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Public Assistance HB 772

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SOCIAL SERVICES

Public Assistance: Amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, Relating to Public Assistance, so as to Provide for Drug-Testing for Applicants and Recipients of Food Stamps or TANF Benefits Upon a Reasonable Suspicion of Drug Use; Provide Requirements for Drug-Testing; Provide for Penalties for Any Person who Fails a Drug-Test; Provide for Reapplication; Provide for Confidentiality of Records; Require that Electronic Benefits Transfer Cards for Food Stamp Benefits Contain a Photo of the Recipient; Provide for an Effective Date; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes

CODE SECTIONS:	O.C.G.A. §§ 49-4-20, -21 (new); -193 (amended)
BILL NUMBER:	HB 772
ACT NUMBER:	664
GEORGIA LAWS:	2014 Ga. Laws 844
SUMMARY:	The Act requires the government to drug-test recipients of food stamps and TANF benefits if there is a reasonable suspicion of drug use. Penalties for failing a drug-test become more severe when a recipient has more violations. The new bill also requires that a member of each household receiving food stamp benefits have a photo on the card.
EFFECTIVE DATE:	O.C.G.A. §§ 49-4-20, -193, July 1, 2014; § 49-4-21, January 1, 2016

History

Many states in recent years have implemented laws similar to Georgia's House Bill (HB) 772, which requires some recipients of food stamps and Temporary Assistance for Needy Families (TANF)

to be drug tested.¹ One out of every seven people in Georgia is on public assistance and one out of every five in Georgia is on food stamps.² Representative Greg Morris (R-156th) claims the purpose of HB 772 is to protect Georgia taxpayers' dollars from being misused to provide financial assistance to drug users.³ He asserts that one in five Georgians have substance abuse problems and he has no reason to believe that this statistic would be any different in the food stamp and TANF communities.⁴ Therefore, he introduced HB 772 to require drug testing upon a reasonable suspicion that a recipient is under the influence of illegal drugs.⁵

Opponents claim that there is no evidence that shows people who receive food stamps and TANF benefits abuse drugs more than people who do not receive these benefits.⁶ In Florida, for example, fewer than three percent of TANF applicants test positive for illegal drug use.⁷ They also claim the drug testing is a waste of tax money.⁸

A decision from the Eleventh Circuit Court of Appeals—*Lebron v. Secretary, Fla. Dep't of Children and Families*—had a major effect on the Georgia law.⁹ At issue in *Lebron* was a Florida law, enacted in May 2011, which required all TANF recipients to undergo mandatory

1. *Drug-Testing for Welfare Recipients and Public Assistance*, NATIONAL CONFERENCE OF STATE LEGISLATURES (Aug. 7, 2014), <http://www.ncsl.org/research/human-services/drug-testing-and-public-assistance.aspx> (Alabama, Mississippi, Kansas, North Carolina, Utah, Tennessee, Oklahoma, Arizona, Florida, and Missouri have all passed similar statutes to drug-test recipients of welfare and public assistance); *About TANF*, OFFICE OF FAMILY ASSISTANCE, <http://www.acf.hhs.gov/programs/ofa/programs/tanf/about> (last visited Sept. 10, 2014). The main purpose of TANF is to “[p]rovide assistance to needy families so that children can be cared for in their own homes; [r]educe the dependency of needy parents by promoting job preparation, work and marriage; [p]revent and reduce the incidence of out-of-wedlock pregnancies; and [e]ncourage the formation and maintenance of two-parent families.” *Id.*

2. Video Recording of Interview Between Representative Greg Morris (R-156th) and Senator Nan Orrock (D-36th), Jan. 22, 2014 at 1 min., 45 sec. (remarks by Sen. Nan Orrock (D-36th)), [hereinafter Television Interview] <http://archive.11alive.com/news/local/story.aspx?storyid=319606>.

