

HOUSE BILL No. 2287

By Committee on Welfare Reform

Requested by Representative Ousley

2-5

1 AN ACT concerning public assistance; relating to the secretary for
2 children and families; eliminating certain restrictions for eligibility for
3 public assistance; removing the requirement to cooperate with child
4 support services for eligibility; extending the lifetime limitation of
5 temporary assistance for needy families to 60 months; providing for
6 hardship extensions to be granted by the secretary for children and
7 families; exempting parents providing care for a child less than one
8 year of age from work participation activities; eliminating restrictions
9 on persons convicted of drug felonies from receiving food assistance;
10 permitting the secretary to grant categorical eligibility standards;
11 eliminating photograph requirements on benefits cards; eliminating
12 requirements for employment and training programs for certain
13 individuals to be eligible for food assistance; eliminating legislative
14 action to be required for expansion of the medical assistance program;
15 amending K.S.A. 39-702 and K.S.A. 2024 Supp. 39-709 and repealing
16 the existing sections.

17

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

19 Section 1. K.S.A. 39-702 is hereby amended to read as follows: 39-
20 702. The following words and phrases when used in this act shall, for the
21 purposes of this act, have the meanings respectively ascribed to them in
22 this section:

23 (a) "Secretary" means the secretary for children and families, unless
24 otherwise specified.

25 (b) "Applicants" means all persons who, as individuals, or in whose
26 behalf requests are made of the secretary for aid or assistance.

27 (c) "Social welfare service" may include such functions as giving
28 assistance, the prevention of public dependency, and promoting the
29 rehabilitation of dependent persons or those who are approaching public
30 dependency.

31 (d) "Assistance" includes such items or functions as the giving or
32 providing of money, food assistance, food, clothing, shelter, medicine or
33 other materials, the giving of any service, including instructive or
34 scientific. The definitions of social welfare service and assistance in this
35 section shall be deemed as partially descriptive and not limiting.

1 (e) "Temporary assistance to needy families" means financial
2 assistance with respect to or on behalf of a dependent child or dependent
3 children and includes financial assistance for any month to meet the needs
4 of the relative or qualifying caretaker with whom any dependent child is
5 living.

6 (f) "Medical assistance" means the payment of all or part of the cost
7 of necessary: (1) Medical, remedial, rehabilitative or preventive care and
8 services that are within the scope of services to be provided under a
9 medical care plan developed by the secretary pursuant to this act and
10 furnished by health care providers who have a current approved provider
11 agreement with the secretary; and (2) transportation to obtain care and
12 services that are within the scope of services to be provided under a
13 medical care plan developed by the secretary pursuant to this act.

14 (g) "Dependent children" means needy children under the age of 18,
15 or who are under the age of 19 and are full-time students in secondary
16 schools or the equivalent educational program who are in the care of a
17 biological or adoptive parent, court appointed guardian, conservator or
18 legal custodian and who are living with any relative, including first
19 cousins, uncles, aunts, and persons of preceding generations are denoted
20 by prefixes of grand, great, or great-great, and including the spouses or
21 former spouses of any persons named in the above groups, in a place of
22 residence maintained by one or more of such relatives as their own home.

23 (h) "The blind" means not only those who are totally and permanently
24 devoid of vision, but also those persons whose vision is so defective as to
25 prevent the performance of ordinary activities for which eyesight is
26 essential.

27 (i) "Recipient" means a person who has received assistance under the
28 terms of this act.

29 (j) "Intake office" means the place where the secretary shall maintain
30 an office for receiving applications.

31 (k) "Adequate consideration" means consideration equal, or
32 reasonably proportioned to the value of that for which it is given.

33 (l) "Title IV-D" means part D of title IV of the federal social security
34 act, 42 U.S.C. § 651 et seq., as in effect on May 1, 1997.

