

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 82

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

1141S.02P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 208.053, 208.247, 570.400, and 570.404, RSMo, and to enact in lieu thereof six new sections relating to public assistance, with existing penalty provisions.

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

Section A. Sections 208.053, 208.247, 570.400, and  
2 570.404, RSMo, are repealed and six new sections enacted in  
3 lieu thereof, to be known as sections 208.035, 208.053, 208.066,  
4 208.247, 570.400, and 570.404, to read as follows:

208.035. 1. **Subject to appropriations and any**  
2 **necessary waivers or approvals, the department of social**  
3 **services shall develop and implement a transitional benefits**  
4 **program for temporary assistance for needy families (TANF)**  
5 **and the supplemental nutrition assistance program (SNAP)**  
6 **that is designed in such a way that a TANF or SNAP**  
7 **beneficiary will not experience an immediate loss of**  
8 **benefits should his or her income exceed the maximum**  
9 **allowable income for such program. The transitional**  
10 **benefits offered shall provide for a transition to self-**  
11 **sufficiency while incentivizing work and financial stability.**

12 2. **The transitional benefits offered shall gradually**  
13 **step down the beneficiary's monthly benefit proportionate to**  
14 **the increase in the beneficiary's income. The determination**

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

15 for a beneficiary's transitional benefit shall be as  
16 follows: For each percentage increase in the beneficiary's  
17 monthly household income over the program's maximum  
18 allowable income or six thousand two hundred fifty dollars,  
19 adjusted for increases in cost-of-living, if any, as of the  
20 preceding July over the level as of July of the immediately  
21 preceding year of the Consumer Price Index for All Urban  
22 Consumers, or successor index, published by the U.S.  
23 Department of Labor, or its successor agency, whichever is  
24 lower, up to three hundred percent of the federal poverty  
25 level, the monthly benefits shall be decreased by the same  
26 percentage.

27 3. Beneficiaries receiving transitional benefits under  
28 this section shall comply with all requirements of each  
29 program for which they are eligible, including work  
30 requirements. Transitional benefits received under this  
31 section shall not be included in the lifetime limit for  
32 receipt of TANF benefits under section 208.040.

33 4. The department may promulgate any rules or  
34 regulations necessary for the implementation of this  
35 section. Any rule or portion of a rule, as that term is  
36 defined in section 536.010, that is created under the  
37 authority delegated in this section shall become effective  
38 only if it complies with and is subject to all of the  
39 provisions of chapter 536 and, if applicable, section  
40 536.028. This section and chapter 536 are nonseverable and  
41 if any of the powers vested with the general assembly  
42 pursuant to chapter 536 to review, to delay the effective  
43 date, or to disapprove and annul a rule are subsequently  
44 held unconstitutional, then the grant of rulemaking  
45 authority and any rule proposed or adopted after August 28,  
46 2023, shall be invalid and void.

208.053. 1. [The provisions of this section shall be  
2 known as the "Low-Wage Trap Elimination Act".] In order to  
3 more effectively transition persons receiving state-funded  
4 child care subsidy benefits under this chapter, the  
5 department of elementary and secondary education[, in  
6 conjunction with the department of revenue,] shall, subject  
7 to appropriations, by July 1, [2022] **2024**, implement a  
8 [pilot] program [in a county with a charter form of  
9 government and with more than six hundred thousand but fewer  
10 than seven hundred thousand inhabitants, a county of the  
11 first classification with more than two hundred sixty  
12 thousand but fewer than three hundred thousand inhabitants,  
13 and a county of the first classification with more than two  
14 hundred thousand but fewer than two hundred sixty thousand  
15 inhabitants, to be called the "Hand-Up Program",] to allow  
16 [applicants in the program] **recipients** to receive  
17 transitional child care benefits without the requirement  
18 that such [applicants] **recipients** first be eligible for full  
19 child care benefits.

20 (1) For purposes of this section, "full child care  
21 benefits" shall be the full benefits awarded to a recipient  
22 based on the income eligibility amount established by the  
23 department through the annual appropriations process as of  
24 August 28, [2021] **2023**, to qualify for the benefits and  
25 shall not include the transitional child care benefits that  
26 are awarded to recipients whose income surpasses the  
27 eligibility level for full benefits to continue. The [hand-  
28 up] program shall be voluntary and shall be designed such  
29 that [an applicant] **a recipient** may begin receiving the  
30 transitional child care benefit without having first  
31 qualified for the full child care benefit or any other tier  
32 of the transitional child care benefit. [Under no

33 circumstances shall any applicant be eligible for the hand-  
34 up program if the applicant's income does not fall within  
35 the transitional child care benefit income limits  
36 established through the annual appropriations process.]

