

This Document can be made available
in alternative formats upon request

State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3698**

March 17, 2010

Authored by Scott and Peppin

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

A bill for an act

relating to human services; requiring drug screening for MFIP eligibility;
mandating a report of child neglect; amending Minnesota Statutes 2008, section
256J.15, by adding a subdivision; proposing coding for new law in Minnesota
Statutes, chapter 626.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 256J.15, is amended by adding a
subdivision to read:

Subd. 3. **Eligibility; drug screening.** (a) To be eligible for MFIP, a person must
undergo drug and alcohol screening, to the extent practicable, following the established
procedures and reliability safeguards provided for screening in sections 181.951, 181.953,
and 181.954. A county agency must require a recipient of benefits to undergo random drug
screening. An applicant must have a negative laboratory test for controlled substances
prior to being accepted for MFIP benefits and prior to receiving an extension of benefits
under section 256J.425.

(b) A laboratory must report to the appropriate county agency any positive test
results returned on an applicant or recipient of MFIP benefits. Upon receipt of a positive
test result, a county agency must deny benefits until the person provides negative test
results that satisfy the agency that the person is no longer a drug user.

(c) A recipient shall be subject to random drug testing as a condition of eligibility,
and following a positive test for an illegal controlled substance, benefits for the entire
assistance unit must be paid in vendor form for shelter and utilities. For failing a drug test
two times, the residual amount of the participant's grant after making vendor payments
for shelter and utility costs, if any, must be reduced by an amount equal to 30 percent of
the MFIP standard of need for an assistance unit of the same size. For failing a drug test

2.1 three times, the participant is permanently disqualified from receiving MFIP assistance,
2.2 both the cash and food portions.

2.3 (d) Upon receipt of a positive test result, the county agency must notify the local
2.4 welfare agency responsible for assessing reports of child abuse and neglect that the
2.5 applicant or recipient has tested positive for a controlled substance.

2.6 Sec. 2. **[626.5567] REPORTING PARENTAL USE OF CONTROLLED**
2.7 **SUBSTANCES.**

2.8 Subdivision 1. **Reports required.** A person mandated to report under section
2.9 626.556, subdivision 3, shall immediately report to the local welfare agency if the person
2.10 knows that an MFIP applicant or recipient has had a positive drug test result under
2.11 section 256J.15, subdivision 3. An oral report shall be made immediately by telephone or
2.12 otherwise. An oral report made by a person required to report shall be followed within
2.13 72 hours, exclusive of weekends and holidays, by a report in writing to the local welfare
2.14 agency. Any report shall be of sufficient content to identify the parent, the nature of the
2.15 positive test result, and the name and address of the reporter.

2.16 Subd. 2. **Local welfare agency.** Upon receipt of a report required under subdivision
2.17 1, the local welfare agency shall immediately conduct an appropriate assessment and
2.18 offer services indicated under the circumstances. Services offered may include, but are
2.19 not limited to, a referral for chemical dependency assessment or a referral for chemical
2.20 dependency treatment. The local welfare agency may also take any appropriate action
2.21 under chapter 253B, including seeking an emergency admission under section 253B.05.
2.22 The local welfare agency shall seek an order from the court to take the child into protective
2.23 custody if the parent refuses to participate in a chemical dependency assessment or
2.24 chemical dependency treatment.

2.25 Subd. 3. **Related provisions.** Reports under this section are governed by section
2.26 626.556, subdivisions 4, 4a, 5, 6, 8, and 11.

2.27 Subd. 4. **Immunity.** (a) A person making a voluntary or mandated report under
2.28 subdivision 1, or assisting in an assessment under subdivision 2, is immune from any civil
2.29 or criminal liability that otherwise might result from the person's actions, if the person is
2.30 acting in good faith.

2.31 (b) This subdivision does not provide immunity to any person for failure to make a
2.32 required report or for committing neglect, physical abuse, or sexual abuse of a child.