

HOUSE BILL No. 2179

By Committee on Appropriations

1-25

1 AN ACT concerning public assistance; relating to child care assistance;
2 ~~removing,~~ non-cooperation with child support from disqualifications
3 ~~for child care assistance;~~ **requiring the secretary to conduct reviews**
4 **of cooperation;** amending K.S.A. 2022 Supp. 39-709 and repealing the
5 existing section.
6

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

8 Section 1. K.S.A. 2022 Supp. 39-709 is hereby amended to read as
9 follows: 39-709. (a) *General eligibility requirements for assistance for*
10 *which federal moneys are expended.* Subject to the additional requirements
11 below, assistance in accordance with plans under which federal moneys
12 are expended may be granted to any needy person who:

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

1 applicant for assistance except that any additional motor vehicle used by
2 the applicant, the applicant's spouse or the applicant's cohabiting partner
3 for the primary purpose of earning income may be considered as exempt
4 personal property in the secretary's discretion; or

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

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

17 (1) As used in this subsection, "family group" or "household" means
18 the applicant or recipient for TANF, child care subsidy or employment
19 services and all individuals living together in which there is a relationship
20 of legal responsibility or a qualifying caretaker relationship. This will
21 include a cohabiting boyfriend or girlfriend living with the person legally
22 responsible for the child. The family group shall not be eligible for TANF
23 if the family group contains at least one adult member who has received
24 TANF, including the federal TANF assistance received in any other state,
25 for 24 calendar months beginning on and after October 1, 1996, unless the
26 secretary determines a hardship exists and grants an extension allowing
27 receipt of TANF until the 36-month limit is reached. No extension beyond
28 36 months shall be granted. Hardship provisions for a recipient include:

29 (A) Is a caretaker of a disabled family member living in the
30 household;

31 (B) has a disability that precludes employment on a long-term basis
32 or requires substantial rehabilitation;

33 (C) needs a time limit extension to overcome the effects of domestic
34 ~~violence/sexual~~ violence or sexual assault;

35 (D) is involved with prevention and protection services and has an
36 open social service plan; or

37 (E) is determined by the 24th month to have an extreme hardship other
38 than what is designated in criteria listed in subparagraphs (A) through (D).
39 This determination will be made by the executive review team.

40 (2) All adults applying for TANF shall be required to complete a
41 work program assessment as specified by the Kansas department for
42 children and families, including those who have been disqualified for or
43 denied TANF due to non-cooperation, drug testing requirements or fraud.

1 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
2 relative/non-relative caretakers and adults receiving supplemental security
3 income are not required to complete the assessment process. During the
4 application processing period, applicants must complete at least one
5 module or its equivalent of the work program assessment to be considered
6 eligible for TANF benefits, unless good cause is found to be exempt from
7 the requirements. Good cause exemptions shall only include that the
8 applicant:

9 (A) Can document an existing certification verifying completion of
10 the work program assessment;

11 (B) has a valid offer of employment or is employed a minimum of 20
12 hours a week;

13 (C) is a parenting teen without a GED or high school diploma;

14 (D) is enrolled in job corps;

15 (E) is working with a refugee social services agency; or

16 (F) has completed the work program assessment within the last 12
17 months.

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

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

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

42 (C) The following components meet federal definitions of primary
43 hours of participation: Full or part-time employment, apprenticeship, work

1 study, self-employment, job corps, subsidized employment, work
2 experience sites, on-the-job training, supervised community service,
3 vocational education, job search and job readiness. Secondary components
4 include: Job skills training, education directly related to employment such
5 as adult basic education and English as a second language, and completion
6 of a high school diploma or GED.

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

18 (A) Either parent when two parents are in the home and the
19 household meets the two-parent definition for federal reporting purposes;

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

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

28 (D) any person assigned to a work participation activity for substance
29 use disorders.

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

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

42 (8) Non-cooperation is the failure of the applicant or recipient to
43 comply with all requirements provided in state and federal law, federal and

1 state rules and regulations and agency policy. The period of ineligibility
2 for TANF benefits based on non-cooperation, as defined in K.S.A. 39-702,
3 and amendments thereto, with work programs shall be as follows, for a:

4 (A) First penalty, three months and full cooperation with work
5 program activities;

6 (B) second penalty, six months and full cooperation with work
7 program activities;

8 (C) third penalty, one year and full cooperation with work program
9 activities; and

10 (D) fourth or subsequent penalty, 10 years.

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

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

24 ~~(A)(i)~~ First penalty, three months and cooperation with child support
25 services prior to regaining eligibility;

26 ~~(B)(ii)~~ second penalty, six months and cooperation with child support
27 services prior to regaining eligibility;

28 ~~(C)(iii)~~ third penalty, one year and cooperation with child support
29 services prior to regaining eligibility; and

30 ~~(D)(iv)~~ fourth penalty, 10 years.

