

FIRST REGULAR SESSION

[RECORRECTED]

[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 73 & 47

96TH GENERAL ASSEMBLY

0434S.05T

2011

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## AN ACT

To amend chapter 208, RSMo, by adding thereto two new sections 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 two new sections, to be  
2 known as sections 208.027 and 1, to read as follows:

**208.027. 1. The department of social services shall develop a program to screen  
2 each applicant or recipient who is otherwise eligible for temporary assistance for needy  
3 families benefits under this chapter, and then test, using a urine dipstick five panel test,  
4 each one who the department has reasonable cause to believe, based on the screening,  
5 engages in illegal use of controlled substances. Any applicant or recipient who is found to  
6 have tested positive for the use of a controlled substance, which was not prescribed for  
7 such applicant or recipient by a licensed health care provider, or who refuses to submit  
8 to a test, shall, after an administrative hearing conducted by the department under the  
9 provisions of chapter 536, 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 unless such applicant or recipient, after having been referred by the department, enters  
12 and successfully completes a substance abuse treatment program and does not test positive  
13 for illegal use of a controlled substance in the six-month period beginning on the date of**

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.

14 entry into such rehabilitation or treatment program. The applicant or recipient shall  
15 continue to receive benefits while participating in the treatment program. The department  
16 may test the applicant or recipient for illegal drug use at random or set intervals, at the  
17 department's discretion, after such period. If the applicant or recipient tests positive for  
18 the use of illegal drugs a second time, then such applicant or recipient shall be declared  
19 ineligible for temporary assistance for needy families benefits for a period of three years  
20 from the date of the administrative hearing decision. The department shall refer an  
21 applicant or recipient who tested positive for the use of a controlled substance under this  
22 section to an appropriate substance abuse treatment program approved by the division of  
23 alcohol and drug abuse within the department of mental health.

24       2. Case workers of applicants or recipients shall be required to report or cause a  
25 report to be made to the children's division in accordance with the provisions of sections  
26 210.109 to 210.183 for suspected child abuse as a result of drug abuse in instances where  
27 the case worker has knowledge that:

28           (1) An applicant or recipient has tested positive for the illegal use of a controlled  
29 substance; or

30           (2) An applicant or recipient has refused to be tested for the illegal use of a  
31 controlled substance.

32       3. Other members of a household which includes a person who has been declared  
33 ineligible for temporary assistance for needy families assistance shall, if otherwise eligible,  
34 continue to receive temporary assistance for needy families benefits as protective or vendor  
35 payments to a third-party payee for the benefit of the members of the household.

36       4. The department of social services shall promulgate rules to develop the screening  
37 and testing provisions of this section. Any rule or portion of a rule, as that term is defined  
38 in section 536.010, that is created under the authority delegated in this section shall become  
39 effective only if it complies with and is subject to all of the provisions of chapter 536, and,  
40 if applicable, section 536.028. This section and chapter 536, are nonseverable and if any  
41 of the powers vested with the general assembly pursuant to chapter 536, to review, to delay  
42 the effective date, or to disapprove and annul a rule are subsequently held  
43 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
44 after August 28, 2011, shall be invalid and void.

Section 1. All electronic benefits cards distributed to recipients of temporary  
2 assistance for needy families benefits shall have imprinted on the card a photograph of the  
3 recipient or protective payee authorized to use the card and shall expire and be subject to  
4 renewal after a period of three years. The card shall not be accepted for use by a retail

5 **establishment if the photograph of the recipient does not match the person presenting the**  
6 **card.**

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