

**SENATE BILL No. 469**

By Senator Sykes

2-9

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1 AN ACT concerning public assistance; relating to food assistance;  
2 removing certain limitations for food assistance eligibility; permitting  
3 certain persons convicted of a felony to be eligible for food assistance;  
4 amending K.S.A. 39-709 and repealing the existing section.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 39-709 is hereby amended to read as follows: 39-  
8 709. (a) *General eligibility requirements for assistance for which federal*  
9 *moneys are expended.* Subject to the additional requirements below,  
10 assistance in accordance with plans under which federal moneys are  
11 expended may be granted to any needy person who:

12 (1) Has insufficient income or resources to provide a reasonable  
13 subsistence compatible with decency and health. Where a husband and  
14 wife or cohabiting partners are living together, the combined income or  
15 resources of both shall be considered in determining the eligibility of  
16 either or both for such assistance unless otherwise prohibited by law. The  
17 secretary, in determining need of any applicant for or recipient of  
18 assistance shall not take into account the financial responsibility of any  
19 individual for any applicant or recipient of assistance unless such applicant  
20 or recipient is such individual's spouse, cohabiting partner or such  
21 individual's minor child or minor stepchild if the stepchild is living with  
22 such individual. The secretary in determining need of an individual may  
23 provide such income and resource exemptions as may be permitted by  
24 federal law. For purposes of eligibility for temporary assistance for needy  
25 families, for food assistance and for any other assistance provided through  
26 the Kansas department for children and families under which federal  
27 moneys are expended, the secretary for children and families shall  
28 consider one motor vehicle owned by the applicant for assistance,  
29 regardless of the value of such vehicle, as exempt personal property and  
30 shall consider any equity in any boat, personal water craft, recreational  
31 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined  
32 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle  
33 owned by the applicant for assistance to be a nonexempt resource of the  
34 applicant for assistance except that any additional motor vehicle used by  
35 the applicant, the applicant's spouse or the applicant's cohabiting partner  
36 for the primary purpose of earning income may be considered as exempt

1 personal property in the secretary's discretion.

2 (2) Is a citizen of the United States or is an alien lawfully admitted to  
3 the United States and who is residing in the state of Kansas.

4 (b) *Temporary assistance for needy families.* Assistance may be  
5 granted under this act to any dependent child, or relative, subject to the  
6 general eligibility requirements as set out in subsection (a), who resides in  
7 the state of Kansas or whose parent or other relative with whom the child  
8 is living resides in the state of Kansas. Such assistance shall be known as  
9 temporary assistance for needy families. Where the husband and wife or  
10 cohabiting partners are living together, both shall register for work under  
11 the program requirements for temporary assistance for needy families in  
12 accordance with criteria and guidelines prescribed by rules and regulations  
13 of the secretary.

14 (1) As used in this subsection, "family group" or "household" means  
15 the applicant or recipient for TANF, child care subsidy or employment  
16 services and all individuals living together in which there is a relationship  
17 of legal responsibility or a qualifying caretaker relationship. This will  
18 include a cohabiting boyfriend or girlfriend living with the person legally  
19 responsible for the child. The family group shall not be eligible for TANF  
20 if the family group contains at least one adult member who has received  
21 TANF, including the federal TANF assistance received in any other state,  
22 for 24 calendar months beginning on and after October 1, 1996, unless the  
23 secretary determines a hardship exists and grants an extension allowing  
24 receipt of TANF until the 36-month limit is reached. No extension beyond  
25 36 months shall be granted. Hardship provisions for a recipient include:

26 (A) Is a caretaker of a disabled family member living in the  
27 household;

28 (B) has a disability ~~which~~ *that* precludes employment on a long-term  
29 basis or requires substantial rehabilitation;

30 (C) needs a time limit extension to overcome the effects of domestic  
31 violence/sexual assault;

32 (D) is involved with prevention and protection services (PPS) and has  
33 an open social service plan; or

34 (E) is determined by the 24<sup>th</sup> month to have an extreme hardship other  
35 than what is designated in criteria listed in subparagraphs (A) through (D).  
36 This determination will be made by the executive review team.

37 (2) All adults applying for TANF shall be required to complete a  
38 work program assessment as specified by the Kansas department for  
39 children and families, including those who have been disqualified for or  
40 denied TANF due to non-cooperation, drug testing requirements or fraud.  
41 Adults who are not otherwise eligible for TANF, such as ineligible aliens,  
42 relative/non-relative caretakers and adults receiving supplemental security  
43 income are not required to complete the assessment process. During the

1 application processing period, applicants must complete at least one  
2 module or its equivalent of the work program assessment to be considered  
3 eligible for TANF benefits, unless good cause is found to be exempt from  
4 the requirements. Good cause exemptions shall only include *that the*  
5 *applicant*:

6 (A) ~~The applicant~~ Can document an existing certification verifying  
7 completion of the work program assessment;

8 (B) ~~the applicant~~ has a valid offer of employment or is employed a  
9 minimum of 20 hours a week;

10 (C) ~~the applicant~~ is a parenting teen without a GED or high school  
11 diploma;

12 (D) ~~the applicant~~ is enrolled in job corps;

13 (E) ~~the applicant~~ is working with a refugee social services agency; or

14 (F) ~~the applicant~~ has completed the work program assessment within  
15 the last 12 months.

16 (3) The *Kansas* department for children and families shall maintain a  
17 sufficient level of dedicated work program staff to enable the agency to  
18 conduct work program case management services to TANF recipients in a  
19 timely manner and in full accordance with state law and agency policy.

20 (4) (A) TANF mandatory work program applicants and recipients  
21 shall participate in work components that lead to competitive, integrated  
22 employment. Components are defined by the federal government as being  
23 either primary or secondary.

24 (B) In order to meet federal work participation requirements,  
25 households need to meet at least 30 hours of participation per week, at  
26 least 20 hours of which need to be primary and at least 10 hours may be  
27 secondary components in one parent households where the youngest child  
28 is six years of age or older. Participation hours shall be 55 hours in two  
29 parent households ~~(, 35 hours per week if child care is not used)~~. The  
30 maximum assignment is 40 hours per week per individual. For two parent  
31 families to meet the federal work participation rate both parents must  
32 participate in a combined total of 55 hours per week, 50 hours of which  
33 must be in primary components, or one or both parents could be assigned a  
34 combined total of 35 hours per week ~~(, 30 hours of which must be primary~~  
35 ~~components)~~, if *the Kansas* department for children and families paid child  
36 care is not received by the family. Single parent families with a child under  
37 age six meet the federal participation requirement if the parent is engaged  
38 in work or work activities for at least 20 hours per week in a primary work  
39 component.