31 **(B) (i) The period of ineligibility for child care subsidy based on**
32 **parents' non-cooperation, as defined in K.S.A. 39-702, and**
33 **amendments thereto, with child support services shall be as follows,**
34 **for a:**

35 **(a) First penalty, three months and cooperation with child**
36 **support services prior to regaining eligibility;**

37 **(b) second penalty, six months and cooperation with child**
38 **support services prior to regaining eligibility;**

39 **(c) third penalty, one year and cooperation with child support**
40 **services prior to regaining eligibility; and**

41 **(d) fourth penalty, 10 years.**

42 **(ii) The secretary, or the secretary's designee, shall review child**
43 **support compliance of a parent:**

1 **(a) Upon application for child care subsidy;**

2 **(b) after 12 months of continuous eligibility for child care**
3 **subsidy; and**

4 **(c) following such 12 months of continuous eligibility when the**
5 **secretary renews or redetermines a parent's eligibility for child care**
6 **subsidy.**

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

11 (12) (A) Any individual who is found to have committed fraud or is
12 found guilty of the crime of theft pursuant to K.S.A. 39-720, and
13 amendments thereto, and K.S.A. 2022 Supp. 21-5801, and amendments
14 thereto, in either the TANF or child care program shall render all adults in
15 the family unit ineligible for TANF assistance. Adults in the household
16 who have been determined to have committed fraud or were convicted of
17 the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and
18 K.S.A. 2022 Supp. 21-5801, and amendments thereto, shall render
19 themselves and all adult household members ineligible for their lifetime
20 for TANF, even if fraud was committed in only one program. Households
21 who have been determined to have committed fraud or were convicted of
22 the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and
23 K.S.A. 2022 Supp. 21-5801, and amendments thereto, shall be required to
24 name a protective payee as approved by the secretary or the secretary's
25 designee to administer TANF benefits or food assistance on behalf of the
26 children. No adult in a household may have access to the TANF cash
27 assistance benefit.

28 (B) Any individual who has failed to cooperate with a fraud
29 investigation shall be ineligible to participate in the TANF cash assistance
30 program and the child care subsidy program until the Kansas department
31 for children and families determines that such individual is cooperating
32 with the fraud investigation. The Kansas department for children and
33 families shall maintain a sufficient level of fraud investigative staff to
34 enable the department to conduct fraud investigations in a timely manner
35 and in full accordance with state law and department rules and regulations
36 or policies.

37 (13) (A) Food assistance shall not be provided to any person
38 convicted of a felony offense occurring on or after July 1, 2015, that
39 includes as an element of such offense the manufacture, cultivation,
40 distribution, possession or use of a controlled substance or controlled
41 substance analog. For food assistance, the individual shall be permanently
42 disqualified if such individual has been convicted of a state or federal
43 felony offense occurring on or after July 1, 2015, involving possession or

1 use of a controlled substance or controlled substance analog.

2 (B) (i) Notwithstanding the provisions of subparagraph (A), an
3 individual shall be eligible for food assistance if the individual enrolls in
4 and participates in a drug treatment program approved by the secretary,
5 submits to and passes a drug test and agrees to submit to drug testing if
6 requested by the department pursuant to a drug testing plan.

7 (ii) An individual's failure to submit to testing or failure to
8 successfully pass a drug test shall result in ineligibility for food assistance
9 until a drug test is successfully passed. Failure to successfully complete a
10 drug treatment program shall result in ineligibility for food assistance until
11 a drug treatment plan approved by the secretary is successfully completed,
12 the individual passes a drug test and agrees to submit to drug testing if
13 requested by the department pursuant to a drug testing plan.

14 (C) The provisions of subparagraph (B) shall not apply to any
15 individual who has been convicted for a second or subsequent felony
16 offense as provided in subparagraph (A).

17 (14) No TANF cash assistance shall be used to purchase alcohol,
18 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
19 collegiate sporting event tickets or tickets for other entertainment events
20 intended for the general public or sexually oriented adult materials. No
21 TANF cash assistance shall be used in any retail liquor store, casino,
22 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
23 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,
24 vapor cigarette store, psychic or fortune telling business, bail bond
25 company, video arcade, movie theater, swimming pool, cruise ship, theme
26 park, dog or horse racing facility, parimutuel facility, or sexually oriented
27 business or any retail establishment that provides adult-oriented
28 entertainment in which performers disrobe or perform in an unclothed
29 state for entertainment, or in any business or retail establishment where
30 minors under age 18 are not permitted. No TANF cash assistance shall be
31 used for purchases at points of sale outside the state of Kansas.

32 (15) (A) The secretary for children and families shall place a
33 photograph of the recipient, if agreed to by such recipient of public
34 assistance, on any Kansas benefits card issued by the Kansas department
35 for children and families that the recipient uses in obtaining food, cash or
36 any other services. When a recipient of public assistance is a minor or
37 otherwise incapacitated individual, a parent or legal guardian of such
38 recipient may have a photograph of such parent or legal guardian placed
39 on the card.

