

SENATE BILL NO. 1401

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

5880S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 208.247, RSMo, and to enact in lieu thereof one new section relating to the supplemental nutrition assistance program.

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

Section A. Section 208.247, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 208.247,
3 to read as follows:

208.247. [1. Pursuant to the option granted the state
2 by 21 U.S.C. Section 862a(d), an individual who has pled
3 guilty or nolo contendere to or is found guilty under
4 federal or state law of a felony involving possession or use
5 of a controlled substance shall be exempt from the
6 prohibition contained in 21 U.S.C. Section 862a(a) against
7 eligibility for food stamp program benefits for such
8 convictions, if such person, as determined by the department:

9 (1) Meets one of the following criteria:

10 (a) Is currently successfully participating in a
11 substance abuse treatment program approved by the division
12 of alcohol and drug abuse within the department of mental
13 health; or

14 (b) Is currently accepted for treatment in and
15 participating in a substance abuse treatment program
16 approved by the division of alcohol and drug abuse, but is
17 subject to a waiting list to receive available treatment,

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 and the individual remains enrolled in the treatment program
19 and enters the treatment program at the first available
20 opportunity; or

21 (c) Has satisfactorily completed a substance abuse
22 treatment program approved by the division of alcohol and
23 drug abuse; or

24 (d) Is determined by a division of alcohol and drug
25 abuse certified treatment provider not to need substance
26 abuse treatment; and

27 (2) Is successfully complying with, or has already
28 complied with, all obligations imposed by the court, the
29 division of alcohol and drug abuse, and the division of
30 probation and parole; and

31 (3) Does not plead guilty or nolo contendere to or is
32 not found guilty of an additional controlled substance
33 misdemeanor or felony offense after release from custody or,
34 if not committed to custody, such person does not plead
35 guilty or nolo contendere to or is not found guilty of an
36 additional controlled substance misdemeanor or felony
37 offense, within one year after the date of conviction. Such
38 a plea or conviction within the first year after conviction
39 shall immediately disqualify the person for the exemption;
40 and

41 (4) Has demonstrated sobriety through voluntary
42 urinalysis testing paid for by the participant.

43 2. Eligibility based upon the factors in subsection 1
44 of this section shall be based upon documentary or other
45 evidence satisfactory to the department of social services,
46 and the applicant shall meet all other factors for program
47 eligibility.

48 3. The department of social services, in consultation
49 with the division of alcohol and drug abuse, shall

50 promulgate rules to carry out the provisions of this section
51 including specifying criteria for determining active
52 participation in and completion of a substance abuse
53 treatment program.

54 4. The exemption under this section shall not apply to
55 an individual who has pled guilty or nolo contendere to or
56 is found guilty of two subsequent felony offenses involving
57 possession or use of a controlled substance after the date
58 of the first controlled substance felony conviction]

59 Pursuant to the option granted to the state under 21 U.S.C.
60 Section 862a(d)(1), an individual convicted under federal or
61 state law of a felony offense involving possession,
62 distribution, or use of a controlled substance shall be
63 exempt from the prohibition contained in 21 U.S.C. Section
64 862a(a) against eligibility for the supplemental nutrition
65 assistance program for such convictions.

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