40 (C) The following components meet federal definitions of primary  
41 hours of participation: Full or part-time employment, apprenticeship, work  
42 study, self-employment, job corps, subsidized employment, work  
43 experience sites, on-the-job training, supervised community service,

1 vocational education, job search and job readiness. Secondary components  
2 include: Job skills training, education directly related to employment such  
3 as adult basic education and English as a second language, and completion  
4 of a high school diploma or GED.

5 (5) A parent or other adult caretaker personally providing care for a  
6 child under the age of three months in their TANF household is exempt  
7 from work participation activities until the month the child turns three  
8 months of age. Such three-month limitation shall not apply to a parent or  
9 other adult caretaker who is personally providing care for a child born  
10 significantly premature, with serious medical conditions or with a  
11 disability as defined by the secretary, in consultation with the secretary of  
12 health and environment, and adopted in the rules and regulations. The  
13 three-month period is defined as two consecutive months starting with the  
14 month after childbirth. The exemption for caring for a child under three  
15 months cannot be claimed *by*:

16 (A) ~~By~~ Either parent when two parents are in the home and the  
17 household meets the two-parent definition for federal reporting purposes;

18 (B) ~~by~~ one parent or caretaker when the other parent or caretaker is in  
19 the home, and available, capable and suitable to provide care and the  
20 household does not meet the two-parent definition for federal reporting  
21 purposes;

22 (C) ~~by~~ a person age 19 or younger when such person is pregnant or a  
23 parent of a child in the home and the person does not possess a high school  
24 diploma or its equivalent. Such person shall become exempt the month  
25 such person turns age 20; or

26 (D) ~~by~~ any person assigned to a work participation activity for  
27 substance use disorders.

28 (6) TANF work experience placements shall be reviewed after 90  
29 days and are limited to six months per 24-month lifetime limit. A client's  
30 progress shall be reviewed prior to each new placement regardless of the  
31 length of time they are at the work experience site.

32 (7) TANF participants with disabilities shall engage in required  
33 employment activities to the maximum extent consistent with their  
34 abilities. TANF participants shall provide current documentation by a  
35 qualified medical practitioner that details the abilities to engage in  
36 employment and any limitations in work activities along with the expected  
37 duration of such limitations. Disability is defined as a physical or mental  
38 impairment constituting or resulting in a substantial impediment to  
39 employment for such individual.

40 (8) Non-cooperation is the failure of the applicant or recipient to  
41 comply with all requirements provided in state and federal law, federal and  
42 state rules and regulations and agency policy. The period of ineligibility  
43 for TANF benefits based on non-cooperation, *as defined in K.S.A. 39-702,*

1 *and amendments thereto*, with work programs shall be as follows, *for a*:

2 (A) ~~For a~~ First penalty, three months and full cooperation with work  
3 program activities;

4 (B) ~~for a~~ second penalty, six months and full cooperation with work  
5 program activities;

6 (C) ~~for a~~ third penalty, one year and full cooperation with work  
7 program activities; and

8 (D) ~~for a~~ fourth or subsequent penalty, 10 years.

9 (9) Individuals that have not cooperated with TANF work programs  
10 shall be ineligible to participate in the food assistance program. The  
11 comparable penalty shall be applied to only the individual in the food  
12 assistance program who failed to comply with the TANF work  
13 requirement. The agency shall impose the same penalty to the member of  
14 the household who failed to comply with TANF requirements. The penalty  
15 periods are three months, six months, one year, or 10 years.

16 (10) Non-cooperation is the failure of the applicant or recipient to  
17 comply with all requirements provided in state and federal law, federal and  
18 state rules and regulations and agency policy. The period of ineligibility  
19 for child care subsidy or TANF benefits based on parents' non-  
20 cooperation, *as defined in K.S.A. 39-702, and amendments thereto*, with  
21 child support services shall be as follows, *for a*:

22 (A) ~~For the~~ First penalty, three months and cooperation with child  
23 support services prior to regaining eligibility;

24 (B) ~~for a~~ second penalty, six months and cooperation with child  
25 support services prior to regaining eligibility;

26 (C) ~~for a~~ third penalty, one year and cooperation with child support  
27 services prior to regaining eligibility; and

28 (D) ~~for a~~ fourth penalty, 10 years.

29 (11) Individuals that have not cooperated without good cause with  
30 child support services shall be ineligible to participate in the food  
31 assistance program. The period of disqualification ends once it has been  
32 determined that such individual is cooperating with child support services.

33 (12) (A) Any individual who is found to have committed fraud or is  
34 found guilty of the crime of theft pursuant to K.S.A. 39-720, and  
35 amendments thereto, and K.S.A. 2021 Supp. 21-5801, and amendments  
36 thereto, in either the TANF or child care program shall render all adults in  
37 the family unit ineligible for TANF assistance. Adults in the household  
38 who were determined to have committed fraud or were convicted of the  
39 crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and  
40 K.S.A. 2021 Supp. 21-5801, and amendments thereto, shall render  
41 themselves and all adult household members ineligible for their lifetime  
42 for TANF, even if fraud was committed in only one program. Households  
43 who have been determined to have committed fraud or were convicted of

1 the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and  
2 K.S.A. 2021 Supp. 21-5801, and amendments thereto, shall be required to  
3 name a protective payee as approved by the secretary or the secretary's  
4 designee to administer TANF benefits or food assistance on behalf of the  
5 children. No adult in a household may have access to the TANF cash  
6 assistance benefit.

7 (B) Any individual that has failed to cooperate with a fraud  
8 investigation shall be ineligible to participate in the TANF cash assistance  
9 program and the child care subsidy program until the *Kansas* department  
10 for children and families determines that such individual is cooperating  
11 with the fraud investigation. The *Kansas* department for children and  
12 families shall maintain a sufficient level of fraud investigative staff to  
13 enable the department to conduct fraud investigations in a timely manner  
14 and in full accordance with state law and department rules and regulations  
15 or policies.

