

FIRST REGULAR SESSION

# SENATE BILL NO. 74

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed January 4, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0643S.011

## 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 section, to be known as section 208.027, 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, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such applicant or recipient by a licensed health care provider, shall, after an administrative hearing conducted by the department under the provisions of chapter 536, 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 refer an applicant or recipient who tested positive for the use of a controlled substance under this section to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments**

21 to a third-party payee for the benefit of the members of the household.

22           2. The department of social services shall promulgate rules to  
23 develop the screening and testing provisions of this section. Any rule  
24 or portion of a rule, as that term is defined in section 536.010 that is  
25 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  
27 of chapter 536, and, if applicable, section 536.028. This section and  
28 chapter 536 are nonseverable and if any of the powers vested with the  
29 general assembly pursuant to chapter 536, to review, to delay the  
30 effective date, or to disapprove and annul a rule are subsequently held  
31 unconstitutional, then the grant of rulemaking authority and any rule  
32 proposed or adopted after August 28, 2011, shall be invalid and void.

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Bill

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