

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE JOINT
RESOLUTION NO. 154**
103RD GENERAL ASSEMBLY

6310H.02P

JOSEPH ENGLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Section 36(c) of Article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to MO HealthNet.

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, 2026, 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 IV of the Constitution of the state of Missouri:

Section A. Section 36(c), Article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as Section 36(c), to read as follows:

Section 36(c). 1. Notwithstanding any provision of law to the contrary, beginning July 1, 2021, individuals nineteen years of age or older and under sixty-five years of age who qualify for MO HealthNet services under 42 U.S.C. Section 1396a(a)(10)(A)(i)(VIII) and as set forth in 42 C.F.R. 435.119, and who have income at or below one hundred thirty-three percent of the federal poverty level plus five percent of the applicable family size as determined under 42 U.S.C. Section 1396a(e)(14) and as set forth in 42 C.F.R. 435.603, shall be eligible for medical assistance under MO HealthNet and shall receive coverage for the health benefits service package.

2. For purposes of this section, **the following terms mean:**

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.

10 (1) "Applicable individual", an individual:

11 (a) Who either:

12 a. Is eligible to enroll in MO HealthNet under the state Medicaid plan under 42
13 U.S.C. Section 1396a(a)(10)(A)(i)(VIII); or

14 b. Both:

15 (i) Is otherwise eligible to enroll or is enrolled under a waiver of such plan that
16 provides coverage that is equivalent to minimum essential coverage; and

17 (ii) Is nineteen years of age or older and under sixty-five years of age; is not
18 pregnant; is not entitled to, or enrolled for, benefits under Part A of Title XVIII of the
19 Social Security Act, or enrolled for benefits under Part B of Title XVIII of the Social
20 Security Act; and is not otherwise eligible to enroll under such plan; and

21 (b) Who is subject to work requirements;

22 (2) "Health benefits service package" [~~shall mean~~], benefits covered by the MO
23 HealthNet program as determined by the department of social services to meet the benchmark
24 or benchmark-equivalent coverage requirement under 42 U.S.C. Section 1396a(k)(1) and any
25 implementing regulations;

26 (3) "Work requirements", the requirements established by 42 U.S.C. Section
27 1396a(xx).

28 3. The department of social services and the MO HealthNet division shall
29 implement work requirements for applicable individuals in accordance with the
30 following provisions:

31 (1) No applicable individual shall be enrolled in MO HealthNet unless, at the
32 time of application, the individual demonstrates compliance with the work requirements
33 for the month immediately preceding the month during which the individual applies.
34 The department of social services and the MO HealthNet division shall require
35 documentary evidence and shall not accept self-attestation at the time of application;

36 (2) No applicable individual shall remain enrolled in MO HealthNet in any
37 month unless the individual has demonstrated compliance with the work requirements;

38 (3) An applicable individual seeking an exemption from work requirements shall
39 provide documentation for the exemption sought. The department of social services and
40 the MO HealthNet division shall verify all exemptions. The department of social
41 services and the MO HealthNet division shall not accept self-attestation from individuals
42 seeking exemptions;

43 (4) The department of social services and the MO HealthNet division shall not
44 seek or implement any additional optional exemptions under 42 U.S.C. Section 1396a
45 (xx)(3)(B) or any other optional exemption unless a general statute law expressly
46 authorizes the implementation of the exemption;

47 **(5) The department of social services and the MO HealthNet division shall not**
48 **accept exemption designations, approvals, or determinations by a managed care**
49 **organization; and**

50 **(6) The department of social services and the MO HealthNet division shall**
51 **disenroll any applicable individual who fails to comply with the work requirements.**

52 ~~4. No later than March 1, [2021] 2027, the [Department of Social Services and the~~
53 ~~MO HealthNet Division]~~ **department of social services and the MO HealthNet division**
54 shall submit all state plan amendments necessary to implement this section to the United
55 States Department of Health and Human Services, Centers for Medicare and Medicaid
56 Services.

57 ~~[4. The Department of Social Services and the MO HealthNet Division shall take all~~
58 ~~actions necessary to maximize federal financial participation in funding medical assistance~~
59 ~~pursuant to this section.~~

60 ~~5. No greater or additional burdens or restrictions on eligibility or enrollment~~
61 ~~standards, methodologies, or practices shall be imposed on persons eligible for MO~~
62 ~~HealthNet services pursuant to this section than on any other population eligible for medical~~
63 ~~assistance.~~

64 ~~6.]~~ **5. All references to federal or state statutes, regulations or rules in this section**
65 **shall be to the version of those statutes, regulations or rules that existed on January 1, [2019]**
66 **2027.**

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
4 resolution shall be as follows:

5 "Shall the Constitution of the State of Missouri be amended to remove language
6 regarding the prohibition on creating new eligibility or enrollment standards for persons
7 eligible for MO HealthNet services and to add language to impose work requirements for
8 persons eligible for MO HealthNet services?".

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