35 (m) "TANF diversion assistance" means a one-time voluntary
36 payment option in lieu of ongoing TANF assistance. The diversion
37 payment is available to applicants who have not received TANF assistance
38 as an adult, and is designed to meet a crisis or emergency hardship that
39 would endanger such applicants' ability to remain employed or to accept
40 an offer of employment. Any household that includes such recipient
41 accepting the diversion payment is ineligible to receive on-going TANF
42 assistance for 12 months after receipt of the diversion payment. Any
43 recipient who receives a diversion payment is limited to ~~18~~ 42 months of

1 TANF cash assistance in a lifetime, unless such recipient shall meet a
 2 hardship criteria as defined by the secretary.

3 ~~(n) "Non-cooperation" means the failure of the applicant or recipient~~
 4 ~~to comply with all requirements provided in state and federal law, rules~~
 5 ~~and regulations and agency policy.~~

6 Sec. 2. K.S.A. 2024 Supp. 39-709 is hereby amended to read as
 7 follows: 39-709. (a) *General eligibility requirements for assistance for*
 8 *which federal moneys are expended.* Subject to the additional requirements
 9 below, assistance in accordance with plans under which federal moneys
 10 are expended may be granted to any needy person who:

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

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

39 (b) *Temporary assistance for needy families.* Assistance may be
 40 granted under this act to any dependent child, or relative, subject to the
 41 general eligibility requirements as set out in subsection (a), who resides in
 42 the state of Kansas or whose parent or other relative with whom the child
 43 is living resides in the state of Kansas. Such assistance shall be known as

1 temporary assistance for needy families. Where the husband and wife or
2 cohabiting partners are living together, both shall register for work under
3 the program requirements for temporary assistance for needy families in
4 accordance with criteria and guidelines prescribed by rules and regulations
5 of the secretary.

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

18 (A) Is a caretaker of a disabled family member living in the
19 household;

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

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

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

26 (E) is determined by the ~~24th~~ 60th month to have an extreme hardship
27 other than what is designated in criteria listed in subparagraphs (A)
28 through (D). This determination will be made by the executive review
29 team.

30 (2) All adults applying for TANF shall be required to complete a
31 work program assessment as specified by the Kansas department for
32 children and families, including those who have been disqualified for or
33 denied TANF due to ~~non-cooperation~~, drug testing requirements or fraud.
34 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
35 relative/non-relative caretakers and adults receiving supplemental security
36 income are not required to complete the assessment process. During the
37 application processing period, applicants must complete at least one
38 module or its equivalent of the work program assessment to be considered
39 eligible for TANF benefits, unless good cause is found to be exempt from
40 the requirements. Good cause exemptions shall only include that the
41 applicant:

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

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

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

4 (D) is enrolled in job corps;

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

6 (F) has completed the work program assessment within the last 12
7 months.

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

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

16 (B) In order to meet federal work participation requirements,
17 households shall meet at least 30 hours of participation per week, at least
18 20 hours of which shall be primary and at least 10 hours may be secondary
19 components in one parent households where the youngest child is six years
20 of age or older. Participation hours shall be 55 hours in two parent
21 households, 35 hours per week if child care is not used. The maximum
22 assignment is 40 hours per week per individual. For two parent families to
23 meet the federal work participation rate, both parents shall participate in a
24 combined total of 55 hours per week, 50 hours of which shall be in
25 primary components, or one or both parents could be assigned a combined
26 total of 35 hours per week, 30 hours of which must be primary
27 components, if the Kansas department for children and families paid child
28 care is not received by the family. Single parent families with a child under
29 age six meet the federal participation requirement if the parent is engaged
30 in work or work activities for at least 20 hours per week in a primary work
31 component.

32 (C) The following components meet federal definitions of primary
33 hours of participation: Full or part-time employment, apprenticeship, work
34 study, self-employment, job corps, subsidized employment, work
35 experience sites, on-the-job training, supervised community service,
36 vocational education, job search and job readiness. Secondary components
37 include: Job skills training, education directly related to employment such
38 as adult basic education and English as a second language, and completion
39 of a high school diploma or GED.

