

SECOND REGULAR SESSION

HOUSE BILL NO. 1880

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

6064H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 208.027, RSMo, and to enact in lieu thereof one new section relating to illegal drug use of recipients of temporary assistance for needy families benefits.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 208.027, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.027, to read as follows:

208.027. 1. The department of social services shall develop a program to screen each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter, and then test, using a urine dipstick five panel test, each one who the department has reasonable cause to believe, based on the screening **or other information**, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such applicant or recipient by a licensed health care provider, or who refuses to submit to a test, shall, after an administrative hearing conducted by the department under the provisions of chapter 536,] be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the **positive test, test refusal, or** administrative hearing decision, **if requested by the applicant or recipient under subsection 2 of this section**, unless such applicant or recipient, after having been referred by the department, enters and successfully completes a substance abuse treatment program and does not test positive for illegal use of a controlled substance in the six-month period beginning on the date of entry into such rehabilitation or treatment program. The applicant or recipient shall continue to receive benefits while participating in the treatment program. The department may test the applicant or recipient for illegal drug use at random or set intervals, at the department's discretion, after such period. If

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.

18 the applicant or recipient tests positive for the use of illegal drugs a second time, then such
19 applicant or recipient shall be declared ineligible for temporary assistance for needy families
20 benefits for a period of three years from the date of the **positive test, test refusal, or**
21 **administrative hearing decision, if requested by the applicant or recipient under subsection**
22 **2 of this section.** The department shall refer an applicant or recipient who tested positive for the
23 use of a controlled substance under this section to an appropriate substance abuse treatment
24 program approved by the division of alcohol and drug abuse within the department of mental
25 health.

26 **2. An applicant or recipient who is found to have tested positive or who refuses to**
27 **submit to a test under subsection 1 of this section may request that an administrative**
28 **hearing be conducted by the department under the provisions of chapter 536.**

29 **3.** Case workers of applicants or recipients shall be required to report or cause a report
30 to be made to the children's division in accordance with the provisions of sections 210.109 to
31 210.183 for suspected child abuse as a result of drug abuse in instances where the case worker
32 has knowledge that:

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

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

37 **[3.] 4.** Other members of a household which includes a person who has been declared
38 ineligible for temporary assistance for needy families assistance shall, if otherwise eligible,
39 continue to receive temporary assistance for needy families benefits as protective or vendor
40 payments to a third-party payee for the benefit of the members of the household.

41 **[4.] 5.** The department of social services shall promulgate rules to develop the screening
42 and testing provisions of this section. Any rule or portion of a rule, as that term is defined in
43 section 536.010, that is created under the authority delegated in this section shall become
44 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
45 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
46 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
47 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
48 rulemaking authority and any rule proposed or adopted after August 28, [2011] **2014**, shall be
49 invalid and void.

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