

SECOND REGULAR SESSION

HOUSE BILL NO. 2835

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

5844H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 208.247, RSMo, and to enact in lieu thereof one new section relating to public assistance benefits.

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

Section A. Section 208.247, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.247, to read as follows:

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

(1) Meets one of the following criteria:

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

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

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

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

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

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

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

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

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

35 4. The exemption under this section shall not apply to an individual who has pled
36 guilty or nolo contendere to or is found guilty of two subsequent felony offenses involving
37 possession or use of a controlled substance after the date of the first controlled substance
38 felony conviction] Pursuant to the option granted to the state under 21 U.S.C. Section 39
39 862a(d)(1), an individual convicted under federal or state law of a felony offense
40 involving possession, distribution, or use of a controlled substance shall be exempt from
41 the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for the
42 supplemental nutrition assistance program for such convictions.

✓