

**LEGAL AID
SOCIETY OF HAWAII**

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**TESTIMONY IN OPPOSITION TO SB3184
RELATING TO DRUG TESTING**

February 2, 2008

The Legal Aid Society of Hawaii hereby provides testimony to the Committee on Human Services and Public Housing on SB3184 - Relating to Drug Testing, in opposition to the bill.

Founded in 1950, the Legal Aid Society of Hawaii is the oldest provider of legal services in the state. We provided civil legal assistance to those in need through nine offices located in Lihue, Waianae, Honolulu, Kaneohe, Kaunakakai, Lanai City, Wailuku, Kona and Hilo. Over the years we have provided leadership around public benefits issues and on an annual basis update our public benefits manual and provide a two day training on public benefits. Legal Aid represents recipients of financial assistance and food stamps as well as working with the Department of Human Services by sitting on the Financial Assistance Advisory Committee. Legal Aid worked with DHS to investigate and draft a report on barriers to participation in the Food Stamp Program.

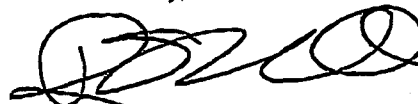
SB3184 will subject food stamp and financial assistance recipients to random drug tests. Refusing to take the test or a positive test result will both result in termination from these programs. This bill is vague; how long will the sanction last, will DHS sanction the entire household for one member's positive drug test, and who will be responsible for paying for the drug tests?

Not only vague, SB3184 also fails to take into account that the Food Stamp and TANF programs are largely governed by federal statutes and regulations. Terminating coverage based on a positive drug test may not be allowed under the federal laws that govern these programs.

Finally, there are already mechanisms in place to encourage people with substance abuse problems to seek treatment when they receive financial assistance or food stamps. General Assistance recipients must pursue appropriate medical treatment as a condition of receiving benefits. For recipients with substance abuse issues, this treatment includes inpatient or intensive outpatient treatment, NA or AA meetings, and individual counseling. The TANF program now includes access to substance abuse treatment as part of the First to Work program. All TANF recipients have to participate in First to Work and those that face barriers to work as a result of substance abuse are supposed to be referred to supportive services to address this barrier to employment. Finally, the federal Food Stamp regulations prohibit providing food stamp benefits to anyone with a drug-related conviction *unless* that individual completed a substance abuse treatment program.

For these reasons, we oppose SB3184. Thank you for this opportunity to testify.

Sincerely,



Rochelle Sparko
Staff Attorney
527-8006



the
**Drug Policy
Forum**
of hawaii

February 2, 2008

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To: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Vice Chair
And Members of the Committee on Human Services and Public Housing

From: Jeanne Ohta, Executive Director

RE: SB3184 Relating to Drug Testing
Hearing: Saturday, February 2, 2008, 1:15 p.m., Room 016

Position: Strong Opposition

Good afternoon Chair Chun Oakland, Vice Chair Ihara and members of the Committee on Human Services and Public Housing. I am testifying today in strong opposition to SB 3184 which would require recipients of general assistance, food stamps, and temporary assistance to submit to random drug testing.

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.

The threat of drug testing often pushes people to more dangerous drugs that leave the body more quickly and therefore are not detected by drug tests. This is not the kind of result that we want.

The money 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.

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Senator Suzanne Chun, Chair
Senator Les Ihara, Vice-chair
Committee on Human Services and Public Housing
Oreta Masina Mapu-Tupola
UH Manoa School of Social Work Student
808-232-4042

Saturday, February 02, 2008

Against SB3184 Relating to Drug Testing; Recipients of government assistance

As a Master's student at the University of Hawaii at Manoa School of Social Work and a mother who is currently receiving food stamps I oppose to the senate bill 3184 requiring all recipients of general assistance, food stamps, or temporary assistance for needy families to be subjected to random drug testing in order to retain eligibility. I feel that as a citizen of the United States and a person who has also contributed to taxes it is my right to apply and if eligible by the criteria be able to receive assistance. I am doing whatever I can by getting an education and working at the same time and I do not think that I am getting free money at all. When I have been able to stand on my feet without assistance, I have terminated my case myself and worked to provide for my family.

I feel that this bill is in relation to HB2184 relating to self sufficiency standards as what is being provided as assistance to families who in some cases have less than I, especially in terms of resources and education and job skills. It is in no way sufficient in the hopes of the governments or DHS preventing dependency as the cost of living in Hawaii is far more expensive than in other states.

My perspective of recipients who are seeking for assistance that are using could be a way for the state to monitor this and provide assistance in rehabilitation. However, I do not see how letting them starve or become homeless is going to solve the situation. The stereotype of PEOPLE who are on welfare being lazy and wanting free money is like the stereotype of politicians who lie just to get a vote. It is insulting to them just as it is insulting to me that although there are people who abuse the system and abuse their power of authority there are people like me who are just trying to get by. I strongly oppose this bill as it does not in anyway or form, bring a positive result to the fact that people need help. If they qualify by the standards of the government to receive that help then the agencies set forth to do this, should provide the assistance they need in order to accomplish the goal of the department which is self-sufficiency.