16 ~~(13) (A) Food assistance shall not be provided to any person~~  
17 ~~convicted of a felony offense occurring on or after July 1, 2015, which~~  
18 ~~includes as an element of such offense the manufacture, cultivation,~~  
19 ~~distribution, possession or use of a controlled substance or controlled~~  
20 ~~substance analog. For food assistance, the individual shall be permanently~~  
21 ~~disqualified if they have been convicted of a state or federal felony offense~~  
22 ~~occurring on or after July 1, 2015, involving possession or use of a~~  
23 ~~controlled substance or controlled substance analog.~~

24 ~~(B) Notwithstanding the provisions of subparagraph (A), an~~  
25 ~~individual shall be eligible for food assistance if the individual enrolls in~~  
26 ~~and participates in a drug treatment program approved by the secretary,~~  
27 ~~submits to and passes a drug test and agrees to submit to drug testing if~~  
28 ~~requested by the department pursuant to a drug testing plan.~~

29 ~~An individual's failure to submit to testing or failure to successfully~~  
30 ~~pass a drug test shall result in ineligibility for food assistance until a drug~~  
31 ~~test is successfully passed. Failure to successfully complete a drug~~  
32 ~~treatment program shall result in ineligibility for food assistance until a~~  
33 ~~drug treatment plan approved by the secretary is successfully completed,~~  
34 ~~the individual passes a drug test and agrees to submit to drug testing if~~  
35 ~~requested by the department pursuant to a drug testing plan.~~

36 ~~(C) The provisions of subparagraph (B) shall not apply to any~~  
37 ~~individual who has been convicted for a second or subsequent felony~~  
38 ~~offense as provided in subparagraph (A) A person shall not be denied~~  
39 ~~food assistance solely because such person has been convicted of a drug-~~  
40 ~~related felony. The secretary for children and families shall submit to the~~  
41 ~~federal government any approval request required to implement the~~  
42 ~~provisions of this paragraph.~~

43 (14) No TANF cash assistance shall be used to purchase alcohol,

1 cigarettes, tobacco products, lottery tickets, concert tickets, professional or  
2 collegiate sporting event tickets or tickets for other entertainment events  
3 intended for the general public or sexually oriented adult materials. No  
4 TANF cash assistance shall be used in any retail liquor store, casino,  
5 gaming establishment, jewelry store, tattoo parlor, massage parlor, body  
6 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,  
7 vapor cigarette store, psychic or fortune telling business, bail bond  
8 company, video arcade, movie theater, swimming pool, cruise ship, theme  
9 park, dog or horse racing facility, parimutuel facility, or sexually oriented  
10 business or any retail establishment—~~which~~ *that* provides adult-oriented  
11 entertainment in which performers disrobe or perform in an unclothed  
12 state for entertainment, or in any business or retail establishment where  
13 minors under age 18 are not permitted. No TANF cash assistance shall be  
14 used for purchases at points of sale outside the state of Kansas.

15 (15) (A) The secretary for children and families shall place a  
16 photograph of the recipient, if agreed to by such recipient of public  
17 assistance, on any Kansas benefits card issued by the Kansas department  
18 for children and families that the recipient uses in obtaining food, cash or  
19 any other services. When a recipient of public assistance is a minor or  
20 otherwise incapacitated individual, a parent or legal guardian of such  
21 recipient may have a photograph of such parent or legal guardian placed  
22 on the card.

23 (B) Any Kansas benefits card with a photograph of a recipient shall  
24 be valid for voting purposes as a public assistance identification card in  
25 accordance with the provisions of K.S.A. 25-2908, and amendments  
26 thereto.

27 (C) As used in this paragraph and its subparagraphs, "Kansas benefits  
28 card" means any card issued to provide food assistance, cash assistance or  
29 child care assistance, including, but not limited to, the vision card, EBT  
30 card and Kansas benefits card.

31 (D) The Kansas department for children and families shall monitor all  
32 recipient requests for a Kansas benefits card replacement and, upon the  
33 fourth such request in a 12-month period, send a notice alerting the  
34 recipient that the recipient's account is being monitored for potential  
35 suspicious activity. If a recipient makes an additional request for  
36 replacement subsequent to such notice, the department shall refer the  
37 investigation to the department's fraud investigation unit.

38 (16) The secretary for children and families shall adopt rules and  
39 regulations *for*:

40 (A) ~~in~~-Determining eligibility for the child care subsidy program,  
41 including an income of a cohabiting partner in a child care household; and

42 (B) ~~in~~-determining and maintaining eligibility for non-TANF child  
43 care, requiring that all included adults shall be employed a minimum of 20

1 hours per week or more as defined by the secretary or meet the following  
2 specific qualifying exemptions:

3 (i) Adults who are not capable of meeting the requirement due to a  
4 documented physical or mental condition;

5 (ii) adults who are former TANF recipients who need child care for  
6 employment after their TANF case has closed and earned income is a  
7 factor in the closure in the two months immediately following TANF  
8 closure;

9 (iii) adult parents included in a case in which the only child receiving  
10 benefits is the child of a minor parent who is working on completion of  
11 high school or obtaining a GED;

12 (iv) adults who are participants in a food assistance employment and  
13 training program;

14 (v) adults who are participants in an early head start child care  
15 partnership program and are working or in school or training; or

16 (vi) adults who are caretakers of a child in custody of the secretary in  
17 out-of-home placement needing child care.

18 The *Kansas* department for children and families shall provide child  
19 care for the pursuit of any degree or certification if the occupation has at  
20 least an average job outlook listed in the occupational outlook of the ~~U.S.~~  
21 *United States* department of labor, bureau of labor statistics. For  
22 occupations with less than an average job outlook, educational plans shall  
23 require approval of the secretary or secretary's designee. Child care may  
24 also be approved if the student provides verification of a specific job offer  
25 that will be available to such student upon completion of the program.  
26 Child care for post-secondary education shall be allowed for a lifetime  
27 maximum of 24 months per adult. The 24 months may not have to be  
28 consecutive. Students shall be engaged in paid employment for a minimum  
29 of 15 hours per week. In a two-parent adult household, child care would  
30 not be allowed if both parents are adults and attending a formal education  
31 or training program at the same time. The household may choose which  
32 one of the parents is participating as a post-secondary student. The other  
33 parent shall meet another approvable criteria for child care subsidy.

34 (17) (A) The secretary for children and families is prohibited from  
35 requesting or implementing a waiver or program from the ~~U.S.~~ *United*  
36 *States* department of agriculture for the time limited assistance provisions  
37 for able-bodied adults aged 18 through 49 without dependents in a  
38 household under the food assistance program. The time on food assistance  
39 for able-bodied adults aged 18 through 49 without dependents in the  
40 household shall be limited to three months in a 36-month period if such  
41 adults are not meeting the requirements imposed by the U.S. department of  
42 agriculture that they must work for at least 20 hours per week or  
43 participate in a federally approved work program or its equivalent.



