to drug test people making Supplemental Nutrition Assistance Program (SNAP) and unemployment insurance claims.

Is this a good idea?

Unemployment insurance is a program that originated in Wisconsin in 1932. In general, unemployment benefits are financed by taxes paid by employers into the state's unemployment reserve fund. Both federal and state law governs unemployment insurance.

Wisconsin receives \$1.4 billion in unemployment insurance benefits from employer contributions and federal money according to the Legislative Audit Bureau (LAB) 'single' audit of federal funds paid in 2012-13.

SNAP is a federal program. Wisconsin received \$1.2 billion in SNAP funds from Uncle Sam.

In general, people making up to 200% of the federal poverty level can apply for SNAP benefits. This would be a little over \$22,000 annual income for an individual who would be eligible for a \$200 benefit a month.

The state is responsible for assuring the SNAP program is properly administered. Wisconsin has been rewarded with bonus payments from the feds for improved administrative performance. A 2012 LAB audit led the state to make further oversight improvements including a card trafficking investigation unit and a computer-matching system to assure prisoners don't receive benefits.

States have proposed drug-testing recipients of public benefits since federal welfare reform in 1996 according to the National Conference of State Legislatures (NCSL).

At least 11 states have some type of law requiring drug testing for certain applicants of public programs. But courts struck down some of these laws.

For example, in 2013 the District Court permanently stopped enforcement of Florida's law. The court found the law violated the Fourth Amendment of the United States Constitution prohibiting

unreasonable searches.

According to the New York Times, the 2011 Florida law showed few results while it was enforced: only 2.6% of the 4,086 people tested positive for drugs (most often marijuana). The Times reported, "State records showed the requirement cost more money to carry out than it saved." The Tampa Bay Times reported, in 2012, the program suffered a net loss of \$45,780. That's not counting thousands of hours of staff time to implement and litigation costs to defend the program.

The Florida decision was based on a 2003 Michigan Court of Appeals case. The Court said forcing every Michigan recipient of public benefits to be drug tested without reason to believe the person abused drugs was unconstitutional.

According to NCSL most states use some test of "reasonable suspicion" before requiring a drug test. Most laws apply the requirement to persons applying for Temporary Assistance for Needy Families (TANF). Wisconsin law requires TANF applicants to disclose felony convictions. Those with a felony conviction must take a drug test.

Are people who apply for public programs more likely to use drugs? The answer appears to be 'No'. According to the Georgetown Law Journal, drug use in the general public is 8.7% compared to the less than 3% found in Florida's testing of public benefit recipients. ThinkProgress, a current affairs website, reported Tennessee started drug testing in 2014 and found just one user after testing 800 people.

The farmer in Colfax raises an important question about drug testing. A person making an unemployment insurance claim is not too dissimilar from a farmer making a crop insurance claim. In both cases the program is financed with a mix of federal and private money paid into a reserve fund; in both cases the person is without income.

Public programs must be carefully monitored for fraud. Programs must be easy to administer and fraud investigation must be built into administration. With little evidence that those using drugs are disproportionately applying for SNAP and filing unemployment claims, it makes little sense to spend more money on drug testing.

Instead it seems this proposal is one more example of demonizing a certain group of people for political gain. Applying for aid is difficult enough. Asking someone who can't afford to eat to pee in a cup just adds to the humiliation.

Tags: Untagged