

HOUSE BILL No. 2668

By Committee on Appropriations

Requested by Representative Ballard on behalf of the Kansas Department for
Children and Families

2-1

1 AN ACT concerning public assistance; relating to cash assistance, food
2 assistance and child care subsidy; requiring job search instead of a 20-
3 hour work week for child care subsidy eligibility; allowing food
4 assistance funds for advertising food assistance programs; modifying
5 penalties for non-cooperation for all assistance programs; amending
6 K.S.A. 2023 Supp. 39-709 and repealing the existing section.
7

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

9 Section 1. K.S.A. 2023 Supp. 39-709 is hereby amended to read as
10 follows: 39-709. (a) *General eligibility requirements for assistance for*
11 *which federal moneys are expended.* Subject to the additional requirements
12 below, assistance in accordance with plans under which federal moneys
13 are expended may be granted to any needy person who:

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

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

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

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

18 (1) As used in this subsection, "family group" or "household" means
19 the applicant or recipient for TANF, child care subsidy or employment
20 services and all individuals living together in which there is a relationship
21 of legal responsibility or a qualifying caretaker relationship. This will
22 include a cohabiting boyfriend or girlfriend living with the person legally
23 responsible for the child. The family group shall not be eligible for TANF
24 if the family group contains at least one adult member who has received
25 TANF, including the federal TANF assistance received in any other state,
26 for 24 calendar months beginning on and after October 1, 1996, unless the
27 secretary determines a hardship exists and grants an extension allowing
28 receipt of TANF until the 36-month limit is reached. No extension beyond
29 36 months shall be granted. Hardship provisions for a recipient include:

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

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

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

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

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

41 (2) All adults applying for TANF shall be required to complete a
42 work program assessment as specified by the Kansas department for
43 children and families, including those who have been disqualified for or

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

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

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

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

15 (D) is enrolled in job corps;

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

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

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

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

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

43 (C) The following components meet federal definitions of primary

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

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

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

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

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

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

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

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

43 ~~(8) Non-cooperation is the failure of the applicant or recipient to~~

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

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

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

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

11 (D) ~~fourth or subsequent penalty, 10 years~~ *Individuals deemed*
12 *ineligible for cash assistance due to non-cooperation as defined in K.S.A.*
13 *39-702, and amendments thereto, shall remain ineligible until any of such*
14 *individuals complies with all requirements provided in state and federal*
15 *law, rules and regulations and agency policy.*

16 (9) Individuals who have not cooperated with TANF work programs
17 shall be ineligible to participate in the food assistance program. The
18 ~~comparable ineligibility~~ penalty shall be applied ~~to only the~~ to any
19 individual in the food assistance program who failed to comply with the
20 TANF work requirement. ~~The agency shall impose the same penalty to the~~
21 ~~member of the household who failed to comply with TANF requirements.~~
22 *The penalty periods are three months, six months, one year, or 10 years*
23 *The individuals shall remain ineligible until any of such individuals*
24 *complies with such requirement.*

25 (10) (A) ~~The period of ineligibility for TANF benefits based on~~
26 ~~parents' non-cooperation, as defined in K.S.A. 39-702, and amendments~~
27 ~~thereto, with child support services shall be as follows, for a:~~

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

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

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

34 (iv) ~~fourth penalty, 10 years~~ *Individuals deemed ineligible for cash*
35 *assistance based on non-cooperation as defined in K.S.A. 39-702, and*
36 *amendments thereto, shall remain ineligible until any of such individuals*
37 *complies with child support services.*

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

41 (a) ~~First penalty, three months and cooperation with child support~~
42 ~~services prior to regaining eligibility;~~

43 (b) ~~second penalty, six months and cooperation with child support~~

1 services prior to regaining eligibility;

2 ~~(e) third penalty, one year and cooperation with child support services~~
3 ~~prior to regaining eligibility; and~~

4 ~~(d) fourth penalty, 10 years~~ *Individuals deemed ineligible for child*
5 *care subsidy based on non-cooperation as defined in K.S.A. 39-702, and*
6 *amendments thereto, shall remain ineligible until any of such individuals*
7 *complies with child support services.*

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

10 (a) Upon application for child care subsidy;

11 (b) after 12 months of continuous eligibility for child care subsidy;
12 and

13 (c) following such 12 months of continuous eligibility when the
14 secretary renews or redetermines a parent's eligibility for child care
15 subsidy.