40 (5) ~~A parent or other adult caretaker~~ *An individual who is a single*
41 *custodial parent and personally providing care for a child under the age of*
42 ~~three months~~ *one year in their such individual's TANF household shall be*
43 *exempt from work participation activities until the month that the child*

1 attains three months *one year* of age. Such three-month limitation shall not
2 apply to a parent or other adult caretaker who is personally providing care
3 for a child born significantly premature, with serious medical conditions or
4 with a disability as defined by the secretary, in consultation with the
5 secretary of health and environment and adopted in the rules and
6 regulations. The three-month period is defined as two consecutive months
7 starting with the month after childbirth. The exemption for caring for a
8 child under three months cannot be claimed by:

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

11 (B) ~~one parent or caretaker when the other parent or caretaker is in~~
12 ~~the home, and available, capable and suitable to provide care and the~~
13 ~~household does not meet the two-parent definition for federal reporting~~
14 ~~purposes;~~

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

19 (D) ~~any person assigned to a work participation activity for substance~~
20 ~~use disorders.~~

21 (6) TANF work experience placements shall be reviewed after 90
22 days and are limited to six months per ~~24-month~~ *60-month* lifetime limit. A
23 client's progress shall be reviewed prior to each new placement regardless
24 of the length of time they are at the work experience site.

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

33 (8) ~~Non-cooperation is the failure of the applicant or recipient to~~
34 ~~comply with all requirements provided in state and federal law, federal and~~
35 ~~state rules and regulations and agency policy. The period of ineligibility~~
36 ~~for TANF benefits based on non-cooperation, as defined in K.S.A. 39-702,~~
37 ~~and amendments thereto, with work programs shall be as follows, for a:~~

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

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

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

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

2 ~~(9) Individuals who have not cooperated with TANF work programs~~
3 ~~shall be ineligible to participate in the food assistance program. The~~
4 ~~comparable penalty shall be applied to only the individual in the food~~
5 ~~assistance program who failed to comply with the TANF work~~
6 ~~requirement. The agency shall impose the same penalty to the member of~~
7 ~~the household who failed to comply with TANF requirements. The penalty~~
8 ~~periods are three months, six months, one year, or 10 years.~~

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

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

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

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

18 ~~(iv) fourth penalty, 10 years.~~

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

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

24 ~~(b) second penalty, six months and cooperation with child support~~
25 ~~services prior to regaining eligibility;~~

26 ~~(c) third penalty, one year and cooperation with child support services~~
27 ~~prior to regaining eligibility; and~~

28 ~~(d) fourth penalty, 10 years.~~

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

31 ~~(a) Upon application for child care subsidy;~~

32 ~~(b) after 12 months of continuous eligibility for child care subsidy;~~
33 ~~and~~

34 ~~(c) following such 12 months of continuous eligibility when the~~
35 ~~secretary renews or redetermines a parent's eligibility for child care~~
36 ~~subsidy.~~

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

41 ~~(12)(9) (A) Any individual who is found to have committed fraud or~~
42 ~~is found guilty of the crime of theft pursuant to K.S.A. 39-720, and~~
43 ~~amendments thereto, and K.S.A. 21-5801, and amendments thereto, in~~

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

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

23 ~~(13) (A) Food assistance shall not be provided to any person~~
24 ~~convicted of a felony offense occurring on or after July 1, 2015, that~~
25 ~~includes as an element of such offense the manufacture, cultivation,~~
26 ~~distribution, possession or use of a controlled substance or controlled~~
27 ~~substance analog. For food assistance, the individual shall be permanently~~
28 ~~disqualified if such individual has been convicted of a state or federal~~
29 ~~felony offense occurring on or after July 1, 2015, involving possession or~~
30 ~~use of a controlled substance or controlled substance analog.~~

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

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

43 ~~(C) The provisions of subparagraph (B) shall not apply to any~~

1 individual who has been convicted for a second or subsequent felony
2 offense as provided in subparagraph (A).

