



Position Paper on Drug-Testing for Public Benefits

The issue of substance abuse among those receiving public assistance in the form of FoodShare (SNAP, Food Stamps) and Temporary Assistance for Needy Families (TANF) arises periodically and is currently the focus of much public policy debate and state legislation.

The debate is generally framed that an inordinate amount of drug abusers are in the public benefit system and that their drug habits are therefore subsidized by public benefits. However, most estimates have found that only 5 to 10 percent of public aid recipients have substance abuse disorders.¹ These rates are only a few percentage points higher than the rates of substance abuse found in the general population.² Therefore, drug testing those applying for assistance only further perpetuates the stereotype of public aid recipients as drug abusers, in spite of clear evidence to the contrary.

In Wisconsin, state estimates suggest that only 0.3% of FoodShare applicants would test positive. From a cost benefit standpoint, this seems like an ineffective use of state resources.

Proponents of drug testing for TANF applicants and recipients often argue that testing will deter substance abuse, which is seen as a barrier to employment.³ However, a pilot program in Florida found that there was very little difference in employment outcomes and earnings between TANF recipients who tested positive for drugs and those TANF recipients who tested negative.⁴

Some states have proposed drug testing as a requirement for SNAP eligibility. However, drug testing as a requirement for SNAP is only permissible when a state opts to allow those with certain drug felony convictions to receive SNAP benefits, in which case the state may impose certain restrictions, such as a drug test, upon those applicants. Currently, Wisconsin already tests people with past felony drug convictions as a condition to receive FoodShare benefits.

Drug testing other FoodShare applicants is not allowed under federal law and is, therefore, illegal. This is because federal law does not permit states, except under the limited circumstance noted above, to add a requirement to the eligibility screening for SNAP benefits.⁵

The Negative Impacts of Drug-Testing for Public Benefits

- **Drug testing is expensive.** Current estimates of the cost of drug-testing programs range from \$92,500 to \$20 million.⁶ A reduction in caseloads that states expect to occur upon implementation of drug-testing does not necessarily produce a net savings for states.⁷ Governor Walker's administration estimated that a small fraction of the program's applicants, about 220, or 0.3 percent, of the 67,400 applicants a year at that time, would actually test positive for drugs.

¹ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2011). *Drug testing welfare recipients: Recent proposals and continuing controversies*. Retrieved from <http://aspe.hhs.gov/hsp/11/DrugTesting/ib.pdf> ² The Substance Abuse and Mental Health Services Administration (2006). *Substance use among persons in families receiving government assistance* (The NHSDA Report). Retrieved from <http://oas.samhsa.gov/2k2/GovAid/GovAid.htm>

³ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2011). *Drug testing welfare recipients: Recent proposals and continuing controversies*. Retrieved from <http://aspe.hhs.gov/hsp/11/DrugTesting/ib.pdf> ⁴ Crew, Jr., R. E., & Davis, B. C. (2003). Assessing the effects of substance abuse among applicants for TANF benefits: The outcome of a demonstration project in Florida. *Journal of Health & Social Policy*, 17(1), 39-53.

⁵ Food and Nutrition Act of 2008, 7 U.S.C § 2014(b) (2008); Food and Nutrition Service, USDA Certification of Eligible Households, 7 C.F.R. §273.2(a) (2011)

⁶ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2011). *Drug testing welfare*

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Estimates for some states have shown that the cost of drug testing programs outweigh any financial savings.⁸

- Drug testing may decrease child well-being because sanctions and decreases in public benefits have been shown to increase the risk that any children in the assistance unit will be hospitalized and will face food insecurity.⁹
- Drug testing is inaccurate because urine screens cannot distinguish between the use of illegal drugs and the legitimate use of certain prescriptions and over-the-counter medications.¹⁰
- Drug testing is difficult to implement because it requires additional staff time to administer the tests, and to monitor compliance and eligibility.¹¹ It also requires modifying facilities to accommodate the testing, and modifying computer programs to include drug testing in the eligibility process, all of which increase costs to the states, which are not included in the standard price of the drug test.¹²
- Drug testing prevents eligible families from seeking public assistance because they are deterred by the stigma of taking a drug test. In states where applicants are required to pay for their own drug tests, the cost could be prohibitive and many people may not apply for benefits simply because they cannot afford it. Furthermore, confusion about drug testing requirements for a program like TANF may prevent people from pursuing other benefits that do not require testing, particularly in cases where TANF has a combined application for other benefits. In some instances where a combined application is used, an applicant could be denied other benefits for refusing to take a drug test for TANF even if the drug test isn't required for eligibility for other types of public assistance.¹³
- Drug testing increases government inefficiency because drug testing requirements complicate forms and application procedures and lengthen the eligibility process in public offices where case backlogs already exist.

For more information, please contact Stephanie Jung Dorfman, Executive Director, Feeding Wisconsin at sdorfman@feedingwi.org

⁸ *Ibid.*

⁹ Children's Sentinel Nutritional Assessment Program (2002). *The Impact of Welfare Sanctions on the Health of Infants and Toddlers*. Retrieved from http://www.childrenshealthwatch.org/upload/resource/welfare_7_02.pdf

¹⁰ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2011). Drug testing welfare recipients: Recent proposals and continuing controversies. Retrieved from <http://aspe.hhs.gov/hsp/11/DrugTesting/ib.pdf> ¹¹ *Ibid.*

¹² *Ibid.*

¹³ For instance, an applicant completing a combined application who declines a drug test for TANF and also applies for SNAP on the same application could be refused eligibility for SNAP for failing to comply with "comparable requirements" as set forth in 7 CFR § 273.11 (2011).