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

20 (12) (A) ~~Any individual who is of such individuals~~ found to have
21 committed fraud or is found guilty of the crime of theft pursuant to K.S.A.
22 *21-5801 and 39-720, and amendments thereto, and K.S.A. 21-5801, and*
23 ~~amendments thereto~~; in either the TANF or child care program shall render
24 all adults in the family unit ineligible for TANF assistance. Adults in the
25 household who have been determined to have committed fraud or were
26 convicted of the crime of theft pursuant to K.S.A. *21-5801 and 39-720,*
27 ~~and amendments thereto, and K.S.A. 21-5801, and amendments thereto,~~
28 shall render themselves and all adult household members ineligible for
29 their lifetime for TANF, even if fraud was committed in only one program.
30 Households who have been determined to have committed fraud or were
31 convicted of the crime of theft pursuant to K.S.A. *21-5801 and 39-720,*
32 ~~and amendments thereto, and K.S.A. 21-5801, and amendments thereto,~~
33 shall be required to name a protective payee as approved by the secretary
34 or the secretary's designee to administer TANF benefits or food assistance
35 on behalf of the children. No adult in a household may have access to the
36 TANF cash assistance benefit.

37 (B) Any individual who has failed to cooperate with a fraud
38 investigation shall be ineligible to participate in the TANF cash assistance
39 program and the child care subsidy program until the Kansas department
40 for children and families determines that such individual is cooperating
41 with the fraud investigation. The Kansas department for children and
42 families shall maintain a sufficient level of fraud investigative staff to
43 enable the department to conduct fraud investigations in a timely manner

1 and in full accordance with state law and department rules and regulations
2 or policies.

3 (13) (A) Food assistance shall not be provided to any person
4 convicted of a felony offense occurring on or after July 1, 2015, that
5 includes as an element of such offense the manufacture, cultivation,
6 distribution, possession or use of a controlled substance or controlled
7 substance analog. For food assistance, the individual shall be permanently
8 disqualified if such individual has been convicted of a state or federal
9 felony offense occurring on or after July 1, 2015, involving possession or
10 use of a controlled substance or controlled substance analog.

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

16 (ii) An individual's failure to submit to testing or failure to
17 successfully pass a drug test shall result in ineligibility for food assistance
18 until a drug test is successfully passed. Failure to successfully complete a
19 drug treatment program shall result in ineligibility for food assistance until
20 a drug treatment plan approved by the secretary is successfully completed,
21 the individual passes a drug test and agrees to submit to drug testing if
22 requested by the department pursuant to a drug testing plan.

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

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

41 (15) (A) The secretary for children and families shall place a
42 photograph of the recipient, if agreed to by such recipient of public
43 assistance, on any Kansas benefits card issued by the Kansas department

1 for children and families that the recipient uses in obtaining food, cash or
2 any other services. When a recipient of public assistance is a minor or
3 otherwise incapacitated individual, a parent or legal guardian of such
4 recipient may have a photograph of such parent or legal guardian placed
5 on the card.

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

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

14 (D) The Kansas department for children and families shall monitor all
15 recipient requests for a Kansas benefits card replacement and, upon the
16 fourth such request in a 12-month period, send a notice alerting the
17 recipient that the recipient's account is being monitored for potential
18 suspicious activity. If a recipient makes an additional request for
19 replacement subsequent to such notice, the department shall refer the
20 investigation to the department's fraud investigation unit.

