

HOUSE BILL No. 2861

By Committee on Appropriations

2-8

9 AN ACT concerning public assistance; relating to persons convicted of a
10 controlled substance related felony.

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

12 Section 1. (a) Under the authority of subsection (d)(1)(A) of 21
13 U.S.C. §862a, the state of Kansas hereby exercises its option out of sub-
14 section (a) of 21 U.S.C. §862a, which makes any individual ineligible for
15 certain state and federal assistance if that individual has been convicted
16 under federal or state law of any offense which is classified as a felony by
17 the law of the jurisdiction and which has as an element of such offense
18 the possession, use or distribution of a controlled substance as defined
19 by subsection (6) of 21 U.S.C. §802, only if, after such conviction, such
20 individual has:

21
22 (1) Been assessed by a licensed substance abuse treatment provider
23 as not requiring substance abuse treatment; or

24 (2) been assessed by a licensed substance abuse treatment provider
25 and such provider recommended substance abuse treatment and such
26 individual:

27 (A) Is participating in a licensed substance abuse treatment program;
28 or

29 (B) has successfully completed a licensed substance abuse treatment
30 program.

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

37 Sec. 2. This act shall take effect and be in force from and after its
38 publication in the statute book.