3 ~~(14)~~(10) No TANF cash assistance shall be used to purchase alcohol,
4 cigarettes, tobacco products, lottery tickets, concert tickets, professional or
5 collegiate sporting event tickets or tickets for other entertainment events
6 intended for the general public or sexually oriented adult materials. No
7 TANF cash assistance shall be used in any retail liquor store, casino,
8 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
9 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,
10 vapor cigarette store, psychic or fortune telling business, bail bond
11 company, video arcade, movie theater, swimming pool, cruise ship, theme
12 park, dog or horse racing facility, parimutuel facility, or sexually oriented
13 business or any retail establishment that provides adult-oriented
14 entertainment in which performers disrobe or perform in an unclothed
15 state for entertainment, or in any business or retail establishment where
16 minors under age 18 are not permitted. No TANF cash assistance shall be
17 used for purchases at points of sale outside the state of Kansas.

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

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

30 ~~(C) As used in this paragraph and its subparagraphs, "Kansas benefits~~
31 ~~card" means any card issued to provide food assistance, cash assistance or~~
32 ~~child care assistance, including, but not limited to, the vision card, EBT~~
33 ~~card and Kansas benefits card.~~

34 ~~(D)~~(11) The Kansas department for children and families shall
35 monitor all recipient requests for a Kansas benefits card replacement and,
36 upon the fourth such request in a 12-month period, send a notice alerting
37 the recipient that the recipient's account is being monitored for potential
38 suspicious activity. If a recipient makes an additional request for
39 replacement subsequent to such notice, the department shall refer the
40 investigation to the department's fraud investigation unit.

41 ~~(16)~~(12) The secretary for children and families shall adopt rules and
42 regulations for:

43 (A) Determining eligibility for the child care subsidy program,

1 including an income of a cohabiting partner in a child care household; and
2 (B) determining and maintaining eligibility for non-TANF child care,
3 requiring that all included adults shall be employed a minimum of 20
4 hours per week or more as defined by the secretary or meet the following
5 specific qualifying exemptions:

- 6 (i) Adults who are not capable of meeting the requirement due to a
7 documented physical or mental condition;
8 (ii) adults who are former TANF recipients who need child care for
9 employment after their TANF case has closed and earned income is a
10 factor in the closure in the two months immediately following TANF
11 closure;
12 (iii) adult parents included in a case in which the only child receiving
13 benefits is the child of a minor parent who is working on completion of
14 high school or obtaining a GED;
15 (iv) adults who are participants in a food assistance employment and
16 training program;
17 (v) adults who are participants in an early head start child care
18 partnership program and are working or in school or training; or
19 (vi) adults who are caretakers of a child in custody of the secretary in
20 out-of-home placement needing child care.

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

37 ~~(17)~~(13) (A) The secretary for children and families is prohibited
38 from requesting or implementing a waiver or program from the United
39 States department of agriculture for the time limited assistance provisions
40 for able-bodied adults aged 18 through 49 without dependents in a
41 household under the food assistance program. The time on food assistance
42 for able-bodied adults aged 18 through 49 without dependents in the
43 household shall be limited to three months in a 36-month period if such

1 adults are not meeting the requirements imposed by the U.S. department of
 2 agriculture that they must work for at least 20 hours per week or
 3 participate in a federally approved work program or its equivalent.

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

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

- 13 (i) First penalty, three months;
- 14 (ii) second penalty, six months; and
- 15 (iii) third penalty and any subsequent penalty, one year.

16 ~~(D) The Kansas department for children and families shall assign all~~
 17 ~~individuals subject to the requirements established under 7 U.S.C. §~~
 18 ~~2015(d)(1) to an employment and training program as defined in 7 U.S.C.~~
 19 ~~§ 2015(d)(4). The provisions of this subparagraph shall only apply to:~~

- 20 ~~(i) Able-bodied adults aged 18 through 49 without dependents;~~
- 21 ~~(ii) work registrants aged 50 through 59 without dependents not~~
 22 ~~exempt from 7 U.S.C. § 2015(d)(2); and~~
- 23 ~~(iii) individuals who are not employed at least 30 hours per week.~~

24 ~~(18)(14)~~ Eligibility for the food assistance program shall be limited to
 25 those individuals who are citizens or who meet qualified non-citizen status
 26 as determined by United States department of agriculture. Non-citizen
 27 individuals who are unable or unwilling to provide qualifying immigrant
 28 documentation, as defined by the United States department of agriculture,
 29 residing within a household shall not be included when determining the
 30 household's size for the purposes of assigning a benefit level to the
 31 household for food assistance or comparing the household's monthly
 32 income with the income eligibility standards. The gross non-exempt
 33 earned and unearned income and resources of disqualified individuals shall
 34 be counted in its entirety as available to the remaining household
 35 members.

