



Representative Bob Barrett
413 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

January 27, 2012

RE: Opposition to HF1889/SF1535, HF 1919, SF1506

Dear Representative Barrett:

The Minnesota Association of Resources for Recovery and Chemical Health (MARRCH) is opposed to HF1889/SF1535, HF1919, SF1506 for a range of reasons, including that the legislation is discriminatory, unconstitutional, ineffective to the intended purpose, based on myth and not fact, and a waste of tax dollars and government time.

These bills will ultimately be a waste of taxpayer dollars and a waste of government employees' time, including those in local units of government. This legislation, as drafted, would be an additional unfunded mandate on Minnesota counties. Furthermore, it is our understanding that Minnesota law currently allows the counties to do drug testing on benefit recipients that have prior drug crime convictions on their record.

We are particularly concerned about the subjective and discriminatory standards for drug testing that the bills would establish, such as smell of alcohol, nausea, twitching, etc. We are concerned about the discriminatory impact that this legislation would have on communities of color, struggling with addiction recovery.

In Florida, which passed a substantially similar drug screening law in July, 2011, less than one percent of welfare applicants tested positive for drugs since the state began requiring the screening in July, according to figures released by state officials in October, 2011. The majority of the positive tests were for marijuana. Meanwhile, a federal judge in Orlando is reviewing a lawsuit filed by the American Civil Liberties Union, which believes the Florida law is blatantly discriminatory and unconstitutional. The Minnesota Department of Human Services (DHS) reports fewer than 20 positive drug tests over the past 14 years in those counties that have done drug tests.

Finally, Michigan passed a nearly identical drug screening law a few years ago that was promptly ruled unconstitutional by the federal courts as an unreasonable search under the IV Amendment. There will certainly be a cost to the taxpayers in defending the dubious



constitutionality of the law in court, if HF1889/SF1535, HF1919, and SF1506 were to become law.

We urge you to seek no further progress on this current package of bills, as they are discriminatory, unconstitutional, and ineffective to the intended purpose, based on myth and not fact, and a waste of tax dollars and government time.

If you have any questions, please do not hesitate to contact us.

Sincerely yours,

Jonathan Lofgren, LADC, Ph.D.

President, MARRCH

Bob Melson, LADC

Chair, MARRCH Public Policy Committee

CC: DHS Commissioner, Lucinda Jesson

DHS Asst. Commissioner for Mental Health and Chemical Dependency, Maureen O'Connell

MARRCH lobbyist, Bill Amberg