

FIRST REGULAR SESSION

SENATE BILL NO. 261

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time January 16, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1409S.011

AN ACT

To repeal section 208.027, RSMo, and to enact in lieu thereof one new section relating to the use of medical marijuana by applicants and recipients of temporary assistance for needy families.

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

Section A. Section 208.027, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 208.027, to read as follows:

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

20 at random or set intervals, at the department's discretion, after such period. If
21 the applicant or recipient tests positive for the use of illegal drugs a second time,
22 then such applicant or recipient shall be declared ineligible for temporary
23 assistance for needy families benefits for a period of three years from the date of
24 the positive test, test refusal, or administrative hearing decision, if requested by
25 the applicant or recipient under subsection 2 of this section. The department
26 shall refer an applicant or recipient who tested positive for the use of a controlled
27 substance under this section to an appropriate substance abuse treatment
28 program approved by the division of alcohol and drug abuse within the
29 department of mental health.

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

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

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

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

42 4. Other members of a household which includes a person who has been
43 declared ineligible for temporary assistance for needy families assistance shall,
44 if otherwise eligible, continue to receive temporary assistance for needy families
45 benefits as protective or vendor payments to a third-party payee for the benefit
46 of the members of the household.

47 5. The department of social services shall promulgate rules to develop the
48 screening and testing provisions of this section. Any rule or portion of a rule, as
49 that term is defined in section 536.010, that is created under the authority
50 delegated in this section shall become effective only if it complies with and is
51 subject to all of the provisions of chapter 536 and, if applicable, section
52 536.028. This section and chapter 536 are nonseverable and if any of the powers
53 vested with the general assembly pursuant to chapter 536 to review, to delay the
54 effective date, or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule proposed

56 or adopted after August 28, 2014, shall be invalid and void.

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Unofficial

Bill

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