

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 76

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

3537S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, by adding thereto one new section relating to MO HealthNet.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2024, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article IV of the
7 Constitution of the state of Missouri:

Section A. Article IV, Constitution of Missouri, is
2 amended by adding thereto one new section, to be known as
3 section 36, to read as follows:

**Section 36. 1. Subject to approval of a work and
2 community engagement demonstration waiver under subsection 6
3 of this section, MO HealthNet participants eighteen years of
4 age or older and under fifty years of age shall comply with
5 the work and community engagement requirements under this
6 section in order to remain eligible for MO HealthNet
7 benefits unless otherwise exempt from such requirements.
8 Work and community engagement requirements shall include at
9 least eighty hours each month of:**

10 (1) Unsubsidized or subsidized private or public
11 sector employment;

12 (2) Education, including vocational educational
13 training, job skills training directly related to
14 employment, education directly related to employment for
15 individuals who have not received a high school diploma or
16 certificate of high school equivalency, or satisfactory
17 attendance at a secondary school;

18 (3) Community service;

19 (4) Job search and job readiness assistance;

20 (5) Provision of child care services to an individual
21 who is participating in a community service program;

22 (6) Participation in a substance abuse treatment
23 program; or

24 (7) Any combination thereof.

25 2. A MO HealthNet participant who is also a
26 participant of the temporary assistance for needy families
27 program or the supplemental nutrition assistance program and
28 who satisfies work requirements related to either of those
29 programs shall be deemed to have satisfied the work and
30 community engagement requirements under this section.

31 3. The work and community engagement requirements
32 under this section shall not apply to a participant who is:

33 (1) Under eighteen years of age or fifty years of age
34 or older;

35 (2) Medically frail, including any individual with:

36 (a) A disabling mental disorder;

37 (b) A serious and complex medical condition;

38 (c) A physical, intellectual, or developmental
39 disability that significantly impairs the individual's
40 ability to perform one or more activities of daily living; or

41 (d) A disability determination based on criteria under
42 the Social Security Act, including a current determination

43 by the department of social services that the individual is
44 permanently or totally disabled;

45 (3) Pregnant or caring for a child under one year of
46 age;

47 (4) A primary caregiver of a dependent child under six
48 years of age or a dependent adult, provided that not more
49 than one participant shall claim primary caregiver status in
50 a household; or

51 (5) A participant who is also a participant of the
52 temporary assistance for needy families program or the
53 supplemental nutrition assistance program and who is exempt
54 from the work requirements of either of those programs.

55 4. In order to ensure that work and community
56 engagement requirements are not impossible or unduly
57 burdensome for participants, the department of social
58 services may permit further exemptions from the work and
59 community engagement requirements under this section in
60 areas of high unemployment, areas with limited economic or
61 educational opportunities, or areas that lack public
62 transportation, or for good cause. Good cause shall
63 include, but not be limited to, the following circumstances:

64 (1) The participant has a disability as defined by the
65 Americans with Disabilities Act, Section 504 of the
66 Rehabilitation Act of 1973, or Section 1557 of the Patient
67 Protection and Affordable Care Act and is unable to meet the
68 work and community engagement requirements for reasons
69 related to that disability;

70 (2) The participant has an immediate family member in
71 the home with a disability as defined by the Americans with
72 Disabilities Act, Section 504 of the Rehabilitation Act of
73 1973, or Section 1557 of the Patient Protection and
74 Affordable Care Act and the participant is unable to meet

75 the work and community engagement requirements for reasons
76 related to the disability of such family member;

77 (3) The participant or an immediate family member in
78 the home experiences a hospitalization or serious illness;

79 (4) The participant experiences the birth or death of
80 a family member in the home;

81 (5) The participant experiences severe inclement
82 weather, including a natural disaster, and is unable to meet
83 the work and community engagement requirements; or

84 (6) The participant experiences a family emergency or
85 other life-changing event, including divorce or domestic
86 violence.

87 5. The department of social services shall provide
88 reasonable accommodations for participants with disabilities
89 as defined by the Americans with Disabilities Act, Section
90 504 of the Rehabilitation Act of 1973, or Section 1557 of
91 the Patient Protection and Affordable Care Act, as
92 necessary, to enable such participants an equal opportunity
93 to participate in and benefit from the work and community
94 engagement requirements under this section. Reasonable
95 accommodations shall include, but not be limited to, the
96 following:

97 (1) Exemption from the work and community engagement
98 requirements when the participant is unable to comply for
99 reasons relating to his or her disability;

100 (2) Modification in the number of hours of work and
101 community engagement required when a participant is unable
102 to comply with the required number of hours; or

103 (3) Provision of support services necessary for
104 compliance, when compliance is possible with such supports.

105 6. The department of social services shall annually
106 seek a work and community engagement demonstration waiver

107 under Section 1115 of the Social Security Act until such
108 waiver is granted and any subsequent renewal and extension
109 from the United States Department of Health and Human
110 Services necessary to implement the provisions of this
111 section.

Section B. Pursuant to chapter 116, and other
2 applicable constitutional provisions and laws of this state
3 allowing the general assembly to adopt ballot language for
4 the submission of this joint resolution to the voters of
5 this state, the official summary statement of this
6 resolution shall be as follows:

7 "Shall the Missouri Constitution be amended to
8 require able-bodied adult Medicaid recipients to
9 participate in work and community engagement?".

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