

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 73 & 47

96TH GENERAL ASSEMBLY

0434L.03P

D. ADAM CRUMBLISS, Chief Clerk

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.

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 screen and
2 test each work-eligible applicant or work-eligible recipient who is otherwise eligible for
3 temporary assistance for needy families benefits under this chapter and who the
4 department has reasonable suspicion to believe, based on the screening, engages in illegal
5 use of controlled substances. In implementing the provisions of this section the department
6 shall not discriminate against any work-eligible applicant or work-eligible recipient on the
7 basis of race or ethnicity. Any work-eligible applicant or work-eligible recipient who is
8 found to have tested positive for the illegal use of a controlled substance, which was not
9 prescribed for such applicant or recipient by a licensed health care provider, shall, after
10 an administrative hearing conducted by the department under the provisions of chapter
11 536, be declared ineligible for temporary assistance for needy families benefits for a period
12 of one year from the date of the administrative hearing decision. The department shall
13 refer a work-eligible applicant or work-eligible recipient who tested positive for the use of
14 a controlled substance under this section to an appropriate substance abuse treatment
15 program approved by the division of alcohol and drug abuse within the department of
16 mental health. Other members of a household which includes a person who has been
17 declared ineligible for temporary assistance for needy families assistance shall, if otherwise**

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.

18 eligible, continue to receive temporary assistance for needy families benefits as protective
19 or vendor payments to a third-party payee for the benefit of the members of the household.

20 **2. The department of social services shall promulgate rules to develop the screening**
21 **and testing provisions of this section. Any rule or portion of a rule, as that term is defined**
22 **in section 536.010, 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 and,**
24 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
25 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
26 **the effective date, or to disapprove and annul a rule are subsequently held**
27 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
28 **after August 28, 2011, shall be invalid and void.**

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