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

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

5 (D) The Kansas department for children and families shall monitor all
6 recipient requests for a Kansas benefits card replacement and, upon the
7 fourth such request in a 12-month period, send a notice alerting the
8 recipient that the recipient's account is being monitored for potential
9 suspicious activity. If a recipient makes an additional request for
10 replacement subsequent to such notice, the department shall refer the
11 investigation to the department's fraud investigation unit.

12 (16) The secretary for children and families shall adopt rules and
13 regulations for:

14 (A) Determining eligibility for the child care subsidy program,
15 including an income of a cohabiting partner in a child care household; and

16 (B) determining and maintaining eligibility for non-TANF child care,
17 requiring that all included adults shall be employed a minimum of 20
18 hours per week or more as defined by the secretary or meet the following
19 specific qualifying exemptions:

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

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

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

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

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

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

35 The Kansas department for children and families shall provide child
36 care for the pursuit of any degree or certification if the occupation has at
37 least an average job outlook listed in the occupational outlook of the
38 United States department of labor, bureau of labor statistics. For
39 occupations with less than an average job outlook, educational plans shall
40 require approval of the secretary or secretary's designee. Child care may
41 also be approved if the student provides verification of a specific job offer
42 that will be available to such student upon completion of the program.
43 Child care for post-secondary education shall be allowed for a lifetime

1 maximum of 24 months per adult. The 24 months may not have to be
2 consecutive. Students shall be engaged in paid employment for a minimum
3 of 15 hours per week. In a two-parent adult household, child care would
4 not be allowed if both parents are adults and attending a formal education
5 or training program at the same time. The household may choose which
6 one of the parents is participating as a post-secondary student. The other
7 parent shall meet another approvable criteria for child care subsidy.

8 (17) (A) The secretary for children and families is prohibited from
9 requesting or implementing a waiver or program from the United States
10 department of agriculture for the time limited assistance provisions for
11 able-bodied adults aged 18 through 49 without dependents in a household
12 under the food assistance program. The time on food assistance for able-
13 bodied adults aged 18 through 49 without dependents in the household
14 shall be limited to three months in a 36-month period if such adults are not
15 meeting the requirements imposed by the U.S. department of agriculture
16 that they must work for at least 20 hours per week or participate in a
17 federally approved work program or its equivalent.

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

23 (C) Any recipient who has not complied with the work requirements
24 under subparagraph (B) shall be ineligible to participate in the food
25 assistance program for the following time period and until the recipient
26 complies with such work requirements for a:

- 27 (i) First penalty, three months;
- 28 (ii) second penalty, six months; and
- 29 (iii) third penalty and any subsequent penalty, one year.

30 (D) The Kansas department for children and families shall assign all
31 individuals subject to the requirements established under 7 U.S.C. §
32 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
33 § 2015(d)(4). The provisions of this subparagraph shall only apply to:

- 34 (i) Able-bodied adults aged 18 through 49 without dependents; and
- 35 (ii) individuals who are not employed at least 30 hours per week.

36 (18) Eligibility for the food assistance program shall be limited to
37 those individuals who are citizens or who meet qualified non-citizen status
38 as determined by United States department of agriculture. Non-citizen
39 individuals who are unable or unwilling to provide qualifying immigrant
40 documentation, as defined by the United States department of agriculture,
41 residing within a household shall not be included when determining the
42 household's size for the purposes of assigning a benefit level to the
43 household for food assistance or comparing the household's monthly

1 income with the income eligibility standards. The gross non-exempt
2 earned and unearned income and resources of disqualified individuals shall
3 be counted in its entirety as available to the remaining household
4 members.

5 (19) The secretary for children and families shall not enact the state
6 option from the United States department of agriculture for broad-based
7 categorical eligibility for households applying for food assistance
8 according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

9 (20) No federal or state funds shall be used for television, radio or
10 billboard advertisements that are designed to promote food assistance
11 benefits and enrollment. No federal or state funding shall be used for any
12 agreements with foreign governments designed to promote food
13 assistance.

14 (21) (A) The secretary for children and families shall not apply gross
15 income standards for food assistance higher than the standards specified in
16 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
17 eligibility exempting households from such gross income standards
18 requirements shall not be granted for any non-cash, in-kind or other
19 benefit unless expressly required by federal law.

20 (B) The secretary for children and families shall not apply resource
21 limits standards for food assistance that are higher than the standards
22 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal
23 law. Categorical eligibility exempting households from such resource
24 limits shall not be granted for any non-cash, in-kind or other benefit unless
25 expressly required by federal law.

26 (c) (1) The Kansas department for children and families shall conduct
27 an electronic check for any false information provided on an application
28 for TANF and other benefits programs administered by the department.
29 For TANF cash assistance, food assistance and the child care subsidy
30 program, the department shall verify the identity of all adults in the
31 assistance household.

