

FIRST REGULAR SESSION

HOUSE BILL NO. 41

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SATER AND FISHER .

Pre-filed December 1, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0268L.011

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to drug testing of Medicaid recipients.

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 208.148, to read as follows:

208.148. 1. **Beginning January 1, 2006, the department of social services shall
2 implement a program of random drug testing of persons who receive Medicaid assistance
3 under this chapter.**

4 **2. The department shall confirm a recipient's positive drug test result through a
5 different chemical process than was used in the initial drug screen and shall use a
6 chromatographic technique such as gas chromatography-mass spectrometry or another
7 comparable reliable analytical method.**

8 **3. A recipient who tests positive for drugs shall participate in a drug treatment
9 program. A recipient who tests positive for drugs and who fails to participate in a drug
10 treatment program is not eligible to receive assistance under this chapter.**

11 **4. For purposes of this section, "drug" means any substance considered unlawful
12 under chapter 195, RSMo, or the metabolite of the substance.**

13 **5. On or before February 1, 2007, and every year thereafter that the program
14 established in this section is in operation, the department of social services shall submit an
15 evaluation of such program to the governor, the speaker of the house of representatives,
16 and the president pro tem of the senate. The evaluation shall include the following:**

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.

17 **(1) The number of individuals tested, the drug tested for, the results of the testing,**
18 **and the number of referrals for treatment;**

19 **(2) The cost of the testing and the resulting treatment;**

20 **(3) The number of recipients who tested positive for drugs and who were denied**
21 **assistance for failure to comply with a drug treatment program.**

22 **6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

23 **(1) The provisions of the new program authorized under this section shall**
24 **automatically sunset six years after the effective date of this section unless reauthorized by**
25 **an act of the general assembly; and**

26 **(2) If such program is reauthorized, the program authorized under this section**
27 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
28 **section; and**

29 **(3) This section shall terminate on September first of the calendar year immediately**
30 **following the calendar year in which the program authorized under this section is sunset.**