

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 30
95TH GENERAL ASSEMBLY

Reported from the Committee on Progress and Development, April 30, 2009, with recommendation that the Senate Committee Substitute do pass.

0103S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 478.001, RSMo, and to enact in lieu thereof four new sections relating to substance abuse of applicants and recipients of state benefits.

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

Section A. Section 478.001, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 208.027, 478.001, 1, and 2, to read as follows:

208.027. 1. The department of social services shall develop a program to screen and test each work-eligible applicant or work-eligible recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter and who the department has reasonable cause to believe engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the illegal use of a controlled substance, which was not prescribed for such applicant or recipient by a licensed health care provider, shall be referred to a drug court program as defined under section 478.001, RSMo. If the applicant or recipient fails to successfully complete the drug court program, such person shall, after an administrative hearing conducted by the department under the provisions of chapter 536, RSMo, be declared ineligible for temporary assistance for needy families benefits for a period of one year from the date of the administrative hearing decision. The department shall provide appropriate substance abuse treatment. Other members of a household which includes a person who has been declared ineligible for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 temporary assistance for needy families assistance shall, if otherwise
19 eligible, continue to receive temporary assistance for needy families
20 benefits as protective or vendor payments to a third-party payee for the
21 benefit of the members of the household.

22 2. The department shall also screen and test applicants and
23 recipients who have previously been convicted, pleaded guilty or nolo
24 contendere to an intoxicated-related offense, as defined under section
25 577.023, RSMo, and who the department has reasonable cause to believe
26 engages in addictive alcoholic behavior for the presence of
27 alcohol. Such person who tests positive for alcohol shall lose
28 temporary assistance for needy family benefits in the same manner as
29 a person who uses illegal controlled substances loses his or her benefits
30 under subsection 1 of this section.

31 3. The provisions of this section shall not take effect in any given
32 fiscal year until such time as appropriations by the general assembly
33 for substance abuse treatment programs offered by the division of
34 alcohol and drug abuse within the department of mental health
35 increase capacity by six thousand four hundred twenty-two
36 participants and notice of such appropriations has been given to the
37 revisor of statutes.

38 4. The department of social services shall promulgate rules to
39 develop the screening and testing provisions of this section. Any rule
40 or portion of a rule, as that term is defined in section 536.010, RSMo,
41 that is created under the authority delegated in this section shall
42 become effective only if it complies with and is subject to all of the
43 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
44 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
45 of the powers vested with the general assembly pursuant to chapter
46 536, RSMo, to review, to delay the effective date, or to disapprove and
47 annul a rule are subsequently held unconstitutional, then the grant of
48 rulemaking authority and any rule proposed or adopted after August
49 28, 2009, shall be invalid and void.

478.001. Drug courts [may] shall be established by any circuit court
2 pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial
3 system to dispose of cases which stem from drug use. The drug court shall
4 also accept referrals for the program from the department of social
5 services for persons found to have tested positive for illegal drug use

6 **under section 208.027, RSMo.** A drug court shall combine judicial supervision,
7 drug testing and treatment of drug court participants. Except for good cause
8 found by the court, a drug court making a referral for substance abuse treatment,
9 when such program will receive state or federal funds in connection with such
10 referral, shall refer the person only to a program which is certified by the
11 department of mental health, unless no appropriate certified treatment program
12 is located within the same county as the drug court. Upon successful completion
13 of the treatment program, the charges, petition or penalty against a drug court
14 participant may be dismissed, reduced or modified. Any fees received by a court
15 from a defendant as payment for substance treatment programs shall not be
16 considered court costs, charges or fines.

Section 1. The department of economic development shall
2 **develop a program to screen and test each applicant or recipient of a**
3 **tax credit administered by the department that the department has**
4 **reasonable cause to believe engages in illegal use of controlled**
5 **substances or engages in addictive alcohol behavior as described under**
6 **subsection 2 of section 208.027, RSMo. If the applicant is an**
7 **organization, the chief executive shall be tested. Any applicant or**
8 **recipient of a tax credit who is found to have tested positive for the use**
9 **of a controlled substance, which was not prescribed for such applicant**
10 **or recipient by a licensed health care provider, or who has been found**
11 **to engage in addictive alcoholic behavior, shall, after an administrative**
12 **hearing conducted by the department under the provisions of chapter**
13 **536, RSMo, be declared ineligible for receiving a tax credit for one year**
14 **from the date of the administrative hearing decision.**

Section 2. All statewide elected officials and members of the
2 **general assembly shall submit to a drug test once elected and before**
3 **taking the oath of office. If the official fails the test on the second**
4 **occasion, the official may not take office and the office shall be filled**
5 **as required by law.**

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