2/2/08 1:15

SB3184, Relating to Drug Testing

HSPH, Chair, Sen Chun-Oakland

PLEASE KILL THIS BILL!

This bill is just another way of continuing to oppress the most vulnerable populations in the state, our poor and sometimes homeless neighbors. To pass this bill would be akin to declaring war on the poor, so strange is its motivation. This bill was born out of the paranoid hysteria about drugs, and has no place in a humane, caring approach to trying to help the most needy of our neighbors.

Thank you.

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

Senate HSP, Saturday, February 2nd, 1:15pm

AGAINST SB3184 AS IT STANDS

Dear Senator Chun Oakland, Senator Ihara and members of the Committee on Human Services and Public Housing

My feeling is that unless some admendments are made so that this bill actually treats the problem of drug addiction, it should be killed.

If we terminate welfare support for the poorest members of our society because they are drug users, we will only cause them to become more marginalized. We will not be treating the symptoms of addiction. We will not be curing the disease of inequality.

If we identify substance abuse in society, as this bill calls for, we need to provide rehabilitation -- for drugs both illegal and legal.

Secondly, if we adopt a progressive public health policy of harm reduction, and we make a distinction between the magnitude of harm caused by different drugs -- like cocaine and crystal methamphetamine compared to cannabis, or even alcohol and tobacco compared to cannabis -- we could treat the worst of the problem and give compassion to people who feel a need to self-medicate.

Thank you for your consideration,
Shawn James Leavey
Senator, UH-Hilo Student Association
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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

January 31, 2008

MEMORANDUM

TO: The Honorable Suzanne Chun Oakland, Chair
Committee on Human Services and Public Housing

FROM: Lillian B. Koller, Director

SUBJECT: **S.B. 3184 - RELATING TO DRUG TESTING**

Hearing: Saturday, February 2, 2008; 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 3184 is to require recipients of General Assistance, Food Stamps, and Temporary Assistance for Needy Families programs to submit to random drug testing.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill and would like to offer the following comments.

The Food Stamp program is an exclusively Federally funded program. The U.S. Code charges the Secretary of the U.S. Department of Health and Human Services 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.

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.

Our General Assistance program requires the individual to have a disabling condition to be eligible for assistance.

For 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. Compliance is monitored by treatment providers and our Medical Review Board. Failure to comply makes the household ineligible for varying periods of time. 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.

For your information, we currently have 60 families per month and 1,172 adult singles receiving financial assistance and their required substance abuse treatment.

We defer to the Department of the Attorney General to any issues as to the legality of this bill.

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

Saturday, February 02, 2008

TO: Senator Suzanne Chun, Chair
Senator Les Ihara, Vice-chair
And members of the Committee on Human Services and Public Housing
FROM: Oreta Masina Mapu-Tupola
UH Manoa School of Social Work Student
808-232-4042

RE: SB3184 Relating to Drug Testing; Recipients of government assistance- OPPOSED

As a Master's student at the University of Hawaii at Manoa School of Social Work and a mother who is currently receiving food stamps I oppose to the SB 3184 requiring all recipients of general assistance, food stamps, or temporary assistance for needy families to be subjected to random drug testing in order to retain eligibility. I feel that as a citizen of the United States and a person who has also contributed to taxes it is my right to apply and if eligible by the criteria be able to receive assistance. I am doing whatever I can by getting an education and working at the same time and I do not think that I am getting free money at all. When I have been able to stand on my feet without assistance, I have terminated my case myself and worked to provide for my family.

If there are recipients who are using drugs and seeking assistance, the state should provide them with rehabilitation. However, I do not see how letting them starve or become homeless is going to solve the situation. The stereotype of PEOPLE who are on welfare being lazy and wanting free money is like the stereotype of politicians who lie just to get a vote. It is insulting to them just as it is insulting to me that although there are people who abuse the system and abuse their power of authority there are people like me who are just trying to get by. I strongly oppose this bill as it does not in anyway or form, bring a positive result to the fact that people need help. If they qualify by the standards of the government to receive that help then the agencies set forth to do this, should provide the assistance they need in order to accomplish the goal of the department which is self-sufficiency.

If there is a way to address suspicions of drug use in order to provide assistance through referral to drug rehabilitation centers or whatever the alternative is it would be beneficial to submit this testing to these individuals. However, withholding benefits from ALL recipients unless they take a random drug test just to prevent more people from qualifying or seeking assistance is wrong.

I urge you to vote against SB 3184. Thank you for your time.

Oreta M. Mapu-Tupola, BSW, UH Graduate Student/Mother
56-149 Kahana St.
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Phone #: (808) 232-4042
Email: oreta@hawaii.edu

Re: SB 3183
SB 3184

Hearing by Human Services and Public Housing Committee, February 2nd,
1:15 p.m., Conference Room 016.

To Committee Chairs and Members:

I urge support for these bills. I would like to know my tax dollars are going for food and health care for the truly needy and those who are really trying to help themselves get out of a cycle of poverty. While I sincerely understand the need to assist those who are dependent on drugs, I would like to see help addressed to that particular problem and not have general assistance given that might only provide more opportunity or resources to acquire drugs.

Thank you,

Shirley Hasenyager
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