

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

***** 400.57z.added THIS ADDED SECTION IS EFFECTIVE MARCH 31, 2015 *****

400.57z.added First positive test for use of controlled substance; referral to department-designated community mental health entity; second or subsequent positive test for use of controlled substance; applicant or recipient ineligible for assistance; time period for pilot program; report; age of applicant or recipient; definitions.

Sec. 57z. (1) If an applicant or recipient tests positive for use of a controlled substance and it is the first time that he or she tested positive for use of a controlled substance under the pilot program described in this section and section 57y, the department shall refer the individual to a department-designated community mental health entity and, if he or she is otherwise eligible, provide or continue to provide family independence program assistance to him or her. For an applicant described in this subsection, the cost of administering the substance abuse test to him or her shall be deducted from his or her first family independence program assistance payment. For a recipient described in this subsection, the cost of administering the substance abuse test to him or her shall be deducted from his or her first family independence program assistance payment after the redetermination. If the applicant or recipient described in this subsection fails to participate in treatment offered by the department-designated community mental health entity or fails to submit to periodic substance abuse testing required by the department-designated community mental health entity, the department shall terminate his or her family independence program assistance.

(2) If an applicant or recipient tests positive for use of a controlled substance and it is the second or subsequent time that he or she tested positive for use of a controlled substance under the pilot program described in this section and section 57y, he or she is ineligible for family independence program assistance. If the applicant or recipient reapplies for family independence program assistance, he or she must test negative for use of a controlled substance in order to receive family independence program assistance. The department may provide a referral to the applicant or recipient to a department-designated community mental health entity for substance abuse treatment.

(3) The pilot program described in this section and section 57y shall begin not later than October 1, 2015 and conclude not later than September 30, 2016 but shall last not less than 1 year.

(4) Not later than 60 days after the conclusion of the pilot program described in this section and section 57y, the department shall submit a report to the legislature that includes, at least, all of the following:

- (a) The number of individuals screened.
- (b) The number of individuals screened for whom there was a reasonable suspicion of use of a controlled substance.
- (c) The number of individuals who consented to submitting to a substance abuse test.
- (d) The number of individuals who refused to submit to a substance abuse test.
- (e) The number of individuals who submitted to a substance abuse test who tested positive for use of a controlled substance.
- (f) The number of individuals who submitted to a substance abuse test who tested negative for use of a controlled substance.
- (g) The number of individuals who tested positive for use of a controlled substance a second or subsequent time.
- (h) The amount of the costs incurred by the department for administering the program.
- (i) The number of applicants and recipients who were referred to a department-designated community mental health entity under this section.
- (j) Sanctions, if any, that have been imposed on recipients as a result of the substance abuse testing under this section.

(5) For the purposes of this section and section 57y only, an applicant or recipient is an individual who is 18 years of age or older.

(6) For purposes of this section and section 57y only, "use of a controlled substance" does not include a recipient or applicant who has a prescription for the controlled substance from a treating physician or a recipient or applicant who tests positive for marihuana if the recipient or applicant is a qualifying patient who has been issued and possesses a registry identification card according to the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

(7) As used in this section and section 57y, "controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(8) As used in this section:

(a) "Department-designated community mental health entity" means that term as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a.

(b) "Qualifying patient" and "registry identification card" mean those terms as defined in section 3 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26423.

History: Add. 2014, Act 395, Eff. Mar. 31, 2015.

Popular name: Act 280