

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 680

97TH GENERAL ASSEMBLY

4890H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 208.024 and 208.027, RSMo, and to enact in lieu thereof five new sections relating to public assistance benefits.

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

Section A. Sections 208.024 and 208.027, RSMo, are repealed and five new sections
2 enacted in lieu thereof, to be known as sections 208.018, 208.024, 208.027, 208.238, and
3 208.247, to read as follows:

**208.018. 1. Subject to federal approval, the department of social services shall
2 establish a pilot program for the purpose of providing Supplemental Nutrition Assistance
3 Program (SNAP) participants with access and the ability to afford fresh food when
4 purchasing fresh food at farmers' markets. The pilot program shall be established in at
5 least one rural area and one urban area. Under the pilot program, such participants shall
6 be able to:**

7 **(1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP
8 benefits with an electronic benefit transfer (EBT) card; and**

9 **(2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating
10 farmers' market or vending urban agricultural zone as defined in section 262.900 in an
11 amount up to ten dollars per week whenever the participant purchases fresh food with an
12 EBT card.**

13 **2. For purposes of this section, the term "farmers' market" shall mean a market
14 with multiple stalls at which farmer-producers sell agricultural products, particularly
15 fresh fruit and vegetables, directly to the general public at a central or fixed location.**

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.

16 **3. Purchases of approved fresh food by SNAP participants under this section shall**
17 **automatically trigger matching funds reimbursement into the central vendor accounts by**
18 **the department.**

19 **4. The funding of this pilot program shall be subject to appropriation. In addition**
20 **to appropriations from the general assembly, the department may apply for available**
21 **grants and shall be able to accept other gifts, grants, and donations to develop and**
22 **maintain the program.**

23 **5. The department shall promulgate rules setting forth the procedures and methods**
24 **of implementing this section. Any rule or portion of a rule, as that term is defined in**
25 **section 536.010, that is created under the authority delegated in this section shall become**
26 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
27 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
28 **the powers vested with the general assembly under chapter 536 to review, to delay the**
29 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
30 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
31 **2014, shall be invalid and void.**

32 **6. Under section 23.253 of the Missouri sunset act:**

33 **(1) The provisions of this section shall sunset automatically six years after the**
34 **effective date of this section unless reauthorized by an act of the general assembly; and**

35 **(2) If such program is reauthorized, the program authorized under this section**
36 **shall sunset automatically twelve years after the effective date of the reauthorization of this**
37 **section; and**

38 **(3) This section shall terminate on September first of the calendar year immediately**
39 **following the calendar year in which the program authorized under this section is sunset.**

208.024. 1. Eligible recipients of temporary assistance for needy families (TANF) **or**
2 **supplementary nutrition assistance program (SNAP) benefits shall not use such funds in any**
3 **electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming**
4 **establishment, any retail establishment which provides adult-oriented entertainment in which**
5 **performers disrobe or perform in an unclothed state for entertainment, or in any place for the**
6 **purchase of alcoholic beverages, lottery tickets, or tobacco products or for any item [that is]**
7 **the department determines by rule is primarily marketed for or used by adults eighteen or**
8 **older [and/or] and is not in the best interests of the child or household. An eligible recipient of**
9 **TANF or SNAP assistance who makes a purchase in violation of this section shall reimburse the**
10 **department of social services for such purchase.**

11 **2. An individual, store owner or proprietor of an establishment shall not knowingly**
12 **accept TANF cash assistance or supplementary nutrition assistance program (SNAP) funds**

13 held on electronic benefit transfer cards for the purchase of alcoholic beverages, lottery tickets,
14 or tobacco products or for use in any electronic benefit transfer transaction in any liquor store,
15 casino, gambling casino, or gaming establishment, any retail establishment which provides adult-
16 oriented entertainment in which performers disrobe or perform in an unclothed state for
17 entertainment, or in any place **for the purchase of alcoholic beverages, lottery tickets, or**
18 **tobacco products** or for any item [that is] **the department determines by rule is primarily**
19 **marketed for or used by adults eighteen or older [and/or] and is not in the best interests of the**
20 **child or household. No store owner or proprietor of any liquor store, casino, gambling**
21 **casino, gaming establishment, or any retail establishment which provides adult-oriented**
22 **entertainment in which performers disrobe or perform in an unclothed state for**
23 **entertainment shall adopt any policy, either explicitly or implicitly, which encourages,**
24 **permits, or acquiesces in its employees knowingly accepting electronic benefit transfer**
25 **cards in violation of this section. This section shall not be construed to require any store**
26 **owner or proprietor of an establishment which is not a liquor store, casino, gambling**
27 **casino, gaming establishment, or retail establishment which provides adult-oriented**
28 **entertainment in which performers disrobe or perform in an unclothed state for**
29 **entertainment to check the source of payment from every individual who purchases**
30 **alcoholic beverages, lottery tickets, tobacco products, or any item the department**
31 **determines by rule is primarily marketed for or used by adults eighteen or older and is not**
32 **in the best interests of the child or household.** An individual, store owner or proprietor of an
33 establishment who knowingly accepts electronic benefit transfer cards in violation of this section
34 shall be punished by a fine of not more than five hundred dollars for the first offense, a fine of
35 not less than five hundred dollars nor more than one thousand dollars for the second offense, and
36 a fine of not less than one thousand dollars for the third or subsequent offense.