1 (B) Each food assistance household member who is not otherwise  
2 exempt from the following work requirements shall: Register for work;  
3 participate in an employment and training program, if assigned to such a  
4 program by the department; accept a suitable employment offer; and not  
5 voluntarily quit a job of at least 30 hours per week.

6 (C) Any recipient who has not complied with the work requirements  
7 under subparagraph (B) shall be ineligible to participate in the food  
8 assistance program for the following time period and until the recipient  
9 complies with such work requirements *for a*:

10 (i) ~~For a~~ First penalty, three months;

11 (ii) ~~for a~~ second penalty, six months; and

12 (iii) ~~for a~~ third penalty and any subsequent penalty, one year.

13 (18) Eligibility for the food assistance program shall be limited to  
14 those individuals who are citizens or who meet qualified non-citizen status  
15 as determined by U.S. department of agriculture. Non-citizen individuals  
16 who are unable or unwilling to provide qualifying immigrant  
17 documentation, as defined by the ~~U.S.~~ *United States* department of  
18 agriculture, residing within a household shall not be included when  
19 determining the household's size for the purposes of assigning a benefit  
20 level to the household for food assistance or comparing the household's  
21 monthly income with the income eligibility standards. The gross non-  
22 exempt earned and unearned income and resources of disqualified  
23 individuals shall be counted in its entirety as available to the remaining  
24 household members.

25 (19) The secretary for children and families shall not enact the state  
26 option from the ~~U.S.~~ *United States* department of agriculture for broad-  
27 based categorical eligibility for households applying for food assistance  
28 according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

29 (20) No federal or state funds shall be used for television, radio or  
30 billboard advertisements that are designed to promote food assistance  
31 benefits and enrollment. No federal or state funding shall be used for any  
32 agreements with foreign governments designed to promote food  
33 assistance.

34 (21) (A) The secretary for children and families shall not apply gross  
35 income standards for food assistance higher than the standards specified in  
36 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical  
37 eligibility exempting households from such gross income standards  
38 requirements shall not be granted for any non-cash, in-kind or other  
39 benefit unless expressly required by federal law.

40 (B) The secretary for children and families shall not apply resource  
41 limits standards for food assistance that are higher than the standards  
42 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal  
43 law. Categorical eligibility exempting households from such resource

1 limits shall not be granted for any non-cash, in-kind or other benefit unless  
2 expressly required by federal law.

3 (c) (1) ~~On and after January 1, 2017,~~ The *Kansas* department for  
4 children and families shall conduct an electronic check for any false  
5 information provided on an application for TANF and other benefits  
6 programs administered by the department. For TANF cash assistance, food  
7 assistance and the child care subsidy program, the department shall verify  
8 the identity of all adults in the assistance household.

9 (2) The department of administration shall provide monthly to the  
10 Kansas department for children and families the social security numbers or  
11 alternate taxpayer identification numbers of all persons who claim a  
12 Kansas lottery prize in excess of \$5,000 during the reported month. The  
13 Kansas department for children and families shall verify if individuals  
14 with such winnings are receiving TANF cash assistance, food assistance or  
15 assistance under the child care subsidy program and take appropriate  
16 action. The Kansas department for children and families shall use data  
17 received under this subsection solely, and for no other purpose, to  
18 determine if any recipient's eligibility for benefits has been affected by  
19 lottery prize winnings. The Kansas department for children and families  
20 shall not publicly disclose the identity of any lottery prize winner,  
21 including recipients who are determined to have illegally received  
22 benefits.

23 (d) *Temporary assistance for needy families; assignment of support*  
24 *rights and limited power of attorney.* By applying for or receiving  
25 temporary assistance for needy families such applicant or recipient shall be  
26 deemed to have assigned to the secretary on behalf of the state any  
27 accrued, present or future rights to support from any other person such  
28 applicant may have in such person's own behalf or in behalf of any other  
29 family member for whom the applicant is applying for or receiving aid. In  
30 any case in which an order for child support has been established and the  
31 legal custodian and obligee under the order surrenders physical custody of  
32 the child to a caretaker relative without obtaining a modification of legal  
33 custody and support rights on behalf of the child are assigned pursuant to  
34 this section, the surrender of physical custody and the assignment shall  
35 transfer, by operation of law, the child's support rights under the order to  
36 the secretary on behalf of the state. Such assignment shall be of all  
37 accrued, present or future rights to support of the child surrendered to the  
38 caretaker relative. The assignment of support rights shall automatically  
39 become effective upon the date of approval for or receipt of such aid  
40 without the requirement that any document be signed by the applicant,  
41 recipient or obligee. By applying for or receiving temporary assistance for  
42 needy families, or by surrendering physical custody of a child to a  
43 caretaker relative who is an applicant or recipient of such assistance on the

1 child's behalf, the applicant, recipient or obligee is also deemed to have  
2 appointed the secretary, or the secretary's designee, as an attorney-in-fact  
3 to perform the specific act of negotiating and endorsing all drafts, checks,  
4 money orders or other negotiable instruments representing support  
5 payments received by the secretary in behalf of any person applying for,  
6 receiving or having received such assistance. This limited power of  
7 attorney shall be effective from the date the secretary approves the  
8 application for aid and shall remain in effect until the assignment of  
9 support rights has been terminated in full.

10 (e) *Requirements for medical assistance for which federal moneys or*  
11 *state moneys or both are expended.* (1) When the secretary has adopted a  
12 medical care plan under which federal moneys or state moneys or both are  
13 expended, medical assistance in accordance with such plan shall be  
14 granted to any person who is a citizen of the United States or who is an  
15 alien lawfully admitted to the United States and who is residing in the state  
16 of Kansas, whose resources and income do not exceed the levels  
17 prescribed by the secretary. In determining the need of an individual, the  
18 secretary may provide for income and resource exemptions and protected  
19 income and resource levels. Resources from inheritance shall be counted.  
20 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and  
21 amendments thereto, shall constitute a transfer of resources. The secretary  
22 shall exempt principal and interest held in irrevocable trust pursuant to  
23 K.S.A. 16-303(c), and amendments thereto, from the eligibility  
24 requirements of applicants for and recipients of medical assistance. Such  
25 assistance shall be known as medical assistance.