32 (2) The department of administration shall provide monthly to the
33 Kansas department for children and families the social security numbers or
34 alternate taxpayer identification numbers of all persons who claim a
35 Kansas lottery prize in excess of \$5,000 during the reported month. The
36 Kansas department for children and families shall verify if individuals
37 with such winnings are receiving TANF cash assistance, food assistance or
38 assistance under the child care subsidy program and take appropriate
39 action. The Kansas department for children and families shall use data
40 received under this subsection solely, and for no other purpose, to
41 determine if any recipient's eligibility for benefits has been affected by
42 lottery prize winnings. The Kansas department for children and families
43 shall not publicly disclose the identity of any lottery prize winner,

1 including recipients who are determined to have illegally received
2 benefits.

3 (d) *Temporary assistance for needy families; assignment of support*
4 *rights and limited power of attorney.* By applying for or receiving
5 temporary assistance for needy families such applicant or recipient shall be
6 deemed to have assigned to the secretary on behalf of the state any
7 accrued, present or future rights to support from any other person such
8 applicant may have in such person's own behalf or in behalf of any other
9 family member for whom the applicant is applying for or receiving aid. In
10 any case in which an order for child support has been established and the
11 legal custodian and obligee under the order surrenders physical custody of
12 the child to a caretaker relative without obtaining a modification of legal
13 custody and support rights on behalf of the child are assigned pursuant to
14 this section, the surrender of physical custody and the assignment shall
15 transfer, by operation of law, the child's support rights under the order to
16 the secretary on behalf of the state. Such assignment shall be of all
17 accrued, present or future rights to support of the child surrendered to the
18 caretaker relative. The assignment of support rights shall automatically
19 become effective upon the date of approval for or receipt of such aid
20 without the requirement that any document be signed by the applicant,
21 recipient or obligee. By applying for or receiving temporary assistance for
22 needy families, or by surrendering physical custody of a child to a
23 caretaker relative who is an applicant or recipient of such assistance on the
24 child's behalf, the applicant, recipient or obligee is also deemed to have
25 appointed the secretary, or the secretary's designee, as an attorney-in-fact
26 to perform the specific act of negotiating and endorsing all drafts, checks,
27 money orders or other negotiable instruments representing support
28 payments received by the secretary in behalf of any person applying for,
29 receiving or having received such assistance. This limited power of
30 attorney shall be effective from the date the secretary approves the
31 application for aid and shall remain in effect until the assignment of
32 support rights has been terminated in full.

33 (e) *Requirements for medical assistance for which federal moneys or*
34 *state moneys or both are expended.* (1) When the secretary has adopted a
35 medical care plan under which federal moneys or state moneys or both are
36 expended, medical assistance in accordance with such plan shall be
37 granted to any person who is a citizen of the United States or who is an
38 alien lawfully admitted to the United States and who is residing in the state
39 of Kansas, whose resources and income do not exceed the levels
40 prescribed by the secretary. In determining the need of an individual, the
41 secretary may provide for income and resource exemptions and protected
42 income and resource levels. Resources from inheritance shall be counted.
43 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and

1 amendments thereto, shall constitute a transfer of resources. The secretary
2 shall exempt principal and interest held in irrevocable trust pursuant to
3 K.S.A. 16-303(c), and amendments thereto, from the eligibility
4 requirements of applicants for and recipients of medical assistance. Such
5 assistance shall be known as medical assistance.

6 (2) For the purposes of medical assistance eligibility determinations
7 on or after July 1, 2004, if an applicant or recipient owns property in joint
8 tenancy with some other party and the applicant or recipient of medical
9 assistance has restricted or conditioned their interest in such property to a
10 specific and discrete property interest less than 100%, then such
11 designation will cause the full value of the property to be considered an
12 available resource to the applicant or recipient. Medical assistance
13 eligibility for receipt of benefits under the title XIX of the social security
14 act, commonly known as medicaid, shall not be expanded, as provided for
15 in the patient protection and affordable care act, public law 111-148, 124
16 stat. 119, and the health care and education reconciliation act of 2010,
17 public law 111-152, 124 stat. 1029, unless the legislature expressly
18 consents to, and approves of, the expansion of medicaid services by an act
19 of the legislature.

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

24 (B) If a trust has discretionary language, the trust shall be considered
25 to be an available resource to the extent, using the full extent of discretion,
26 the trustee may make any of the income or principal available to the
27 applicant or recipient of medical assistance. Any such discretionary trust
28 shall be considered an available resource unless:

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

31 (ii) the trust is funded:

32 (a) From resources of a person who, at the time of such funding,
33 owed no duty of support to the applicant or recipient of medical assistance;
34 or

35 (b) not more than nominally from resources of a person while that
36 person owed a duty of support to the applicant or recipient of medical
37 assistance.

