



# STATEHOUSE REPORT

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## **Drug testing of welfare recipients proposed**

[HB 298](#) would create a two-year, three-county pilot program in which applicants to the Ohio Works First program would be subjected to a screening to determine the likelihood that they have a substance abuse problem. If the results show a high likelihood of a substance abuse problem, an applicant would be asked to take a drug test in order to receive the cash assistance benefit. Those applying for unemployment benefits would also be subject to drug testing under certain conditions. The legislation also calls for \$100,000 to be made available for drug treatment services. At this point Crawford, Darke and Butler counties have expressed an interest in being a pilot county



The bill's sponsors, Rep. Tim Schaffer (R-Lancaster) and Rep. Ron Maag (R-Lebanon), indicated that the proposed pilot program would allow the state to begin collecting data to determine if drug use is higher among welfare recipients. The proposal is not a means to deny benefits, but instead a tool to help these families in need. The proposal is designed to be treatment oriented and be supportive to the recipient's family. A failed or refused drug test would lead the applicant to be referred for treatment while the applicants' family would still be eligible for benefits through a protective payee which could be an organization such as a church or a family member, according to Rep. Schaffer. Rep. Magg added that there is a clear awareness of the drug problem in Ohio and its effects on various organizations, including the welfare system, and it is now time for the state do something to confront the problem. The proposed pilot program is the first step in bettering all our constituents and our state.

Rep. Schaffer, who has led several failed effort to pass similar legislation during previous General Assemblies, pointed to the results of a recent [survey](#) of the state's 88 county departments of jobs and family services that found the top impediment to economic independence is the lack of ability to pass a drug test. "I cannot think of anything better than to provide free treatment to those suffering from drug addiction while making sure that the taxpayer dollars designed to help children and families are going to put shoes on the feet of children, rather than to the drug dealer down the street," Schaffer said.

The sponsors fielded a wide range of questions from members of the House Community and Family Advancement Committee hearing the bill. In response to Rep. Bill Patmon's (D-

Cleveland) concern that the proposal was actually "profiling," Rep. Schaffer, disputed that notion, saying that the assessment ensures that everyone is treated fairly. "I think that's probably the opposite," he said of the profiling charge. "It's treating everyone the same." Rep. Schaffer noted that the only thing that has over time stood the test of constitutionality is random testing such as proposed in the bill," he said.

Rep. Janine Boyd (D-Cleveland Hts.) said people may refuse the testing for reasons other than a belief that the results will come back positive and asked the sponsors if they had considered the possibility that some among those who refuse to take a test might just simply be humiliated because they have to. Rep. Schaffer responded by saying that he often hears from constituents who complain about the fact that they have to submit to drug testing for their jobs while welfare recipients do not. "If I were applying for it, I would just assume that it's a normal part of the process," he said.

Rep. Stephanie Howse (D-Cleveland) asked the sponsors if either had ever been a beneficiary of the program. Both said they had not. She questioned whether any of the interested parties brought into the fold were beneficiaries in the program. Rep. Schaffer said he had gotten plenty of input from members of agencies that deal directly with the program's beneficiaries, however Rep. Howse expressed her dismay that the sponsors had not talked to actual program recipients.

## **Medical marijuana to get a thorough review**



After State Issue 3's resounding defeat, House Speaker Cliff Rosenberger (R-Clarksville) said that he intends for the House to look at the prospects of providing for the use of medical marijuana. Joined by Rep. Kirk Schuring (R-Canton), who will be the House's point person on the issue, the speaker told reporters at a Statehouse news conference that proposals to legalize pot for medicinal purposes were very much alive in his chamber but would be subject to a "measured approach" that could include state funding for research. That approach would include working with Ohio research hospitals, the federal government - perhaps through a Food and Drug Administration waiver - and other interested parties before advancing any legislation.

"Over the next few weeks, we'll roll out with a press conference probably the plan and initiatives to do those things," Speaker Rosenberger said. "We of course also encourage those in the medical fields all throughout our state to engage in study committees of their own and we're always open to look at their advice and guidance in this area." The speaker said one objective is to urge the federal government to support clinical trials at Nationwide Children's Hospital and other research institutions and "find avenues through which maybe we can offer support and more research and development and then try to go down a road in which we start somewhat of a pilot program to get to the eventuality of having, you know, medical marijuana here in the state of Ohio." That path would be taken through the legislative process, he added, "that allows for public input and input from around the country from different sources."

Rep. Schuring agreed a "methodical approach" is needed. "We're trying to form our thoughts on how we'll do that, but I think we need to have clinical studies - either argument the ones that are already in place or establish new ones that will look at the efficacy of medicinal marijuana."

"Once that is determined, then we can take the appropriate steps as a legislature to determine whether or not it should be available to Ohio citizens."

Whether or not the legislative effort will have the support of Gov. John Kasich, who was a staunch opponent of broader legalization and has made the fight against drug abuse a key focus of his administration, remains to be seen. Kasich spokesman Joe Andrews said the governor "is sensitive to the plight of those who have debilitating diseases, but feels the need to let medical professionals lead on this issue." "He hopes that through additional clinical research we can determine if medicinal cannabis can produce treatments that help patients who cannot find relief with other medications," he said.

## Statehouse, Etc.

**Assigned Counsel/indigent defense** – the Ohio Supreme Court has decided to consider a proposed rule change to the way in which lawyers are appointed to represent indigent defendant, it announced. The rule change, proposed by the Advisory Committee on Case Management Subcommittee on Court Appointments, would define equitable to include a system that would "widely" and "fairly" distribute appointments from a list of pre-qualified lawyers. The current court rule states that there should be "equitable distribution" when it comes to appointing a lawyer for an indigent criminal defendant, according to the court. The proposed rule change would also require the court to take five factors into account when appointing an attorney: the complexity of the case; language, educational or other challenges facing the defendant; relevant experience of the attorney; avoidance of any conflicts of interest or other situations that could delay the case; and a potential appointee's commitment to providing timely, quality representation to the client, along with other intangible factors, the court reported. The court will accept written comments on the matter until Dec. 24

**Ohio legislative redistricting process approved** - Ohio voters on Tuesday overwhelmingly approved an overhaul of the state legislative redistricting process. Voters supported Issue 1 by a nearly 3-1 margin, according to unofficial vote counts from the Secretary of State's office. The measure will take effect Jan. 1, 2021, and place the authority to redistrict Ohio's legislative districts in a seven member commission consisting of the governor, secretary of state, auditor and two minority and majority members of both legislative chambers.

**Clean energy ballot issue proposal has returned for the fifth time** - Attorney General Mike DeWine on Monday certified a citizen-initiated proposal that would require the state to issue \$1.3 billion in bonds a year for a decade to fund green energy projects. It's the fifth time since 2012 that the ballot issue's supporters have filed such a proposal. The latest proposed amendment, titled the Ohio Clean Energy Initiative, was submitted Oct. 23 for the AG's consideration. Mr. DeWine's certification that the petition's summary language and its required 1,000 signatures are in order clears the measure to proceed to the Ballot Board which must now rule within 10 days on whether the proposal contains a single subject. After Ballot Board approval the proponents must then obtain the required number of signatures from 44 of the 88 counties to have the issue placed before the voters. In previous years, supporters have said the measure would create jobs and boost the state's clean energy industry while protecting the environment.

## **Bills Introduced**



No new bills for this week

## **Hearing Schedule**



No schedule for this week