



P3

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

FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION

due MON, 1-12

D-note
(in 1-8)

various work experience programs. The ^{NO} ~~A~~

4 do not gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DCF administers the Transform Milwaukee Jobs program in Milwaukee County and the Transitional Jobs program outside of Milwaukee County. These programs provide work experience for unemployed individuals by providing a subsidy for wages and other employment expenses to employers that employ the individuals. Also under current law, DCF may contract with any county, tribal governing body, or Wisconsin Works 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, 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 DCF determines, based on the answers to the questionnaire, that there is a reasonable likelihood that an individual who is otherwise eligible for a program is abusing a controlled substance, the individual must undergo a test for

Insert A

Insert B

DCF or the agency with which DCF has contracted to administer a program determines

W-2

the use of a controlled substance. If the test results are positive, 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 for the individual to remain eligible for a program. If the individual completes treatment and tests negative 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. 49.162 of the statutes is created to read:

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

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

c "Program" means the Transform Milwaukee Jobs program or the Transitional Jobs program under s. 49.163 or 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 devised by the department. If, on the basis of answers to the questionnaire, the department determines that there is a reasonable likelihood that an individual who is otherwise eligible for a program is abusing a controlled substance, the department 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.

(3) If an individual who undergoes a test under sub. (2) tests negative for the use of a controlled substance, the individual will have satisfactorily completed the substance abuse testing requirements under this section.

any of the following:

Insert 2-1

Insert 2-3

Insert 2-5

Administering agency

1 (4) (a) If an individual who undergoes a test under sub. (2) tests positive for the
2 use of a controlled substance, the department shall require the individual to
3 participate in substance abuse treatment to remain eligible to participate in a
4 program.

→ administering agency ✓

5 (b) During the time that an individual is receiving substance abuse treatment
6 under par. (a), the department shall require the individual to undergo random
7 testing for the use of a controlled substance. The individual must cooperate with the
8 testing and the results of the tests must be negative for the individual to remain
9 eligible for a program. ✓

10 (c) If an individual receiving treatment under par. (b) completes treatment and
11 tests negative for the use of a controlled substance at the conclusion of the treatment,
12 the individual will have satisfactorily completed the substance abuse testing
13 requirements under this section.

14 (5) The department may promulgate rules that more specifically define the
15 testing and treatment requirements under this section.

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

17 49.163 (2) (am) 7. Satisfy all of the requirements related to substance abuse
18 screening, testing, and treatment under s. 49.162 that apply to the individual.

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

20 49.36 (3) (a) Except as provided in par. (f) and subject to sub. (3m), a person
21 ordered to register under s. 767.55 (2) (am) shall participate in a work experience
22 program if services are available.

23 SECTION 4. 49.36 (3m) of the statutes is created to read:

Insert 3-18 ✓

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0350/P3ins
PJK:.....

INSERT A

no # 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.

(END OF INSERT A)

INSERT B

with who applies for W-2 services and benefits for noncustodial parents,

(END OF INSERT B)

INSERT 2-1

1 SECTION 1. 49.159 (1) (a) (intro.) of the statutes is amended to read:
2 49.159 (1) (a) (intro.) An individual who would be eligible under s. 49.145
3 except that the individual is the noncustodial parent of a dependent child is eligible
4 for services and benefits under par. (b) if the individual is subject to a child support
5 order, the individual satisfies all of the requirements related to substance abuse
6 screening, testing, and treatment under s. 49.162 that apply to the individual, and
7 any of the following applies to the custodial parent of the dependent child:

History: 1995 a. 289; 1997 a. 27; 2009 a. 28; 2011 a. 32; 2013 a. 20.

(END OF INSERT 2-1)

INSERT 2-3

8 (a) "Administering agency" means the department or an agency with which the
9 department contracts to administer a program.

(END OF INSERT 2-3)

INSERT 2-5



Ins 2-5

1
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3
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- ④ 1. Services and benefits under s. 49.159 (1) (b). ✓
- ④ 2. ~~NO~~ ✓

(END OF INSERT 2-5)

INSERT 3-18

SECTION 2. 49.175 (1) (g) [✓] of the statutes is amended to read:

49.175 (1) (g) *State administration of public assistance programs and overpayment collections.* For state administration of public assistance programs, including costs associated with ^{check Δ} controlled substance abuse screening and testing under s. 49.162, ✓ and the collection of public assistance overpayments, \$12,697,100 in fiscal year 2013-14 and \$12,812,700 in fiscal year 2014-15.