26 (2) For the purposes of medical assistance eligibility determinations  
27 on or after July 1, 2004, if an applicant or recipient owns property in joint  
28 tenancy with some other party and the applicant or recipient of medical  
29 assistance has restricted or conditioned their interest in such property to a  
30 specific and discrete property interest less than 100%, then such  
31 designation will cause the full value of the property to be considered an  
32 available resource to the applicant or recipient. Medical assistance  
33 eligibility for receipt of benefits under the title XIX of the social security  
34 act, commonly known as medicaid, shall not be expanded, as provided for  
35 in the patient protection and affordable care act, public law 111-148, 124  
36 stat. 119, and the health care and education reconciliation act of 2010,  
37 public law 111-152, 124 stat. 1029, unless the legislature expressly  
38 consents to, and approves of, the expansion of medicaid services by an act  
39 of the legislature.

40 (3) (A) Resources from trusts shall be considered when determining  
41 eligibility of a trust beneficiary for medical assistance. Medical assistance  
42 is to be secondary to all resources, including trusts, that may be available  
43 to an applicant or recipient of medical assistance.

1 (B) If a trust has discretionary language, the trust shall be considered  
2 to be an available resource to the extent, using the full extent of discretion,  
3 the trustee may make any of the income or principal available to the  
4 applicant or recipient of medical assistance. Any such discretionary trust  
5 shall be considered an available resource unless:

6 (i) At the time of creation or amendment of the trust, the trust states a  
7 clear intent that the trust is supplemental to public assistance; and

8 (ii) the trust *is funded*:

9 (a) ~~is funded~~ From resources of a person who, at the time of such  
10 funding, owed no duty of support to the applicant or recipient of medical  
11 assistance; or

12 (b) ~~is funded~~ not more than nominally from resources of a person  
13 while that person owed a duty of support to the applicant or recipient of  
14 medical assistance.

15 (C) For the purposes of this paragraph, "public assistance" includes,  
16 but is not limited to, medicaid, medical assistance or title XIX of the social  
17 security act.

18 (4) (A) When an applicant or recipient of medical assistance is a party  
19 to a contract, agreement or accord for personal services being provided by  
20 a nonlicensed individual or provider and such contract, agreement or  
21 accord involves health and welfare monitoring, pharmacy assistance, case  
22 management, communication with medical, health or other professionals,  
23 or other activities related to home health care, long term care, medical  
24 assistance benefits, or other related issues, any moneys paid under such  
25 contract, agreement or accord shall be considered to be an available  
26 resource unless the following restrictions are met:

27 (i) The contract, agreement or accord must be in writing and executed  
28 prior to any services being provided;

29 (ii) the moneys paid are in direct relationship with the fair market  
30 value of such services being provided by similarly situated and trained  
31 nonlicensed individuals;

32 (iii) if no similarly situated nonlicensed individuals or situations can  
33 be found, the value of services will be based on federal hourly minimum  
34 wage standards;

35 (iv) such individual providing the services will report all receipts of  
36 moneys as income to the appropriate state and federal governmental  
37 revenue agencies;

38 (v) any amounts due under such contract, agreement or accord shall  
39 be paid after the services are rendered;

40 (vi) the applicant or recipient shall have the power to revoke the  
41 contract, agreement or accord; and

42 (vii) upon the death of the applicant or recipient, the contract,  
43 agreement or accord ceases.

1 (B) When an applicant or recipient of medical assistance is a party to  
2 a written contract for personal services being provided by a licensed health  
3 professional or facility and such contract involves health and welfare  
4 monitoring, pharmacy assistance, case management, communication with  
5 medical, health or other professionals, or other activities related to home  
6 health care, long term care, medical assistance benefits or other related  
7 issues, any moneys paid in advance of receipt of services for such  
8 contracts shall be considered to be an available resource.

9 (5) Any trust may be amended if such amendment is permitted by the  
10 Kansas uniform trust code.

11 (f) *Eligibility for medical assistance of resident receiving medical*  
12 *care outside state.* A person who is receiving medical care including long-  
13 term care outside of Kansas whose health would be endangered by the  
14 postponement of medical care until return to the state or by travel to return  
15 to Kansas, may be determined eligible for medical assistance if such  
16 individual is a resident of Kansas and all other eligibility factors are met.  
17 Persons who are receiving medical care on an ongoing basis in a long-term  
18 medical care facility in a state other than Kansas and who do not return to  
19 a care facility in Kansas when they are able to do so, shall no longer be  
20 eligible to receive assistance in Kansas unless such medical care is not  
21 available in a comparable facility or program providing such medical care  
22 in Kansas. For persons who are minors or who are under guardianship, the  
23 actions of the parent or guardian shall be deemed to be the actions of the  
24 child or ward in determining whether or not the person is remaining  
25 outside the state voluntarily.

26 (g) *Medical assistance; assignment of rights to medical support and*  
27 *limited power of attorney; recovery from estates of deceased recipients.* (1)

28 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and  
29 amendments thereto, or as otherwise authorized on and after September  
30 30, 1989, under section 303 of the federal medicare catastrophic coverage  
31 act of 1988, whichever is applicable, by applying for or receiving medical  
32 assistance under a medical care plan in which federal funds are expended,  
33 any accrued, present or future rights to support and any rights to payment  
34 for medical care from a third party of an applicant or recipient and any  
35 other family member for whom the applicant is applying shall be deemed  
36 to have been assigned to the secretary on behalf of the state. The  
37 assignment shall automatically become effective upon the date of approval  
38 for such assistance without the requirement that any document be signed  
39 by the applicant or recipient. By applying for or receiving medical  
40 assistance the applicant or recipient is also deemed to have appointed the  
41 secretary, or the secretary's designee, as an attorney in fact to perform the  
42 specific act of negotiating and endorsing all drafts, checks, money orders  
43 or other negotiable instruments, representing payments received by the

1 secretary in on behalf of any person applying for, receiving or having  
2 received such assistance. This limited power of attorney shall be effective  
3 from the date the secretary approves the application for assistance and  
4 shall remain in effect until the assignment has been terminated in full. The  
5 assignment of any rights to payment for medical care from a third party  
6 under this subsection shall not prohibit a health care provider from directly  
7 billing an insurance carrier for services rendered if the provider has not  
8 submitted a claim covering such services to the secretary for payment.  
9 Support amounts collected on behalf of persons whose rights to support  
10 are assigned to the secretary only under this subsection and no other shall  
11 be distributed pursuant to K.S.A. 39-756(d), and amendments thereto,  
12 except that any amounts designated as medical support shall be retained by  
13 the secretary for repayment of the unreimbursed portion of assistance.  
14 Amounts collected pursuant to the assignment of rights to payment for  
15 medical care from a third party shall also be retained by the secretary for  
16 repayment of the unreimbursed portion of assistance.

