



Legislative Fiscal Bureau

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TO: Representative David Bowen
Room 3 North, State Capitol

FROM: John Gentry, Fiscal Analyst

SUBJECT: Assembly Bill 21 - Drug Screening, Testing, and Treatment in Milwaukee County

In response to your request, this memorandum provides information on the drug screening, testing, and treatment provisions of Assembly Bill 21 concerning several programs administered by Wisconsin state agencies. Specifically, this memorandum addresses drug testing requirements in Milwaukee County.

Assembly Bill 21 provides for drug screening, testing, and treatment requirements in six state programs: (a) FoodShare Employment and Training (FSET); (b) BadgerCare Plus; (c) Unemployment Insurance; (d) Wisconsin Works (W-2) services for non-custodial parents; (e) the Transform Milwaukee and Transitional Jobs programs, and (f) Children First.

Milwaukee County currently does not have responsibility for local administration of FSET, BadgerCare Plus, Unemployment Insurance, W-2 services for noncustodial parents, or the Transform Milwaukee and Transitional jobs programs, and would not be responsible for drug screening, testing, or treatment related to these programs. However, Milwaukee County may have responsibility for drug screening, testing, and treatment in regards to Children First.

A noncustodial parent who has no current means of meeting a child support obligation may be ordered by the court into the Children First program for job training and work experience. DCF administers Children First and may contract with a county child support agency, county human/social services agency, tribal governing body, or W-2 agency to administer the program locally. In Milwaukee County, DCF contracts with the Milwaukee County Department of Child Support Services, which subcontracts with the Center for Veterans Issues, UMOS, and My Father's House for local administration.

Assembly Bill 21 would require individuals to complete drug screening, testing, and treatment as a condition of eligibility for participation in Children First. Applicants would be required to complete a questionnaire that screens for the abuse of a controlled substance. Based on

the answers to the questionnaire, if DCF (or the agency with which DCF has contracted to administer the work program) determines that there is a reasonable suspicion that an individual who is otherwise eligible is abusing a controlled substance, the individual would have to undergo a test for the use of a controlled substance in order to remain eligible. If the individual refuses to submit to a test, the individual would not be eligible until the individual complies with the requirement to undergo a test for the use of a controlled substance.

If the test results are negative, the eligibility requirements for testing, screening, and treatment would be fulfilled. If the test results are positive and the individual does not present satisfactory evidence of a valid prescription for the controlled substance, then the individual would have to participate in substance abuse treatment to remain eligible. The individual would satisfactorily complete the substance abuse screening, testing, and treatment requirements if the individual completes treatment and tests negative or positive with a valid prescription at the completion of treatment.

Because Milwaukee County contracts with DCF for local administration of Children First, Assembly Bill 21 would require either DCF or Milwaukee County to require drug screening, testing, and treatment as a condition of eligibility for Children First. Presumably, the administrative responsibilities for drug screening, testing, and treatment would be subject to the provisions of the Children First contracts. At present it is unknown whether the Children First contracts would need to be renegotiated or if Milwaukee County would be required to undertake action to implement drug testing and treatment of Child First participants.

I hope this information is helpful. Please feel free to contact me if you need further information or have additional questions.

JG/sas