

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 198, Page 21,
2 Section 208.072, Line 9, by inserting 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~~
14 ~~receive available treatment, and the individual remains enrolled in the treatment program and enters~~
15 ~~the 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.~~

Action Taken _____ Date _____

1 ~~2. Eligibility based upon the factors in subsection 1 of this section shall be based upon~~
2 ~~documentary or other evidence satisfactory to the department of social services, and the applicant~~
3 ~~shall meet all other factors for program eligibility.~~

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

7 ~~4. The exemption under this section shall not apply to an individual who has pled guilty or~~
8 ~~nolo contendere to or is found guilty of two subsequent felony offenses involving possession or use~~
9 ~~of a controlled substance after the date of the first controlled substance felony conviction]~~ Pursuant
10 to the option granted to the state under 21 U.S.C. Section 862a(d)(1), an individual convicted under
11 federal or state law of a felony offense involving possession, distribution, or use of a controlled
12 substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against
13 eligibility for the supplemental nutrition assistance program for such convictions."; and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.