



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0350/4
PJK:jld:jm

DOA:.....Major, BB0109 - Work experience program drug testing and treatment

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DCF administers various work experience programs. The Transform Milwaukee Jobs program in Milwaukee County and the Transitional Jobs program outside of Milwaukee County provide work experience for unemployed individuals by providing a subsidy for wages and other employment expenses to employers that employ the individuals. Under the Wisconsin Works (W-2) program, DCF may provide job search assistance, placement in a subsidized job, or a stipend for up to four months to a noncustodial parent who would be eligible for W-2 except that he or she is not a custodial parent, if the noncustodial parent is subject to a child support order and the custodial parent of the noncustodial parent's child is a participant in W-2. Also under current law, DCF may contract with any county, tribal governing body, or W-2 agency to administer a work experience and job training program for noncustodial parents who have failed to pay child support due to unemployment or underemployment. Such individuals may be ordered by a court to register for a work experience and job training program.

This bill requires every individual who applies to participate in the Transform Milwaukee Jobs program or the Transitional Jobs program, who applies for W-2

services and benefits for noncustodial parents, or who applies for or is ordered by a court to register for a work experience and job training program (collectively, a program), to complete a questionnaire that screens for the abuse of a controlled substance. If, based on the answers to the questionnaire, DCF or the agency with which DCF has contracted to administer a program determines that there is a reasonable suspicion that an individual who is otherwise eligible for a program is abusing a controlled substance, the individual must undergo a test for the use of a controlled substance. If the test results are positive and the individual does not present satisfactory evidence that he or she has a valid prescription for the controlled substance, the individual must participate in substance abuse treatment to remain eligible for a program. While the individual is undergoing treatment, he or she must submit to random testing for the use of a controlled substance, and the test results must be negative, or positive with evidence of a valid prescription, for the individual to remain eligible for a program. If any test results are positive and the individual does not have a valid prescription, the individual may begin treatment again one time and will remain eligible for a program as long as all test results are negative or positive with a valid prescription. If the individual completes treatment and tests negative or positive with a valid prescription for the use of a controlled substance at the completion of treatment, he or she will have satisfactorily completed the substance abuse screening and testing and treatment requirements for the program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.159 (1) (a) (intro.) of the statutes is amended to read:

49.159 (1) (a) (intro.) An individual who would be eligible under s. 49.145 except that the individual is the noncustodial parent of a dependent child is eligible for services and benefits under par. (b) if the individual is subject to a child support order, the individual satisfies all of the requirements related to substance abuse screening, testing, and treatment under s. 49.162 that apply to the individual, and any of the following applies to the custodial parent of the dependent child:

SECTION 2. 49.162 of the statutes is created to read:

49.162 Substance abuse screening and testing for certain work experience programs. (1) In this section:

(a) “Administering agency” means the department or an agency with which the department contracts to administer a program.

(b) “Controlled substance” has the meaning given in s. 961.01 (4).

(c) “Program” means any of the following:

1. Services and benefits under s. 49.159 (1) (b).
2. The Transform Milwaukee Jobs program or the Transitional Jobs program under s. 49.163.
3. A work experience and job training program under s. 49.36.

(2) In order to participate in a program, an individual shall complete a controlled substance abuse screening questionnaire. If, on the basis of answers to the questionnaire, the administering agency determines that there is a reasonable suspicion that an individual who is otherwise eligible for a program is abusing a controlled substance, the administering agency shall require the individual to undergo a test for the use of a controlled substance. If the individual refuses to submit to a test, the individual is not eligible to participate in a program until the individual complies with the requirement to undergo a test for the use of a controlled substance.

(3) If an individual who undergoes a test under sub. (2) tests negative for the use of a controlled substance, or tests positive for the use of a controlled substance but presents evidence satisfactory to the administering agency that the individual possesses a valid prescription for each controlled substance for which the individual tests positive, the individual will have satisfactorily completed the substance abuse testing requirements under this section.

(4) (a) If an individual who undergoes a test under sub. (2) tests positive for the use of a controlled substance without presenting evidence of a valid prescription as

described in sub. (3), the administering agency shall require the individual to participate in substance abuse treatment to remain eligible to participate in a program. If the individual refuses to participate in substance abuse treatment, the individual is not eligible to participate in a program until the individual complies with the requirement to participate in substance abuse treatment.

(b) During the time that an individual is receiving substance abuse treatment under par. (a), the administering agency shall require the individual to undergo random testing for the use of a controlled substance. For the individual to remain eligible for a program, the individual must cooperate with the testing and the results of the tests must be negative or, if any results are positive, the individual must present evidence of a valid prescription as described in sub. (3). If the results of any test during treatment are positive for the use of a controlled substance and the individual does not present evidence of a valid prescription for the controlled substance, the individual shall have the opportunity to begin the treatment again one time, as determined by the administering agency. If the individual begins the substance abuse treatment again, he or she shall remain eligible for a program as long as the results of all tests for the use of a controlled substance during the subsequent treatment are negative for the use of a controlled substance or, if any results are positive, the individual presents evidence of a valid prescription for the controlled substance.

(c) If an individual receiving treatment under par. (b) completes treatment and, at the conclusion of the treatment, tests negative for the use of a controlled substance or presents evidence of a valid prescription for any controlled substance for which the individual tests positive, the individual will have satisfactorily completed the substance abuse testing requirements under this section.

(5) The department shall manage the costs and reinvest the savings under this section, and shall work with the administering agency, if different from the department, to manage the costs and reinvest the savings.

SECTION 3. 49.163 (2) (am) 7. of the statutes is created to read:

49.163 (2) (am) 7. Satisfy all of the requirements related to substance abuse screening, testing, and treatment under s. 49.162 that apply to the individual.

SECTION 4. 49.36 (3) (a) of the statutes is amended to read:

49.36 (3) (a) Except as provided in par. (f) and subject to sub. (3m), a person ordered to register under s. 767.55 (2) (am) shall participate in a work experience program if services are available.

SECTION 5. 49.36 (3m) of the statutes is created to read:

49.36 (3m) A person is not eligible to participate in a program under this section unless the person satisfies all of the requirements related to substance abuse screening, testing, and treatment under s. 49.162 that apply to the individual.

SECTION 9306. Initial applicability; Children and Families.

(1) SUBSTANCE ABUSE SCREENING AND TESTING. The treatment of sections 49.159 (1) (a) (intro.), 49.162, 49.163 (2) (am) 7., and 49.36 (3) (a) and (3m) of the statutes first applies to individuals who apply to participate in a program under section 49.159 (1), 49.163, or 49.36 of the statutes, or who register for a program under section 49.36 of the statutes, on the effective date of this subsection.

(END)