

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILLS NOS. 607,
602, 615 & 725**

95TH GENERAL ASSEMBLY

Reported from the Committee on Health, Mental Health, Seniors and Families, February 4, 2010, with recommendation that the Senate Committee Substitute do pass.

3411S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

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

Section A. Chapter 208, RSMo, is amended by adding thereto one new
2 section, to be known as section 208.027, to read as follows:

**208.027. 1. The department of social services shall develop a
2 program to test applicants or recipients who are eligible for
3 employment and who are otherwise eligible for temporary assistance
4 for needy families benefits under this chapter for the use of a
5 controlled substance whenever a case worker of an applicant or
6 recipient believes, based on reasonable suspicion, that such applicant
7 or recipient engages in illegal use of controlled substances. Any
8 applicant or recipient 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, shall, after an
11 administrative hearing conducted by the department under the
12 provisions of chapter 536, be declared ineligible for temporary
13 assistance for needy families benefits for a period of three years from
14 the date of the administrative hearing decision. The department shall
15 refer an applicant or recipient who tested positive for the use of a
16 controlled substance under this section to an appropriate substance
17 abuse treatment program approved by the division of alcohol and drug
18 abuse within the department of mental health.**

19 2. If a parent is deemed ineligible for temporary assistance for
20 needy families benefits due to the failure of a drug test under this
21 section, his or her dependent child's eligibility for such benefits shall
22 not be affected and an appropriate protective payee may be established
23 for the benefit of the child. If the parent refuses to cooperate in
24 establishing an appropriate protective payee for the child, the
25 department shall appoint one.

26 3. The department of social services shall promulgate rules to
27 develop the provisions of this section. Any rule or portion of a rule, as
28 that term is defined in section 536.010, that is created under the
29 authority delegated in this section shall become effective only if it
30 complies with and is subject to all of the provisions of chapter 536, and,
31 if applicable, section 536.028. This section and chapter 536, are
32 nonseverable and if any of the powers vested with the general assembly
33 pursuant to chapter 536, to review, to delay the effective date, or to
34 disapprove and annul a rule are subsequently held unconstitutional,
35 then the grant of rulemaking authority and any rule proposed or
36 adopted after August 28, 2010, shall be invalid and void.

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