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32; 2013 a. 20, 113.

(END OF INSERT 3-18)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0350/P3dn

PJK: ^:....

date

JLW

Katie:

This redraft does all of the following:

1. Adds noncustodial parent services and benefits under s. 49.159 (1) (b) as a "program" to which drug testing applies. ✓
2. Removes any mention of promulgating rules. ✓
3. Removes "devised by the department" with respect to the drug abuse screening questionnaire. ✓
4. Has an "administering agency" (defined as DCF or a contracted administering agency) administer the drug testing requirements. ✓
5. Adds costs associated with the drug testing under s. 49.162 to the allocation under s. 49.175 (1) (g). I think the cost of treatment could be a cost *associated* with drug abuse testing under s. 49.162 since it is required if a person tests positive. ✓

As we discussed, I did not add specific language about drug testing costs to any of the appropriations listed in s. 49.175 (1) (intro.). ✓

Pamela J. Kahler
Senior Legislative Attorney
(608) 266-2682
pam.kahler@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0350/P3dn
PJK:jld:rs

January 12, 2015

Katie:

This redraft does all of the following:

1. Adds noncustodial parent services and benefits under s. 49.159 (1) (b) as a “program” to which drug testing applies.
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Pamela J. Kahler
Senior Legislative Attorney
(608) 266-2682
pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Monday, January 26, 2015 1:27 PM
To: Kahler, Pam
Cc: Ignatowski, Katie E - GOV; Kraus, Jennifer - DOA
Subject: 0350/3

Hi Pam, on page 3, line 9, would you please change "likelihood" to "suspicion"? Thanks! k



TODAY

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

FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION

(in 1-26)

4

Gen

1

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 likelihood 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, 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 for the individual to remain eligible for a program. If the individual completes treatment and tests negative 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:

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

2 49.159 (1) (a) (intro.) An individual who would be eligible under s. 49.145
3 except that the individual is the noncustodial parent of a dependent child is eligible
4 for services and benefits under par. (b) if the individual is subject to a child support
5 order, the individual satisfies all of the requirements related to substance abuse
6 screening, testing, and treatment under s. 49.162 that apply to the individual, and
7 any of the following applies to the custodial parent of the dependent child:

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

9 **49.162 Substance abuse screening and testing for certain work**
10 **experience programs.** (1) In this section:

11 (a) "Administering agency" means the department or an agency with which the
12 department contracts to administer a program.

13 (b) "Controlled substance" has the meaning given in s. 961.01 (4).

1 (c) "Program" means any of the following:

2 1. Services and benefits under s. 49.159 (1) (b).

3 2. The Transform Milwaukee Jobs program or the Transitional Jobs program
4 under s. 49.163.

5 3. A work experience and job training program under s. 49.36.

6 (2) In order to participate in a program, an individual shall complete a
7 controlled substance abuse screening questionnaire. If, on the basis of answers to

8 the questionnaire, the administrating agency determines that there is a reasonable

9 (likelihood) ^{suspicion} that an individual who is otherwise eligible for a program is abusing a

10 controlled substance, the administrating agency shall require the individual to

11 undergo a test for the use of a controlled substance. If the individual refuses to

12 submit to a test, the individual is not eligible to participate in a program.

13 (3) If an individual who undergoes a test under sub. (2) tests negative for the

14 use of a controlled substance, the individual will have satisfactorily completed the

15 substance abuse testing requirements under this section.

16 (4) (a) If an individual who undergoes a test under sub. (2) tests positive for the

17 use of a controlled substance, the administrating agency shall require the individual

18 to participate in substance abuse treatment to remain eligible to participate in a

19 program.

20 (b) During the time that an individual is receiving substance abuse treatment

21 under par. (a), the administrating agency shall require the individual to undergo

22 random testing for the use of a controlled substance. The individual must cooperate

23 with the testing and the results of the tests must be negative for the individual to

24 remain eligible for a program.

1 (c) If an individual receiving treatment under par. (b) completes treatment and
2 tests negative for the use of a controlled substance at the conclusion of the treatment,
3 the individual will have satisfactorily completed the substance abuse testing
4 requirements under this section.

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

6 49.163 (2) (am) 7. Satisfy all of the requirements related to substance abuse
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8 **SECTION 4.** 49.175 (1) (g) of the statutes is amended to read:

9 49.175 (1) (g) *State administration of public assistance programs and*
10 *overpayment collections.* For state administration of public assistance programs,
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13 in fiscal year 2013–14 and \$12,812,700 in fiscal year 2014–15.

