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Testimony of:

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DCF testimony on SB 149, Drug Testing of Cash Assistance Applicants and Recipients

Chairman Kleeb, Vice-Chair Suellentrop, Ranking Member Frownfelter, and Honored Members of the committee:

Thank you for the opportunity to provide neutral testimony regarding SB 149.

The Kansas Department for Children and Families (DCF) administers the TANF cash assistance program. The TANF program is a result of the 1996 Welfare to Work legislation and is a temporary program meant to be a bridge from poverty to employment. Employment is the cornerstone to the TANF program. All TANF recipients are required to take part in work activities which will aid that recipient in finding and maintaining employment and ultimately self-sufficiency.

Substance use and substance abuse problems are clear barriers to employment. Early detection and treatment of substance use problems will assist in removal of this barrier and will aid in moving the applicant or current cash recipient towards self-sufficiency. Obtaining necessary job skills or training while undergoing treatment in order to continue receiving financial assistance will further aid recipients in this movement. Knowledge that a recipient is substance free will increase employment options including industries that require mandatory drug testing of all new employees.

Senate Bill 149 establishes requirements for suspicion-based drug testing of cash assistance applicants and recipients. Applicants or recipients of cash assistance testing positive for controlled substance use will be allowed the opportunity to undergo substance abuse treatment to address their use of illegal substances and remove this barrier from employment. By requiring completion of a substance abuse treatment program as well as a skills training course, individuals will obtain the skills necessary to gain employment and move to self-sufficiency.

A positive drug test will require the applicant or recipient to complete a substance abuse treatment and a skills training course in order to be eligible for cash assistance. Subsequent failing of a drug test results in one year ineligibility for cash assistance and the completion of a substance abuse treatment and a skills training course in order to be eligible for cash assistance. A third positive drug test results in termination of eligibility of cash assistance.

SB 149 includes a protective payee provision which allows cash assistance to continue on behalf of the child(ren). If reasonable suspicion is determined to exist, the protective payee named by the individual may also be required to undergo drug testing. If this individual fails the drug screen, another protective payee will be assigned to receive the benefit on behalf of the children.

Senate Bill 149 also removes the exemption which allowed convicted drug felons from receiving cash assistance. Convicted drug felons will now be prohibited from receiving cash assistance for five years for a first offense and subsequent offenses removes eligibility for their lifetime.

The Senate Committee of the Whole added an amendment (page 12, lines 42-43 and page 13 lines 1-9) which would require DCF to provide substance abuse treatment and job skills training for TANF cash assistant applicants and recipients with available TANF funding, provided such funding is allowable by federal law and regulations. If not, then state general funds are to be used to administer and operate such programs. This amendment would further require DCF to utilize TANF federal funds to fund substance abuse treatment and job skills training for applicants for or recipients of unemployment benefits who test positive for drugs (page 28, lines 2-12). State general funds are again to be used to administer these programs if the use of TANF federal funds is unallowable.

TANF funds are limited in their use to individuals who meet the income guidelines to qualify for TANF services. In the case of recipients of unemployment benefits, available data indicates that very few unemployment insurance recipients would be eligible for TANF funding and therefore TANF funds could not be used. Under this provision, DCF would be required to use SGF for unemployment insurance recipients which would be a significant hardship on the agency.

DCF opposes amended language of SB 149 and has provided an amendment to strip this provision from the bill.

I thank you for the opportunity to address the important issue and I am happy to answer any questions the committee may have.