37 3. **Any recipient of TANF or SNAP benefits who does not make at least one**
38 **electronic benefit transfer transaction within the state for a period of ninety days shall have**
39 **his or her benefit payments to the electronic benefit account temporarily suspended,**
40 **pending an investigation by the department of social services to determine if the recipient**
41 **is no longer a Missouri resident. If the department finds that the recipient is no longer a**
42 **Missouri resident, it shall close the recipient's case. Closure of a recipient's case shall**
43 **trigger the automated benefit eligibility process under section 208.238. A recipient may**
44 **appeal the closure of his or her case to the director under section 208.080.**

45 4. **A recipient who does not make an electronic benefit transfer transaction within**
46 **the state for a period of sixty days shall be provided notice of the possibility of the**
47 **suspension of funds if no electronic benefit transfer transaction occurs in the state within**
48 **another thirty days after the date of the notice.**

49 5. For purposes of this section:

50 (1) The following terms shall mean:

51 (a) "Electronic benefit transfer transaction", the use of a credit or debit card service,
52 automated teller machine, point-of-sale terminal, or access to an online system for the
53 withdrawal of funds or the processing of a payment for merchandise or a service; and

54 (b) "Liquor store", any retail establishment which sells exclusively or primarily
55 intoxicating liquor. Such term does not include a grocery store which sells both intoxicating
56 liquor and groceries including staple foods as outlined under the Food and Nutrition Act of 2008;

57 (2) Casinos, gambling casinos, or gaming establishments shall not include:

58 (a) A grocery store which sells groceries including staple foods, and which also offers,
59 or is located within the same building or complex as a casino, gambling, or gaming activities;
60 or

61 (b) Any other establishment that offers casino, gambling, or gaming activities incidental
62 to the principal purpose of the business.

208.027. 1. The department of social services shall develop a program to screen each
2 applicant or recipient who is otherwise eligible for temporary assistance for needy families
3 benefits under this chapter, and then test, using a urine dipstick five panel test, each one who the
4 department has reasonable cause to believe, based on the screening **or other information**,
5 engages in illegal use of controlled substances. Any applicant or recipient who is found to have
6 tested positive for the use of a controlled substance, which was not prescribed for such applicant
7 or recipient by a licensed health care provider, or who refuses to submit to a test, shall[, after an
8 administrative hearing conducted by the department under the provisions of chapter 536,] be
9 declared ineligible for temporary assistance for needy families benefits for a period of three years
10 from the date of the **positive test, test refusal, or** administrative hearing decision, **if requested**
11 **by the applicant or recipient under subsection 2 of this section**, unless such applicant or
12 recipient, after having been referred by the department, enters and successfully completes a
13 substance abuse treatment program and does not test positive for illegal use of a controlled
14 substance in the six-month period beginning on the date of entry into such rehabilitation or
15 treatment program. The applicant or recipient shall continue to receive benefits while
16 participating in the treatment program. The department may test the applicant or recipient for
17 illegal drug use at random or set intervals, at the department's discretion, after such period. If
18 the applicant or recipient tests positive for the use of illegal drugs a second time, then such
19 applicant or recipient shall be declared ineligible for temporary assistance for needy families
20 benefits for a period of three years from the date of the **positive test, test refusal, or**
21 administrative hearing decision, **if requested by the applicant or recipient under subsection**
22 **2 of this section**. The department shall refer an applicant or recipient who tested positive for the

23 use of a controlled substance under this section to an appropriate substance abuse treatment
24 program approved by the division of alcohol and drug abuse within the department of mental
25 health.

26 **2. An applicant or recipient who is found to have tested positive or who refuses to**
27 **submit to a test under subsection 1 of this section may request that an administrative**
28 **hearing be conducted by the department under the provisions of section 208.080, and if**
29 **requested, such hearing shall be conducted.**

30 **3.** Case workers of applicants or recipients shall be required to report or cause a report
31 to be made to the children's division in accordance with the provisions of sections 210.109 to
32 210.183 for suspected child abuse as a result of drug abuse in instances where the case worker
33 has knowledge that:

34 (1) An applicant or recipient has tested positive for the illegal use of a controlled
35 substance; or

36 (2) An applicant or recipient has refused to be tested for the illegal use of a controlled
37 substance.

38 [3.] **4.** Other members of a household which includes a person who has been declared
39 ineligible for temporary assistance for needy families assistance shall, if otherwise eligible,
40 continue to receive temporary assistance for needy families benefits as protective or vendor
41 payments to a third-party payee for the benefit of the members of the household.

42 [4.] **5.** The department of social services shall promulgate rules to develop the screening
43 and testing provisions of this section. Any rule or portion of a rule, as that term is defined in
44 section 536.010, that is created under the authority delegated in this section shall become
45 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
46 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
47 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
48 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
49 rulemaking authority and any rule proposed or adopted after August 28, [2011] **2014**, shall be
50 invalid and void.

208.238. The department of social services shall implement an automated process
2 **to ensure applicants applying for benefit programs are eligible for such programs. The**
3 **automated process shall be designed to periodically review current beneficiaries to ensure**
4 **that they remain eligible for benefits they are receiving. The system shall check applicant**
5 **and recipient information against multiple sources of information through an automated**
6 **process. If the automated process shows the recipient is no longer eligible for one benefit**
7 **program, the department shall determine what other benefit programs shall be closed to**
8 **the recipient.**

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

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

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

13 (3) Has satisfactorily completed a substance abuse treatment program approved
14 by the division of alcohol and drug abuse;

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

17 (5) 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 (6) Does not have an additional controlled substance felony offense one year after
21 release from custody or, if not committed to custody, such person does not have an
22 additional controlled substance felony offense one year after the date of conviction.

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

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

30 4. The exemption under this section shall not apply to an individual who has pled
31 guilty to or is found guilty of two subsequent felony offenses involving possession or use
32 of a controlled substance after the date of the first controlled substance felony conviction.

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