

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 64

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (163).

2801H.011

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article XIV of the Constitution of Missouri, by adding thereto three new sections relating to health care.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2022, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article XIV of the Constitution of the state of Missouri:

Section A. Article XIV, Constitution of Missouri, is amended by adding thereto three new sections, to be known as sections 2, 3, and 4, to read as follows:

Section 2. Notwithstanding any other provision of this constitution to the contrary, it is the clear and express intent of the people of Missouri that any medical assistance provided under Medicaid, also known as MO HealthNet, shall be subject to appropriations made by the general assembly for that purpose, and that no provision of this constitution shall convey any rights, expectations, or entitlements to medical assistance under Medicaid in the absence of such appropriations, in whole or in part.

Section 3. 1. Medicaid participants ages nineteen to sixty-four shall comply with the work and community engagement requirements under this section in order to remain eligible for Medicaid benefits, unless such participant is otherwise exempt from such requirements. Work and community engagement requirements shall include at least eighty hours each month of the following:

(1) Unsubsidized or subsidized private or public sector employment;

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.

7 (2) Education, including vocational educational training, job skills training directly
8 related to employment, education directly related to employment for individuals who have
9 not received a high school diploma or certificate of high school equivalency, or satisfactory
10 attendance at a secondary school;

11 (3) Community service;

12 (4) Job search and job readiness assistance;

13 (5) Provision of child care services to an individual who is participating in a
14 community service program;

15 (6) Satisfaction of work requirements for participants of temporary assistance for
16 needy families or the supplemental nutrition assistance program who are also Medicaid
17 participants;

18 (7) Participation in a substance abuse treatment program; or

19 (8) Any combination thereof.

20 2. The work and community engagement requirements under this section shall not
21 apply to a participant who is:

22 (1) Under the age of nineteen or over the age of sixty-four;

23 (2) Medically frail, including individuals:

24 (a) With disabling mental disorders;

25 (b) With serious and complex medical conditions;

26 (c) With a physical, intellectual, or developmental disability that significantly
27 impairs their ability to perform one or more activities of daily living; or

28 (d) With a disability determination based on criteria under the Social Security Act,
29 including a current determination by the department of social services that he or she is
30 permanently or totally disabled;

31 (3) Pregnant or caring for a child under the age of one;

32 (4) A person who was in foster care on the date such person attained the age of
33 eighteen years, or at any time during the thirty-day period preceding his or her eighteenth
34 birthday;

35 (5) A primary caregiver of a dependent child under the age of six or a dependent
36 adult; provided, that not more than one participant may claim primary caregiver status
37 in a household; or

38 (6) A participant who is also a participant of the temporary assistance for needy
39 families program or the supplemental nutrition assistance program and who is exempt
40 from the work requirements of either of those programs.

41 3. In order that work and community engagement requirements shall not be
42 impossible or unduly burdensome for participants, the department of social services may

43 permit further exemptions from the work and community engagement requirements under
44 this section in areas of high unemployment, limited economies or educational opportunities,
45 or lack of public transportation, or for good cause. Good cause shall include, but not be
46 limited to, the following circumstances:

47 (1) The participant has a disability, as defined by the Americans with Disabilities
48 Act, Section 504 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection
49 and Affordable Care Act, and is unable to meet the work and community engagement
50 requirements for reasons related to that disability;

51 (2) The participant has an immediate family member in the home with a disability,
52 as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of
53 1973, or Section 1557 of the Patient Protection and Affordable Care Act, and the
54 participant is unable to meet the work and community engagement requirements for
55 reasons related to the disability of such family member;

56 (3) The participant or an immediate family member in the home experiences a
57 hospitalization or serious illness;

58 (4) The participant experiences the birth or death of a family member in the home;

59 (5) The participant experiences severe inclement weather, including a natural
60 disaster, and is unable to meet the work and community engagement requirements; or

61 (6) The participant experiences a family emergency or other life-changing event,
62 including divorce or domestic violence.

63 4. The department of social services shall provide reasonable accommodations for
64 participants with disabilities, as defined by the Americans with Disabilities Act, Section 504
65 of the Rehabilitation Act of 1973, or Section 1557 of the Patient Protection and Affordable
66 Care Act, as necessary, to enable such participants an equal opportunity to participate in
67 and benefit from the work and community engagement requirements under this section.
68 Reasonable accommodations shall include, but not be limited to, the following:

69 (1) Exemption from the work and community engagement requirements when the
70 participant is unable to comply for reasons relating to his or her disability;

71 (2) Modification in the number of hours of work and community engagement
72 required when a participant is unable to comply with the required number of hours; or

73 (3) Provision of support services necessary for compliance, when compliance is
74 possible with such supports.

Section 4. All of the provisions of sections 2 and 3 of this article shall be self
2 executing. All of the provisions of sections 2 and 3 of this article are severable. If any
3 provision of sections 2 and 3 of this article is found by a court of competent jurisdiction to
4 be unconstitutional or unconstitutionally enacted, the remaining provisions of these

5 sections shall be and remain valid. If any provision of sections 2 and 3 of this article is
6 found by a court of competent jurisdiction to be unenforceable under federal law, either
7 in whole or as to a specific person or class of persons, such provisions and any remaining
8 provisions shall be and remain valid as to every other person or class of persons who is
9 otherwise covered by these sections.

Section B. Pursuant to chapter 116, and other applicable constitutional provisions and
2 laws of this state allowing the general assembly to adopt ballot language for the submission of
3 this joint resolution to the voters of this state, the official summary statement of this resolution
4 shall be as follows:

5 "Shall the Missouri Constitution be amended to:

- 6 • Require able-bodied adult Medicaid recipients to participate in work and
7 community engagement; and
- 8 • Subject all Medicaid funds to appropriations?".

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