



Legislation Text

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Res. No. 764

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation which would require drug testing as a condition for public assistance benefits.

By Council Member King

Whereas, Since the United States Congress overhauled welfare in 1996, through the Personal Responsibility and Work Opportunity Reconciliation Act, federal rules have allowed states to drug test welfare applicants for the Temporary Assistance for Needy Families (TANF) program; and

Whereas, According to the National Conference of State Legislatures' (NCSL) article titled "Drug Testing for Welfare Recipients and Public Assistance," in 2009, more than 20 states proposed legislation that has drug testing as a condition for public assistance eligibility; and

Whereas, While a Michigan law permitting blanket-testing applicants was struck down in 2003, Florida approved a law that was adverse to the Michigan court's ruling and had a drug-testing policy enacted through its state legislature in 2011, only to have its enforcement halted in 2013 by a federal court; and

Whereas, Recently, the call for drug testing for public assistance recipients has gained increased popularity with a growing number of states implementing various drug-testing conditions for public assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, unemployment, public housing, and other benefit programs; and

Whereas, According to the NCSL article, "at least ten states have passed legislation regarding drug testing or screening for public assistance applicants or recipients" as follows: "three states passed legislation in 2011, four states enacted laws in 2012, two states passed legislation in 2013, and one state has passed legislation in 2014"; and

Whereas, Participating states include Arizona, Florida, Georgia, Kansas, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee and Utah; and

Whereas, While the 1996 “Gramm Amendment” to the PRWORA gave states significant discretion to modify or revoke a lifetime ban on SNAP benefits and TANF aid for individuals with felony convictions, more than a dozen states still prohibit welfare for convicted drug felons; and

Whereas, Currently, 20 states prohibit unemployment benefits for applicants who have lost a job due to drug use; and

Whereas, Additionally, 12 states have proposed drug testing for unemployment insurance; and

Whereas, As of March 26, 2014, at least 22 states have proposed legislation or have carryover bills requiring some form of drug testing or screening for public assistance recipients in the 2014 legislative sessions; and

Whereas, According to the NCSL article, many of the proposed and enacted items of legislation have maintained the protection of children as a national priority by providing that even if the parent(s) fail to pass the welfare drug-tests, payments may be made to “protective payees”; and

Whereas, Furthermore, also according to the NCSL, most states enable a person who has failed the drug -test the opportunity to reapply after active participation of a certified drug rehabilitation program and after a brief amount of time to ensure compliance and rehabilitation; and

Whereas, According to an article in the Cleveland State Law Review, “Drug Testing, Welfare, and the Special Needs Doctrine: An Argument in Support of Drug Testing TANF Recipients” welfare drug-testing can help drug users on public assistance get help by promoting self-sufficiency and providing an incentive to kick long standing drug addiction; and

Whereas, Since drug tests are becoming a common requirement for job maintenance and application,

welfare drug-testing requirements are aligned with the intention of public assistance as transitional aids; and

Whereas, Welfare drug-testing requirements help to ensure that public dollars are not going toward subsidizing drug habits, especially in times of budget constraints; and

Whereas, As welfare spending in the United States approaches \$1 trillion a year and counting, New York State should impose measures that will protect tax payer money, aid rehabilitation, discourage long-term dependence and abuse, and improve the overall quality of life for welfare recipients and non-recipients alike; now, therefore, be it,

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation which would require drug testing as a condition for public assistance benefits.

CC/AV
LS # 1925
6/19/2014