

HOUSE COMMITTEE ON HUMAN SERVICES

Hearing Date: April 13, 2021 8:00 AM

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COMMENTS FOR: HB 3425

Omar Rodriguez

Food Bank of the Rio Grande Valley, Inc.

Pharr, TX

The Food Bank of the Rio Grande Valley is AGAINST this bill as it is costly, bureaucratic, and poses a variety of privacy issues.

Rachel Cooper

Every Texan

Austin, TX

Every Texan opposes HB 3425 by Slawson as it would further stigmatize the poorest Texans by imposing an unnecessary drug test on parents and grandparents applying for Temporary Assistance for Needy Families (TANF) help for their children.

The original goal of TANF is “to keep children in their own homes or the homes of relatives” and keep poor children out of the foster care system. TANF was created to give cash support to the poorest families so they can meet the basic needs of their children. Yet Texas has some of the most stringent TANF eligibility rules in the country. Texas’ income limits for TANF have not changed in 25 years - \$188 a month for a mother with 2 children. And if a family is destitute enough to qualify, they get very little financial assistance. That same mother of 2 would get a maximum of only \$308 a month only if she complied with job search or training, parenting classes, not abuse alcohol or drugs and a long list of other requirements. The Legislature has made it so difficult to qualify that TANF serves less than 4% of poor families in Texas. In December 2020 only 8,400 adults and 33,000 children were on TANF in Texas.

Many of the children who are on TANF are being raised by a family member -like their grandparents. These kinship families struggle to make it through the overly burdensome application process for very little assistance – \$152 a month for 2 children. But TANF is the only cash assistance for which they qualify in Texas.

Adding a drug test to an already massively bureaucratic program will not only make it even harder for desperate families but depending on how the screening is implemented it will capture tens of thousands of people who would never be eligible for TANF. They simply checked a box online when applying for other programs.

HB 3425 is deeply flawed as it requires that families be referred to Child Protective Services (CPS) if they test positive for a control substance including marijuana. Currently the use of marijuana by all adults is legal in 17 states, and medical marijuana is legal in 36 states. Threatening parents with the loss of their children if they use a drug that is legal in much of the country would abuse the CPS system. And if Texas is serious about wanting to help people with a drug dependency, helping them step forward to get treatment should be the goal. Threatening to take away their children will only drive them underground.

Katharine Harris

Baker Institute for Public Policy, Rice University

Houston, TX

I am writing to express my opposition to HB 3425, which would impose drug testing on individuals seeking TANF benefits.

Drug testing welfare recipients is wasteful and punitive. The cost of drug testing has led many states and private employers to reject the practice. States with testing requirements like those laid out in HB 3425 have spent hundreds of thousands of dollars and have yielded few positive drug tests—an unsurprising finding given that people who receive welfare assistance do not use drugs at a higher rate than the general population.

Supporters of HB 3425 may argue that drug testing can connect people who use drugs with treatment. While the bill requires individuals who test positive to complete a treatment program before reapplying for benefits, it provides no assistance to pay for that treatment. By definition, individuals seeking TANF benefits have little money and will be unable to afford treatment. This requirement also incorrectly assumes that all people who test positive for illicit substances need treatment. They do not. The vast majority of people who use drugs—close to 90%—do not develop substance use disorders. If the state sincerely wants to help the minority of people struggling with addiction, it should expand Medicaid.

Drug testing will especially target cannabis users, as THC remains detectable 30 days or more after use. Testing and penalizing individuals for THC use is out of step with public support for marijuana reform; 77% of Texans support decriminalizing marijuana possession and 61% support legalization.

HB 3425 also requires individuals who have been convicted of a felony drug offense to submit to a drug test. This is an additional penalty for people who have already served their sentence. It wrongly assumes that a felony drug conviction, which in Texas occurs for possession of as little as .01 grams of a substance, is an indication of addiction. It is not. And because Black and Hispanic Texans are more likely than White Texans to be arrested and convicted for drug offenses despite similar use rates, this provision will reinforce the racial disparities of both the justice and social service systems.

