

FIRST REGULAR SESSION

# HOUSE BILL NO. 949

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), ZERR, COX, KINGERY, RIDDLE, ALLEN, DIECKHAUS, BROWN (149), WILSON (130), PRATT, DAY, BIVINS, DEEKEN, TILLEY, SMITH (14), NIEVES, SCHAD, SMITH (150), FAITH, WETER, LOEHNER, FLOOK, JONES (89), HOSKINS (121), ICET, SCHARNHORST, WOOD, LARGENT, BURLISON, GUERNSEY, BROWN (30), STREAM, SANDER, FLANIGAN, CUNNINGHAM, PARKINSON, ERVIN, HOBBS, FRANZ, NOLTE, McNARY, DUGGER, KOENIG, YATES AND DENISON (Co-sponsors).

2326L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be  
2 known as section 208.027, to read as follows:

208.027. 1. **The department of social services shall develop a program to test  
2 applicants or recipients, who are otherwise eligible for temporary assistance for needy  
3 families benefits under this chapter, for the use of a controlled substance whenever a case  
4 worker of an applicant or recipient believes, based on reasonable suspicion, that such  
5 applicant or recipient engages in illegal use of controlled substances. Any applicant or  
6 recipient who is found to have tested positive for the use of a controlled substance, which  
7 was not prescribed for such applicant or recipient by a licensed health care provider, shall,  
8 after an administrative hearing conducted by the department under the provisions of  
9 chapter 536, RSMo, be declared ineligible for temporary assistance for needy families  
10 benefits for a period of three years from the date of the administrative hearing decision.  
11 The department shall refer an applicant or recipient who tested positive for the use of a  
12 controlled substance under this section to an appropriate substance abuse treatment**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 program approved by the division of alcohol and drug abuse within the department of  
14 mental health.

15       **2. If a parent is deemed ineligible for temporary assistance for needy families**  
16 **benefits due to the failure of a drug test under this section, his or her dependent child's**  
17 **eligibility for such benefits shall not be affected and an appropriate protective payee may**  
18 **be established for the benefit of the child. If the parent refuses to cooperate in establishing**  
19 **an appropriate protective payee for the child, the department shall appoint one.**

20       **3. The department of social services shall promulgate rules to develop the**  
21 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**  
22 **536.010, RSMo, that is created under the authority delegated in this section shall become**  
23 **effective only if it complies with and is subject to all of the provisions of chapter 536,**  
24 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
25 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
26 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
27 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
28 **rule proposed or adopted after August 28, 2009, shall be invalid and void.**

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