



New partisan battle exhibits absurdity of government drug testing

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The “Top 1% Accountability Act of 2016,” introduced June 16 by U.S. Rep. Gwen Moore, is the latest in a wave of government drug testing legislation—but with a new twist. The bill would mandate drug testing not for welfare recipients, but for the highest-earning Americans.

The measure would require drug testing for all taxpayers claiming itemized deductions in excess of \$150,000 per year, which could affect hundreds of thousands of people. It is expected to gain little traction in Congress.

“This is a political play, and not actually intended to be enacted and implemented,” Cato Institute policy analyst Charles Hughes told Watchdog.

The Wisconsin Democrat’s political play is a counteroffensive to Republican-backed legislation that would mandate drug testing for welfare or food stamp recipients. Some 15 states have already approved such legislation, and 17 others are considering proposals.

Moore says drug testing for welfare programs discriminate against the poor.

“Sadly, Republicans across the country continue to implement discriminatory policies that criminalize the less fortunate and perpetuate false narratives about the most vulnerable among us,” Moore said in a statement. “These laws serve only one purpose: stoking the most extreme sentiments and misguided notions of the conservative movement.”

Moore’s bill is intended to spark a public debate on the perceived unfair treatment of America’s poor when they try to collect their welfare benefits. What the bill *actually* does is highlight the absurdity of government drug testing programs on rich and poor alike.

Testing proponents in both parties share an equally unfruitful quest to save money and crack down on drug use, the data show.

Republicans who support testing, including conservative governors Scott Walker of Wisconsin and Rick Scott of Florida, say it keeps government money out of the hands of those who would

use it for drugs. However, the National Survey on Drug Use and Health, based on in-person interviews of a representative sample of the population, casts doubt on that: only about 3.9 percent of Temporary Assistance for Needy Families (welfare) recipients satisfied criteria for illicit drug abuse or dependence in 2007, the most recent year for which that specific information is available. In Tennessee, only one in 800 welfare applicants tested positive for drugs during the first round of tests.

Additionally, a World Bank study found that even when unrestricted cash is given to welfare applicants, they are not significantly more likely to spend that money on vices, explained Cato's Hughes.

“In terms of efficacy, if the goal of these welfare program is to help provide a transition to self-sufficiency and a path to prosperity, it's not entirely clear that the actual form of these drug tests accurately captures the things that matter,” Hughes said. “There is also the question of whether these tests are even capturing the relevant substances that would most plausibly affect ability to work or comply with other program requirements; alcohol can be just as disruptive as other substances but is largely ignored.”

Moreover, this attempt at fiscal responsibility ends up costing taxpayers more in the long run. In the final two months of 2014, Missouri spent \$336,297 to test 38,970 applicants. The number who tested positive for any drugs: a meager 48, or a little more than one-tenth of 1 percent.

There are some beneficiaries of state drug testing, though. The drug testing companies and their shareholders win big – including Gov. Rick Scott, who transferred his \$62 million stake in an urgent care chain, Solantic, to his wife months before he signed a 2011 executive order mandating drug tests for state employees. Later that year he also signed welfare-applicant drug testing into law.

Solantic did not get any government contracts, but it may have benefitted from tens of thousands of people who wanted peace of mind before their official screening and purchased advanced tests at facilities run by the company. Both drug testing requirements have largely now fallen apart due to legal challenges: Last year Scott and the state employees' union compromised to limit drug testing of state workers, and the drug testing for welfare recipients lost in court.

Democrats who support legislation like Moore's essentially argue, “If the poor who receive benefits should be tested, so should the rich who receive government benefits.” This logic is problematic.

First, they equate a tax deduction to a ‘benefit’ from the government. This presumes that all money belongs to the government; therefore, those who are lowering their effective tax rate with deductions are getting a handout rather than simply following the law in an effort to keep more of the money they earned.

Second, the argument reduces to the point of absurdity. If these legislators want to define as a ‘benefit’ anything granted by the government, then they could also demand testing for anyone who uses government-funded projects like roads, national defense, firefighting — or their own government paychecks.

“The biggest problem with these squabbles is that they soak up so much of the political capital that could otherwise go to real substantive reforms that would actually address some of the serious shortcomings with the current system like poverty traps and misaligned incentives,” Hughes said.