

FIRST REGULAR SESSION

HOUSE BILL NO. 73

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRANDOM (Sponsor), LEACH, TILLEY, LICHTENEGGER, McCAHERTY, HOUGHTON, MOLENDORP, GUERNSEY, FITZWATER, CROSS, BROWN (85), DAY, WRIGHT, WALLINGFORD, COX, RUZICKA, LANT, BURLISON, COOKSON, ENTLICHER, KLIPPENSTEIN, REDMON, ALLEN, PARKINSON, LAUER, CRAWFORD, FLANIGAN, DENISON, WELLS, DUGGER, HOSKINS, FAITH, KORMAN, HIGDON, FRANZ, SCHNEIDER, JONES (117), RICHARDSON, SHUMAKE, BROWN (116), SATER, BAHR, HINSON, LOEHNER, SCHAD, GATSCHENBERGER, McGHEE, HOUGH, FRAKER, CONWAY (14), NANCE, SCHOELLER, SOLON, FISHER, LONG, KOENIG, RIDDLE, JONES (89), POLLOCK, SMITH (150), BRATTIN, KELLEY (126), BERRY, NETH, CIERPIOT, TORPEY, WIELAND, DIECKHAUS, SCHATZ, FUNDERBURK, NOLTE, DIEHL, HAMPTON, REIBOLDT, WHITE, DAVIS, PHILLIPS, ROWLAND, HAEFNER, WYATT, LAIR, ASBURY, KEENEY, THOMSON AND ZERR (Co-sponsors).

0434L.011

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 department
4 has reasonable cause to believe, based on the screening, engages in illegal use of controlled
5 substances. Any applicant or recipient who is found to have tested positive for the illegal
6 use of a controlled substance, which was not prescribed for such applicant or recipient by
7 a licensed health care provider, shall, after an administrative hearing conducted by the
8 department under the provisions of chapter 536, be declared ineligible for temporary
9 assistance for needy families benefits for a period of one year from the date of the
10 administrative hearing decision. The department shall refer an applicant or recipient who**

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.

11 tested positive for the use of a controlled substance under this section to an appropriate
12 substance abuse treatment program approved by the division of alcohol and drug abuse
13 within the department of mental health. Other members of a household which includes a
14 person who has been declared ineligible for temporary assistance for needy families
15 assistance shall, if otherwise eligible, continue to receive temporary assistance for needy
16 families benefits as protective or vendor payments to a third-party payee for the benefit of
17 the members of the household.

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