17 (B) Notwithstanding the provisions of subparagraph (A), the  
18 secretary of health and environment, or the secretary's designee, is hereby  
19 authorized to and shall exercise any of the powers specified in  
20 subparagraph (A) in relation to performance of such secretary's duties  
21 pertaining to medical subrogation, estate recovery or any other duties  
22 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes  
23 Annotated, and amendments thereto.

24 (2) The amount of any medical assistance paid after June 30, 1992,  
25 under the provisions of subsection (e) is: ~~(A)~~ a claim against the property  
26 or any interest therein belonging to and a part of the estate of any deceased  
27 recipient or, if there is no estate, the estate of the surviving spouse, if any,  
28 shall be charged for such medical assistance paid to either or both; and ~~(B)~~  
29 a claim against any funds of such recipient or spouse in any account under  
30 K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall  
31 be no recovery of medical assistance correctly paid to or on behalf of an  
32 individual under subsection (e) except after the death of the surviving  
33 spouse of the individual, if any, and only at a time when the individual has  
34 no surviving child who is under 21 years of age or is blind or permanently  
35 and totally disabled. Transfers of real or personal property by recipients of  
36 medical assistance without adequate consideration are voidable and may  
37 be set aside. Except where there is a surviving spouse, or a surviving child  
38 who is under 21 years of age or is blind or permanently and totally  
39 disabled, the amount of any medical assistance paid under subsection (e) is  
40 a claim against the estate in any guardianship or conservatorship  
41 proceeding. The monetary value of any benefits received by the recipient  
42 of such medical assistance under long-term care insurance, as defined by  
43 K.S.A. 40-2227, and amendments thereto, shall be a credit against the

1 amount of the claim provided for such medical assistance under this  
2 subsection. The secretary of health and environment is authorized to  
3 enforce each claim provided for under this subsection. The secretary of  
4 health and environment shall not be required to pursue every claim, but is  
5 granted discretion to determine which claims to pursue. All moneys  
6 received by the secretary of health and environment from claims under this  
7 subsection shall be deposited in the social welfare fund. The secretary of  
8 health and environment may adopt rules and regulations for the  
9 implementation and administration of the medical assistance recovery  
10 program under this subsection.

11 (3) By applying for or receiving medical assistance under the  
12 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and  
13 amendments thereto, such individual or such individual's agent, fiduciary,  
14 guardian, conservator, representative payee or other person acting on  
15 behalf of the individual consents to the following definitions of estate and  
16 the results therefrom:

17 (A) If an individual receives any medical assistance before July 1,  
18 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
19 and amendments thereto, which forms the basis for a claim under  
20 paragraph (2), such claim is limited to the individual's probatable estate as  
21 defined by applicable law; and

22 (B) if an individual receives any medical assistance on or after July 1,  
23 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
24 and amendments thereto, which forms the basis for a claim under  
25 paragraph (2), such claim shall apply to the individual's medical assistance  
26 estate. The medical assistance estate is defined as including all real and  
27 personal property and other assets in which the deceased individual had  
28 any legal title or interest immediately before or at the time of death to the  
29 extent of that interest or title. The medical assistance estate includes,  
30 without limitation assets conveyed to a survivor, heir or assign of the  
31 deceased recipient through joint tenancy, tenancy in common,  
32 survivorship, transfer-on-death deed, payable-on-death contract, life estate,  
33 trust, annuities or similar arrangement.

34 (4) The secretary of health and environment or the secretary's  
35 designee is authorized to file and enforce a lien against the real property of  
36 a recipient of medical assistance in certain situations, subject to all prior  
37 liens of record and transfers for value to a bona fide purchaser of record.  
38 The lien must be filed in the office of the register of deeds of the county  
39 where the real property is located within one year from the date of death of  
40 the recipient and must contain the legal description of all real property in  
41 the county subject to the lien.

42 (A) After the death of a recipient of medical assistance, the secretary  
43 of health and environment or the secretary's designee may place a lien on

1 any interest in real property owned by such recipient.

2 (B) The secretary of health and environment or the secretary's  
3 designee may place a lien on any interest in real property owned by a  
4 recipient of medical assistance during the lifetime of such recipient. Such  
5 lien may be filed only after notice and an opportunity for a hearing has  
6 been given. Such lien may be enforced only upon competent medical  
7 testimony that the recipient cannot reasonably be expected to be  
8 discharged and returned home. A six-month period of compensated  
9 inpatient care at a nursing home or other medical institution shall  
10 constitute a determination by the department of health and environment  
11 that the recipient cannot reasonably be expected to be discharged and  
12 returned home. To return home means the recipient leaves the nursing or  
13 medical facility and resides in the home on which the lien has been placed  
14 for a continuous period of at least 90 days without being readmitted as an  
15 inpatient to a nursing or medical facility. The amount of the lien shall be  
16 for the amount of assistance paid by the department of health and  
17 environment until the time of the filing of the lien and for any amount paid  
18 thereafter for such medical assistance to the recipient. After the lien is filed  
19 against any real property owned by the recipient, such lien will be  
20 dissolved if the recipient is discharged, returns home and resides upon the  
21 real property to which the lien is attached for a continuous period of at  
22 least 90 days without being readmitted as an inpatient to a nursing or  
23 medical facility. If the recipient is readmitted as an inpatient to a nursing or  
24 medical facility for a continuous period of less than 90 days, another  
25 continuous period of at least 90 days shall be completed prior to  
26 dissolution of the lien.

27 (5) The lien filed by the secretary of health and environment or the  
28 secretary's designee for medical assistance correctly received may be  
29 enforced before or after the death of the recipient by the filing of an action  
30 to foreclose such lien in the Kansas district court or through an estate  
31 probate court action in the county where the real property of the recipient  
32 is located. However, it may be enforced only:

33 (A) After the death of the surviving spouse of the recipient;

34 (B) when there is no child of the recipient, natural or adopted, who is  
35 20 years of age or less residing in the home;

36 (C) when there is no adult child of the recipient, natural or adopted,  
37 who is blind or disabled residing in the home; or

38 (D) when no brother or sister of the recipient is lawfully residing in  
39 the home, who has resided there for at least one year immediately before  
40 the date of the recipient's admission to the nursing or medical facility, and  
41 has resided there on a continuous basis since that time.