3. Telephone Interview with Rep. Greg Morris (R-156th) (August 12, 2014) [hereinafter Morris Interview].

4. *Id.*

5. See O.C.G.A. § 49-4-20(c)(1) (Supp. 2014); see also Morris Interview, *supra* note 3.

6. Television Interview, *supra* note 2, at 2 min., 0 sec.

7. *Id.* at 1 min., 15 sec.

8. Sitarah A. Coote, *Bill Would Require Drug Test in Return for Food Stamps*, WMAZ (Jan. 24, 2014, 7:50 PM), <http://www.13wmaaz.com/story/news/politics/2014/01/23/new-bill-wants-food-stamp-recievers-to-take-drug-tests/4807541/>.

9. See *Lebron v. Sec'y, Fla. Dep't of Children and Families*, 710 F.3d 1202 (11th Cir. 2013), Morris Interview, *supra* note 3.

drug testing.¹⁰ Plaintiff Luis Lebron refused to take the test and filed the lawsuit claiming that the statute's suspicionless drug-testing provision was a violation of his Fourth Amendment right to be free from unreasonable searches and seizures.¹¹ The district court granted a preliminary injunction against enforcing the statute and Florida agreed to discontinue its drug testing program until the litigation was resolved.¹²

Official Code of Georgia Annotated section 49-4-193 originally required all applicants to take a drug-test in order to receive TANF benefits.¹³ In light of the Eleventh Circuit's decision in *Lebron*, HB 772 amends the law to require drug testing only when there is reasonable suspicion the recipient is using drugs.¹⁴ HB 772 also added a similar new code section requiring drug-testing when there is reasonable suspicion of drug use in order for a food stamp recipient to be eligible for the Georgia Supplemental Nutrition Assistance Program (SNAP).¹⁵

At Governor Deal's direction, the state of Georgia is not currently implementing either of the new sections until the Florida statute is completely resolved in court.¹⁶ In a letter written by Attorney General Samuel Olens to Governor Deal, he explained that HB 772 violates federal law and that Georgia food stamp recipients could risk losing their benefits.¹⁷ Therefore, not wanting to waste money on litigation, Georgia is waiting for the Florida case to be resolved before deciding how to implement the Act.¹⁸

10. See FLA. STAT. ANN. § 414.0652 (West 2014); *Lebron*, 710 F.3d at 1205.

11. *Lebron*, 710 F.3d at 1205.

12. *Id.* at 1205–06. See Analysis *infra*.

13. O.C.G.A. § 49-4-193 (2012).

14. O.C.G.A. § 49-4-20(c)(1) (Supp. 2014). See Morris Interview, *supra* note 3.

15. O.C.G.A. § 49-4-193(c)(1) (Supp. 2014). “[SNAP], also known as the Food Stamp Program is a federally funded program that provides monthly benefits to low-income households to help pay for the cost of food.” *Food Stamps*, GA. DEP’T OF HEALTH SERVS.: DIV. OF FAMILY AND CHILDREN SERVS., <http://dfcs.dhs.georgia.gov/food-stamps> (emphasis in original) (last visited Sept. 10, 2014).

16. Ariel Hart, *Georgia to Delay Welfare Drug Test Law*, ATLANTA J.-CONST. (July 1, 2014), available at <http://www.myajc.com/news/news/local/georgia-to-delay-welfare-drug-test-law/ngXcb/>.

17. Letter from Samuel S. Olens, Attorney General of Georgia, to Nathan Deal, Governor, State of Georgia (June 6, 2014) (on file with Georgia State University Law Review) [hereinafter Olens Letter]; Jeanne Bonner, *Georgia Attorney General: State Cannot Enforce New Food Stamp Law*, GPB NEWS (June 6, 2014), <http://www.gpb.org/news/2014/06/06/georgia-attorney-general-state-cannot-enforce-new-food-stamp-law>; see Analysis *infra*.

