

SECOND REGULAR SESSION

SENATE BILL NO. 725

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Pre-filed December 31, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

4143S.011

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to substance abuse 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
2 section, to be known as section 208.027, to read as follows:

208.027. 1. The department of social services shall develop a
2 program to screen and test each work-eligible applicant or work-
3 eligible recipient who is otherwise eligible for temporary assistance for
4 needy families benefits under this chapter and who the department has
5 reasonable cause to believe engages in illegal use of controlled
6 substances. Any applicant or recipient who is found to have tested
7 positive for the use of a controlled substance, which was not prescribed
8 for such applicant or recipient by a licensed health care provider, shall,
9 after an administrative hearing conducted by the department under the
10 provisions of chapter 536, be declared ineligible for temporary
11 assistance for needy families benefits for a period of two years from the
12 date of the administrative hearing decision unless such individual,
13 after having been referred by the department, enters and successfully
14 completes a substance abuse treatment program administered by the
15 division of alcohol and drug abuse within the department of mental
16 health and does not test positive for illegal use of a controlled
17 substance in the six-month period beginning on the date the individual
18 enters such rehabilitation or treatment program. The individual shall
19 continue to receive benefits while participating in the treatment
20 program. The department may test the individual for illegal drug use

21 at random or set intervals, at the department's discretion, after such
22 period.

23 2. Other members of a household, which includes a person who
24 has been declared ineligible for temporary assistance for needy families
25 assistance shall, if otherwise eligible, continue to receive temporary
26 assistance for needy families benefits as protective or vendor payments
27 to a third-party payee for the benefit of the members of the household.

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

Bill ✓
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