

OPPOSE RANDOM DRUG TESTING FOR RECIPIENTS OF PUBLIC ASSISTANCE SAY NO TO HB 1389

HB 1389 would require all those who receive or apply for public assistance, including unemployment benefits, to submit to annual drug testing. Failure to submit to testing will have the same impact as failing a drug test—denial of benefits.

Random drug testing of welfare recipients is likely unconstitutional under both the U.S. and Georgia Constitutions.

- This bill targets recipients of public assistance despite evidence that drug use among recipients of public assistance is no higher than that of the general public.¹ The bill codifies a perceived difference in drug use between those receiving public assistance and the general population. These assumptions are not only incorrect, they are patently discriminatory. **Recipients of public assistance are no more likely to use drugs than the rest of the population.**
- In 2003 a Michigan policy to impose drug testing of welfare recipients was struck down as unconstitutional. The ACLU challenged the mandatory drug testing program as unconstitutional, arguing that drug testing of welfare recipients violates the Fourth Amendment's protection against unreasonable searches. The case, *Marchwinski v. Howard*, concluded when the U.S. Court of Appeals for the Sixth Circuit upheld a lower court's decision striking down the policy as unconstitutional.²

Many states have rejected the random drug testing of public assistance recipients as impractical and fiscally unjustifiable.

- Other states have decided not to mandate drug testing for recipients of public benefits because of the enormous economic burden and use of resources such a program would require. Limited resource would be better spent on job training programs and other less invasive forms of intervention.
- At the time Michigan's drug testing scheme was struck down, 49 other states had rejected such a program for a variety of fiscal and practical reasons: at least 21 states concluded that such a program "may be unlawful"; 17 states cited cost concerns; 11 states had not considered drug testing at all; and 11 gave a variety of practical/operational reasons.³

¹ According to 1996 study by the **National Institute of Alcohol Abuse and Alcoholism**, difference between the proportion of welfare and non-welfare recipients using illegal drugs are not statistically significant.

² *Marchwinski v. Howard*, 113 F. Supp. 2d 1134 (E.D. Mich. 2000), aff'd, 60 F. App'x 601 (6th Cir. 2003)

³ The Lindesmith Ctr., *Drug Testing Welfare Applicants: A Nationwide Survey of Policies, Practices, and Rationales* (Nov. 1999)

Science and medical experts overwhelmingly oppose the drug testing of public assistance recipients.

- The Center for Addiction and Mental Health (CAMH) recommended against implementing random drug testing of welfare recipients. CAMH believes that there was little benefit to testing and that the stigma associated with testing impacted those on welfare negatively. They recommended that resources be allocated towards better training for government workers to detect signs of substance abuse and mental disorders, as well as to greater assistance and treatment to those who need help.⁴
- Mandatory drug testing of welfare recipients is opposed by the following professional organizations.⁵
 - American Public Health Association
 - National Association of Social Workers, Inc.
 - National Association of Alcoholism and Drug Abuse Counselors
 - American College of Obstetricians and Gynecologists
 - National Council on Alcoholism and Drug Dependence
 - Association of Maternal and Child Health Programs
 - National Health Law Project
 - National Association on Alcohol, Drugs and Disability, Inc.
 - National Advocates for Pregnant Women
 - National Black Women's Health Project
 - National Welfare Rights Union
 - National Coalition for Child Protection Reform

Drug testing of public assistance recipients as a condition of eligibility is constitutionally, fiscally, and scientifically unsound.

VOTE NO ON HB 1389

⁴ Ctr. for Addiction and Mental Health, Position Statement on Mandatory Drug Testing and Treatment of Welfare Recipients (2000) (available at http://www.camh.net/best_advice/mandatory_drug_tests2000.html).

⁵ Brief of Amici Am. Pub. Health Ass'n et al., *Marchwinski v. Howard*, 309 F.3d 330 (6th Cir. 2002) (No. 00-2115), rev'd en banc, 2003 WL 1870916 (Apr. 7, 2003) (available at /files/FilesPDFs/marchwinskiamicusbrief1_22_01.pdf).