21 (16) The secretary for children and families shall adopt rules and
22 regulations for:

23 (A) determining eligibility for the child care subsidy program,
24 including an income of a cohabiting partner in a child care household; and

25 (B) determining and maintaining eligibility for non-TANF child care,
26 requiring that all included adults shall be employed ~~a minimum of 20~~
27 ~~hours per week or more as defined by the secretary, participating in a job~~
28 ~~search~~ or meet the following specific qualifying exemptions:

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

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

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

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

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

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

1 The Kansas department for children and families shall provide child
2 care for the pursuit of any degree or certification if the occupation has at
3 least an average job outlook listed in the occupational outlook of the
4 United States department of labor, bureau of labor statistics. For
5 occupations with less than an average job outlook, educational plans shall
6 require approval of the secretary or secretary's designee. Child care may
7 also be approved if the student provides verification of a specific job offer
8 that will be available to such student upon completion of the program.
9 Child care for post-secondary education shall be allowed for a lifetime
10 maximum of 24 months per adult. The 24 months may not have to be
11 consecutive. Students shall be engaged in paid employment for a minimum
12 of 15 hours per week. In a two-parent adult household, child care would
13 not be allowed if both parents are adults and attending a formal education
14 or training program at the same time. The household may choose which
15 one of the parents is participating as a post-secondary student. The other
16 parent shall meet another approvable criteria for child care subsidy.

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

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

32 (C) Any recipient who has not complied with the work requirements
33 under subparagraph (B) shall be ineligible to participate in the food
34 assistance program ~~for the following time period and until the recipient~~
35 ~~complies with such work requirements for a:~~

- 36 ~~(i) First penalty, three months;~~
37 ~~(ii) second penalty, six months; and~~
38 ~~(iii) third penalty and any subsequent penalty, one year.~~

39 (D) The Kansas department for children and families shall assign all
40 individuals subject to the requirements established under 7 U.S.C. §
41 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
42 § 2015(d)(4). The provisions of this subparagraph shall only apply to:

- 43 (i) Able-bodied adults aged 18 through 49 without dependents;

1 (ii) work registrants aged 50 through 59 without dependents not
2 exempt from 7 U.S.C. § 2015(d)(2); and

3 (iii) individuals who are not employed at least 30 hours per week.

4 (18) Eligibility for the food assistance program shall be limited to
5 those individuals who are citizens or who meet qualified non-citizen status
6 as determined by United States department of agriculture. Non-citizen
7 individuals who are unable or unwilling to provide qualifying immigrant
8 documentation, as defined by the United States department of agriculture,
9 residing within a household shall not be included when determining the
10 household's size for the purposes of assigning a benefit level to the
11 household for food assistance or comparing the household's monthly
12 income with the income eligibility standards. The gross non-exempt
13 earned and unearned income and resources of disqualified individuals shall
14 be counted in its entirety as available to the remaining household
15 members.

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

20 ~~(20) No federal or state funds shall be used for television, radio or~~
21 ~~billboard advertisements that are designed to promote food assistance~~
22 ~~benefits and enrollment. No federal or state funding shall be used for any~~
23 ~~agreements with foreign governments designed to promote food~~
24 ~~assistance.~~

25 (21) (A) The secretary for children and families shall not apply gross
26 income standards for food assistance higher than the standards specified in
27 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
28 eligibility exempting households from such gross income standards
29 requirements shall not be granted for any non-cash, in-kind or other
30 benefit unless expressly required by federal law.

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

37 (c) (1) The Kansas department for children and families shall conduct
38 an electronic check for any false information provided on an application
39 for TANF and other benefits programs administered by the department.
40 For TANF cash assistance, food assistance and the child care subsidy
41 program, the department shall verify the identity of all adults in the
42 assistance household.

