

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1377
95TH GENERAL ASSEMBLY

3936L.05C

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
2 each work-eligible applicant or work-eligible recipient who is otherwise eligible for
3 temporary assistance for needy families benefits under this chapter and then test each
4 applicant or recipient who the department has reasonable cause to believe, based on the
5 screening, engages in illegal use of controlled substances. The department shall refer an
6 applicant or recipient who tests positive for the use of a controlled substance under this
7 section to an appropriate substance abuse treatment program approved by the department
8 of mental health. The department shall also test each applicant or recipient who the
9 department has reasonable cause to believe engages in illegal use of controlled substances
10 based upon information obtained other than by screening. Any applicant or recipient who
11 is found to have tested positive for the illegal use of a controlled substance, which was not
12 prescribed for such applicant or recipient by a licensed health care provider, shall be given
13 an opportunity to complete the substance abuse treatment program within a reasonable
14 time to be defined by rule under subsection 2 of this section, and if the applicant or
15 recipient fails to successfully complete such program or tests positive in subsequent tests,
16 may, after an administrative hearing conducted by the department under the provisions
17 of chapter 536, be declared ineligible for temporary assistance for needy families benefits
18 for a period of one year from the date of the administrative hearing decision. Other**

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.

19 members of a household which includes a person who has been declared ineligible for
20 temporary assistance for needy families assistance shall, if otherwise eligible, continue to
21 receive temporary assistance for needy families benefits as protective or vendor payments
22 to a third-party payee for the benefit of the members of the household.

23 2. By July 1, 2011, the department of social services shall promulgate rules to
24 develop the screening and testing provisions of this section. Any rule or portion of a rule,
25 as that term is defined in section 536.010, that is created under the authority delegated in
26 this section shall become effective only if it complies with and is subject to all of the
27 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
28 are nonseverable and if any of the powers vested with the general assembly pursuant to
29 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
30 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
31 proposed or adopted after August 28, 2010, shall be invalid and void.

32 3. By September 30, 2010, the department of social services shall develop, distribute
33 to its staff, implement, and begin enforcement of a policy that any department employee
34 who fails to report the suspected illegal use of a controlled substance under the program
35 developed under subsection 1 of this section, or the suspected fraudulent reporting of total
36 household size or income under the temporary assistance for needy families program, by
37 any recipient or potential recipient, shall be subject to immediate termination of
38 employment.

39 4. Beginning July 1, 2011, and annually thereafter, the department shall track and
40 report to the general assembly the total number of reported incidents of suspected illegal
41 drug use and of suspected fraudulent reporting of total household size or income, and the
42 overall results of the program developed under this section and of fraud prosecutions made
43 for fraud violations of the temporary assistance for needy families eligibility rules.

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