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

40 ~~(20)(15)~~ No federal or state funds shall be used for television, radio
 41 or billboard advertisements that are designed to promote food assistance
 42 benefits and enrollment. No federal or state funding shall be used for any
 43 agreements with foreign governments designed to promote food

1 assistance.

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

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

14 (c) (1) The Kansas department for children and families shall conduct
15 an electronic check for any false information provided on an application
16 for TANF and other benefits programs administered by the department.
17 For TANF cash assistance, food assistance and the child care subsidy
18 program, the department shall verify the identity of all adults in the
19 assistance household.

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

34 (d) *Temporary assistance for needy families; assignment of support*
35 *rights and limited power of attorney.* By applying for or receiving
36 temporary assistance for needy families such applicant or recipient shall be
37 deemed to have assigned to the secretary on behalf of the state any
38 accrued, present or future rights to support from any other person such
39 applicant may have in such person's own behalf or in behalf of any other
40 family member for whom the applicant is applying for or receiving aid. In
41 any case in which an order for child support has been established and the
42 legal custodian and obligee under the order surrenders physical custody of
43 the child to a caretaker relative without obtaining a modification of legal

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

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

37 (2) For the purposes of medical assistance eligibility determinations
38 on or after July 1, 2004, if an applicant or recipient owns property in joint
39 tenancy with some other party and the applicant or recipient of medical
40 assistance has restricted or conditioned their interest in such property to a
41 specific and discrete property interest less than 100%, then such
42 designation will cause the full value of the property to be considered an
43 available resource to the applicant or recipient. ~~Medical assistance~~

1 eligibility for receipt of benefits under the title XIX of the social security
2 act, commonly known as medicaid, shall not be expanded, as provided for
3 in the patient protection and affordable care act, public law 111-148, 124
4 stat. 119, and the health care and education reconciliation act of 2010,
5 public law 111-152, 124 stat. 1029, unless the legislature expressly
6 consents to, and approves of, the expansion of medicaid services by an act
7 of the legislature.

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

12 (B) If a trust has discretionary language, the trust shall be considered
13 to be an available resource to the extent, using the full extent of discretion,
14 the trustee may make any of the income or principal available to the
15 applicant or recipient of medical assistance. Any such discretionary trust
16 shall be considered an available resource unless:

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

19 (ii) the trust is funded:

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

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

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

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

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

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

43 (iii) if no similarly situated nonlicensed individuals or situations can

1 be found, the value of services will be based on federal hourly minimum
2 wage standards;

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

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

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

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

12 (B) When an applicant or recipient of medical assistance is a party to
13 a written contract for personal services being provided by a licensed health
14 professional or facility and such contract involves health and welfare
15 monitoring, pharmacy assistance, case management, communication with
16 medical, health or other professionals, or other activities related to home
17 health care, long term care, medical assistance benefits or other related
18 issues, any moneys paid in advance of receipt of services for such
19 contracts shall be considered to be an available resource.

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

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

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

39 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and
40 amendments thereto, or as otherwise authorized on and after September
41 30, 1989, under section 303 of the federal medicare catastrophic coverage
42 act of 1988, whichever is applicable, by applying for or receiving medical
43 assistance under a medical care plan in which federal funds are expended,

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

28 (B) Notwithstanding the provisions of subparagraph (A), the
29 secretary of health and environment, or the secretary's designee, is hereby
30 authorized to and shall exercise any of the powers specified in
31 subparagraph (A) in relation to performance of such secretary's duties
32 pertaining to medical subrogation, estate recovery or any other duties
33 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
34 Annotated, and amendments thereto.