37 (2) Transitional child care benefits shall be  
38 determined on a sliding scale as follows for recipients with  
39 household incomes in excess of the eligibility level for  
40 full benefits:

41 (a) Eighty percent of the state base rate for  
42 recipients with household incomes greater than the  
43 eligibility level for full benefits but less than or equal  
44 to one hundred eighty-five percent of the federal poverty  
45 level;

46 (b) Sixty percent of the state base rate for  
47 recipients with household incomes greater than one hundred  
48 eighty-five percent but less than or equal to two hundred  
49 fifteen percent of the federal poverty level; and

50 (c) Fifty percent of the state base rate for  
51 recipients with household incomes greater than two hundred  
52 fifteen percent but less than or equal to three hundred  
53 percent of the federal poverty level, but not greater than  
54 eighty-five percent of the state median income.

55 (3) As used in this section, "state base rate" shall  
56 refer to the rate established by the department for provider  
57 payments that accounts for geographic area, type of  
58 facility, duration of care, and age of the child, as well as  
59 any enhancements reflecting after-hours or weekend care,  
60 accreditation, or licensure status, as determined by the  
61 department. Recipients shall be responsible for paying the  
62 remaining sliding fee to the child care provider.

63           (4) A participating recipient shall be allowed to opt  
64 out of the program at any time, but such person shall not be  
65 allowed to participate in the program a second time.

66           2. The department shall track the number of  
67 participants in the [hand-up] program and shall issue an  
68 annual report to the general assembly by September 1, [2023]  
69 2025, and annually on September first thereafter, detailing  
70 the effectiveness of the [pilot] program in encouraging  
71 recipients to secure employment earning an income greater  
72 than the maximum wage eligible for the full child care  
73 benefit. The report shall also detail the costs of  
74 administration and the increased amount of state income tax  
75 paid as a result of the program[, as well as an analysis of  
76 whether the pilot program could be expanded to include other  
77 types of benefits, including, but not limited to, food  
78 stamps, temporary assistance for needy families, low-income  
79 heating assistance, women, infants and children supplemental  
80 nutrition program, the state children's health insurance  
81 program, and MO HealthNet benefits].

82           3. The department shall pursue all necessary waivers  
83 from the federal government to implement the [hand-up]  
84 program. If the department is unable to obtain such  
85 waivers, the department shall implement the program to the  
86 degree possible without such waivers.

87           4. Any rule or portion of a rule, as that term is  
88 defined in section 536.010, that is created under the  
89 authority delegated under this section shall become  
90 effective only if it complies with and is subject to all of  
91 the provisions of chapter 536 and, if applicable, section  
92 536.028. This section and chapter 536 are nonseverable and  
93 if any of the powers vested with the general assembly  
94 pursuant to chapter 536 to review, to delay the effective

95 date, or to disapprove and annul a rule are subsequently  
96 held unconstitutional, then the grant of rulemaking  
97 authority and any rule proposed or adopted after August 28,  
98 2012, shall be invalid and void.

99 [5. Pursuant to section 23.253 of the Missouri sunset  
100 act:

101 (1) The provisions of the new program authorized under  
102 this section shall sunset automatically three years after  
103 August 28, 2021, unless reauthorized by an act of the  
104 general assembly; and

105 (2) If such program is reauthorized, the program  
106 authorized under this section shall sunset automatically  
107 three years after the effective date of the reauthorization  
108 of this section; and

109 (3) This section shall terminate on September first of  
110 the calendar year immediately following the calendar year in  
111 which the program authorized under this section is sunset.]

208.066. 1. The department of social services shall  
2 limit any initial application for the Supplemental Nutrition  
3 Assistance Program (SNAP), the Temporary Assistance for  
4 Needy Families program (TANF), the child care assistance  
5 program, or MO HealthNet to a one-page form that is easily  
6 accessible on the department of social services' website.

7 2. Persons who are participants in a program listed in  
8 subsection 1 of this section who are required to complete a  
9 periodic eligibility review form may submit such form as an  
10 attachment to their Missouri state individual income tax  
11 return if the person's eligibility review form is due before  
12 or at the same time that he or she files such state tax  
13 return. The department of social services shall limit  
14 periodic eligibility review forms associated with the  
15 programs listed in subsection 1 of this section to a one-

16 page form that is easily accessible on both the department  
17 of social services' website and the department of revenue's  
18 website.

