

FIRST REGULAR SESSION

# SENATE BILL NO. 169

96TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR CROWELL.

Read 1st time January 25, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0147S.01I

---

---

## 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 screen and test each applicant or recipient who is  
3 otherwise eligible for temporary assistance for needy families benefits  
4 under this chapter and who the department has reasonable cause to  
5 believe, based on the screening, engages in illegal use of controlled  
6 substances. Any applicant or recipient who is found to have tested  
7 positive for the use of a controlled substance, which was not prescribed  
8 for such applicant or recipient by a licensed health care provider, shall,  
9 after an administrative hearing conducted by the department under the  
10 provisions of chapter 536, be declared ineligible for temporary  
11 assistance for needy families benefits for a period of three years from  
12 the date of the administrative hearing decision. The department shall  
13 refer an applicant or recipient who tested positive for the use of a  
14 controlled substance under this section to an appropriate substance  
15 abuse treatment program approved by the division of alcohol and drug  
16 abuse within the department of mental health.**

**17 2. The department of social services shall promulgate rules to  
18 develop the screening and testing provisions of this section. Any rule  
19 or portion of a rule, as that term is defined in section 536.010, that is  
20 created under the authority delegated in this section shall become**

21 **effective only if it complies with and is subject to all of the provisions**  
22 **of chapter 536, and, if applicable, section 536.028. This section and**  
23 **chapter 536, are nonseverable and if any of the powers vested with the**  
24 **general assembly pursuant to chapter 536, to review, to delay the**  
25 **effective date, or to disapprove and annul a rule are subsequently held**  
26 **unconstitutional, then the grant of rulemaking authority and any rule**  
27 **proposed or adopted after August 28, 2011, shall be invalid and void.**

✓

Unofficial

Bill

Copy