

SENATE BILL NO. 1680

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

6568S.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Section A. Section 208.247, RSMo, is repealed and one new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]**
5 use, **or manufacture** of a controlled substance shall be
6 exempt from the prohibition contained in 21 U.S.C. Section
7 862a(a) against eligibility for food stamp program benefits
8 for such convictions, if such person, as determined by the
9 department:

10 (1) Meets one of the following criteria:

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

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

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

18 subject to a waiting list to receive available treatment,
19 and the individual remains enrolled in the treatment program
20 and enters the treatment program at the first available
21 opportunity; or

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

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

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

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

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

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

49 3. The department of social services, in consultation
50 with the division of alcohol and drug abuse, shall
51 promulgate rules to carry out the provisions of this section
52 including specifying criteria for determining active
53 participation in and completion of a substance abuse
54 treatment program.

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

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