Drug testing requirements are demeaning and stigmatizing. They may cause those who need assistance to not apply. Perhaps this is the true goal of HB 3425: to reduce the number of people seeking welfare benefits. This tactic, however, is short-sighted. The temporary relief provided by TANF is a preventive measure that saves the state money down the road. Texas already has one of the most restrictive TANF programs in the country. Erecting additional roadblocks will contribute to the long-term social and public health costs of child and family poverty—costs eventually borne by Texas taxpayers.

HB 3425 is a harmful and misguided proposal. I urge committee members to oppose this bill.

Respectfully submitted,
Katharine Neill Harris, Fellow in Drug Policy, Rice University's Baker Institute for Public Policy

Jamie Olson, Director of Government Affairs

Feeding Texas

Austin, TX

Feeding Texas opposes HB 3425 by Slawson as it would further stigmatize the poorest Texans by imposing an unnecessary drug test on parents and grandparents applying for Temporary Assistance for Needy Families (TANF) help for their children.

The original goal of TANF is “to keep children in their own homes or the homes of relatives” and keep poor children out of the foster care system. TANF was created to give cash support to the poorest families so they can meet the basic needs of their children. Yet Texas has some of the most stringent TANF eligibility rules in the country. Texas' income limits for TANF have not changed in 25 years - \$188 a month for a mother with 2 children. And if a family is destitute enough to qualify, they get very little financial assistance. That same mother of 2 would get a maximum of only \$308 a month only if she complied with job search or training, parenting classes, not abuse alcohol or drugs and a long list of other requirements. Texas make it so difficult to qualify that TANF serves less than 4% of poor families in Texas. In December 2020 only 8,400 adults and 33,000 children were on TANF in Texas.

Adding a drug test to an already massively bureaucratic program will not only make it even harder for desperate families but depending on how the screening is implemented it will capture tens of thousands of people who would never be eligible for

TANF. They simply checked a box online when applying for other programs. This would undoubtedly overwhelm the Texas Health and Human Services Commission (HHSC), wasting millions of state taxpayer dollars each year.

HB 3425 is deeply flawed, and thus Feeding Texas urges the committee to oppose this bill.

Isabel Ray, Mrs.
self (communications)
Austin, TX

I oppose HB 3425. This bill would place unnecessary barriers in the way of Texans seeking assistance for their families. I ask you to vote against this bill. Thank you.

Lisa Sewell
Myself and my family
Fort Worth, TX

I oppose this bill for the reason we have a state approved Texas Compassionate Use Program and there are medical patients using this and cannot apply for state aid. While we all know many people try to take advantage of our system, almost all cannabis users (legal or not) choose this in Replacement of the medications they cannot afford. It is a safe and viable option, and most of the time cheaper than their medications. As our states program will continue to expand these patients will be left out of an opportunity if the need is there. Please do not pass this bill, and thank you

Jaclyn Finkel
Self, Texas NORML, Foundation for an Informed Texas
Austin, TX

We oppose adding testing for THC for those seeking benefits from TANF. Texas has a robust hemp program with a variety of products that are available over the counter. These products are allowed to contain up to 0.3%THC, meaning that it is legal people to have THC in their system. Testing for a legal products to disqualify someone from benefits is not acceptable. This means that people can dispute the results of their tests, justifiably, and the state may have to pay for a confirmatory test, usually Gas Chromatography Mass Spectrometry (GC/MS), which is a much more costly test. It is also of note that there is likelihood of there being a “false positive” for the testing for THC.

Marilyn Hartman
Member and Advocate, National Alliance on Mental Illness (NAMI) Central Texas
Austin, TX

I oppose this bill as it penalizes people who are already struggling.

David King
Self
Austin, TX

Honorable Members of the House Human Services Committee, Please do not approve this blatantly discriminatory bill that reeks

of white-privilege and targets low-income people and people of color struggling to survive in the midst of pervasive systemic inequity and institutional racism that permeate the Texas Legislative, Judicial, and Executive branches of government. Thank you for considering my comments and for your service.

