

Congress Considers Drug Testing Welfare Recipients

Four States Legally Prohibited from Drug Testing Could Lose Federal Funding

Public Health, Social Work, Drug Addiction Experts: Drug Testing Wasteful, Counterproductive, and Will Push Families into Poverty

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Congress is debating legislation that could cut federal welfare funding to at least four states and undermine anti-poverty efforts nationally. The bill, the **Personal Responsibility, Work, and Family Promotion Act (HR 240)**, would extend welfare legislation enacted by Congress and President Clinton in 1996. Earlier this week, however, a House subcommittee amended the bill to cut federal welfare funding to any state that does not drug test those applying for or receiving welfare benefits. No state currently drug tests welfare recipients. In fact, a 2003 ruling by a federal appeals court that covers the states of Kentucky, Michigan, Ohio, and Tennessee ruled that states cannot drug test welfare recipients because it's unconstitutional. Those states, and many others, could lose federal funding if the drug testing provision makes it into law.

"We expect to see a rebellion by members of Congress from states that would lose federal funding under this law," said Bill Piper, Director of National Affairs for the Drug Policy Alliance. "These states won't just be caught between a rock and a hard place, they'll be crushed under the rock."

In 2000 Michigan became the only state to adopt random and suspicionless drug testing of those applying for public assistance. Three years later, in *Marchwinski v. Howard*, the federal Court of Appeals for the Sixth Circuit upheld a lower court ruling striking down the program as a violation of the 4th amendment to the U.S. Constitution. To date no other state has established a program to drug test welfare applicants or recipients. In fact, experts on welfare and drug testing say states that have studied the issue have concluded that it would waste money that would be better used on anti-poverty programs.

An amicus brief in the Michigan case submitted by the Drug Policy Alliance in opposition to the drug testing program was supported by the American Public Health Association, the National Association of Social Workers, National Association of Alcoholism and Drug Abuse Counselors, National Council on Alcoholism and Drug Dependence, National Black Women's Health Project, and other legal and health groups. The brief, which was cited by the court, concluded that Michigan's drug testing program would do more harm than good and undermine the state's efforts to reduce poverty and keep families together.

"Congress is wading into an area that federal courts have already found constitutionally objectionable," said Daniel Abrahamson, Director of Legal Affairs for the Drug Policy Alliance and the author of the Alliance's legal brief in the Michigan case. "But even if the bill became law and somehow survived legal challenge, the legislation would likely wreak havoc on state anti-poverty programs across the country, further pushing working families into poverty."

The federal welfare bill was approved by the Ways and Means Committee's Human Resources Subcommittee on Tuesday, March 15th. It could be considered by the full committee as early as April.