18. Hart, *supra* note 16.

*Bill Tracking of HB 772**Consideration and Passage by the House*

Representative Morris sponsored HB 772.¹⁹ The House read the bill for the first time on January 12, 2014.²⁰ The House read the bill for the second time on January 22, 2014.²¹ Speaker of the House David Ralston (R-7th) assigned the bill to the House Judiciary Committee, which favorably reported it by substitute on February 25, 2014.²² On March 3, 2014, the House read the bill for a third time and passed the committee substitute by a vote of 109 to 64 on the same day.²³

The bill's original version created Code section 49-4-20, which required drug-testing for food stamp recipients, prohibited individuals who fail the drug-test from receiving food stamp benefits for certain periods of time, and set guidelines for how this drug-testing should be conducted by Georgia's Department of Human Services (DHS).²⁴ The bill required DHS to use the drug-testing standards set forth by the United States Department of Health and Human Services in its "Mandatory Guidelines for Federal Workplace Drug Testing Programs."²⁵ Representative Morris contended it was only fair that TANF and SNAP recipients should be subject to the same standards as working Georgians.²⁶

The House Committee on Judiciary's substitute bill changed the previous version to require drug-testing only upon a "reasonable suspicion" of drug use for food stamp recipients.²⁷ It also added an amendment to Section 49-4-193 to only require drug-testing for TANF recipients when they are reasonably suspected of drug use.²⁸ This version of the bill allows DHS to use any available information

19. Georgia General Assembly, HB 772, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/772>.

20. State of Georgia Final Composite Status Sheet, HB 772, May 1, 2014.

21. *Id.*

22. *Id.*

23. *Id.*

24. See HB 772 (LC 33 5280), 2014 Ga. Gen. Assem.

25. HB 772 (LC 33 5280), § 1, p. 1, ln. 13–17, 2014 Ga. Gen. Assem.

26. See Morris Interview, *supra* note 3.

27. See generally HB 772 (LC 33 5575S), 2014 Ga. Gen. Assem.

28. HB 772 (LC 33 5575S), § 2, p. 6, ln. 185–87, 2014 Ga. Gen. Assem.

to determine what constitutes reasonable suspicion.²⁹ The House passed the substitute bill by a vote of 107 to 66 on March 3, 2014.³⁰

Consideration and Passage by the Senate

Senator Don Balfour (R-9th) sponsored HB 772 in the Senate.³¹ The Senate read the bill for the first time on March 4, 2014.³² Lieutenant Governor Casey Cagle (R) assigned the bill to the Senate Health and Human Services Committee.³³ The Health and Human Services Committee favorably reported the bill by substitute on March 12, 2014.³⁴ The committee substitute contained only minor technical changes from the version passed by the House.³⁵ The Senate engrossed and tabled the bill on March 18, 2014.³⁶ On March 20, 2014, the Senate removed the bill from the table, read it for a third time, and passed it by a vote of 29 to 22.³⁷ On the same day, the House agreed to the Senate's substitution by a vote of 100 to 67.³⁸ The bill was sent to the Governor on March 27, 2014; and he signed it into law on April 29, 2014.³⁹

The Act

The Act amends Title 49 of the Official Code of Georgia Annotated, relating to drug-testing for food stamps and TANF

29. HB 772 (LC 33 5575S), § (c)(1), p. 2, ln. 47–54 2014 Ga. Gen. Assem. This information may include: “(

A) An applicant's or recipient's demeanor; (B) Missed appointments and arrest or other police records; (C) Previous employment or application for employment in an occupation or industry that regularly conducts drug screening; and (D) Termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.”

Id.

30. State of Georgia Final Composite Status Sheet, HB 772, May 1, 2014.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. See Morris Interview, *supra* note 3. See also HB 772 (LC 21 2543S), 2014 Ga. Gen. Assem.