35 (2) The amount of any medical assistance paid after June 30, 1992,
36 under the provisions of subsection (e) is a claim against the property or
37 any interest therein belonging to and a part of the estate of any deceased
38 recipient or, if there is no estate, the estate of the surviving spouse, if any,
39 shall be charged for such medical assistance paid to either or both and a
40 claim against any funds of such recipient or spouse in any account under
41 K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall
42 be no recovery of medical assistance correctly paid to or on behalf of an
43 individual under subsection (e) except after the death of the surviving

1 spouse of the individual, if any, and only at a time when the individual has
2 no surviving child who is under 21 years of age or is blind or permanently
3 and totally disabled. Transfers of real or personal property by recipients of
4 medical assistance without adequate consideration are voidable and may
5 be set aside. Except where there is a surviving spouse, or a surviving child
6 who is under 21 years of age or is blind or permanently and totally
7 disabled, the amount of any medical assistance paid under subsection (e) is
8 a claim against the estate in any guardianship or conservatorship
9 proceeding. The monetary value of any benefits received by the recipient
10 of such medical assistance under long-term care insurance, as defined by
11 K.S.A. 40-2227, and amendments thereto, shall be a credit against the
12 amount of the claim provided for such medical assistance under this
13 subsection. The secretary of health and environment is authorized to
14 enforce each claim provided for under this subsection. The secretary of
15 health and environment shall not be required to pursue every claim, but is
16 granted discretion to determine which claims to pursue. All moneys
17 received by the secretary of health and environment from claims under this
18 subsection shall be deposited in the social welfare fund. The secretary of
19 health and environment may adopt rules and regulations for the
20 implementation and administration of the medical assistance recovery
21 program under this subsection.

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

28 (A) If an individual receives any medical assistance before July 1,
29 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
30 and amendments thereto, which forms the basis for a claim under
31 paragraph (2), such claim is limited to the individual's probatable estate as
32 defined by applicable law; and

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

1 trust, annuities or similar arrangement.

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

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

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

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

- 1 (A) After the death of the surviving spouse of the recipient;
2 (B) when there is no child of the recipient, natural or adopted, who is
3 20 years of age or less residing in the home;
4 (C) when there is no adult child of the recipient, natural or adopted,
5 who is blind or disabled residing in the home; or
6 (D) when no brother or sister of the recipient is lawfully residing in
7 the home, who has resided there for at least one year immediately before
8 the date of the recipient's admission to the nursing or medical facility, and
9 has resided there on a continuous basis since that time.

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

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

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

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

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

30 (8) Within seven days of receipt of notice by the secretary for
31 children and families or the secretary's designee of the death of a recipient
32 of medical assistance under this subsection, the secretary for children and
33 families or the secretary's designee shall give notice of such recipient's
34 death to the secretary of health and environment or the secretary's
35 designee.

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

41 (h) *Placement under the revised Kansas code for care of children or*
42 *revised Kansas juvenile justice code; assignment of support rights and*
43 *limited power of attorney.* In any case in which the secretary for children

1 and families pays for the expenses of care and custody of a child pursuant
2 to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto,
3 including the expenses of any foster care placement, an assignment of all
4 past, present and future support rights of the child in custody possessed by
5 either parent or other person entitled to receive support payments for the
6 child is, by operation of law, conveyed to the secretary. Such assignment
7 shall become effective upon placement of a child in the custody of the
8 secretary or upon payment of the expenses of care and custody of a child
9 by the secretary without the requirement that any document be signed by
10 the parent or other person entitled to receive support payments for the
11 child. When the secretary pays for the expenses of care and custody of a
12 child or a child is placed in the custody of the secretary, the parent or other
13 person entitled to receive support payments for the child is also deemed to
14 have appointed the secretary, or the secretary's designee, as attorney in fact
15 to perform the specific act of negotiating and endorsing all drafts, checks,
16 money orders or other negotiable instruments representing support
17 payments received by the secretary on behalf of the child. This limited
18 power of attorney shall be effective from the date the assignment to
19 support rights becomes effective and shall remain in effect until the
20 assignment of support rights has been terminated in full.

