

SECOND REGULAR SESSION

HOUSE BILL NO. 1289

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), JONES (89), SMITH (150),
FUNDERBURK, RUESTMAN AND DUSENBERG (Co-sponsors).

3493L.01I

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 test**
2 **applicants or recipients, who are otherwise eligible for temporary assistance for needy**
3 **families benefits under this chapter, for the use of a controlled substance whenever a case**
4 **worker of an applicant or recipient believes, based on reasonable suspicion, that such**
5 **applicant or recipient engages in illegal use of controlled substances. Any applicant or**
6 **recipient who is found to have tested positive for the use of a controlled substance, which**
7 **was not prescribed for such applicant or recipient by a licensed health care provider, shall,**
8 **after an administrative hearing conducted by the department under the provisions of**
9 **chapter 536 be declared ineligible for temporary assistance for needy families benefits for**
10 **a period of three years from the date of the administrative hearing decision. The**
11 **department shall refer an applicant or recipient who tested positive for the use of a**
12 **controlled substance under this section to an appropriate substance abuse treatment**
13 **program approved by the division of alcohol and drug abuse within the department of**
14 **mental health.**

15 2. **If a parent is deemed ineligible for temporary assistance for needy families**
16 **benefits due to the failure of a drug test under this section, his or her dependent child's**

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 eligibility for such benefits shall not be affected and an appropriate protective payee may
18 be established for the benefit of the child. If the parent refuses to cooperate in establishing
19 an appropriate protective payee for the child, the department shall appoint one.

20 3. The department of social services shall promulgate rules to develop the
21 provisions of this section. Any rule or portion of a rule, as that term is defined in section
22 536.010, that is created under the authority delegated in this section shall become effective
23 only if it complies with and is subject to all of the provisions of chapter 536 and, if
24 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
25 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
26 the effective date, or to disapprove and annul a rule are subsequently held
27 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
28 after August 28, 2010, shall be invalid and void.

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