

Commentary

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Drug Tests for Public Assistance Recipients: A Sensible and Powerful Drug Prevention Strategy

Nearly two dozen states are considering proposals to require individuals to pass a drug test to receive public assistance such as unemployment benefits, welfare, and food stamps.¹ The debate headlined *USA Today* noted support of the program to “help people stay healthy, avoid substance abuse problems and eliminate fraud.”² This initiative has met with strong opposition from the America Civil Liberties Union based on the view that a drug test without individualized suspicion of substance use is a violation of privacy. Similarly, an October 2011 article on the front page of *The New York Times* focused on the potentially punitive nature of drug tests, construing their use as an inappropriate invasion of privacy as well as an attempt by states to cut their budgets by no longer funding individuals to use drugs.³

There are two underlying realities that are seldom discussed in this often politicized and heated debate. The first is that illegal drug use is a serious problem for many people across all spectrums of society, including those receiving public assistance. The second is that routine drug testing is not a punishment. It is a benefit to those being tested because it helps them become and stay drug-free.

Some groups object to drug testing this population because there are more employed adults who use illegal drugs than unemployed adults. It is true that of the 20.2 million current illicit drug users aged 18 or older in 2010, 13.3 million or 65.9% were employed either full time or part time.⁴ That said, in the same year, 17.5% of unemployed Americans aged 18 or older reported past 30 day illegal drug use compared to 11.2% of part time and 8.4% of full time employed adults.

While both employed and unemployed drug using adults need attention, it is also true that ongoing drug use is a significant barrier to joining and remaining in the workforce. Workplace drug testing is common practice and provides a good model for public assistance drug testing programs because such programs function as a meaningful deterrent to drug use and provide an avenue to intervention and treatment for those who test positive.

The immediate future of drug testing programs for public assistance recipients is unclear. Last fall a federal judge issued a temporary injunction on Florida's welfare drug testing program citing concern that the law could violate a person's rights against search and seizure under the Fourth Amendment.⁵ In February, Virginia postponed consideration of a drug testing bill until 2013.⁶ With 23 states considering drug testing public assistance recipients, the facts about drug tests must be made clear.

These scheduled public assistance drug tests administered prior to receiving benefits are equivalent to the very common scheduled pre-employment drug tests. Despite the controversies,

it is likely that drug testing will become more common in many areas of public assistance as they are becoming ever more common in the workplace.

While drug testing is a benefit to society and to those being tested, there are limitations to relying on scheduled tests alone to prevent and to identify drug use. Urine drug tests detect drug use within the 1-3 days prior to the test. A drug user can generally stop using drugs for a few days prior to a scheduled test in order to obtain a clean result. Urine drug tests are also now subject to well-organized cheating. The fact that so many people today fail scheduled drug tests -- 3.6% of the over 4.5 million pre-employment drug tests conducted among the general U.S. workforce in 2010 were positive⁷ -- bears witness to the reality that drug use is very widespread and that many people do not want to stop their drug use for even a few days to pass the tests.

To get a more complete picture of drug use among individuals receiving public assistance, those in the workplace or those in other settings, drug tests should be random and non-scheduled. Drug testing of public assistance recipients should be conducted not only when benefits begin but also during the course of receiving benefits to act as a deterrent to an individual's using benefit monies to buy drugs. Individuals who test positive need to be monitored more closely with benefits obtained on the condition that they become drug-free. Drug testing programs should ensure that children in need receive welfare benefits if a parent recipient tests positive on a scheduled drug test. For example, drug-using individuals with children should be permitted to elect a family member or another adult who participates in the drug testing and is drug-free to obtain the funds on the children's behalf.

Every one of the individuals seeking public assistance who is identified as a recent drug user deserves an opportunity to become drug-free including intervention, treatment if necessary, and long-term monitoring to ensure that they remain drug-free. Drug use ruins lives and families; drug testing does not. It is not disrespectful or harmful to conduct drug tests of recipients of public assistance. Ignoring and enabling illegal drug use both disrespects and neglects families in need.

Drug abuse is a serious public health problem that can be prevented, identified and successfully treated with adequate long-term monitoring. The Institute for Behavior and Health, Inc. (IBH) supports the policies of states that have implemented strong, compassionate drug testing programs for public assistance recipients. These states are showing a commitment to reducing illegal drug use in this vulnerable population with this effective prevention strategy. In addition drug testing promotes public support for the funding of these benefits. Drug testing that requires recipients to be drug-free to receive tax-payer funded benefits uses the leverage of the benefits to achieve significant public health goals including benefits to the health and welfare of the beneficiaries of these programs.

For more information on IBH, visit www.ibhinc.org.

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Established in 1978, the Institute for Behavior and Health, Inc. (IBH) is a 501(c)3 non-profit organization working to reduce substance abuse through the power of good ideas. IBH websites include: www.ibhinc.org, www.StopDruggedDriving.org, www.PreventTeenDrugUse.org, and www.PreventionNotPunishment.org.

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