14 **SECTION 5.** 49.36 (3) (a) of the statutes is amended to read:

15 49.36 (3) (a) Except as provided in par. (f) and subject to sub. (3m), a person
16 ordered to register under s. 767.55 (2) (am) shall participate in a work experience
17 program if services are available.

18 **SECTION 6.** 49.36 (3m) of the statutes is created to read:

19 49.36 (3m) A person is not eligible to participate in a program under this
20 section unless the person satisfies all of the requirements related to substance abuse
21 screening, testing, and treatment under s. 49.162 that apply to the individual.

22 **SECTION 9306. Initial applicability; Children and Families.**

23 (1) SUBSTANCE ABUSE SCREENING AND TESTING. The treatment of sections 49.159
24 (1) (a) (intro.), 49.162, 49.163 (2) (am) 7., and 49.36 (3) (a) and (3m) of the statutes
25 first applies to individuals who apply to participate in a program under section

Kahler, Pam

From: Ignatowski, Katie E - GOV <Katie.Ignatowski@wisconsin.gov>
Sent: Tuesday, January 27, 2015 1:01 PM
To: Kahler, Pam; Major, Katrina L - DOA
Subject: RE: drug testing

Sounds good. Thanks!

Katie Ignatowski | Deputy Legal Counsel | Office of Governor Scott Walker | 608.266.1212

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, January 27, 2015 12:59 PM
To: Ignatowski, Katie E - GOV; Major, Katrina L - DOA
Subject: RE: drug testing

I see the second quote. To be comparable, in LRB-0350, the more expanded language would go in sub. (3) on page 3 and the shortened version (without presenting evidence ...) would go in sub. (4) on page 3.

From: Ignatowski, Katie E - GOV [mailto:Katie.Ignatowski@wisconsin.gov]
Sent: Tuesday, January 27, 2015 12:52 PM
To: Kahler, Pam; Major, Katrina L - DOA
Subject: RE: drug testing

1431 / p3

Katie Ignatowski | Deputy Legal Counsel | Office of Governor Scott Walker | 608.266.1212

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, January 27, 2015 12:50 PM
To: Major, Katrina L - DOA; Ignatowski, Katie E - GOV
Subject: RE: drug testing

Is that perhaps the analysis language?

From: Major, Katrina L - DOA [mailto:Katrina.Major@wisconsin.gov]
Sent: Tuesday, January 27, 2015 12:47 PM
To: Ignatowski, Katie E - GOV
Cc: Kraus, Jennifer - DOA; Kahler, Pam
Subject: RE: drug testing

What's the bill number on that draft? I must be using the wrong version of the UI bill then.

From: Ignatowski, Katie E - GOV
Sent: Tuesday, January 27, 2015 12:46 PM
To: Major, Katrina L - DOA
Cc: Kraus, Jennifer - DOA; Kahler, Pam - LEGIS
Subject: RE: drug testing

The UI bill says "if the employee tests positive for one or more controlled substances without evidence of a valid prescription," can we mirror that language?

From: Major, Katrina L - DOA
Sent: Tuesday, January 27, 2015 12:43 PM
To: Ignatowski, Katie E - GOV
Cc: Kraus, Jennifer - DOA; Kahler, Pam - LEGIS
Subject: RE: drug testing

Hi Katie, Pam and I discussed on the phone so I just want to make sure we are all on the same page.

- 1) Pam and I talked about the language allowing the administering agency to determine that the person is abusing being broad enough for them to say that a prescribed med is not abuse in the current version of the draft, but I think you are looking to make it crystal clear that the intent is not to pull in people on prescriptions, correct?
- 2) If so, then what do you think about adding on page 3 line 13-15: If...tests negative..., or tests positive but the claimant presents evidence satisfactory to the administering agency that the claimant possesses a valid prescription for each controlled substance for which the claimant tests positive, the indiv will have satisfactorily...Let us know what you think, and then Pam will send over a new draft.

