

FIRST REGULAR SESSION

HOUSE BILL NO. 588

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLISH.

1244H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to drug testing for supplemental nutrition assistance program recipients.

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

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be
2 known as section 208.037, to read as follows:

2 **208.037. 1. Subject to federal approval, the department of social services shall**
3 **implement a program of random drug testing of all persons eighteen years of age or older**
4 **who receive supplemental nutrition assistance program benefits. The department of social**
5 **services shall have full discretion as to the number of recipients tested and at what**
6 **intervals.**

7 **2. Any recipient who tests positive for drugs that have not been lawfully prescribed**
8 **or based on the testing has been shown to have abused the use of drugs that were otherwise**
9 **lawfully prescribed shall participate in a drug treatment program. A recipient who tests**
10 **positive for drugs under such circumstances and who fails to participate in a drug**
11 **treatment program shall not be eligible to receive supplemental nutrition assistance**
12 **program benefits.**

13 **3. For purposes of this section, the term “drug” means marijuana, any narcotic**
14 **drug or controlled substance as defined in chapter 195, or the metabolite of any such**
15 **substance.**

16 **4. If a recipient fails or refuses to submit to testing, any application for benefits**
shall be denied or any benefits currently being received shall be terminated.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **5. On or before February 1, 2016, and every year thereafter that the program**
18 **established in this section is in operation the department of social services shall submit an**
19 **evaluation of such program to the governor, speaker of the house of representatives, and**
20 **the president pro tempore of the senate. The evaluation shall include the following:**

21 **(1) The number of individuals tested, the drug tested for, the results of the testing,**
22 **and the number of referrals for treatment;**

23 **(2) The cost of the testing and the resulting treatment; and**

24 **(3) The number of recipients who tested positive for drugs and who were denied**
25 **assistance for failure to comply with a drug treatment program.**

26 **6. The department of social services shall promulgate rules and regulations to**
27 **implement the provisions of this section. Any rule or portion of a rule, as that term is**
28 **defined in section 536.010, that is created under the authority delegated in this section shall**
29 **become effective only if it complies with and is subject to all of the provisions of chapter**
30 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**
31 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**
32 **to delay the effective date, or to disapprove and annul a rule are subsequently held**
33 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
34 **after August 28, 2015, shall be invalid and void.**

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