



Public Law 115–17
115th Congress

Joint Resolution

Disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants.

Mar. 31, 2017
[H.J. Res. 42]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to “Federal-State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of 2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants” (published at 81 Fed. Reg. 50298 (August 1, 2016)), and such rule shall have no force or effect.

Approved March 31, 2017.

A February 2015 report by Think Progress found seven states (**Arizona, Kansas, Mississippi, Missouri, Oklahoma, Tennessee, and Utah**) spent hundreds of thousands of dollars “to ferret out very few drug users.”

Specifically, the Think Progress review found about \$850,000 in cost to administer drug tests that detected 321 active drug users – with Utah spending nearly \$29,000 that year on screening and tests to ferret out 18 drug users.

The statistics show that applicants actually test positive **at a lower rate** than the drug use of the general population.

(<http://thinkprogress.org/economy/2015/02/26/3624447/tanf-drug-testing-states/>)

The national drug use rate is 9.4 percent (<http://drugabuse.gov/national-survey-drug-use-health>). In these seven states, however, the rate of positive drug tests to total welfare applicants ranges from 0.002 percent to 8.3 percent; all but one have a rate below 1 percent.

As of March 2017, at least 20 states have proposed legislation requiring some form of drug testing or screening for public assistance recipients this year. The states include: Hawaii, Illinois, Kentucky, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New York, North Dakota, Rhode Island, South Carolina, Texas, and Vermont.

Florida, Oregon and Pennsylvania have proposals to drug test those applicants who have been convicted of drug-related offenses. Arizona's proposal applies only to nutrition assistance applicants convicted of drug-related offenses.