

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 82
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2 570.404, RSMo, are repealed and six new sections enacted in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 as 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
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, up to three hundred percent of the federal
19 poverty level, the monthly benefits shall be decreased by
20 the same percentage.

21 3. Beneficiaries receiving transitional benefits under
22 this section shall comply with all requirements of each
23 program for which they are eligible, including work
24 requirements. Transitional benefits received under this
25 section shall not be included in the lifetime limit for
26 receipt of TANF benefits under section 208.040.

27 4. The department may promulgate any rules or
28 regulations necessary for the implementation of this
29 section. Any rule or portion of a rule, as that term is
30 defined in section 536.010, that is created under the
31 authority delegated in this section shall become effective
32 only if it complies with and is subject to all of the
33 provisions of chapter 536 and, if applicable, section
34 536.028. This section and chapter 536 are nonseverable and
35 if any of the powers vested with the general assembly
36 pursuant to chapter 536 to review, to delay the effective
37 date, or to disapprove and annul a rule are subsequently
38 held unconstitutional, then the grant of rulemaking
39 authority and any rule proposed or adopted after August 28,
40 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
limit any initial application for the Supplemental Nutrition
Assistance Program (SNAP), the Temporary Assistance for
Needy Families program (TANF), the child care assistance
program, or MO HealthNet to a one-page form that is easily
accessible on the department of social services' website.

2. Persons who are participants in a program listed in
subsection 1 of this section who are required to complete a
periodic eligibility review form may submit such form as an
attachment to their Missouri state individual income tax
return if the person's eligibility review form is due before
or at the same time that he or she files such state tax
return. The department of social services shall limit
periodic eligibility review forms associated with the
programs listed in subsection 1 of this section to a one-
page form that is easily accessible on both the department
of social services' website and the department of revenue's
website.

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

4. The department of revenue may promulgate all
necessary rules and regulations for the administration of
this section. Any rule or portion of a rule, as that term
is defined in section 536.010, that is created under the
authority delegated in this section shall become effective
only if it complies with and is subject to all of the
provisions of chapter 536 and, if applicable, section
536.028. This section and chapter 536 are nonseverable, and
if any of the powers vested with the general assembly
pursuant to chapter 536 to review, to delay the effective
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.

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.

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.