

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 727, Page 3, Section 208.018, Line 38, by
2 adding after all of said section and line the following:

3
4 "208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an
5 individual who has pled guilty or nolo contendere to or is found guilty under federal or state law of a
6 felony involving possession or use of a controlled substance shall be exempt from the prohibition
7 contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such
8 convictions, if such person, as determined by the department:

9 (1) Meets one of the following criteria:

10 (a) Is currently successfully participating in a substance abuse treatment program approved
11 by the division of alcohol and drug abuse within the department of mental health; or

12 (b) Is currently accepted for treatment in and participating in a substance abuse treatment
13 program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive
14 available treatment, and the individual remains enrolled in the treatment program and enters the
15 treatment program at the first available opportunity; or

16 (c) Has satisfactorily completed a substance abuse treatment program approved by the
17 division of alcohol and drug abuse; or

18 (d) Is determined by a division of alcohol and drug abuse certified treatment provider not to
19 need substance abuse treatment; and

20 (2) Is successfully complying with, or has already complied with, all obligations imposed by
21 the court, the division of alcohol and drug abuse, and the division of probation and parole; and

22 (3) Does not plead guilty or nolo contendere to or is not found guilty of an additional
23 controlled substance misdemeanor or felony offense after release from custody or, if not committed
24 to custody, such person does not plead guilty or nolo contendere to or is not found guilty of an
25 additional controlled substance misdemeanor or felony offense, within one year after the date of
26 conviction. Such a plea or conviction within the first year after conviction shall immediately
27 disqualify the person for the exemption; and

28 (4) Has demonstrated sobriety through voluntary urinalysis testing paid for by the
29 participant.

30 2. Eligibility based upon the factors in subsection 1 of this section shall be based upon
31 documentary or other evidence satisfactory to the department of social services, and the applicant

Action Taken _____ Date _____

1 shall meet all other factors for program eligibility.

2 3. The department of social services, in consultation with the division of alcohol and drug
3 abuse, shall promulgate rules to carry out the provisions of this section including specifying criteria
4 for determining active participation in and completion of a substance abuse treatment program.

5 4. The exemption under this section shall not apply to an individual who has pled guilty to or
6 is found guilty of two subsequent felony offenses involving possession or use of a controlled
7 substance after the date of the first controlled substance felony conviction."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.
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