Mandatory Drug Testing for Unemployment Benefits and TANF is Costly and Ineffective

Laws nearly identical to the ones being introduced in New Mexico were struck down in Michigan in 2003 by a federal appeals court. The court upheld a 2000 decision by a U.S. District Court judge that mandatory, suspicionless urine testing of applicants for public assistance violates the 4th Amendment’s protection from unreasonable search and seizure, and is unnecessary given the existence of more effective and less invasive means of detecting drug abuse.\(^1\)

Simple drug-testing is an expensive and ineffective method of identifying people with substance abuse problems. Drug tests identify drug usage, not substance-abuse problems, and most positive tests identify casual marijuana users, rather than individuals struggling with addiction. Other less expensive and reliable means of screening for substance abuse problems are available. These methods include in-person interviews and questionnaires, among other tactics, and do not damage the mutual trust relationship between social service providers and recipients.\(^2\)

The cost per “find” from drug testing could be anywhere from $500 into thousands of dollars.\(^3\) Each drug test costs between $35-75.\(^4\) Welfare recipients use drugs at the same rate as the general population (around 8\%), which means that an overwhelming majority of testing kits return negative results. During the implementation of mandatory drug testing for welfare benefits in three offices in Michigan only 21 people out of the 258 who were tested showed positive results for illicit substances. Of those 21 all but three tested positive for marijuana alone.

Sanctions on TANF recipients will fall heavily on children. The majority, roughly 75\%, of TANF beneficiaries are children from impoverished families.\(^5\) This punishes children for circumstances beyond their control. This proposal would also exacerbate existing stigma associated with receiving unemployment, TANF or other public benefits, and could potentially deter struggling individuals from applying for aid.

Drug testing fails to spot those with true substance abuse problems. Urinalysis drug testing detects metabolites from drugs in an individual’s urine. The metabolites of marijuana remain in the body for weeks after marijuana use, unlike metabolites for cocaine or heroin.\(^6\) Therefore due solely to the nature of drugs and this testing practice, casual marijuana users are more likely to be penalized than cocaine or heroin users.

Drug testing also fails to find other serious problems like alcohol abuse and mental health disorders. A study by researchers from the University of Michigan on a similar program found that the majority of those who tested positive were casual users with no classifiable underlying addiction. The drug testing program, however, ignored other serious issues like mental health problems.\(^7\)

Conclusion: The legislation being proposed violates the constitution, imposes needless costs on taxpayers, and punishes the wrong people while overlooking those with true problems. Substance abuse affects families of all income levels and will not be ameliorated by simple drug testing and retaliatory restriction of benefits.

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\(^5\) National Institutes of Health. NIAAA Researchers Estimate Alcohol and Drug Use, Abuse, and Dependence. NIH, 1996.
\(^7\) “Drugs of Abuse Reference Guide,” LabCorp Inc.