43 (2) The department of administration shall provide monthly to the

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

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

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

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

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

35 (B) If a trust has discretionary language, the trust shall be considered
36 to be an available resource to the extent, using the full extent of discretion,
37 the trustee may make any of the income or principal available to the
38 applicant or recipient of medical assistance. Any such discretionary trust
39 shall be considered an available resource unless:

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

42 (ii) the trust is funded:

43 (a) From resources of a person who, at the time of such funding,

1 owed no duty of support to the applicant or recipient of medical assistance;
2 or

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

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

9 (4) (A) When an applicant or recipient of medical assistance is a party
10 to a contract, agreement or accord for personal services being provided by
11 a nonlicensed individual or provider and such contract, agreement or
12 accord involves health and welfare monitoring, pharmacy assistance, case
13 management, communication with medical, health or other professionals,
14 or other activities related to home health care, long term care, medical
15 assistance benefits, or other related issues, any moneys paid under such
16 contract, agreement or accord shall be considered to be an available
17 resource unless the following restrictions are met:

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

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

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

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

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

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

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

35 (B) When an applicant or recipient of medical assistance is a party to
36 a written contract for personal services being provided by a licensed health
37 professional or facility and such contract involves health and welfare
38 monitoring, pharmacy assistance, case management, communication with
39 medical, health or other professionals, or other activities related to home
40 health care, long term care, medical assistance benefits or other related
41 issues, any moneys paid in advance of receipt of services for such
42 contracts shall be considered to be an available resource.

43 (5) Any trust may be amended if such amendment is permitted by the

1 Kansas uniform trust code.

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

17 (g) *Medical assistance; assignment of rights to medical support and*
18 *limited power of attorney; recovery from estates of deceased recipients.* (1)
19 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and
20 amendments thereto, or as otherwise authorized on and after September
21 30, 1989, under section 303 of the federal medicare catastrophic coverage
22 act of 1988, whichever is applicable, by applying for or receiving medical
23 assistance under a medical care plan in which federal funds are expended,
24 any accrued, present or future rights to support and any rights to payment
25 for medical care from a third party of an applicant or recipient and any
26 other family member for whom the applicant is applying shall be deemed
27 to have been assigned to the secretary on behalf of the state. The
28 assignment shall automatically become effective upon the date of approval
29 for such assistance without the requirement that any document be signed
30 by the applicant or recipient. By applying for or receiving medical
31 assistance the applicant or recipient is also deemed to have appointed the
32 secretary, or the secretary's designee, as an attorney-in-fact to perform the
33 specific act of negotiating and endorsing all drafts, checks, money orders
34 or other negotiable instruments, representing payments received by the
35 secretary in on behalf of any person applying for, receiving or having
36 received such assistance. This limited power of attorney shall be effective
37 from the date the secretary approves the application for assistance and
38 shall remain in effect until the assignment has been terminated in full. The
39 assignment of any rights to payment for medical care from a third party
40 under this subsection shall not prohibit a health care provider from directly
41 billing an insurance carrier for services rendered if the provider has not
42 submitted a claim covering such services to the secretary for payment.
43 Support amounts collected on behalf of persons whose rights to support

1 are assigned to the secretary only under this subsection and no other shall
2 be distributed pursuant to K.S.A. 39-756(d), and amendments thereto,
3 except that any amounts designated as medical support shall be retained by
4 the secretary for repayment of the unreimbursed portion of assistance.
5 Amounts collected pursuant to the assignment of rights to payment for
6 medical care from a third party shall also be retained by the secretary for
7 repayment of the unreimbursed portion of assistance.

8 (B) Notwithstanding the provisions of subparagraph (A), the
9 secretary of health and environment, or the secretary's designee, is hereby
10 authorized to and shall exercise any of the powers specified in
11 subparagraph (A) in relation to performance of such secretary's duties
12 pertaining to medical subrogation, estate recovery or any other duties
13 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
14 Annotated, and amendments thereto.

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

1 program under this subsection.

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

8 (A) If an individual receives any medical assistance before July 1,
9 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
10 and amendments thereto, which forms the basis for a claim under
11 paragraph (2), such claim is limited to the individual's probatable estate as
12 defined by applicable law; and

13 (B) if an individual receives any medical assistance on or after July 1,
14 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
15 and amendments thereto, which forms the basis for a claim under
16 paragraph (2), such claim shall apply to the individual's medical assistance
17 estate. The medical assistance estate is defined as including all real and
18 personal property and other assets in which the deceased individual had
19 any legal title or interest immediately before or at the time of death to the
20 extent of that interest or title. The medical assistance estate includes
21 without limitation, assets conveyed to a survivor, heir or assign of the
22 deceased recipient through joint tenancy, tenancy in common,
23 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
24 trust, annuities or similar arrangement.

