

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILLS NOS. 7, 5,  
74 & 169**

96TH GENERAL ASSEMBLY

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Reported from the Committee on Health, Mental Health, Seniors and Families, February 10, 2011, with recommendation that the Senate Committee Substitute do pass.

0131S.05C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

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*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 known as section 208.027, to read as follows:

**208.027. 1. This section shall be known as the "TANF Child Protection and Drug Free Home Act". The purpose of this section is to protect the children in the home of or belonging to temporary assistance for needy families recipients and to prevent abuse of taxpayer money by taking measures to ensure that such individuals receiving temporary assistance for needy families benefits are free of drug and alcohol abuse.**

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

**(1) "Work activity", shall include, but not be limited to, subsidized or unsubsidized private or public sector employment, job training programs, community service programs, or vocational education and training programs;**

**(2) "Work-eligible recipient" a recipient who:**

**(a) Is otherwise eligible for temporary assistance for needy families benefits under this chapter; and**

**(b) Is required or eligible to participate in work activities.**

**3. Case workers conducting an initial assessment to determine if an individual meets an exemption, exclusion or is work ready at each**

19 temporary assistance for needy families application, reinvestigation or  
20 interim change may report or cause a report to be made to the  
21 children's division in accordance with the provisions of sections 210.109  
22 to 210.183 for suspected child abuse as a result of drug abuse in  
23 instances where the case worker has reasonable suspicion to believe  
24 that such individual is engaging in illegal use of a controlled substance.

25 4. Case workers of work-eligible recipients shall be required to  
26 immediately report or cause a report to be made to the children's  
27 division in accordance with the provisions of sections 210.109 to 210.183  
28 for suspected child abuse as a result of drug abuse in instances where  
29 the case worker has knowledge that:

30 (1) A work-eligible recipient has tested positive for the illegal  
31 use of a controlled substance in relation to a required work activity; or

32 (2) A work-eligible recipient has refused to be tested for the  
33 illegal use of a controlled substance in relation to any work activity or  
34 preparation for work activities.

35 5. A work-eligible recipient shall be tested for the illegal use of  
36 a controlled substance if the child abuse investigation initiated by the  
37 report made under this section gives rise to a reasonable suspicion that  
38 such recipient engages in the illegal use of a controlled substance.

39 (1) Work-eligible recipients who refuse to be tested under this  
40 subsection shall, after an administrative hearing conducted by the  
41 department under the provisions of chapter 536, be declared ineligible  
42 for temporary assistance for needy families benefits for a period of two  
43 years from the date of the administrative hearing decision for refusal  
44 to participate in the drug test.

45 (2) Any work-eligible recipient who is found to have tested  
46 positive for the use of a controlled substance, which was not prescribed  
47 for such recipient by a licensed health care provider, shall, after an  
48 administrative hearing conducted by the department under the  
49 provisions of chapter 536, be declared ineligible for temporary  
50 assistance for needy families benefits for a period of two years from the  
51 date of the administrative hearing decision unless such work-eligible  
52 recipient, after having been referred by the department, enters and  
53 successfully completes a substance abuse treatment program  
54 administered by the division of alcohol and drug abuse within the  
55 department of mental health and does not test positive for illegal use

56 of a controlled substance in the six-month period beginning on the date  
57 of entry into such rehabilitation or treatment program. The work-  
58 eligible recipient shall continue to receive benefits while participating  
59 in the treatment program. The department may test the work-eligible  
60 recipient for illegal drug use at random or set intervals, at the  
61 department's discretion, after such period. If the work-eligible  
62 recipient tests positive for the use of illegal drugs a second time, then  
63 such recipient shall be declared ineligible for temporary assistance for  
64 needy families benefits for a period of two years from the date of the  
65 administrative hearing decision.

66         6. Other members of a household which includes a person who  
67 has been declared ineligible for temporary assistance for needy families  
68 assistance shall, if otherwise eligible, continue to receive temporary  
69 assistance for needy families benefits as protective or vendor payments  
70 to a third-party payee for the benefit of the members of the household.

71         7. The department of social services shall promulgate rules to  
72 implement the provisions of this section. Any rule or portion of a rule,  
73 as that term is defined in section 536.010 that is created under the  
74 authority delegated in this section shall become effective only if it  
75 complies with and is subject to all of the provisions of chapter 536, and,  
76 if applicable, section 536.028. This section and chapter 536 are  
77 nonseverable and if any of the powers vested with the general assembly  
78 pursuant to chapter 536, to review, to delay the effective date, or to  
79 disapprove and annul a rule are subsequently held unconstitutional,  
80 then the grant of rulemaking authority and any rule proposed or  
81 adopted after August 28, 2011, shall be invalid and void.

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