42 (6) The lien remains on the property even after a transfer of the title  
43 by conveyance, sale, succession, inheritance or will unless one of the



1 following events occur:

2 (A) The lien is satisfied. The recipient, the heirs, personal  
3 representative or assigns of the recipient may discharge such lien at any  
4 time by paying the amount of the lien to the secretary of health and  
5 environment or the secretary's designee;

6 (B) the lien is terminated by foreclosure of prior lien of record or  
7 settlement action taken in lieu of foreclosure; or

8 (C) the value of the real property is consumed by the lien, at which  
9 time the secretary of health and environment or the secretary's designee  
10 may force the sale for the real property to satisfy the lien.

11 (7) If the secretary for aging and disability services or the secretary of  
12 health and environment, or both, or such secretary's designee has not filed  
13 an action to foreclose the lien in the Kansas district court in the county  
14 where the real property is located within 10 years from the date of the  
15 filing of the lien, then the lien shall become dormant, and shall cease to  
16 operate as a lien on the real estate of the recipient. Such dormant lien may  
17 be revived in the same manner as a dormant judgment lien is revived under  
18 K.S.A. 60-2403 et seq., and amendments thereto.

19 (8) Within seven days of receipt of notice by the secretary for  
20 children and families or the secretary's designee of the death of a recipient  
21 of medical assistance under this subsection, the secretary for children and  
22 families or the secretary's designee shall give notice of such recipient's  
23 death to the secretary of health and environment or the secretary's  
24 designee.

25 (9) All rules and regulations adopted on and after July 1, 2013, and  
26 prior to July 1, 2014, to implement this subsection shall continue to be  
27 effective and shall be deemed to be duly adopted rules and regulations of  
28 the secretary of health and environment until revised, amended, revoked or  
29 nullified pursuant to law.

30 (h) *Placement under the revised Kansas code for care of children or*  
31 *revised Kansas juvenile justice code; assignment of support rights and*  
32 *limited power of attorney.* In any case in which the secretary for children  
33 and families pays for the expenses of care and custody of a child pursuant  
34 to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto,  
35 including the expenses of any foster care placement, an assignment of all  
36 past, present and future support rights of the child in custody possessed by  
37 either parent or other person entitled to receive support payments for the  
38 child is, by operation of law, conveyed to the secretary. Such assignment  
39 shall become effective upon placement of a child in the custody of the  
40 secretary or upon payment of the expenses of care and custody of a child  
41 by the secretary without the requirement that any document be signed by  
42 the parent or other person entitled to receive support payments for the  
43 child. When the secretary pays for the expenses of care and custody of a

1 child or a child is placed in the custody of the secretary, the parent or other  
2 person entitled to receive support payments for the child is also deemed to  
3 have appointed the secretary, or the secretary's designee, as attorney in fact  
4 to perform the specific act of negotiating and endorsing all drafts, checks,  
5 money orders or other negotiable instruments representing support  
6 payments received by the secretary on behalf of the child. This limited  
7 power of attorney shall be effective from the date the assignment to  
8 support rights becomes effective and shall remain in effect until the  
9 assignment of support rights has been terminated in full.

10 (i) No person who voluntarily quits employment or who is fired from  
11 employment due to gross misconduct as defined by rules and regulations  
12 of the secretary or who is a fugitive from justice by reason of a felony  
13 conviction or charge or violation of a condition of probation or parole  
14 imposed under federal or state law shall be eligible to receive public  
15 assistance benefits in this state. Any recipient of public assistance who  
16 fails to timely comply with monthly reporting requirements under criteria  
17 and guidelines prescribed by rules and regulations of the secretary shall be  
18 subject to a penalty established by the secretary by rules and regulations.

19 (j) If the applicant or recipient of temporary assistance for needy  
20 families is a mother of the dependent child, as a condition of the mother's  
21 eligibility for temporary assistance for needy families the mother shall  
22 identify by name and, if known, by current address the father of the  
23 dependent child except that the secretary may adopt by rules and  
24 regulations exceptions to this requirement in cases of undue hardship. Any  
25 recipient of temporary assistance for needy families who fails to cooperate  
26 with requirements relating to child support services under criteria and  
27 guidelines prescribed by rules and regulations of the secretary shall be  
28 subject to a penalty established by the secretary.

29 (k) By applying for or receiving child care benefits or food  
30 assistance, the applicant or recipient shall be deemed to have assigned,  
31 pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on  
32 behalf of the state only accrued, present or future rights to support from  
33 any other person such applicant may have in such person's own behalf or  
34 in behalf of any other family member for whom the applicant is applying  
35 for or receiving aid. The assignment of support rights shall automatically  
36 become effective upon the date of approval for or receipt of such aid  
37 without the requirement that any document be signed by the applicant or  
38 recipient. By applying for or receiving child care benefits or food  
39 assistance, the applicant or recipient is also deemed to have appointed the  
40 secretary, or the secretary's designee, as an attorney in fact to perform the  
41 specific act of negotiating and endorsing all drafts, checks, money orders  
42 or other negotiable instruments representing support payments received by  
43 the secretary in behalf of any person applying for, receiving or having

1 received such assistance. This limited power of attorney shall be effective  
2 from the date the secretary approves the application for aid and shall  
3 remain in effect until the assignment of support rights has been terminated  
4 in full. An applicant or recipient who has assigned support rights to the  
5 secretary pursuant to this subsection shall cooperate in establishing and  
6 enforcing support obligations to the same extent required of applicants for  
7 or recipients of temporary assistance for needy families.

8 (1) (1) A program of drug screening for applicants for cash assistance  
9 as a condition of eligibility for cash assistance and persons receiving cash  
10 assistance as a condition of continued receipt of cash assistance shall be  
11 established, subject to applicable federal law, by the secretary for children  
12 and families on and before January 1, 2014. Under such program of drug  
13 screening, the secretary for children and families shall order a drug  
14 screening of an applicant for or a recipient of cash assistance at any time  
15 when reasonable suspicion exists that such applicant for or recipient of  
16 cash assistance is unlawfully using a controlled substance or controlled  
17 substance analog. The secretary for children and families may use any  
18 information obtained by the secretary for children and families to  
19 determine whether such reasonable suspicion exists, including, but not  
20 limited to, an applicant's or recipient's demeanor, missed appointments and  
21 arrest or other police records, previous employment or application for  
22 employment in an occupation or industry that regularly conducts drug  
23 screening, termination from previous employment due to unlawful use of a  
24 controlled substance or controlled substance analog or prior drug screening  
25 records of the applicant or recipient indicating unlawful use of a controlled  
26 substance or controlled substance analog.