25 (4) The secretary of health and environment or the secretary's
26 designee is authorized to file and enforce a lien against the real property of
27 a recipient of medical assistance in certain situations, subject to all prior
28 liens of record and transfers for value to a bona fide purchaser of record.
29 The lien must be filed in the office of the register of deeds of the county
30 where the real property is located within one year from the date of death of
31 the recipient and must contain the legal description of all real property in
32 the county subject to the lien.

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

36 (B) The secretary of health and environment or the secretary's
37 designee may place a lien on any interest in real property owned by a
38 recipient of medical assistance during the lifetime of such recipient. Such
39 lien may be filed only after notice and an opportunity for a hearing has
40 been given. Such lien may be enforced only upon competent medical
41 testimony that the recipient cannot reasonably be expected to be
42 discharged and returned home. A six-month period of compensated
43 inpatient care at a nursing home or other medical institution shall

1 constitute a determination by the department of health and environment
2 that the recipient cannot reasonably be expected to be discharged and
3 returned home. To return home means the recipient leaves the nursing or
4 medical facility and resides in the home on which the lien has been placed
5 for a continuous period of at least 90 days without being readmitted as an
6 inpatient to a nursing or medical facility. The amount of the lien shall be
7 for the amount of assistance paid by the department of health and
8 environment until the time of the filing of the lien and for any amount paid
9 thereafter for such medical assistance to the recipient. After the lien is filed
10 against any real property owned by the recipient, such lien will be
11 dissolved if the recipient is discharged, returns home and resides upon the
12 real property to which the lien is attached for a continuous period of at
13 least 90 days without being readmitted as an inpatient to a nursing or
14 medical facility. If the recipient is readmitted as an inpatient to a nursing or
15 medical facility for a continuous period of less than 90 days, another
16 continuous period of at least 90 days shall be completed prior to
17 dissolution of the lien.

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

- 24 (A) After the death of the surviving spouse of the recipient;
25 (B) when there is no child of the recipient, natural or adopted, who is
26 20 years of age or less residing in the home;
27 (C) when there is no adult child of the recipient, natural or adopted,
28 who is blind or disabled residing in the home; or
29 (D) when no brother or sister of the recipient is lawfully residing in
30 the home, who has resided there for at least one year immediately before
31 the date of the recipient's admission to the nursing or medical facility, and
32 has resided there on a continuous basis since that time.

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

- 36 (A) The lien is satisfied. The recipient, the heirs, personal
37 representative or assigns of the recipient may discharge such lien at any
38 time by paying the amount of the lien to the secretary of health and
39 environment or the secretary's designee;
40 (B) the lien is terminated by foreclosure of prior lien of record or
41 settlement action taken in lieu of foreclosure; or
42 (C) the value of the real property is consumed by the lien, at which
43 time the secretary of health and environment or the secretary's designee

1 may force the sale for the real property to satisfy the lien.

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

10 (8) Within seven days of receipt of notice by the secretary for
11 children and families or the secretary's designee of the death of a recipient
12 of medical assistance under this subsection, the secretary for children and
13 families or the secretary's designee shall give notice of such recipient's
14 death to the secretary of health and environment or the secretary's
15 designee.

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

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

1 (i) No person who voluntarily quits employment or who is fired from
2 employment due to gross misconduct as defined by rules and regulations
3 of the secretary or who is a fugitive from justice by reason of a felony
4 conviction or charge or violation of a condition of probation or parole
5 imposed under federal or state law shall be eligible to receive public
6 assistance benefits in this state. Any recipient of public assistance who
7 fails to timely comply with monthly reporting requirements under criteria
8 and guidelines prescribed by rules and regulations of the secretary shall be
9 subject to a penalty established by the secretary by rules and regulations.

