



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 12, 2009

MEMORANDUM

TO: The Honorable John M. Mizuno, Chair  
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 661 - RELATING TO DRUG TESTING**

Hearing: Thursday, February 12, 2009, 8:00 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of H.B. 661 is to direct the Department of Human Services to undertake a study and report to the Legislature, on the costs and benefits of requiring random drug testing for recipients of public assistance benefits.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this measure; however, given the current fiscal difficulties, it would not be prudent to pursue enactment at this time since funding most likely would be required to do a study. In addition, compliance with treatment for financial assistance recipients with a substance abuse problem is already a requirement for continued eligibility.

For our financial assistance programs, disability is any physical or mental condition as diagnosed by a physician, psychiatrist or psychologist, and certified by our

Medical Review Board, which prevents an individual from working full-time. Addiction to substances, illegal or otherwise, typically qualifies as a disability.

Our General Assistance program, an individual must be temporarily disabled to be eligible for financial assistance. For the Assistance to the Aged, Blind, and Permanently, and Totally Disabled program, the individual must be at least age sixty-five, legally blind, or permanently disabled to be eligible for financial assistance. For our Temporary Assistance for Needy Families (TANF) program, disability is not a condition of eligibility but if identified, it affects work activity requirements.

Once eligible, disabled individuals are required to accept and comply with treatment as a condition of eligibility. Recipients of General Assistance specifically due to drugs or alcohol must follow a treatment plan. For TANF recipients identified to be substance abusers, drug testing is already a requirement.

Compliance is monitored by treatment providers and our Medical Review Board. Failure to comply with treatment makes the household ineligible for varying periods of time. Under TANF, the first noncompliance makes the family ineligible until compliance, the second is for two months or until compliance, whichever is longer, the third and future noncompliance make the family ineligible for three months or until they comply, whichever is longer. Under General Assistance, the first non-compliance causes a one month disqualification, the second is for three months and the third and future non-compliance causes six months of disqualification.

We currently have approximately 60 families per month and 1,400 adult singles receiving financial assistance that require substance abuse treatment.

Finally, the Food Stamp program is different; it is an exclusively federally funded program. The U.S. Code charges the Secretary of the U.S. Department of Agriculture with establishing national uniform standards of eligibility. As stated, "No State agency

shall impose any other standards of eligibility as a condition for participating in the program. “ We would not be allowed to implement this requirement on our Food Stamp population.

We also respectfully defer to the testimony of the Department of the Attorney General submitted in the 2008 Legislative Session, on S.B. 3184 in 2008 as to the legality of this issue.

Thank you for the opportunity to provide comments on this bill.



the  
**Drug Policy  
Forum**  
of hawaii

February 12, 2009

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To: Representative John Mizuno, Chair  
Representative Tom Brower, Vice Chair  
And Members of the Committee on Human Services

From: Jeanne Ohta, Executive Director

RE: HB 661 Relating to Random Drug Testing  
Hearing: Thursday, February 12, 2008, 8:00 a.m., Room 329

Position: Strong Opposition

I am testifying today in strong opposition to HB 661 which would direct the department of human services (DHS) to report to the legislature on costs and benefits of requiring random drug testing for recipients of benefits of public assistance programs.

Directing DHS to conduct this study at a time when fiscal resources are at an all-time low is bad public policy; it would force the department to redirect needed resources from programs that are already being cut or reduced.

It is also a foolish use of resources when mandatory random drug testing of welfare recipients has already been found to be unconstitutional in other states.

If the goal of this proposal is to reduce drug use among recipients of public assistance programs, it will not. Random drug testing is an expensive policy that has been proven ineffective in reducing the use of drugs. Random drug testing is a waste of taxpayer money.

Funds and efforts would be better spent on funding drug treatment programs in Hawaii; so that we have treatment on demand. People are being turned away from programs because of the lack of treatment beds and space in outpatient programs.

Making people ineligible for public assistance programs is not a solution to drug use. The National Institute of Drug Abuse recognizes drug addiction as a brain disease that needs to be treated medically, not through punitive measures that do not change behavior.

This proposal is bad public policy and is not in the best interest of our state. Please hold this bill. Thank you for the opportunity to testify on this measure.

P.O. Box 61233  
Honolulu, HI 96839

Phone: (808)-988-4386  
Fax: (808) 373-7064

Email: [info@dpfhi.org](mailto:info@dpfhi.org)  
Website: [www.dpfhi.org](http://www.dpfhi.org)

Date: February 10, 2009

To: HOUSE COMMITTEE ON HUMAN SERVICES  
Rep. John Mizuno, Chair  
Rep. Tom Brower Vice-Chair

From: Teresa Bill, ph: 956-9313

Re: HB 661 relating to Drug Testing  
Thurs. Feb. 12 2009 8:00 a.m.  
Conference Room 329 1 copy to Committee Clerk, room 315

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My name is Teresa Bill, and I am testifying as Coordinator of Bridge to Hope, a program supporting welfare recipients, in **strong opposition to HB 661** requiring the Dept. of Human Services conduct a study to determine the cost/benefit analysis of conducting random drug testing of recipients of public assistance. I must state that I am testifying on my own behalf & do not represent the official position of the University.

Random drug testing of public benefits recipients presumes to connect welfare recipients with drug use, and welfare fraud. These are inaccurate and destructive stereotypes that public assistance recipients must face and fight against every day. What other groups of tax-paying citizens are expected to submit to random drug tests to receive assistance they are eligible for?

The cost of conducting random drug tests is prohibitively expensive and it violates the presumption of innocence, painting an entire population with a negative stereotype because of isolated individuals.

I urge you not to pass this bill. It preys on inaccurate and humiliating stereotypes of welfare participants. Thank you for this opportunity to testify.

**From:** Joel Fischer [redacted@hawaii.edu]  
**Sent:** Tuesday, February 10, 2009 9:51 AM  
**To:** HUS testimony  
**Subject:** HB661;HUS;2/12/09;8AM;Rm329

**Importance:** High

HB661, Relating to Random Drug Testing  
HUS; Chair, Rep Mizuno

**OH, FOR HEAVEN'S SAKE, KILL THIS IDEA ONCE AND FOR ALL!!**

Drug testing for welfare recipients raises its ugly head every so often. It is quite simply a punitive measure that assures that clients who are vulnerable and powerless are intruded upon even more. Legislators have to understand that many clients are disabled because of their drug use. What will we do, test them and deny them benefits? Other clients are on medications that mimic the effects of drugs and can be seen as symptoms of drug use so that these clients will also have to go through the ordeal of meaningless testing.

But, above all, this drug testing for these clients is a way of making life on a cash assistance welfare program as miserable as possible. These clients deserve maximum respect, not additional horrors. As a professor of social work, I deeply resent that some legislators might want to subject these clients to these investigations. **Just because people are poor and helpless does not mean they don't deserve our compassion and understanding!**

**HEWA!**

In an atmosphere of fiscal crisis, I can scarcely believe that any one would want to see government funds wasted this way!!

**Thank you for killing this bill!**

Aloha, Joel  
Dr. Joel Fischer, ACSW  
President, 19-3, Democratic Party

Professor  
University of Hawai'i, School of Social Work  
Henke Hall  
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."  
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."  
Dr. Martin Luther King, Jr.

"Never, never, never quit."  
Winston Churchill