

STAND. COM. REP. NO. 324

Honolulu, Hawaii

Feb 18, 2009

RE: H.B. No. 661
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 661 entitled:

"A BILL FOR AN ACT RELATING TO RANDOM DRUG TESTING,"

begs leave to report as follows:

The purpose of this bill is to direct the Department of Human Services (DHS) to undertake a study to determine the costs and benefits of requiring random drug testing as a requirement for participating in public assistance programs.

The Drug Policy Forum of Hawaii, Drug Policy Action Group, American Civil Liberties Union of Hawaii, and several concerned individuals testified in opposition to this bill. DHS provided comments.

Several very strong concerns were raised regarding this measure, both by those testifying and by Committee members, including issues of constitutionality and fiscal irresponsibility.

Although this measure proposes a study, that study would be irrelevant and fiscally irresponsible given that there has been shown to be no rational basis to support random drug testing. In addition, random drug tests generally only indicate cannabis use and there is little established reason to deny benefits on this basis.

HB661 HD1 HSCR HUS HMS 2009-2165



Both DHS and the Drug Policy Forum indicated that similar laws in other states have been found unconstitutional, and that testimony on similar legislation in Hawaii has reiterated this concern. It was also indicated that random drug testing of public benefits recipients is unnecessary given that:

- (1) For some public assistance programs, disability is a condition for qualification and substance abuse addiction is typically classified as a disability;
- (2) No additional standards of eligibility may be imposed as a condition for participation in programs that are exclusively federally funded; and
- (3) Temporary Assistance for Needy Families recipients identified as substance abusers are already required to undergo drug testing and comply with treatment as a condition of eligibility.

Despite these concerns, your Committee feels that serious discussion on this issue is important. Your Chair respectfully indicates, however, that this discussion may be better addressed in a resolution.

With consideration and respect to every point of view represented, your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 661, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 661, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