19 3. Notwithstanding the provisions of section 32.057 to  
20 the contrary, the department of revenue shall share any  
21 eligibility form submitted under this section with the  
22 department of social services.

23 4. The department of revenue may promulgate all  
24 necessary rules and regulations for the administration of  
25 this section. Any rule or portion of a rule, as that term  
26 is defined in section 536.010, that is created under the  
27 authority delegated in this section shall become effective  
28 only if it complies with and is subject to all of the  
29 provisions of chapter 536 and, if applicable, section  
30 536.028. This section and chapter 536 are nonseverable, and  
31 if any of the powers vested with the general assembly  
32 pursuant to chapter 536 to review, to delay the effective  
33 date, or to disapprove and annul a rule are subsequently  
34 held unconstitutional, then the grant of rulemaking  
35 authority and any rule proposed or adopted after August 28,  
36 2023, shall be invalid and void.

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,  
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.**

570.400. 1. A person commits the offense of  
2 unlawfully receiving public assistance benefits or EBT cards  
3 if he or she knowingly receives, **including by sale for**  
4 **consideration,** or uses the proceeds of public assistance  
5 benefits or EBT cards to which he or she is not lawfully  
6 entitled or for which he or she has not applied and been  
7 approved by the department to receive.

8           2. The offense of unlawfully receiving public  
9 assistance benefits or EBT cards is a class A misdemeanor,

10 unless the face value of the public assistance benefits or  
11 EBT cards is seven hundred fifty dollars or more or the  
12 person is found guilty of a second offense of unlawfully  
13 receiving public assistance benefits or EBT cards in an  
14 amount less than seven hundred fifty dollars, in which case  
15 it is a class E felony. Any person who is found guilty of a  
16 second or subsequent offense of felony unlawfully receiving  
17 public assistance benefits or EBT cards, or any person who  
18 is found guilty of an offense under this section and has  
19 previously been found guilty of two violations under  
20 sections 570.400 to 570.410, shall be guilty of a class D  
21 felony. Any person who is found guilty of felony unlawfully  
22 receiving of public assistance benefits or EBT cards shall  
23 serve not less than one hundred twenty days in the  
24 department of corrections unless such person pays full  
25 restitution to the state of Missouri within thirty days of  
26 the date of execution of sentence.

27 3. In addition to any criminal penalty, any person  
28 found guilty of unlawfully receiving public assistance  
29 benefits or EBT cards shall pay full restitution to the  
30 state of Missouri for the total amount of moneys converted.  
31 No person placed on probation for the offense shall be  
32 released from probation until full restitution has been paid.

570.404. 1. A person commits the offense of unlawful  
2 transfer of public assistance benefits or EBT cards if he or  
3 she knowingly transfers, **including by sale for**  
4 **consideration**, public assistance benefits or EBT cards to  
5 another not lawfully entitled or approved by the department  
6 of social services to receive the public assistance benefits  
7 or EBT cards.

8 2. The offense of unlawful transfer of public  
9 assistance benefits or EBT cards is a class A misdemeanor,

10 unless the face value of the public assistance benefits or  
11 EBT cards is seven hundred fifty dollars or more or the  
12 person is found guilty of a second offense of unlawful  
13 transfer of public assistance benefits or EBT cards in an  
14 amount less than seven hundred fifty dollars, in which case  
15 it is a class E felony. Any person who is found guilty of a  
16 second or subsequent offense of felony unlawful transfer of  
17 public assistance benefits, or any person who is found  
18 guilty of an offense under this section and has been found  
19 guilty of two or more violations under sections 570.400 to  
20 570.410, shall be guilty of a class D felony. Any person  
21 who is found guilty of felony unlawful transfer of public  
22 assistance benefits or EBT cards shall serve not less than  
23 one hundred twenty days in the department of corrections  
24 unless such person pays full restitution to the state of  
25 Missouri within thirty days of the date of execution of  
26 sentence.

27 3. In addition to any criminal penalty, any person  
28 found guilty of unlawful transfer of public assistance  
29 benefits or EBT cards shall pay full restitution to the  
30 state of Missouri for the total amount of moneys converted.  
31 No person placed on probation for the offense shall be  
32 released from probation until full restitution has been paid.

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