36. *Id.*

37. State of Georgia Final Composite Status Sheet, HB 772, May 1, 2014.

38. *Id.*

39. *Id.*

applicants and recipients.⁴⁰ Section One first defines what drug-testing means and delegates the responsibility to promulgate rules and regulations for carrying out such drug-testing to DHS.⁴¹ The Act implements a “reasonable suspicion” standard for when drug-testing is required for both food stamp and TANF recipients.⁴²

Section One creates a drug-testing requirement for applicants and recipients of food stamps when there is a “reasonable suspicion” that that an individual is using illegal drugs.⁴³ It does not specifically define reasonable suspicion; rather, it indicates what sorts of information may be taken into account, including an applicant’s demeanor, missed appointments, arrest records, or termination from a job for use of a controlled substance.⁴⁴

Section One provides that the first time recipients test positive for illegal drugs, they will be ineligible for food stamps for one month and until they test negative; the second positive result leads to ineligibility for food stamps for three months and until they test negative; finally, a third and any subsequent positive tests will render recipients ineligible for food stamps for one year and until they test negative.⁴⁵ If recipients are ineligible for food stamps for one year because of positive drug tests, they may reapply after six months if they can document the successful completion of a drug rehabilitation program.⁴⁶ The Act requires that DHS inform all applicants that they may be subject to a drug test if DHS has a reasonable suspicion the applicant is using illegal drugs.⁴⁷ Additionally, applicants must sign a

40. O.C.G.A. § 49-4-20, -21, -193 (Supp. 2014).

41. O.C.G.A. § 49-4-20 (Supp. 2014). Drug-testing means “the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs established by the United States Department of Health and Human Services or other professionally valid procedures approved by the department; provided, however, that where possible and practicable, a swab test shall be used in lieu of urinalysis.” O.C.G.A. § 49-4-20(a) (Supp. 2014).

42. O.C.G.A. § 49-4-20(c)(1) (Supp. 2014) (requiring DHS “to screen an applicant or recipient of food stamps at any time a reasonable suspicion exists that such applicant or recipient is using an illegal drug”); O.C.G.A. § 49-4-193(c)(1) (Supp. 2014) (requiring DHS “to screen [a TANF] applicant or recipient at any time a reasonable suspicion exists that such [TANF] applicant or recipient is using an illegal drug.”).

43. O.C.G.A. § 49-4-20(c)(1) (Supp. 2014).

44. See Telephone Interview with Chad Brock, Staff Attorney, American Civil Liberties Union of Georgia (May 14, 2014) [hereinafter Brock Interview]; O.C.G.A. § 49-4-20(c)(1) (Supp. 2014).

45. O.C.G.A. § 49-4-20(d) (Supp. 2014).

46. O.C.G.A. § 49-4-20 (d) and (f) (Supp. 2014).

47. O.C.G.A. § 49-4-20(e)(1) (Supp. 2014).

written acknowledgement that they have been advised of this possibility.⁴⁸

If parents become ineligible for food stamps, they may designate another individual to receive their child's benefits.⁴⁹ Section One also provides that the results of any drug tests performed under this Act will not be subject to disclosure nor be permitted for use in a criminal prosecution or civil action.⁵⁰ In addition, Section One requires that recipients who are selected for drug-testing must pay the cost of the drug-testing, except those with proof of active Medicaid benefits, whose drug test may be subsidized.⁵¹

Finally, Section One states that testing will not be required for those who would be significantly hindered by the requirement, such as individuals with a physical or mental handicap or those residing in a long-term care facility.⁵² Section One also creates Section 49-4-21, which requires that electronic benefits transfer cards contain a photo of authorized users of the card; however, this does not go into effect until January 1, 2016.⁵³

Section Two of the Act eliminates the requirement that all applicants and recipients of TANF submit to drug-testing and instead creates requirements that mirror the drug-testing requirements in Section One for food stamp recipients.⁵⁴ Therefore, TANF applicants and recipients will only be drug-tested if DHS has a "reasonable