Allison Greer, VP, Govt Relations

CHCS

San Antonio, TX

I am opposed to HB 3425

Katherine Byers, Dr.

Houston Food Bank

Houston, TX

TANF has an exceptionally low rate of fraud and research has found that TANF recipients are no more likely to use drugs than the general population. Other important reasons that HB 3425 should not become policy is that Florida passed similar legislation and found very low rate of drug use, but incredibly high costs to the state to maintain the drug testing. In addition, HB 3425 requires parents who test positive to be reported to CPS which will certainly drive up the number of children in the foster care system. HB 3425 will have a negative impact on families and is not a solution to a clearly identified problem. Please vote no on HB 3425.

Carolyn Somes

Self

Austin, TX

Oppose drug testing for benefits eligibility.

-Drug testing is costly. Other states have found other means of screening recipients that are cheaper and more likely to identify alcohol abuse. "A congressional committee also estimated that the cost of each positive drug test of a government employees was \$77,000 because the positive rate was only 0.5%"

-The scientific and medical community overwhelmingly oppose drug testing welfare recipients (see list below).

-Citizens not on welfare use drugs at statistically the same rate as welfare recipients. Michigan District Court Judge Victoria Roberts ruled that the State's rationale for testing welfare recipients "could be used for testing the parents of all children who received Medicaid, State Emergency Relief, educational grants or loans, public education or any other benefit from that State."

-Questionnaires in an Oklahoma study accurately detected 94 out of 100 drug abusers, including alcohol abuse (which drug testing does not screen for). Marijuana is the main drug found during drug testing because it stays in the body the longest. Drug tests are less effective at screening for other illicit drugs, like methamphetamine or cocaine, which exit the body's system in a matter of hours or days.

-Drug testing has been found to be unconstitutional in states like Michigan for violating the Fourth Amendment's protection against illegal searches.

Some of the many organizations opposed to testing welfare recipients:

American Public Health Association

National Association of Social Workers, Inc.

National Association of Alcoholism and Drug Abuse Counselors

American College of Obstetricians and Gynecologists
National Council on Alcoholism and Drug Dependence
Association of Maternal and Child Health Programs
National Health Law Project
National Association on Alcohol, Drugs, and Disability, Inc.
National Advocates for Pregnant Women
National Black Women's Health Project
Legal Action Center
National Welfare Rights Union
Youth Law Center
Juvenile Law Center
National Coalition for Child Protection Reform
Center for Addiction and Mental Health

More resources and info available at: <https://www.aclu.org/other/drug-testing-public-assistance-recipients-condition-eligibility>

Doris Spraggins

Self

Fredericksburg, TX

I am in favor of HB 3425.

Don Spraggins

Self

Fredericksburg, TX

I support hb3425

Sarah Berel-Harrop

Self/Seminarian

Farmers Branch, TX

Please do not allow this bill to advance out of committee.

TANF funds help mitigate the effects of poverty and help to keep children from being unhoused and hungry. If a parent has a dependence on drugs, they ALSO need medical care around that dependence. Rather than providing that medical care, this law would deny benefits until the person somehow magically on their own completes treatment.

This law does nothing to help families that are harmed by substance abuse. It only disqualifies people from getting funds needed to support their children.

It is unduly punitive, permanently disqualifying people from the TANF program.

Historically, there are racial disparities in the enforcement of drug laws, wherein Black people and people of color have been funneled into the mass incarceration system. There is growing understanding of how drug laws disrupt communities and families. As we understand and try to mitigate and repair those historical inequities, this bill goes in the wrong direction.

Kathy Turner

self, retired

McGregor, TX

I strongly support this bill. The federal TANF law prohibits providing benefits to people using drugs. TANF is a time-limited, low benefit assistance intended to be temporary and to provide the supports necessary for the parent or responsible adult to enter the workforce and the path to self-sufficiency. Drug use is not compatible with obtaining employment. And drug use within the family is not conducive to the well-being of the family and especially the well being of the child. Please report this bill favorably out of committee and work diligently toward getting this bill to the full House for deliberation and passage.