Thanks,
k

From: Major, Katrina L - DOA
Sent: Tuesday, January 27, 2015 12:23 PM
To: Kahler, Pam - LEGIS
Cc: Kraus, Jennifer - DOA; Ignatowski, Katie E - GOV
Subject: drug testing

Hi Pam, in 0350, can you add an exception for if you have a prescription for the controlled substance...would you please use language similar to the UI draft (0958)? Thanks! k



due TODAY

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

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

(w 1-27)

✓ don't gen

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

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And the individual does not present satisfactory evidence that he or she has a valid prescription for the controlled substance

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22 **SECTION 9306. Initial applicability; Children and Families.**

23 (1) SUBSTANCE ABUSE SCREENING AND TESTING. The treatment of sections 49.159
24 (1) (a) (intro.), 49.162, 49.163 (2) (am) 7., and 49.36 (3) (a) and (3m) of the statutes
25 first applies to individuals who apply to participate in a program under section

1 49.159 (1), 49.163, or 49.36 of the statutes, or who register for a program under
2 section 49.36 of the statutes, on the effective date of this subsection.

3 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0350/2ins
PJK:.....

INSERT 3-14

1 ^{wo ft} or tests positive for the use of a controlled substance but presents evidence
2 satisfactory to the administering agency that the [✓] individual possesses a valid
3 prescription for each controlled substance for which the individual tests positive, ^{NO}_{ft}

(END OF INSERT 3-14)

INSERT 3-17

4 ^{wo ft} without presenting evidence of a valid prescription as described in sub. (3) [✓] ^{NO}_{ft}

(END OF INSERT 3-17)

Kahler, Pam

From: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>
Sent: Tuesday, January 27, 2015 5:05 PM
To: Kahler, Pam
Cc: Ignatowski, Katie E - GOV; Major, Katrina L - DOA
Subject: 0350

Katie's email isn't working...

- 1) If you fail a test during treatment, you have the opportunity to restart treatment one time as determined by the department and maintain eligibility so long as you pass future drug tests.
- 2) Add language that you are not eligible until you comply - page 3 line ~~19~~¹³ and line 24.

i
→ (4)(b)

Also per DCF request: pls delete" including costs associated with controlled substance screening and testing under s. 49.162" as they intend for the contractors to pick up the costs of the drug tests.

Thanks - Jenny

Kahler, Pam

From: Ignatowski, Katie E - GOV <Katie.Ignatowski@wisconsin.gov>
Sent: Tuesday, January 27, 2015 5:39 PM
To: Kraus, Jennifer - DOA; Kahler, Pam
Cc: Major, Katrina L - DOA
Subject: RE: 0350

Okay. Sounds good then.

Katie Ignatowski | Deputy Legal Counsel | Office of Governor Scott Walker | 608.266.1212

From: Kraus, Jennifer - DOA
Sent: Tuesday, January 27, 2015 5:35 PM
To: Ignatowski, Katie E - GOV; Kahler, Pam - LEGIS
Cc: Major, Katrina L - DOA
Subject: RE: 0350

no

From: Ignatowski, Katie E - GOV
Sent: Tuesday, January 27, 2015 5:33 PM
To: Kraus, Jennifer - DOA; Kahler, Pam - LEGIS
Cc: Major, Katrina L - DOA
Subject: RE: 0350

#1 and #2 look good to me. I am indifferent about the last part- does that conflict with anything decided at the meetings?

Katie Ignatowski | Deputy Legal Counsel | Office of Governor Scott Walker | 608.266.1212

From: Kraus, Jennifer - DOA
Sent: Tuesday, January 27, 2015 5:05 PM
To: Kahler, Pam - LEGIS
Cc: Ignatowski, Katie E - GOV; Major, Katrina L - DOA
Subject: 0350

Katie's email isn't working...

- 1) If you fail a test during treatment, you have the opportunity to restart treatment one time as determined by the department and maintain eligibility so long as you pass future drug tests.
- 2) Add language that you are not eligible until you comply - page 3 line 19 and line 24.

Also per DCF request: pls delete" including costs associated with controlled substance screening and testing under s. 49.162" as they intend for the contractors to pick up the costs of the drug tests.

Thanks - Jenny



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0350/3
PJK:jld:rs

TODAY please

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

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

4
do not gen

1 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 for the individual to remain eligible for a program. If the individual completes treatment and tests negative 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.

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

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

2 49.159 (1) (a) (intro.) An individual who would be eligible under s. 49.145
3 except that the individual is the noncustodial parent of a dependent child is eligible
4 for services and benefits under par. (b) if the individual is subject to a child support
5 order, the individual satisfies all of the requirements related to substance abuse
6 screening, testing, and treatment under s. 49.162 that apply to the individual, and
7 any of the following applies to the custodial parent of the dependent child:

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

9 **49.162 Substance abuse screening and testing for certain work**
10 **experience programs. (1)** In this section:

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

1 (b) "Controlled substance" has the meaning given in s. 961.01 (4).

