

The New York Times Reprints

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for samples and additional information. [Order a reprint of this article now.](#)



October 10, 2011

States Adding Drug Test as Hurdle for Welfare

By A. G. SULZBERGER

KANSAS CITY, Mo. — As more Americans turn to government programs for refuge from a merciless economy, a growing number are encountering a new price of admission to the social safety net: a urine sample.

Policy makers in three dozen states this year proposed drug testing for people receiving benefits like welfare, unemployment assistance, job training, food stamps and public housing. Such laws, which proponents say ensure that tax dollars are not being misused and critics say reinforce stereotypes about the poor, have passed in states including Arizona, Indiana and Missouri.

In Florida, people receiving cash assistance through welfare have had to pay for their own drug tests since July, and enrollment has shrunk to its lowest levels since the start of the recession.

The law, the most far-reaching in the nation, provoked a lawsuit last month from the American Civil Liberties Union, arguing that the requirement represents an unreasonable search and seizure.

The flood of proposals across the country, enabled by the strength of Republicans in many statehouses and driven by a desire to cut government spending, recall the politics of the '80s and '90s, when higher rates of drug abuse and references to "welfare queens" led to policies aimed at ensuring that public benefits were not spent to support addiction.

Supporters of the policies note that public assistance is meant to be transitional and that drug tests are increasingly common requirements for getting jobs.

“Working people today work very hard to make ends meet, and it just doesn’t seem fair to them that their tax dollars go to support illegal things,” said [Ellen Brandom](#), a Republican state representative in Missouri.

The last three years, she sponsored legislation requiring testing of welfare recipients, and her bill was signed by Gov. Jay Nixon, a Democrat, in July.

Advocates for the poor say the testing policies single out and vilify victims of the recession, disputing the idea that people on public assistance are more likely to use drugs. They also warn that to the extent that testing programs were successful in blocking some people from receiving benefits, the inability to get money for basic needs would aggravate drug addictions and increase demand for treatment.

At [Operation Breakthrough](#), which provides day care services to low-income women here in Kansas City, Nicole, 22, who asked to be identified only by her first name, began to cry as she described trying to provide for her three children on a monthly welfare check of \$342, plus \$642 in food stamps.

Her electricity was cut off that morning, she said, which meant she could be evicted from her subsidized housing. The struggle to make ends meet while pursuing a health care degree was so consuming that the idea of taking drugs seemed ridiculous, she added.

Kimberley Davis, the director of social services for Operation Breakthrough, said the legislation sent a bad message. “All this does is perpetuate the stereotype that low-income people are lazy, shiftless drug addicts and if all they did was pick themselves up from the bootstraps then the country wouldn’t be in the mess it’s in,” Ms. Davis said.

Many states have already established ways to prevent people with known drug problems from receiving benefits — about 20 states prohibit unemployment payments for anyone who lost a job because of drug use, and more than a dozen states refuse welfare payments to anyone convicted of a drug felony.

But, as tight state budgets have raised concern about government spending and fostered an impatience with aid to the poor, these efforts have gone further. Some point to federal statistics showing that unemployed adults are about twice as likely as employed adults to have

used drugs in the previous month.

This year, 36 states considered drug testing for recipients of cash assistance from the major welfare program, Temporary Assistance for Needy Families, according to the National Conference of State Legislatures; 12 states proposed it for unemployment insurance; and some also considered making it a requirement for food stamps, home heating assistance and other programs.

At the same time, a number of cities, including Chicago and Flint, Mich., considered drug testing public housing residents. There have also been proposals in Congress for nationwide testing of welfare recipients.

To date, most of the proposals have failed to win support because of concerns about legality, stemming from a decade-old federal court ruling. That ruling struck down a Michigan law that mandated testing for all welfare recipients as a violation of the constitutional protection against unreasonable search and seizure.

Money has also been an issue — the sides dispute whether the savings in unpaid benefits will eclipse the spending on administration, including the cost of testing.

“It really speaks to how the politics of the moment are dominating the policy conversation in the virtual absence of any evidence,” said [Harold Pollack](#), a professor at the University of Chicago whose research has indicated that people on welfare used drugs at rates similar to the general population.

In Arizona, under a 2009 program reauthorized this year, applicants are tested if they answer yes to a question about recent drug use. Only 16 out of 64,000 answered yes; 931 did not submit the form. The state estimated the savings on benefits had totaled \$116,000.

The law in Florida, where the average recipient receives \$253 a month for less than five months, is more expansive. It requires applicants to pay for their own drug tests, which the state says costs up to \$40, and the state will reimburse those who pass. People who fail the test are disqualified for one year — six months if they receive treatment — and are reported to the Florida abuse hot line. Payments to children can continue through another person, like a grandparent.

Since July, 7,030 passed, 32 failed and 1,597 did not provide results, according to the state. The state said it does not track what drugs caused failures, but elsewhere the vast majority of cases involved [marijuana](#).

Both sides have seized on the early results. Opponents argue that they suggest the number of drug users among people who receive public benefits is lower than the general population, and proponents say that it suggests that drug users are being deterred from taking the test.

A decline in the number of applicants appears to have accelerated since the testing started, according to a spokesman for the Florida Department of Children and Families.

State leaders have defended the program as “nothing more than an additional eligibility criteria,” noting that applicants are free to decline benefits if they do not want to be tested.

“To me it’s real simple: money is going to go to the benefit of children, not to a parent using drugs,” said Gov. Rick Scott, a Republican who campaigned on the proposal.

[Arthenia L. Joyner](#), a Democratic leader in the State Senate who introduced a bill to repeal the law, said that now was not the right time for such policies.

“There are millions of people seeking aid from the state for the first time because they have lost their jobs and they still have children to feed and bills to pay,” she said. “These people now are having to suffer the indignity of having to undergo a drug test.”