



Legislation Text

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Res. No. 55

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 (PRWORA), 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 15 states have passed legislation regarding drug testing or screening for public assistance applicants or recipients, including Alabama, Arkansas, Arizona, Florida, Georgia, Kansas, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Utah, West Virginia and Wisconsin; 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, at least four states modified the ban to require those convicted of drug felony charges to comply with drug testing requirements as a condition of receiving benefits, including Maine, Minnesota, Pennsylvania and Wisconsin; 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, According to NCSL, as of March 2017, at least 20 states have proposed legislation requiring some form of drug testing or screening for public assistance recipients including Hawaii, Illinois, Kentucky, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New York, North Dakota, Rhode Island, South Carolina, Texas, and Vermont; and

Whereas, Two pieces of legislation were introduced in New York State, A.4753 and A.7007/S.533; and

Whereas, A.4753 requires recipients of public assistance benefits submit to pre-qualification drug screening and testing, random drug testing, reasonable suspicion drug testing and resumption of benefits drug testing; and

Whereas, A.7097/S.533 would authorize local social services districts to conduct random drug testing to identify applicants for or recipients of public assistance benefits who need drug or alcohol treatment, and individuals would remain eligible for such benefits as long as they participate in good faith with the treatment; 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, 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.

TC
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