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

41 (4) (A) When an applicant or recipient of medical assistance is a party
42 to a contract, agreement or accord for personal services being provided by
43 a nonlicensed individual or provider and such contract, agreement or

1 accord involves health and welfare monitoring, pharmacy assistance, case
2 management, communication with medical, health or other professionals,
3 or other activities related to home health care, long term care, medical
4 assistance benefits, or other related issues, any moneys paid under such
5 contract, agreement or accord shall be considered to be an available
6 resource unless the following restrictions are met:

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

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

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

15 (iv) such individual providing the services shall report all receipts of
16 moneys as income to the appropriate state and federal governmental
17 revenue agencies;

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

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

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

24 (B) When an applicant or recipient of medical assistance is a party to
25 a written contract for personal services being provided by a licensed health
26 professional or facility and such contract involves health and welfare
27 monitoring, pharmacy assistance, case management, communication with
28 medical, health or other professionals, or other activities related to home
29 health care, long term care, medical assistance benefits or other related
30 issues, any moneys paid in advance of receipt of services for such
31 contracts shall be considered to be an available resource.

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

34 (f) *Eligibility for medical assistance of resident receiving medical*
35 *care outside state.* A person who is receiving medical care including long-
36 term care outside of Kansas whose health would be endangered by the
37 postponement of medical care until return to the state or by travel to return
38 to Kansas, may be determined eligible for medical assistance if such
39 individual is a resident of Kansas and all other eligibility factors are met.
40 Persons who are receiving medical care on an ongoing basis in a long-term
41 medical care facility in a state other than Kansas and who do not return to
42 a care facility in Kansas when they are able to do so, shall no longer be
43 eligible to receive assistance in Kansas unless such medical care is not

1 available in a comparable facility or program providing such medical care
2 in Kansas. For persons who are minors or who are under guardianship, the
3 actions of the parent or guardian shall be deemed to be the actions of the
4 child or ward in determining whether or not the person is remaining
5 outside the state voluntarily.

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

8 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and
9 amendments thereto, or as otherwise authorized on and after September
10 30, 1989, under section 303 of the federal medicare catastrophic coverage
11 act of 1988, whichever is applicable, by applying for or receiving medical
12 assistance under a medical care plan in which federal funds are expended,
13 any accrued, present or future rights to support and any rights to payment
14 for medical care from a third party of an applicant or recipient and any
15 other family member for whom the applicant is applying shall be deemed
16 to have been assigned to the secretary on behalf of the state. The
17 assignment shall automatically become effective upon the date of approval
18 for such assistance without the requirement that any document be signed
19 by the applicant or recipient. By applying for or receiving medical
20 assistance the applicant or recipient is also deemed to have appointed the
21 secretary, or the secretary's designee, as an attorney-in-fact to perform the
22 specific act of negotiating and endorsing all drafts, checks, money orders
23 or other negotiable instruments, representing payments received by the
24 secretary in on behalf of any person applying for, receiving or having
25 received such assistance. This limited power of attorney shall be effective
26 from the date the secretary approves the application for assistance and
27 shall remain in effect until the assignment has been terminated in full. The
28 assignment of any rights to payment for medical care from a third party
29 under this subsection shall not prohibit a health care provider from directly
30 billing an insurance carrier for services rendered if the provider has not
31 submitted a claim covering such services to the secretary for payment.
32 Support amounts collected on behalf of persons whose rights to support
33 are assigned to the secretary only under this subsection and no other shall
34 be distributed pursuant to K.S.A. 39-756(d), and amendments thereto,
35 except that any amounts designated as medical support shall be retained by
36 the secretary for repayment of the unreimbursed portion of assistance.
37 Amounts collected pursuant to the assignment of rights to payment for
38 medical care from a third party shall also be retained by the secretary for
39 repayment of the unreimbursed portion of assistance.

40 (B) Notwithstanding the provisions of subparagraph (A), the
41 secretary of health and environment, or the secretary's designee, is hereby
42 authorized to and shall exercise any of the powers specified in
43 subparagraph (A) in relation to performance of such secretary's duties

1 pertaining to medical subrogation, estate recovery or any other duties
2 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
3 Annotated, and amendments thereto.

4 (2) The amount of any medical assistance paid after June 30, 1992,
5 under the provisions of subsection (e) is a claim against the property or
6 any interest therein belonging to and a part of the estate of any deceased
7 recipient or, if there is no estate, the estate of the surviving spouse, if any,
8 shall be charged for such medical assistance paid to either or both and a
9 claim against any funds of such recipient or spouse in any account under
10 K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall
11 be no recovery of medical assistance correctly paid to or on behalf of an
12 individual under subsection (e) except after the death of the surviving
13 spouse of the individual, if any, and only at a time when the individual has
14 no surviving child who is under 21 years of age or is blind or permanently
15 and totally disabled. Transfers of real or personal property by recipients of
16 medical assistance without adequate consideration are voidable and may
17 be set aside. Except where there is a surviving spouse, or a surviving child
18 who is under 21 years of age or is blind or permanently and totally
19 disabled, the amount of any medical assistance paid under subsection (e) is
20 a claim against the estate in any guardianship or conservatorship
21 proceeding. The monetary value of any benefits received by the recipient
22 of such medical assistance under long-term care insurance, as defined by
23 K.S.A. 40-2227, and amendments thereto, shall be a credit against the
24 amount of the claim provided for such medical assistance under this
25 subsection. The secretary of health and environment is authorized to
26 enforce each claim provided for under this subsection. The secretary of
27 health and environment shall not be required to pursue every claim, but is
28 granted discretion to determine which claims to pursue. All moneys
29 received by the secretary of health and environment from claims under this
30 subsection shall be deposited in the social welfare fund. The secretary of
31 health and environment may adopt rules and regulations for the
32 implementation and administration of the medical assistance recovery
33 program under this subsection.

