

HOUSE BILL No. 2178

By Committee on Corrections and Juvenile Justice

Requested by Brenna Visocsy on behalf of Kansas Appleseed

1-30

1 AN ACT concerning social welfare; relating to the supplemental nutrition
2 assistance program; allowing persons with felony drug convictions to
3 receive assistance; amending K.S.A. 2024 Supp. 39-709 and repealing
4 the existing section.
5

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

7 Section 1. K.S.A. 2024 Supp. 39-709 is hereby amended to read as
8 follows: 39-709. (a) *General eligibility requirements for assistance for*
9 *which federal moneys are expended.* Subject to the additional requirements
10 below, assistance in accordance with plans under which federal moneys
11 are expended may be granted to any needy person who:

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

1 for the primary purpose of earning income may be considered as exempt
2 personal property in the secretary's discretion; or

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (D) is enrolled in job corps;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) First penalty, three months and cooperation with child support
20 services prior to regaining eligibility;

21 (ii) second penalty, six months and cooperation with child support
22 services prior to regaining eligibility;

23 (iii) third penalty, one year and cooperation with child support
24 services prior to regaining eligibility; and

25 (iv) fourth penalty, 10 years.

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

29 (a) First penalty, three months and cooperation with child support
30 services prior to regaining eligibility;

31 (b) second penalty, six months and cooperation with child support
32 services prior to regaining eligibility;

33 (c) third penalty, one year and cooperation with child support services
34 prior to regaining eligibility; and

35 (d) fourth penalty, 10 years.

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

38 (a) Upon application for child care subsidy;

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

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

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

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

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

30 ~~(13) (A) Food assistance shall not be provided to any person~~
31 ~~convicted of a felony offense occurring on or after July 1, 2015, that~~
32 ~~includes as an element of such offense the manufacture, cultivation,~~
33 ~~distribution, possession or use of a controlled substance or controlled~~
34 ~~substance analog. For food assistance, the individual shall be permanently~~
35 ~~disqualified if such individual has been convicted of a state or federal~~
36 ~~felony offense occurring on or after July 1, 2015, involving possession or~~
37 ~~use of a controlled substance or controlled substance analog.~~

38 ~~(B) (i) Notwithstanding the provisions of subparagraph (A), an~~
39 ~~individual shall be eligible for food assistance if the individual enrolls in~~
40 ~~and participates in a drug treatment program approved by the secretary,~~
41 ~~submits to and passes a drug test and agrees to submit to drug testing if~~
42 ~~requested by the department pursuant to a drug testing plan.~~

43 ~~(ii) An individual's failure to submit to testing or failure to~~

1 successfully pass a drug test shall result in ineligibility for food assistance
2 until a drug test is successfully passed. Failure to successfully complete a
3 drug treatment program shall result in ineligibility for food assistance until
4 a drug treatment plan approved by the secretary is successfully completed,
5 the individual passes a drug test and agrees to submit to drug testing if
6 requested by the department pursuant to a drug testing plan.

7 ~~(C) The provisions of subparagraph (B) shall not apply to any~~
8 ~~individual who has been convicted for a second or subsequent felony~~
9 ~~offense as provided in subparagraph (A)~~ *A person shall not be denied*
10 *food assistance solely because such person has been convicted of a drug-*
11 *related felony. The secretary for children and families shall submit to the*
12 *federal government any approval request required to implement the*
13 *provisions of this paragraph.*

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

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

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

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

1 card and Kansas benefits card.

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

9 (16) The secretary for children and families shall adopt rules and
10 regulations for:

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

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

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

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

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

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

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

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

32 The Kansas department for children and families shall provide child
33 care for the pursuit of any degree or certification if the occupation has at
34 least an average job outlook listed in the occupational outlook of the
35 United States department of labor, bureau of labor statistics. For
36 occupations with less than an average job outlook, educational plans shall
37 require approval of the secretary or secretary's designee. Child care may
38 also be approved if the student provides verification of a specific job offer
39 that will be available to such student upon completion of the program.
40 Child care for post-secondary education shall be allowed for a lifetime
41 maximum of 24 months per adult. The 24 months may not have to be
42 consecutive. Students shall be engaged in paid employment for a minimum
43 of 15 hours per week. In a two-parent adult household, child care would

1 not be allowed if both parents are adults and attending a formal education
2 or training program at the same time. The household may choose which
3 one of the parents is participating as a post-secondary student. The other
4 parent shall meet another approvable criteria for child care subsidy.

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

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

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

24 (i) First penalty, three months;

25 (ii) second penalty, six months; and

26 (iii) third penalty and any subsequent penalty, one year.

27 (D) The Kansas department for children and families shall assign all
28 individuals subject to the requirements established under 7 U.S.C. §
29 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
30 § 2015(d)(4). The provisions of this subparagraph shall only apply to:

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

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

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

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

1 earned and unearned income and resources of disqualified individuals shall
2 be counted in its entirety as available to the remaining household
3 members.

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

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

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

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

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

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

1 benefits.

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

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

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

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

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

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

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

30 (ii) the trust is funded:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in Kansas. For persons who are minors or who are under guardianship, the
2 actions of the parent or guardian shall be deemed to be the actions of the
3 child or ward in determining whether or not the person is remaining
4 outside the state voluntarily.

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

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

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

1 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
2 Annotated, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (8) Within seven days of receipt of notice by the secretary for
42 children and families or the secretary's designee of the death of a recipient
43 of medical assistance under this subsection, the secretary for children and

1 families or the secretary's designee shall give notice of such recipient's
2 death to the secretary of health and environment or the secretary's
3 designee.

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

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

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

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

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

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

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

1 employment in an occupation or industry that regularly conducts drug
2 screening, termination from previous employment due to unlawful use of a
3 controlled substance or controlled substance analog or prior drug screening
4 records of the applicant or recipient indicating unlawful use of a controlled
5 substance or controlled substance analog.

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

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

38 (4) If an applicant for or recipient of cash assistance is ineligible for
39 or terminated from cash assistance as a result of a positive test for
40 unlawful use of a controlled substance or controlled substance analog, and
41 such applicant for or recipient of cash assistance is the parent or legal
42 guardian of a minor child, an appropriate protective payee shall be
43 designated to receive cash assistance on behalf of such child. Such parent

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

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

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

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

37 (5) If a person has been convicted under federal or state law of any
38 offense that is classified as a felony by the law of the jurisdiction and has
39 as an element of such offense the manufacture, cultivation, distribution,
40 possession or use of a controlled substance or controlled substance analog,
41 and the date of conviction is on or after July 1, 2013, such person shall
42 thereby become forever ineligible to receive any cash assistance under this
43 subsection unless such conviction is the person's first conviction. First-

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

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

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

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

17 (9) As used in this subsection:

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

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

24 (C) "Controlled substance analog" means the same as in K.S.A. 21-
25 5701, and amendments thereto.

26 Sec. 2. K.S.A. 2024 Supp. 39-709 is hereby repealed.

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