

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 108

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

6124S.01I

KRISTINA MARTIN, Secretary

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 36(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof 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, 2026, 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. Section 36(c), article IV, Constitution of  
2 Missouri, is repealed and one new section adopted in lieu  
3 thereof, to be known as section 36(c), to read as follows:

Section 36(c). 1. Notwithstanding any provision of  
2 law to the contrary, beginning July 1, 2021, individuals  
3 nineteen years of age or older and under sixty-five years of  
4 age who qualify for MO HealthNet services under 42 U.S.C.  
5 Section 1396a(a)(10)(A)(i)(VIII) and as set forth in 42  
6 C.F.R. 435.119, and who have income at or below one hundred  
7 thirty-three percent of the federal poverty level plus five  
8 percent of the applicable family size as determined under 42  
9 U.S.C. Section 1396a(e)(14) and as set forth in 42 C.F.R.  
10 435.603, shall be eligible for medical assistance under MO

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

HealthNet and shall receive coverage for the health benefits service package.

2. For purposes of this section, **the following terms mean:**

(1) "Health benefits service package" [shall mean], benefits covered by the MO HealthNet program as determined by the department of social services to meet the benchmark or benchmark-equivalent coverage requirement under 42 U.S.C. Section 1396a(k)(1) and any implementing regulations;

(2) "Applicable individual", an individual who is eligible to enroll in MO HealthNet pursuant to 42 U.S.C. Section 1396a(10)(A)(i)(VII) or who is otherwise eligible to enroll, or is enrolled, under a waiver of such plan that provides coverage that is equivalent to minimum essential coverage; who has attained the age of nineteen and is under sixty-five years of age; who is not pregnant; who is not entitled to, or enrolled for, benefits under Part A of Title XVIII of the Social Security Act, or enrolled for benefits under Part B of Title XVIII of the Social Security Act, and who is not otherwise eligible to enroll under such plan; and who is subject to work requirements;

(3) "Work requirements", the requirements established in 42 U.S.C. Section 1396a(xx).

3. The department of social services and the MO HealthNet division shall implement work requirements for applicable individuals.

(1) No applicable individual shall be enrolled in MO HealthNet unless, at the time of application, the individual demonstrates compliance with work requirements for the three consecutive months immediately preceding the month during which the individual applies. The department of social services and the MO HealthNet division shall require

documentary evidence and shall not accept self-attestation at the time of application.

(2) No applicable individual shall remain enrolled in MO HealthNet in any month unless the individual has demonstrated compliance with work requirements.

(3) The department of social services and the MO HealthNet division shall not seek or implement any additional optional exemptions under 42 U.S.C. Section 1396a(xx) (3) (B) or any other optional exemption without obtaining express approval from the legislature. Such approval shall be provided in a duly enacted statute.

(4) The department of social services and the MO HealthNet division shall not accept exemption designations, approvals, or determinations by a managed care organization.

(5) The department of social services and the MO HealthNet division shall disenroll any applicable individual who fails to comply with work requirements.

4. No later than March 1, [2021] 2027, the Department of Social Services and the MO HealthNet Division shall submit all state plan amendments necessary to implement this section to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

[4. The Department of Social Services and the MO HealthNet Division shall take all actions necessary to maximize federal financial participation in funding medical assistance pursuant to this section.

5. No greater or additional burdens or restrictions on eligibility or enrollment standards, methodologies, or practices shall be imposed on persons eligible for MO HealthNet services pursuant to this section than on any other population eligible for medical assistance.

74       6.] 5. All references to federal or state statutes,  
75 regulations or rules in this section shall be to the version  
76 of those statutes, regulations or rules that existed on  
77 January 1, [2019] 2027.

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 remove language regarding the prohibition on  
9 creating new eligibility or enrollment standards  
10 for persons eligible for MO HealthNet services  
11 and to add language to impose work requirements  
12 for persons eligible for MO HealthNet services?".

✓