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

40 (A) If an individual receives any medical assistance before July 1,
41 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
42 and amendments thereto, which forms the basis for a claim under
43 paragraph (2), such claim is limited to the individual's probatable estate as

1 defined by applicable law; and

2 (B) if an individual receives any medical assistance on or after July 1,
3 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
4 and amendments thereto, which forms the basis for a claim under
5 paragraph (2), such claim shall apply to the individual's medical assistance
6 estate. The medical assistance estate is defined as including all real and
7 personal property and other assets in which the deceased individual had
8 any legal title or interest immediately before or at the time of death to the
9 extent of that interest or title. The medical assistance estate includes
10 without limitation, assets conveyed to a survivor, heir or assign of the
11 deceased recipient through joint tenancy, tenancy in common,
12 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
13 trust, annuities or similar arrangement.

14 (4) The secretary of health and environment or the secretary's
15 designee is authorized to file and enforce a lien against the real property of
16 a recipient of medical assistance in certain situations, subject to all prior
17 liens of record and transfers for value to a bona fide purchaser of record.
18 The lien must be filed in the office of the register of deeds of the county
19 where the real property is located within one year from the date of death of
20 the recipient and must contain the legal description of all real property in
21 the county subject to the lien.

22 (A) After the death of a recipient of medical assistance, the secretary
23 of health and environment or the secretary's designee may place a lien on
24 any interest in real property owned by such recipient.

25 (B) The secretary of health and environment or the secretary's
26 designee may place a lien on any interest in real property owned by a
27 recipient of medical assistance during the lifetime of such recipient. Such
28 lien may be filed only after notice and an opportunity for a hearing has
29 been given. Such lien may be enforced only upon competent medical
30 testimony that the recipient cannot reasonably be expected to be
31 discharged and returned home. A six-month period of compensated
32 inpatient care at a nursing home or other medical institution shall
33 constitute a determination by the department of health and environment
34 that the recipient cannot reasonably be expected to be discharged and
35 returned home. To return home means the recipient leaves the nursing or
36 medical facility and resides in the home on which the lien has been placed
37 for a continuous period of at least 90 days without being readmitted as an
38 inpatient to a nursing or medical facility. The amount of the lien shall be
39 for the amount of assistance paid by the department of health and
40 environment until the time of the filing of the lien and for any amount paid
41 thereafter for such medical assistance to the recipient. After the lien is filed
42 against any real property owned by the recipient, such lien will be
43 dissolved if the recipient is discharged, returns home and resides upon the

1 real property to which the lien is attached for a continuous period of at
2 least 90 days without being readmitted as an inpatient to a nursing or
3 medical facility. If the recipient is readmitted as an inpatient to a nursing or
4 medical facility for a continuous period of less than 90 days, another
5 continuous period of at least 90 days shall be completed prior to
6 dissolution of the lien.

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

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

14 (B) when there is no child of the recipient, natural or adopted, who is
15 20 years of age or less residing in the home;

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

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

22 (6) The lien remains on the property even after a transfer of the title
23 by conveyance, sale, succession, inheritance or will unless one of the
24 following events occur:

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

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

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

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

42 (8) Within seven days of receipt of notice by the secretary for
43 children and families or the secretary's designee of the death of a recipient

1 of medical assistance under this subsection, the secretary for children and
2 families or the secretary's designee shall give notice of such recipient's
3 death to the secretary of health and environment or the secretary's
4 designee.

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

10 (h) *Placement under the revised Kansas code for care of children or*
11 *revised Kansas juvenile justice code; assignment of support rights and*
12 *limited power of attorney.* In any case in which the secretary for children
13 and families pays for the expenses of care and custody of a child pursuant
14 to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto,
15 including the expenses of any foster care placement, an assignment of all
16 past, present and future support rights of the child in custody possessed by
17 either parent or other person entitled to receive support payments for the
18 child is, by operation of law, conveyed to the secretary. Such assignment
19 shall become effective upon placement of a child in the custody of the
20 secretary or upon payment of the expenses of care and custody of a child
21 by the secretary without the requirement that any document be signed by
22 the parent or other person entitled to receive support payments for the
23 child. When the secretary pays for the expenses of care and custody of a
24 child or a child is placed in the custody of the secretary, the parent or other
25 person entitled to receive support payments for the child is also deemed to
26 have appointed the secretary, or the secretary's designee, as attorney in fact
27 to perform the specific act of negotiating and endorsing all drafts, checks,
28 money orders or other negotiable instruments representing support
29 payments received by the secretary on behalf of the child. This limited
30 power of attorney shall be effective from the date the assignment to
31 support rights becomes effective and shall remain in effect until the
32 assignment of support rights has been terminated in full.