48. O.C.G.A. § 49-4-20 (e)(3) (Supp. 2014).

49. O.C.G.A. § 49-4-20(g) (Supp. 2014).

50. O.C.G.A. § 49-4-20(h) (Supp. 2014).

51. O.C.G.A. § 49-4-20(e)(2), (f) (Supp. 2014).

52. O.C.G.A. § 49-4-20(i).

No testing shall be required by the provisions of this Code section for any person whom the department determines is significantly hindered, because of a physical or mental handicap or developmental disability, from doing so or for any person enrolled in an enhanced primary care case management program operated by the Department of Community Health, Division of Medical Assistance to serve frail elderly and disabled beneficiaries to improve the health outcomes of persons with chronic health conditions by linking primary medical care with home and community based services. In addition, no testing shall be required by the provisions of this Code section for any individuals receiving or on a waiting list for long-term services and supports through a non-Medicaid home and community based services program or for any individual residing in a facility such as a nursing home, personal care home, assisted living community, intermediate care facility for the intellectually or developmentally disabled, community living arrangement, or host home.

Id.

53. O.C.G.A. § 49-4-21 (Supp. 2014).

54. *See* O.C.G.A. § 49-4-193 (Supp. 2014).

suspicion” that he or she is using illegal drugs. This section of the Act does not define reasonable suspicion either, but allows DHS to consider the same information as it considers for food stamp applicants and recipients.⁵⁵ The Act eliminates Official Code of Georgia Annotated section 49-4-193 which required that the drug test be administered within forty-eight hours of approval for TANF eligibility and provided for reimbursement to the individual for the cost of the drug test if the test is negative.⁵⁶ Finally, the Act eliminates the requirement that one parent of any two-parent household, and any teen parent not required to live with another adult guardian, must comply with drug-testing requirements for TANF eligibility.⁵⁷

Analysis

Fourth Amendment Issues

The Florida statute at issue in *Lebron* required *all* TANF recipients to take and pass a drug-test to receive benefits.⁵⁸ Under the Florida law, “[i]f the applicant tests positive for controlled substances, he is ineligible to receive TANF benefits for one year but can reapply in six months if he completes a substance abuse treatment program and passes another drug-test, both at his own expense.”⁵⁹ Suspicionless drug testing was the main issue on appeal.⁶⁰ The Eleventh Circuit Court of Appeals explained, “[o]rdinarily, to be reasonable, a search must be based on individualized suspicion of wrongdoing.”⁶¹

The Supreme Court of the United States has only allowed suspicionless searches when the “government [can make] a threshold showing that there are ‘special needs, beyond the normal need for law enforcement, [which] make the warrant and probable-cause

55. O.C.G.A. § 49-4-193(c)(1) (Supp. 2014).

56. Compare O.C.G.A. § 49-4-193 (Supp. 2012), with O.C.G.A. § 49-4-193 (Supp. 2014).

57. Compare O.C.G.A. § 49-4-193 (Supp. 2012), with O.C.G.A. § 49-4-193 (Supp. 2014).

58. FLA. STAT. ANN. § 414.0652 (West 2014).

59. *Lebron v. Sec’y, Fla. Dep’t of Children and Families*, 710 F.3d 1202, 1206 (11th Cir. 2013) (citations omitted).

60. *Id.* The Eleventh Circuit opinion uses the word “suspicionless” to describe the drug-testing of all applicants, regardless of whether they are suspected drug users or not. *See id.*

61. *Id.* at 1206.

requirement impracticable.”⁶² The Eleventh Circuit ruled that there was no special need for “mandatory suspicionless drug-testing.”⁶³ Florida had no support that drug use was a major problem in Florida’s TANF population, and the court therefore affirmed the district court’s ruling.⁶⁴

