

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 73 & 47
96TH GENERAL ASSEMBLY

Reported from the Committee on Health, Mental Health, Seniors and Families, April 14, 2011, with recommendation that the Senate Committee Substitute do pass.

0434S.04C

TERRY L. SPIELER, Secretary.

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 known as section 208.027, to read as follows:

208.027. 1. This section shall be known as the "TANF Child Protection and Drug Free Home Act". The purpose of this section is to protect the children in the home of or belonging to temporary assistance for needy families recipients and to prevent abuse of taxpayer money by taking measures to ensure that such individuals receiving temporary assistance for needy families benefits are free of drug and alcohol abuse.

2. For purposes of this section, the following terms shall mean:

(1) "Work activity", shall include, but not be limited to, subsidized or unsubsidized private or public sector employment, job training programs, community service programs, or vocational education and training programs;

(2) "Work-eligible recipient", a recipient who:

(a) Is otherwise eligible for temporary assistance for needy families benefits under this chapter; and

(b) Is required or eligible to participate in work activities.

3. Case workers conducting an initial assessment to determine if an individual meets an exemption, exclusion or is work ready at each

19 temporary assistance for needy families application, reinvestigation or
20 interim change may report or cause a report to be made to the
21 children's division in accordance with the provisions of sections 210.109
22 to 210.183 for suspected child abuse as a result of drug abuse in
23 instances where the case worker has reasonable suspicion to believe
24 that such individual is engaging in illegal use of a controlled substance.

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

30 (1) A work-eligible recipient has tested positive for the illegal
31 use of a controlled substance in relation to a required work activity; or

32 (2) A work-eligible recipient has refused to be tested for the
33 illegal use of a controlled substance in relation to any work activity or
34 preparation for work activities.

35 5. A work-eligible recipient shall be tested for the illegal use of
36 a controlled substance if the child abuse investigation initiated by the
37 report made under this section gives rise to a reasonable suspicion that
38 such recipient engages in the illegal use of a controlled substance.

39 (1) Work-eligible recipients who refuse to be tested under this
40 subsection shall, after an administrative hearing conducted by the
41 department under the provisions of chapter 536, be declared ineligible
42 for temporary assistance for needy families benefits for a period of two
43 years from the date of the administrative hearing decision for refusal
44 to participate in the drug test.

45 (2) Any work-eligible recipient who is found to have tested
46 positive for the use of a controlled substance, which was not prescribed
47 for such recipient by a licensed health care provider, shall, after an
48 administrative hearing conducted by the department under the
49 provisions of chapter 536, be declared ineligible for temporary
50 assistance for needy families benefits for a period of two years from the
51 date of the administrative hearing decision unless such work-eligible
52 recipient, after having been referred by the department, enters and
53 successfully completes a substance abuse treatment program
54 administered by the division of alcohol and drug abuse within the
55 department of mental health and does not test positive for illegal use

56 of a controlled substance in the six-month period beginning on the date
57 of entry into such rehabilitation or treatment program. The work-
58 eligible recipient shall continue to receive benefits while participating
59 in the treatment program. The department may test the work-eligible
60 recipient for illegal drug use at random or set intervals, at the
61 department's discretion, after such period. If the work-eligible
62 recipient tests positive for the use of illegal drugs a second time, then
63 such recipient shall be declared ineligible for temporary assistance for
64 needy families benefits for a period of two years from the date of the
65 administrative hearing decision.

66 6. Other members of a household which includes a person who
67 has been declared ineligible for temporary assistance for needy families
68 assistance shall, if otherwise eligible, continue to receive temporary
69 assistance for needy families benefits as protective or vendor payments
70 to a third-party payee for the benefit of the members of the household.

71 7. The department of social services shall promulgate rules to
72 implement the provisions of this section. Any rule or portion of a rule,
73 as that term is defined in section 536.010 that is created under the
74 authority delegated in this section shall become effective only if it
75 complies with and is subject to all of the provisions of chapter 536, and,
76 if applicable, section 536.028. This section and chapter 536 are
77 nonseverable and if any of the powers vested with the general assembly
78 pursuant to chapter 536, to review, to delay the effective date, or to
79 disapprove and annul a rule are subsequently held unconstitutional,
80 then the grant of rulemaking authority and any rule proposed or
81 adopted after August 28, 2011, shall be invalid and void.

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