27 (2) Any applicant for or recipient of cash assistance whose drug  
28 screening results in a positive test may request that the drug screening  
29 specimen be sent to a different drug testing facility for an additional drug  
30 screening. Any applicant for or recipient of cash assistance who requests  
31 an additional drug screening at a different drug testing facility shall be  
32 required to pay the cost of drug screening. Such applicant or recipient who  
33 took the additional drug screening and who tested negative for unlawful  
34 use of a controlled substance and controlled substance analog shall be  
35 reimbursed for the cost of such additional drug screening.

36 (3) Any applicant for or recipient of cash assistance who tests  
37 positive for unlawful use of a controlled substance or controlled substance  
38 analog shall be required to complete a substance abuse treatment program  
39 approved by the secretary for children and families, secretary of labor or  
40 secretary of commerce, and a job skills program approved by the secretary  
41 for children and families, secretary of labor or secretary of commerce.  
42 Subject to applicable federal laws, any applicant for or recipient of cash  
43 assistance who fails to complete or refuses to participate in the substance

1 abuse treatment program or job skills program as required under this  
2 subsection shall be ineligible to receive cash assistance until completion of  
3 such substance abuse treatment and job skills programs. Upon completion  
4 of both substance abuse treatment and job skills programs, such applicant  
5 for or recipient of cash assistance may be subject to periodic drug  
6 screening, as determined by the secretary for children and families. Upon a  
7 second positive test for unlawful use of a controlled substance or  
8 controlled substance analog, a recipient of cash assistance shall be ordered  
9 to complete again a substance abuse treatment program and job skills  
10 program, and shall be terminated from cash assistance for a period of 12  
11 months, or until such recipient of cash assistance completes both substance  
12 abuse treatment and job skills programs, whichever is later. Upon a third  
13 positive test for unlawful use of a controlled substance or controlled  
14 substance analog, a recipient of cash assistance shall be terminated from  
15 cash assistance, subject to applicable federal law.

16 (4) If an applicant for or recipient of cash assistance is ineligible for  
17 or terminated from cash assistance as a result of a positive test for  
18 unlawful use of a controlled substance or controlled substance analog, and  
19 such applicant for or recipient of cash assistance is the parent or legal  
20 guardian of a minor child, an appropriate protective payee shall be  
21 designated to receive cash assistance on behalf of such child. Such parent  
22 or legal guardian of the minor child may choose to designate an individual  
23 to receive cash assistance for such parent's or legal guardian's minor child,  
24 as approved by the secretary for children and families. Prior to the  
25 designated individual receiving any cash assistance, the secretary for  
26 children and families shall review whether reasonable suspicion exists that  
27 such designated individual is unlawfully using a controlled substance or  
28 controlled substance analog.

29 (A) In addition, any individual designated to receive cash assistance  
30 on behalf of an eligible minor child shall be subject to drug screening at  
31 any time when reasonable suspicion exists that such designated individual  
32 is unlawfully using a controlled substance or controlled substance analog.  
33 The secretary for children and families may use any information obtained  
34 by the secretary for children and families to determine whether such  
35 reasonable suspicion exists, including, but not limited to, the designated  
36 individual's demeanor, missed appointments and arrest or other police  
37 records, previous employment or application for employment in an  
38 occupation or industry that regularly conducts drug screening, termination  
39 from previous employment due to unlawful use of a controlled substance  
40 or controlled substance analog or prior drug screening records of the  
41 designated individual indicating unlawful use of a controlled substance or  
42 controlled substance analog.

43 (B) Any designated individual whose drug screening results in a

1 positive test may request that the drug screening specimen be sent to a  
2 different drug testing facility for an additional drug screening. Any  
3 designated individual who requests an additional drug screening at a  
4 different drug testing facility shall be required to pay the cost of drug  
5 screening. Such designated individual who took the additional drug  
6 screening and who tested negative for unlawful use of a controlled  
7 substance and controlled substance analog shall be reimbursed for the cost  
8 of such additional drug screening.

9 (C) Upon any positive test for unlawful use of a controlled substance  
10 or controlled substance analog, the designated individual shall not receive  
11 cash assistance on behalf of the parent's or legal guardian's minor child,  
12 and another designated individual shall be selected by the secretary for  
13 children and families to receive cash assistance on behalf of such parent's  
14 or legal guardian's minor child.

15 (5) If a person has been convicted under federal or state law of any  
16 offense ~~which~~ that is classified as a felony by the law of the jurisdiction  
17 and ~~which~~ has as an element of such offense the manufacture, cultivation,  
18 distribution, possession or use of a controlled substance or controlled  
19 substance analog, and the date of conviction is on or after July 1, 2013,  
20 such person shall thereby become forever ineligible to receive any cash  
21 assistance under this subsection unless such conviction is the person's first  
22 conviction. First-time offenders convicted under federal or state law of any  
23 offense ~~which~~ that is classified as a felony by the law of the jurisdiction  
24 and ~~which~~ has as an element of such offense the manufacture, cultivation,  
25 distribution, possession or use of a controlled substance or controlled  
26 substance analog, and the date of conviction is on or after July 1, 2013,  
27 such person shall become ineligible to receive cash assistance for five  
28 years from the date of conviction.

29 (6) Except for hearings before the Kansas department for children  
30 and families or, the results of any drug screening administered as part of  
31 the drug screening program authorized by this subsection shall be  
32 confidential and shall not be disclosed publicly.

33 (7) The secretary for children and families may adopt such rules and  
34 regulations as are necessary to carry out the provisions of this subsection.

35 (8) Any authority granted to the secretary for children and families  
36 under this subsection shall be in addition to any other penalties prescribed  
37 by law.

38 (9) As used in this subsection:

39 (A) "Cash assistance" means cash assistance provided to individuals  
40 under the provisions of article 7 of chapter 39 of the Kansas Statutes  
41 Annotated, and amendments thereto, and any rules and regulations adopted  
42 pursuant to such ~~statutes~~ provisions.

43 (B) "Controlled substance" means the same as in K.S.A. 2021 Supp.

1 21-5701, and amendments thereto, and 21 U.S.C. § 802.

2 (C) "Controlled substance analog" means the same as in K.S.A. 2021  
3 Supp. 21-5701, and amendments thereto.

4 Sec. 2. K.S.A. 39-709 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its  
6 publication in the statute book.