Supporters of the Georgia Act originally wanted all applicants to be drug-tested, but because of the Eleventh Circuit ruling, the Act only requires drug testing if there is reasonable suspicion that the recipient uses illegal drugs.⁶⁵ One potential issue with the Act is that it does not define what constitutes a “reasonable suspicion.”⁶⁶ The only definition given of a “reasonable suspicion” is broad and vague; the circumstances used to decide if someone should be drug-tested include “an applicant’s demeanor, missed appointments and arrests or other police records . . . [t]his could lead to harassing behavior by caseworkers, who are now able to require drug testing based on their perception alone.”⁶⁷ Ultimately it is left to the discretion of a DHS employee to determine if a drug-test is needed.⁶⁸ Additionally, nothing in the bill mandates any training for the employees who have the responsibility of deciding if someone should be drug-tested or not.⁶⁹

Conflict with Federal Law

The federal government provides funding for food stamp programs.⁷⁰ Therefore, Georgia must follow the laws the federal government enacted to implement the program, and federal law does

62. *Id.* at 1207 (quoting *Skinner v. Ry. Labor Execs. Ass’n*, 489 U.S. 602, 619 (1989)).

63. *Id.* at 1211. There will not be a special need if “there is no immediate or direct threat to public safety, when those being searched are not directly involved in the frontlines of drug interdiction, when there is no public school setting where the government has a responsibility for the care and tutelage of its young students, or when there are no dire consequences or grave risk of imminent physical harm as a result of waiting to obtain a warrant if a TANF recipient, or anyone else for that matter, is suspected of violating the law.” *Id.*

64. *Id.* at 1218.

65. O.C.G.A. § 49-4-20(c)(1) (Supp. 2014). See Morris Interview, *supra* note 3.

66. See O.C.G.A. § 49-4-20, -193 (Supp. 2014).

67. Leslie Wimes, *Georgia: Drug Testing “Suspicious” Welfare Recipients*, WOMEN ON THE MOVE (Mar. 23, 2014), <http://mywomenonthemove.com/georgia-drug-testing-suspicious-welfare-recipients/>.

68. Brock Interview, *supra* note 44; see O.C.G.A. § 49-4-20(c)(1) (Supp. 2014).

69. Brock Interview, *supra* note 44; O.C.G.A. § 49-4-20(c)(1) (Supp. 2014).

70. *Food Stamps*, *supra* note 15.

not permit states to add eligibility requirements for SNAP recipients.⁷¹ In an email to Georgia officials, Robert Caskey of SNAP “cit[ed] federal law, [and] said that ‘no state agency shall impose any other standards of eligibility’ beyond the provisions of the federal Food and Nutrition Act, which does not require drug-testing.”⁷² A letter from the United States Department of Agriculture (USDA) to the Georgia Department of Human Services stated that “[s]ection 5(b) of the Food and Nutrition Act and 7 C.F.R. § 273.2(a) expressly prohibit States from imposing additional standards of eligibility for SNAP participation.”⁷³ The letter also mentioned that requiring SNAP recipients to pass a drug test is an additional requirement and is not allowed under federal law.⁷⁴ Therefore, for similar reasons, Attorney General Olens wrote a letter to the Governor stating that the additional requirements to the SNAP program are not permissible under federal law.⁷⁵ Representative Morris, the bill’s sponsor, countered by saying “[w]e can’t legislate by speculation . . . [w]e have to do what we believe is right.”⁷⁶ Most likely, Georgia will not be able to implement drug testing for SNAP recipients without repercussions from the federal government.⁷⁷

Litigation Costs

One potential consequence of passing this Act is that litigation may ensue and be costly to taxpayers. Although the Eleventh Circuit only affirmed a preliminary injunction against the Florida law, there are many in Georgia who believe that the Georgia Act is

71. 7 C.F.R. § 273.2(a) (2012) (“The State agency cannot, as a condition of eligibility, impose additional application or application processing requirements.”).

72. *Id.*; Andy Miller, *Georgia: Fight Over Food Stamp Drug Tests May Be Just Starting*, ATHENS BANNER-HERALD (Mar. 27, 2014), <http://onlineathens.com/general-assembly/2014-03-26/fight-over-food-stamp-drug-tests-may-be-just-starting>.