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

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

40 (k) By applying for or receiving child care subsidy or food assistance,
41 the applicant or recipient shall be deemed to have assigned, pursuant to
42 K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the
43 state only accrued, present or future rights to support from any other

1 person such applicant may have in such person's own behalf or in behalf of
2 any other family member for whom the applicant is applying for or
3 receiving aid. The assignment of support rights shall automatically become
4 effective upon the date of approval for or receipt of such aid without the
5 requirement that any document be signed by the applicant or recipient. By
6 applying for or receiving child care subsidy or food assistance, the
7 applicant or recipient is also deemed to have appointed the secretary, or the
8 secretary's designee, as an attorney in fact to perform the specific act of
9 negotiating and endorsing all drafts, checks, money orders or other
10 negotiable instruments representing support payments received by the
11 secretary in behalf of any person applying for, receiving or having
12 received such assistance. This limited power of attorney shall be effective
13 from the date the secretary approves the application for aid and shall
14 remain in effect until the assignment of support rights has been terminated
15 in full. An applicant or recipient who has assigned support rights to the
16 secretary pursuant to this subsection shall cooperate in establishing and
17 enforcing support obligations to the same extent required of applicants for
18 or recipients of temporary assistance for needy families.

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

38 (2) Any applicant for or recipient of cash assistance whose drug
39 screening results in a positive test may request that the drug screening
40 specimen be sent to a different drug testing facility for an additional drug
41 screening. Any applicant for or recipient of cash assistance who requests
42 an additional drug screening at a different drug testing facility shall be
43 required to pay the cost of drug screening. Such applicant or recipient who

1 took the additional drug screening and who tested negative for unlawful
2 use of a controlled substance and controlled substance analog shall be
3 reimbursed for the cost of such additional drug screening.

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

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

40 (A) In addition, any individual designated to receive cash assistance
41 on behalf of an eligible minor child shall be subject to drug screening at
42 any time when reasonable suspicion exists that such designated individual
43 is unlawfully using a controlled substance or controlled substance analog.

1 The secretary for children and families may use any information obtained
2 by the secretary for children and families to determine whether such
3 reasonable suspicion exists, including, but not limited to, the designated
4 individual's demeanor, missed appointments and arrest or other police
5 records, previous employment or application for employment in an
6 occupation or industry that regularly conducts drug screening, termination
7 from previous employment due to unlawful use of a controlled substance
8 or controlled substance analog or prior drug screening records of the
9 designated individual indicating unlawful use of a controlled substance or
10 controlled substance analog.

11 (B) Any designated individual whose drug screening results in a
12 positive test may request that the drug screening specimen be sent to a
13 different drug testing facility for an additional drug screening. Any
14 designated individual who requests an additional drug screening at a
15 different drug testing facility shall be required to pay the cost of drug
16 screening. Such designated individual who took the additional drug
17 screening and who tested negative for unlawful use of a controlled
18 substance and controlled substance analog shall be reimbursed for the cost
19 of such additional drug screening.

20 (C) Upon any positive test for unlawful use of a controlled substance
21 or controlled substance analog, the designated individual shall not receive
22 cash assistance on behalf of the parent's or legal guardian's minor child,
23 and another designated individual shall be selected by the secretary for
24 children and families to receive cash assistance on behalf of such parent's
25 or legal guardian's minor child.

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

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

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

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

6 (9) *A person shall not be denied food assistance solely because such
7 person has been convicted of a drug-related felony. The secretary for
8 children and families shall submit to the federal government any approval
9 request required to implement the provisions of this paragraph.*

10 (10) As used in this subsection:

11 (A) "Cash assistance" means ~~cash~~ public assistance provided to
12 individuals under the provisions of article 7 of chapter 39 of the Kansas
13 Statutes Annotated, and amendments thereto, *including TANF and food
14 assistance*, and any rules and regulations adopted pursuant to such
15 provisions.

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

18 (C) "Controlled substance analog" means the same as in K.S.A. 21-
19 5701, and amendments thereto.

20 Sec. 3. K.S.A. 39-702 and K.S.A. 2024 Supp. 39-709 are hereby
21 repealed.

22 Sec. 4. This act shall take effect and be in force from and after its
23 publication in the statute book.