33 (i) No person who voluntarily quits employment or who is fired from
34 employment due to gross misconduct as defined by rules and regulations
35 of the secretary or who is a fugitive from justice by reason of a felony
36 conviction or charge or violation of a condition of probation or parole
37 imposed under federal or state law shall be eligible to receive public
38 assistance benefits in this state. Any recipient of public assistance who
39 fails to timely comply with monthly reporting requirements under criteria
40 and guidelines prescribed by rules and regulations of the secretary shall be
41 subject to a penalty established by the secretary by rules and regulations.

42 (j) If the applicant or recipient of temporary assistance for needy
43 families is a mother of the dependent child, as a condition of the mother's

1 eligibility for temporary assistance for needy families the mother shall
2 identify by name and, if known, by current address the father of the
3 dependent child except that the secretary may adopt by rules and
4 regulations exceptions to this requirement in cases of undue hardship. Any
5 recipient of temporary assistance for needy families who fails to cooperate
6 with requirements relating to child support services under criteria and
7 guidelines prescribed by rules and regulations of the secretary shall be
8 subject to a penalty established by the secretary.

9 (k) By applying for or receiving ~~child care benefits or~~ **child care**
10 **subsidy or** food assistance, the applicant or recipient shall be deemed to
11 have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the
12 secretary on behalf of the state only accrued, present or future rights to
13 support from any other person such applicant may have in such person's
14 own behalf or in behalf of any other family member for whom the
15 applicant is applying for or receiving aid. The assignment of support rights
16 shall automatically become effective upon the date of approval for or
17 receipt of such aid without the requirement that any document be signed
18 by the applicant or recipient. By applying for or receiving ~~child care~~
19 ~~benefits or~~ **child care subsidy or** food assistance, the applicant or
20 recipient is also deemed to have appointed the secretary, or the secretary's
21 designee, as an attorney in fact to perform the specific act of negotiating
22 and endorsing all drafts, checks, money orders or other negotiable
23 instruments representing support payments received by the secretary in
24 behalf of any person applying for, receiving or having received such
25 assistance. This limited power of attorney shall be effective from the date
26 the secretary approves the application for aid and shall remain in effect
27 until the assignment of support rights has been terminated in full. An
28 applicant or recipient who has assigned support rights to the secretary
29 pursuant to this subsection shall cooperate in establishing and enforcing
30 support obligations to the same extent required of applicants for or
31 recipients of temporary assistance for needy families.

32 (l) (1) A program of drug screening for applicants for cash assistance
33 as a condition of eligibility for cash assistance and persons receiving cash
34 assistance as a condition of continued receipt of cash assistance shall be
35 established, subject to applicable federal law, by the secretary for children
36 and families on and before January 1, 2014. Under such program of drug
37 screening, the secretary for children and families shall order a drug
38 screening of an applicant for or a recipient of cash assistance at any time
39 when reasonable suspicion exists that such applicant for or recipient of
40 cash assistance is unlawfully using a controlled substance or controlled
41 substance analog. The secretary for children and families may use any
42 information obtained by the secretary for children and families to
43 determine whether such reasonable suspicion exists, including, but not

1 limited to, an applicant's or recipient's demeanor, missed appointments and
2 arrest or other police records, previous employment or application for
3 employment in an occupation or industry that regularly conducts drug
4 screening, termination from previous employment due to unlawful use of a
5 controlled substance or controlled substance analog or prior drug screening
6 records of the applicant or recipient indicating unlawful use of a controlled
7 substance or controlled substance analog.

8 (2) Any applicant for or recipient of cash assistance whose drug
9 screening results in a positive test may request that the drug screening
10 specimen be sent to a different drug testing facility for an additional drug
11 screening. Any applicant for or recipient of cash assistance who requests
12 an additional drug screening at a different drug testing facility shall be
13 required to pay the cost of drug screening. Such applicant or recipient who
14 took the additional drug screening and who tested negative for unlawful
15 use of a controlled substance and controlled substance analog shall be
16 reimbursed for the cost of such additional drug screening.