73. Letter from Robin D. Bailey, Jr., Regional Administrator, United States Department of Agriculture, to Keith Horton, DHS Commissioner (June 3, 2014) (on file with Georgia State University Law Review) [hereinafter Bailey Letter].

74. *Id.*

75. Olens Letter *supra* note 17.

76. See Miller, *supra* note 72.

77. See Olens Letter *supra* note 17. It is worth nothing that this federal law does not apply to the TANF program. *Id.* However, *Lebron* was clear in its decision that drug-testing all applicants for a government-aid program, even TANF or food stamps, is not allowed without a special need for the testing. *Lebron v. Sec’y, Fla. Dep’t of Children and Families*, 710 F.3d 1202, 1218 (11th Cir. 2013).

unconstitutional.⁷⁸ Representative Mary Margaret Oliver (D-82nd) stated, “I am very, very troubled [about] the way Georgia spends its money on litigation.”⁷⁹ Representative Oliver worries that a caseworker will not be able to determine if an applicant is on drugs and that many of the food stamps workers only communicate with recipients by telephone.⁸⁰ Therefore, she thinks that a caseworker making a determination based on someone’s demeanor over the telephone is a serious problem and will induce unnecessary litigation in Georgia.⁸¹

State Reimbursement for Costs of Drug Tests

Senator Nan Orrock (D-36th) argues that if the bill is found unconstitutional, the state will have to refund any money that is used by food stamp recipients for drug-testing.⁸² Florida passed its drug-testing law with much fanfare about saving the state money, stopping recipients from using drugs, and lowering the number of applicants.⁸³ This was not the case, and the Eleventh Circuit eventually affirmed the district court’s preliminary injunction.⁸⁴ According to figures released by the state of Florida, “2.6 percent of the state’s cash assistance applicants failed the drug test, or 108 of 4,086.”⁸⁵ The cost to the state to reimburse the individuals who had to pay for drug-testing was \$118,140.⁸⁶ “This is more than would have been paid out in benefits to the people who failed the test.”⁸⁷ The supporters of the Georgia Act, and most likely supporters for all similar bills, believe the idea of the bill is to stop individuals from using government

78. See Olens Letter, *supra* note 17; Bailey Letter, *supra* note 73.

79. Andy Miller, *New drug testing bill moves forward*, GA. HEALTH NEWS, (Feb. 24, 2014), <http://www.georgiahealthnews.com/2014/02/drug-testing-bill-moves/>.

80. *Id.*

81. *Id.*

82. Television Interview, *supra* note 2, at 3 min., 20 sec. Recipients will have to pay a fee of no more than seventeen dollars to get a drug-test and the payment comes out of the recipients own pockets. O.C.G.A. § 49-4-20(b)(8).

83. Lizette Alvarez, *No Savings Are Found from Welfare Drug Tests*, N.Y. TIMES (Apr. 17, 2012), <http://www.nytimes.com/2012/04/18/us/no-savings-found-in-florida-welfare-drug-tests.html>.

84. *Lebron v. Sec’y, Fla. Dep’t of Children and Families*, 710 F.3d 1202, 1218 (11th Cir. 2013).

85. Alvarez, *supra* note 83.

86. *Id.*

87. *Id.*

benefits to purchase drugs.⁸⁸ They believe that “more than saving money was at stake.”⁸⁹

Representative Morris, believes that if state citizens with jobs have to get drug-tested for their jobs, then there is no reason someone receiving state benefits should not also have to be drug-tested.⁹⁰ He also believes that it is an insult to citizens with jobs that their tax money can be used to support drug users with government assistance.⁹¹ Representative Morris does not support the delay of this statute; instead, he contends that the statute should be enacted on time and not to wait for court challenges because the General Assembly passed it and Governor Deal signed it into law.⁹²

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88. See Morris Interview, *supra* note 3.

89. See Alvarez, *supra* note 83.

90. See Morris Interview, *supra* note 3.

91. *Id.*

92. *Id.*