2 (c) "Program" means any of the following:

3 1. Services and benefits under s. 49.159 (1) (b).

4 2. The Transform Milwaukee Jobs program or the Transitional Jobs program
5 under s. 49.163.

6 3. A work experience and job training program under s. 49.36.

7 (2) In order to participate in a program, an individual shall complete a
8 controlled substance abuse screening questionnaire. If, on the basis of answers to
9 the questionnaire, the administering agency determines that there is a reasonable
10 suspicion that an individual who is otherwise eligible for a program is abusing a
11 controlled substance, the administering agency shall require the individual to
12 undergo a test for the use of a controlled substance. If the individual refuses to
13 submit to a test, the individual is not eligible to participate in a program. *Insert 3-13* ✓

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

20 (4) (a) If an individual who undergoes a test under sub. (2) tests positive for the
21 use of a controlled substance without presenting evidence of a valid prescription as
22 described in sub. (3), the administering agency shall require the individual to
23 participate in substance abuse treatment to remain eligible to participate in a
24 program. *Insert 3-24* ✓

1 (b) During the time that an individual is receiving substance abuse treatment
2 under par. (a), the administrating agency shall require the individual to undergo
3 random testing for the use of a controlled substance. The individual must cooperate
4 with the testing and the results of the tests must be negative for the individual to
5 remain eligible for a program. *Insert 4-5* ✓

6 (c) If an individual receiving treatment under par. (b) completes treatment and
7 tests negative for the use of a controlled substance at the conclusion of the treatment,
8 the individual will have satisfactorily completed the substance abuse testing
9 requirements under this section.

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

11 49.163 (2) (am) 7. Satisfy all of the requirements related to substance abuse
12 screening, testing, and treatment under s. 49.162 that apply to the individual.

13 SECTION 4. 49.175 (1) (g) of the statutes is amended to read:

14 49.175 (1) (g) *State administration of public assistance programs and*
15 *overpayment collections.* For state administration of public assistance programs,
16 including costs associated with controlled substance abuse screening and testing
17 under s. 49.162, and the collection of public assistance overpayments, \$12,697,100
18 in fiscal year 2013–14 and \$12,812,700 in fiscal year 2014–15.

19 SECTION 5. 49.36 (3) (a) of the statutes is amended to read:

20 49.36 (3) (a) Except as provided in par. (f) and subject to sub. (3m), a person
21 ordered to register under s. 767.55 (2) (am) shall participate in a work experience
22 program if services are available.

23 SECTION 6. 49.36 (3m) of the statutes is created to read:

1 49.36 (3m) A person is not eligible to participate in a program under this
2 section unless the person satisfies all of the requirements related to substance abuse
3 screening, testing, and treatment under s. 49.162 that apply to the individual.

4 **SECTION 9306. Initial applicability; Children and Families.**

5 (1) SUBSTANCE ABUSE SCREENING AND TESTING. The treatment of sections 49.159
6 (1) (a) (intro.), 49.162, 49.163 (2) (am) 7., and 49.36 (3) (a) and (3m) of the statutes
7 first applies to individuals who apply to participate in a program under section
8 49.159 (1), 49.163, or 49.36 of the statutes, or who register for a program under
9 section 49.36 of the statutes, on the effective date of this subsection.

10

(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0350/3ins
PJK:.....

INSERT 3-13

1 ^{NO} until the individual complies with the requirement to undergo a test for the use
2 of a controlled substance ^{NO}
~~4~~

(END OF INSERT 3-13)

INSERT 3-24

3 ^{NO} If the individual refuses to participate in substance abuse treatment, the
4 individual is not eligible to participate in a program until the individual complies
5 with the requirement to participate in substance abuse treatment. ✓

(END OF INSERT 3-24)

INSERT 4-5

6 ^{NO} If the results of any test during treatment are positive for the use of a controlled
7 substance, the individual shall have the opportunity to begin the treatment again
8 one time, as determined by the administering agency. If the individual begins the
9 ^{substance abuse} treatment again, he or she shall remain eligible for a program as long as the results
10 of all tests for the use of a controlled substance during the subsequent treatment are
11 negative for the use of a controlled substance. ✓

(END OF ISNERT 4-5)

Kahler, Pam

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Wednesday, January 28, 2015 3:25 PM
To: Kahler, Pam
Cc: Kraus, Jennifer - DOA; Ignatowski, Katie E - GOV; Hoelter, Jon - GOV
Subject: 0350

