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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2596

03/08/2016 Authored by Green

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; authorizing a pilot program for suspicion-based
1.3 substance abuse screening for certain applicants and recipients.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **MFIP SCREENING PILOT PROGRAM.**

1.6 Subdivision 1. **Establishment.** The commissioner of human services shall establish
1.7 and administer a program of suspicion-based substance abuse screening and testing for
1.8 Minnesota family investment program (MFIP) applicants and recipients under Minnesota
1.9 Statutes, chapter 256J, as described in this section.

1.10 Subd. 2. **Administration.** The commissioner shall administer a suspicion-based
1.11 substance abuse screening and testing pilot program for MFIP applicants and recipients in
1.12 three or more counties. The department shall determine which counties shall begin the
1.13 initial administration of the pilot program required in this subdivision.

1.14 Subd. 3. **Application.** Upon initial application and at annual redetermination,
1.15 the department shall screen MFIP applicants and recipients 18 years of age or older for
1.16 suspicion of substance abuse using an empirically validated substance abuse screening tool.

1.17 Subd. 4. **Results.** If the results of the substance abuse screening give the department
1.18 a reasonable suspicion to believe that the applicant or recipient engaged in the use of a
1.19 controlled substance, the applicant or recipient must take a substance abuse test.

1.20 Subd. 5. **Refusal.** If the applicant or recipient refuses to take a substance abuse test,
1.21 the individual is ineligible for MFIP assistance, but may reapply after six months. If the
1.22 applicant or recipient reapplies for MFIP assistance, the individual must test negative
1.23 for use of controlled substances.

2.1 Subd. 6. **Cost.** If the applicant or recipient tests negative for use of controlled
2.2 substances, the cost of administering the substance abuse test shall be paid by the
2.3 commissioner.

2.4 Subd. 7. **Length of pilot program.** The pilot program described in this section shall
2.5 begin not later than October 1, 2016, and conclude not later than September 30, 2017, but
2.6 shall last not less than one year.

2.7 Subd. 8. **Report.** Not later than 60 days after the conclusion of the pilot program
2.8 described in this section, the department shall submit a report to the legislature that
2.9 includes, but is not limited to, all of the following:

2.10 (1) the number of individuals screened;

2.11 (2) the number of individuals screened for whom there was a reasonable suspicion
2.12 of use of a controlled substance;

2.13 (3) the number of individuals who submitted to a substance abuse test;

2.14 (4) the number of individuals who refused to submit to a substance abuse test;

2.15 (5) the number of individuals who submitted to a substance abuse test who tested
2.16 positive for use of a controlled substance;

2.17 (6) the number of individuals who submitted to a substance abuse test who tested
2.18 negative for use of a controlled substance;

2.19 (7) the number of individuals who tested positive for use of a controlled substance a
2.20 second or subsequent time;

2.21 (8) the amount of the costs incurred by the department for administering the program;

2.22 (9) the number of individuals who were referred to a treatment program determined
2.23 by the department; and

2.24 (10) sanctions, if any, that have been imposed on individuals as a result of the
2.25 substance abuse testing.

2.26 **Sec. 2. SUBSTANCE ABUSE TREATMENT.**

2.27 Subdivision 1. **Referral.** The first time an applicant or recipient tests positive for
2.28 use of a controlled substance under the pilot program, the department shall refer the
2.29 individual to a treatment program determined by the department and, if the individual is
2.30 otherwise eligible, provide or continue to provide MFIP assistance to the individual. The
2.31 cost of administering the substance abuse test shall be deducted from the applicant's
2.32 first MFIP assistance payment or the recipient's first MFIP assistance payment after the
2.33 redetermination. If the applicant or recipient described fails to participate in a treatment
2.34 program determined by the department, or fails to submit to any periodic substance abuse

3.1 testing required by the treatment program, the department shall terminate the individual's
3.2 MFIP assistance.

3.3 Subd. 2. **Reapplication.** The second or subsequent time an applicant or recipient
3.4 tests positive for use of a controlled substance under the pilot program, the individual is
3.5 ineligible for MFIP assistance. If the applicant or recipient reapplies for MFIP assistance,
3.6 the individual must test negative for use of controlled substances to receive MFIP
3.7 assistance. The department may refer the individual to a substance abuse treatment
3.8 program determined by the department.

3.9 Subd. 3. **Definitions.** (a) For the purposes of this section, the following terms
3.10 have the meanings given them.

3.11 (b) "Controlled substance" has the meaning given in Minnesota Statutes, section
3.12 152.01, subdivision 4.

3.13 (c) "Use of a controlled substance" does not include a recipient or applicant with a
3.14 prescription for the controlled substance from a health care practitioner or a recipient or
3.15 applicant who tests positive for marijuana if the individual is a patient and possesses a
3.16 patient registry number for medical cannabis.

3.17 (d) "Patient" has the meaning given in Minnesota Statutes, section 152.22,
3.18 subdivision 9.

3.19 (e) "Patient registry number" has the meaning given in Minnesota Statutes, section
3.20 152.22, subdivision 10.

3.21 (f) "Medical cannabis" has the meaning given in Minnesota Statutes, section 152.22,
3.22 subdivision 6.