

**39-709e. Exercise of state's option from federal law making certain drug abusers ineligible for public assistance.** (a) Except as provided in K.S.A. 39-709, and amendments thereto, under the authority of subsection (d)(1)(A) of 21 U.S.C. § 862a, the state of Kansas hereby exercises its option out of subsection (a) of 21 U.S.C. § 862a, which makes any individual ineligible for certain state and federal assistance if that individual has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the possession, use or distribution of a controlled substance as defined by subsection (6) of 21 U.S.C. § 802, only if, after such conviction, such individual has:

- (1) Been assessed by a licensed substance abuse treatment provider as not requiring substance abuse treatment; or
- (2) been assessed by a licensed substance abuse treatment provider and such provider recommended substance abuse treatment and such individual:
  - (A) Is participating in a licensed substance abuse treatment program; or
  - (B) has successfully completed a licensed substance abuse treatment program.

(b) An individual shall be disqualified for any state or federal assistance permitted by this section if confirmation of illegal drug use is found as a result of testing that occurs while the individual is on probation, parole, conditional release or postrelease supervision or during required substance abuse treatment. Thereafter, such disqualified individual may reapply for assistance after 30 days.

**History:** L. 2006, ch. 162, § 1; L. 2013, ch. 80, § 2; July 1.