Hi Pam, I talked to Katie, and she thinks we should go ahead and add in that prescription reference in 49.162(4)(b)...I know when you and I talked, we had talked about this getting added into the compile instead of the draft since it's already compiled...let me know if you need anything from us to do that. Thanks! k

Kahler, Pam

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Wednesday, January 28, 2015 5:19 PM
To: Kahler, Pam
Cc: Kraus, Jennifer - DOA; Ignatowski, Katie E - GOV; Hoelter, Jon - GOV
Subject: 0350/3

Hi Pam, would you please add a new subsection at the end of 49.162 that says that DCF will work with the administering agency to manage the costs and reinvest the savings? Thanks, k



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0350/8
PJK:jld:jm

TODAY please

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

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

1 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 for the individual to remain eligible for a program. If any test results are positive, the individual may begin treatment again one time and will remain eligible for a program as long as all test results are negative. If the individual completes treatment and tests negative 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.

✓
100 positive with evidence of a valid prescription
✓
and the individual does not have a valid prescription

or positive with a valid prescription ✓

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

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10 controlled substance abuse screening questionnaire. If, on the basis of answers to
11 the questionnaire, the administering agency determines that there is a reasonable
12 suspicion that an individual who is otherwise eligible for a program is abusing a
13 controlled substance, the administering agency shall require the individual to
14 undergo a test for the use of a controlled substance. If the individual refuses to
15 submit to a test, the individual is not eligible to participate in a program until the
16 individual complies with the requirement to undergo a test for the use of a controlled
17 substance.

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

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

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

6 (b) During the time that an individual is receiving substance abuse treatment
7 under par. (a), the administrating agency shall require the individual to undergo
8 random testing for the use of a controlled substance. *For the individual to*
9 with the testing and the results of the tests must be negative *The individual must cooperate*
10 remain eligible for a program. *for the individual to* If the results of any test during treatment are positive
11 for the use of a controlled substance, *Insert 4-10 ✓* the individual shall have the opportunity to
12 begin the treatment again one time, as determined by the administering agency. If
13 the individual begins the substance abuse treatment again, he or she shall remain
14 eligible for a program as long as the results of all tests for the use of a controlled
15 substance during the subsequent treatment are negative for the use of a controlled
16 substance. *Insert 4-11 ✓* *Insert 4-16 ✓*

17 (c) If an individual receiving treatment under par. (b) completes treatment and
18 tests negative for the use of a controlled substance *Insert 4-18 ✓* *at the conclusion of the treatment*
19 the individual will have satisfactorily completed the substance abuse testing
20 requirements under this section.

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

22 49.163 (2) (am) 7. Satisfy all of the requirements related to substance abuse
23 screening, testing, and treatment under s. 49.162 that apply to the individual.

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

Insert 4-20 ✓

() at the conclusion of the treatment

remain eligible for a program

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0350/4ins
PJK:.....

INSERT 4-10

1 *not* or, if any results are positive, the individual *must* presents evidence of a valid
2 prescription as described in sub. (3) *NO*

(END OF INSERT 4-10)

INSERT 4-11

3 *not* and the individual does not present evidence of a valid prescription for the
4 controlled substance *NO*

(END OF INSERT 4-11)

INSERT 4-16

5 *not* or, if any results are positive, the individual presents evidence of a valid
6 prescription for the controlled substance *NO*

(END OF INSERT 4-16)

INSERT 4-18

7 *not* or presents evidence of a valid prescription for any controlled substance for
8 which the individual tests positive *NO*

(END OF INSERT 4-18)

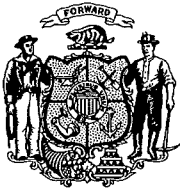
**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0350/4ins
PJK:.....

INSERT 4-20

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

(END OF INSERT 4-20)



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

1 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:

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

2 49.159 (1) (a) (intro.) An individual who would be eligible under s. 49.145
3 except that the individual is the noncustodial parent of a dependent child is eligible
4 for services and benefits under par. (b) if the individual is subject to a child support
5 order, the individual satisfies all of the requirements related to substance abuse
6 screening, testing, and treatment under s. 49.162 that apply to the individual, and
7 any of the following applies to the custodial parent of the dependent child:

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

9 **49.162 Substance abuse screening and testing for certain work**
10 **experience programs. (1)** In this section:

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

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

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

5 1. Services and benefits under s. 49.159 (1) (b).

6 2. The Transform Milwaukee Jobs program or the Transitional Jobs program
7 under s. 49.163.

8 3. A work experience and job training program under s. 49.36.

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

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

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

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

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

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