17 (3) Any applicant for or recipient of cash assistance who tests
18 positive for unlawful use of a controlled substance or controlled substance
19 analog shall be required to complete a substance abuse treatment program
20 approved by the secretary for children and families, secretary of labor or
21 secretary of commerce, and a job skills program approved by the secretary
22 for children and families, secretary of labor or secretary of commerce.
23 Subject to applicable federal laws, any applicant for or recipient of cash
24 assistance who fails to complete or refuses to participate in the substance
25 abuse treatment program or job skills program as required under this
26 subsection shall be ineligible to receive cash assistance until completion of
27 such substance abuse treatment and job skills programs. Upon completion
28 of both substance abuse treatment and job skills programs, such applicant
29 for or recipient of cash assistance may be subject to periodic drug
30 screening, as determined by the secretary for children and families. Upon a
31 second positive test for unlawful use of a controlled substance or
32 controlled substance analog, a recipient of cash assistance shall be ordered
33 to complete again a substance abuse treatment program and job skills
34 program, and shall be terminated from cash assistance for a period of 12
35 months, or until such recipient of cash assistance completes both substance
36 abuse treatment and job skills programs, whichever is later. Upon a third
37 positive test for unlawful use of a controlled substance or controlled
38 substance analog, a recipient of cash assistance shall be terminated from
39 cash assistance, subject to applicable federal law.

40 (4) If an applicant for or recipient of cash assistance is ineligible for
41 or terminated from cash assistance as a result of a positive test for
42 unlawful use of a controlled substance or controlled substance analog, and
43 such applicant for or recipient of cash assistance is the parent or legal

1 guardian of a minor child, an appropriate protective payee shall be
2 designated to receive cash assistance on behalf of such child. Such parent
3 or legal guardian of the minor child may choose to designate an individual
4 to receive cash assistance for such parent's or legal guardian's minor child,
5 as approved by the secretary for children and families. Prior to the
6 designated individual receiving any cash assistance, the secretary for
7 children and families shall review whether reasonable suspicion exists that
8 such designated individual is unlawfully using a controlled substance or
9 controlled substance analog.

10 (A) In addition, any individual designated to receive cash assistance
11 on behalf of an eligible minor child shall be subject to drug screening at
12 any time when reasonable suspicion exists that such designated individual
13 is unlawfully using a controlled substance or controlled substance analog.
14 The secretary for children and families may use any information obtained
15 by the secretary for children and families to determine whether such
16 reasonable suspicion exists, including, but not limited to, the designated
17 individual's demeanor, missed appointments and arrest or other police
18 records, previous employment or application for employment in an
19 occupation or industry that regularly conducts drug screening, termination
20 from previous employment due to unlawful use of a controlled substance
21 or controlled substance analog or prior drug screening records of the
22 designated individual indicating unlawful use of a controlled substance or
23 controlled substance analog.

24 (B) Any designated individual whose drug screening results in a
25 positive test may request that the drug screening specimen be sent to a
26 different drug testing facility for an additional drug screening. Any
27 designated individual who requests an additional drug screening at a
28 different drug testing facility shall be required to pay the cost of drug
29 screening. Such designated individual who took the additional drug
30 screening and who tested negative for unlawful use of a controlled
31 substance and controlled substance analog shall be reimbursed for the cost
32 of such additional drug screening.

33 (C) Upon any positive test for unlawful use of a controlled substance
34 or controlled substance analog, the designated individual shall not receive
35 cash assistance on behalf of the parent's or legal guardian's minor child,
36 and another designated individual shall be selected by the secretary for
37 children and families to receive cash assistance on behalf of such parent's
38 or legal guardian's minor child.

39 (5) If a person has been convicted under federal or state law of any
40 offense that is classified as a felony by the law of the jurisdiction and has
41 as an element of such offense the manufacture, cultivation, distribution,
42 possession or use of a controlled substance or controlled substance analog,
43 and the date of conviction is on or after July 1, 2013, such person shall

1 thereby become forever ineligible to receive any cash assistance under this
2 subsection unless such conviction is the person's first conviction. First-
3 time offenders convicted under federal or state law of any offense that is
4 classified as a felony by the law of the jurisdiction and has as an element
5 of such offense the manufacture, cultivation, distribution, possession or
6 use of a controlled substance or controlled substance analog, and the date
7 of conviction is on or after July 1, 2013, such person shall become
8 ineligible to receive cash assistance for five years from the date of
9 conviction.

10 (6) Except for hearings before the Kansas department for children and
11 families~~or~~, the results of any drug screening administered as part of the
12 drug screening program authorized by this subsection shall be confidential
13 and shall not be disclosed publicly.

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

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

19 (9) As used in this subsection:

20 (A) "Cash assistance" means cash assistance provided to individuals
21 under the provisions of article 7 of chapter 39 of the Kansas Statutes
22 Annotated, and amendments thereto, and any rules and regulations adopted
23 pursuant to such provisions.

24 (B) "Controlled substance" means the same as in K.S.A. 2022 Supp.
25 21-5701, and amendments thereto, and 21 U.S.C. § 802.

26 (C) "Controlled substance analog" means the same as in K.S.A. 2022
27 Supp. 21-5701, and amendments thereto.

28 Sec. 2. K.S.A. 2022 Supp. 39-709 is hereby repealed.

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