

HOUSE BILL No. 2525

By Committee on Children and Seniors

1-20

1 AN ACT concerning public assistance; relating to food and child care
2 assistance; removing non-cooperation with child support from
3 requirements for food and child care assistance eligibility; exempting
4 qualifying adults enrolled in school from the 20-hour-per-week work
5 requirement for child care assistance eligibility for a limited time;
6 amending K.S.A. 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. 39-709 is hereby amended to read as follows: 39-
10 709. (a) *General eligibility requirements for assistance for which federal*
11 *moneys are expended.* Subject to the additional requirements below,
12 assistance in accordance with plans under which federal moneys are
13 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
35 owned by the applicant for assistance to be a nonexempt resource of the
36 applicant for assistance except that any additional motor vehicle used by

1 the applicant, the applicant's spouse or the applicant's cohabiting partner
2 for the primary purpose of earning income may be considered as exempt
3 personal property in the secretary's discretion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (F) ~~the applicant~~ has completed the work program assessment within
17 the last 12 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 need to meet at least 30 hours of participation per week, at
28 least 20 hours of which need to be primary and at least 10 hours may be
29 secondary components in one parent households where the youngest child
30 is six years of age or older. Participation hours shall be 55 hours in two
31 parent households ~~(, 35 hours per week if child care is not used)~~. The
32 maximum assignment is 40 hours per week per individual. For two parent
33 families to meet the federal work participation rate both parents must
34 participate in a combined total of 55 hours per week, 50 hours of which
35 must be in primary components, or one or both parents could be assigned a
36 combined 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 is exempt
9 from work participation activities until the month the child turns three
10 months of age. Such three-month limitation shall not apply to a parent or
11 other adult caretaker who is personally providing care for a child born
12 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) ~~By~~ Either parent when two parents are in the home and the
19 household meets the two-parent definition for federal reporting purposes;

20 (B) ~~by~~ 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) ~~by~~ 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 turns age 20; or

28 (D) ~~by~~ any person assigned to a work participation activity for
29 substance 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. TANF participants shall provide current documentation by a
37 qualified medical practitioner that details the abilities to engage in
38 employment and any limitations 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) ~~For a~~ First penalty, three months and full cooperation with work
 5 program activities;

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

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

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

11 (9) Individuals that 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) 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-
 22 cooperation, *as defined in K.S.A. 39-702, and amendments thereto,* with
 23 child support services shall be as follows, *for a:*

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

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

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

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

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

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

1 for TANF, even if fraud was committed in only one program. Households
2 who have been determined to have committed fraud or were convicted of
3 the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and
4 K.S.A. 2021 Supp. 21-5801, and amendments thereto, shall be required to
5 name a protective payee as approved by the secretary or the secretary's
6 designee to administer TANF benefits or food assistance on behalf of the
7 children. No adult in a household may have access to the TANF cash
8 assistance benefit.

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

18 ~~(13)~~(12) (A) Food assistance shall not be provided to any person
19 convicted of a felony offense occurring on or after July 1, 2015, which
20 includes as an element of such offense the manufacture, cultivation,
21 distribution, possession or use of a controlled substance or controlled
22 substance analog. For food assistance, the individual shall be permanently
23 disqualified if they have been convicted of a state or federal felony offense
24 occurring on or after July 1, 2015, involving possession or use of a
25 controlled substance or controlled substance analog.

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

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

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

41 ~~(14)~~(13) No TANF cash assistance shall be used to purchase alcohol,
42 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
43 collegiate sporting event tickets or tickets for other entertainment events

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

13 ~~(15)~~(14) (A) The secretary for children and families shall place a
14 photograph of the recipient, if agreed to by such recipient of public
15 assistance, on any Kansas benefits card issued by the Kansas department
16 for children and families that the recipient uses in obtaining food, cash or
17 any other services. When a recipient of public assistance is a minor or
18 otherwise incapacitated individual, a parent or legal guardian of such
19 recipient may have a photograph of such parent or legal guardian placed
20 on the card.

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

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

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

36 ~~(16)~~(15) The secretary for children and families shall adopt rules and
37 regulations *for*:

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

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

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

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

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

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

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

14 (vi) adults who are caretakers of a child in custody of the secretary in
15 out-of-home placement needing child care;

16 *(vii) adults enrolled in a public or nonpublic elementary or*
17 *secondary school making progress toward graduation for up to 48 months;*
18 *or*

19 *(viii) adults enrolled in a postsecondary educational institution for at*
20 *least six credit hours that are required to obtain a degree or certificate for*
21 *up to 72 months.*

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

38 ~~(17)(16) (A) The secretary for children and families is prohibited~~
39 ~~from requesting or implementing a waiver or program from the U.S.~~
40 ~~department of agriculture for the time limited assistance provisions for~~
41 ~~able-bodied adults aged 18 through 49 without dependents in a household~~
42 ~~under the food assistance program. The time on food assistance for able-~~
43 ~~bodied adults aged 18 through 49 without dependents in the household~~

1 shall be limited to three months in a 36-month period if such adults are not
2 meeting the requirements imposed by the U.S. department of agriculture
3 that they must work for at least 20 hours per week or participate in a
4 federally approved work program or its equivalent.