10 (j) If the applicant or recipient of temporary assistance for needy
11 families is a mother of the dependent child, as a condition of the mother's
12 eligibility for temporary assistance for needy families the mother shall
13 identify by name and, if known, by current address the father of the
14 dependent child except that the secretary may adopt by rules and
15 regulations exceptions to this requirement in cases of undue hardship. Any
16 recipient of temporary assistance for needy families who fails to cooperate
17 with requirements relating to child support services under criteria and
18 guidelines prescribed by rules and regulations of the secretary shall be
19 subject to a penalty established by the secretary.

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

42 (l) (1) A program of drug screening for applicants for cash assistance
43 as a condition of eligibility for cash assistance and persons receiving cash

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

18 (2) Any applicant for or recipient of cash assistance whose drug
19 screening results in a positive test may request that the drug screening
20 specimen be sent to a different drug testing facility for an additional drug
21 screening. Any applicant for or recipient of cash assistance who requests
22 an additional drug screening at a different drug testing facility shall be
23 required to pay the cost of drug screening. Such applicant or recipient who
24 took the additional drug screening and who tested negative for unlawful
25 use of a controlled substance and controlled substance analog shall be
26 reimbursed for the cost of such additional drug screening.

27 (3) Any applicant for or recipient of cash assistance who tests
28 positive for unlawful use of a controlled substance or controlled substance
29 analog shall be required to complete a substance abuse treatment program
30 approved by the secretary for children and families, secretary of labor or
31 secretary of commerce, and a job skills program approved by the secretary
32 for children and families, secretary of labor or secretary of commerce.
33 Subject to applicable federal laws, any applicant for or recipient of cash
34 assistance who fails to complete or refuses to participate in the substance
35 abuse treatment program or job skills program as required under this
36 subsection shall be ineligible to receive cash assistance until completion of
37 such substance abuse treatment and job skills programs. Upon completion
38 of both substance abuse treatment and job skills programs, such applicant
39 for or recipient of cash assistance may be subject to periodic drug
40 screening, as determined by the secretary for children and families. Upon a
41 second positive test for unlawful use of a controlled substance or
42 controlled substance analog, a recipient of cash assistance shall be ordered
43 to complete again a substance abuse treatment program and job skills

1 program, and shall be terminated from cash assistance for a period of 12
2 months, or until such recipient of cash assistance completes both substance
3 abuse treatment and job skills programs, whichever is later. Upon a third
4 positive test for unlawful use of a controlled substance or controlled
5 substance analog, a recipient of cash assistance shall be terminated from
6 cash assistance, subject to applicable federal law.

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

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

34 (B) Any designated individual whose drug screening results in a
35 positive test may request that the drug screening specimen be sent to a
36 different drug testing facility for an additional drug screening. Any
37 designated individual who requests an additional drug screening at a
38 different drug testing facility shall be required to pay the cost of drug
39 screening. Such designated individual who took the additional drug
40 screening and who tested negative for unlawful use of a controlled
41 substance and controlled substance analog shall be reimbursed for the cost
42 of such additional drug screening.

43 (C) Upon any positive test for unlawful use of a controlled substance

1 or controlled substance analog, the designated individual shall not receive
2 cash assistance on behalf of the parent's or legal guardian's minor child,
3 and another designated individual shall be selected by the secretary for
4 children and families to receive cash assistance on behalf of such parent's
5 or legal guardian's minor child.

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

20 (6) Except for hearings before the Kansas department for children
21 and families, the results of any drug screening administered as part of the
22 drug screening program authorized by this subsection shall be confidential
23 and shall not be disclosed publicly.

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

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

29 (9) As used in this subsection:

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

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

36 (C) "Controlled substance analog" means the same as in K.S.A. 21-
37 5701, and amendments thereto.

38 Sec. 2. K.S.A. 2023 Supp. 39-709 is hereby repealed.

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