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

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

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

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

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

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

28 ~~(19)~~(18) The secretary for children and families shall not enact the
29 state option from the U.S. department of agriculture for broad-based
30 categorical eligibility for households applying for food assistance
31 according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

32 ~~(20)~~(19) No federal or state funds shall be used for television, radio
33 or billboard advertisements that are designed to promote food assistance
34 benefits and enrollment. No federal or state funding shall be used for any
35 agreements with foreign governments designed to promote food
36 assistance.

37 ~~(21)~~(20) (A) The secretary for children and families shall not apply
38 gross income standards for food assistance higher than the standards
39 specified in 7 U.S.C. § 2015(c) unless expressly required by federal law.
40 Categorical eligibility exempting households from such gross income
41 standards requirements shall not be granted for any non-cash, in-kind or
42 other benefit unless expressly required by federal law.

43 (B) The secretary for children and families shall not apply resource

1 limits standards for food assistance that are higher than the standards
2 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal
3 law. Categorical eligibility exempting households from such resource
4 limits shall not be granted for any non-cash, in-kind or other benefit unless
5 expressly required by federal law.

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

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

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

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

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

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

43 (3) (A) Resources from trusts shall be considered when determining

1 eligibility of a trust beneficiary for medical assistance. Medical assistance
2 is to be secondary to all resources, including trusts, that may be available
3 to an applicant or recipient of medical assistance.

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

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

11 (ii) the trust *is funded*:

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

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

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

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

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

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

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

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

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

43 (vi) the applicant or recipient shall have the power to revoke the

1 contract, agreement or accord; and

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

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

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

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

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

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

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

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

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

1 proceeding. The monetary value of any benefits received by the recipient
2 of such medical assistance under long-term care insurance, as defined by
3 K.S.A. 40-2227, and amendments thereto, shall be a credit against the
4 amount of the claim provided for such medical assistance under this
5 subsection. The secretary of health and environment is authorized to
6 enforce each claim provided for under this subsection. The secretary of
7 health and environment shall not be required to pursue every claim, but is
8 granted discretion to determine which claims to pursue. All moneys
9 received by the secretary of health and environment from claims under this
10 subsection shall be deposited in the social welfare fund. The secretary of
11 health and environment may adopt rules and regulations for the
12 implementation and administration of the medical assistance recovery
13 program under this subsection.

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

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

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

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

1 the county subject to the lien.

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

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

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

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

37 (B) when there is no child of the recipient, natural or adopted, who is
38 20 years of age or less residing in the home;

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

41 (D) when no brother or sister of the recipient is lawfully residing in
42 the home, who has resided there for at least one year immediately before
43 the date of the recipient's admission to the nursing or medical facility, and

1 has resided there on a continuous basis since that time.

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

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

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

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

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

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

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

33 (h) *Placement under the revised Kansas code for care of children or*
34 *revised Kansas juvenile justice code; assignment of support rights and*
35 *limited power of attorney.* In any case in which the secretary for children
36 and families pays for the expenses of care and custody of a child pursuant
37 to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto,
38 including the expenses of any foster care placement, an assignment of all
39 past, present and future support rights of the child in custody possessed by
40 either parent or other person entitled to receive support payments for the
41 child is, by operation of law, conveyed to the secretary. Such assignment
42 shall become effective upon placement of a child in the custody of the
43 secretary or upon payment of the expenses of care and custody of a child

1 by the secretary without the requirement that any document be signed by
2 the parent or other person entitled to receive support payments for the
3 child. When the secretary pays for the expenses of care and custody of a
4 child or a child is placed in the custody of the secretary, the parent or other
5 person entitled to receive support payments for the child is also deemed to
6 have appointed the secretary, or the secretary's designee, as attorney in fact
7 to perform the specific act of negotiating and endorsing all drafts, checks,
8 money orders or other negotiable instruments representing support
9 payments received by the secretary on behalf of the child. This limited
10 power of attorney shall be effective from the date the assignment to
11 support rights becomes effective and shall remain in effect until the
12 assignment of support rights has been terminated in full.

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

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

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

1 ~~negotiating and endorsing all drafts, checks, money orders or other~~
2 ~~negotiable instruments representing support payments received by the~~
3 ~~secretary in behalf of any person applying for, receiving or having~~
4 ~~received such assistance. This limited power of attorney shall be effective~~
5 ~~from the date the secretary approves the application for aid and shall~~
6 ~~remain in effect until the assignment of support rights has been terminated~~
7 ~~in full. An applicant or recipient who has assigned support rights to the~~
8 ~~secretary pursuant to this subsection shall cooperate in establishing and~~
9 ~~enforcing support obligations to the same extent required of applicants for~~
10 ~~or recipients of temporary assistance for needy families.~~

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

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

39 (3) Any applicant for or recipient of cash assistance who tests
40 positive for unlawful use of a controlled substance or controlled substance
41 analog shall be required to complete a substance abuse treatment program
42 approved by the secretary for children and families, secretary of labor or
43 secretary of commerce, and a job skills program approved by the secretary

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

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

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

1 designated individual indicating unlawful use of a controlled substance or
2 controlled substance analog.

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

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

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

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

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

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

41 (9) As used in this subsection:

42 (A) "Cash assistance" means cash assistance provided to individuals
43 under the provisions of article 7 of chapter 39 of the Kansas Statutes

1 Annotated, and amendments thereto, and any rules and regulations adopted
2 pursuant to such ~~statutes~~ *provisions*.

3 (B) "Controlled substance" means the same as in K.S.A. 2021 Supp.
4 21-5701, and amendments thereto, and 21 U.S.C. § 802.

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

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

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