

SENATE BILL No. 95

By Committee on Public Health and Welfare

1-26

1 AN ACT concerning public assistance; relating to eligibility; requirements;
2 voice signatures for applications; amending K.S.A. 2016 Supp. 39-709
3 and repealing the existing section.
4

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

6 New Section 1. (a) For purposes of any public assistance program
7 described in K.S.A. 39-709, and amendments thereto, that is administered
8 by the secretary for children and families, the secretary shall accept a
9 telephonic signature by an applicant, or the applicant's authorized
10 representative, to fulfill any signature requirement prescribed for any
11 application for such public assistance program. Nothing in this section
12 shall be construed to require an applicant to submit a telephonic signature
13 with any application for public assistance.

14 (b) The secretary for children and families shall adopt rules and
15 regulations prior to January 1, 2018, to establish requirements for any
16 applicant choosing to submit a telephonic signature with an application for
17 public assistance, including measures to verify the identity of any
18 applicant choosing or purporting to submit a telephonic signature, to
19 protect an applicant for public assistance against potential impersonation,
20 identity theft or invasion of privacy and to provide accurate linkage
21 between a telephonic signature and the associated application or case file.

22 (c) A telephonic signature submitted pursuant to this section shall
23 constitute a valid and legal signature and may not be denied legal effect or
24 enforceability solely because the signature is telephonic.

25 (d) As used in this section, "telephonic signature" means a recording
26 of the verbal assent of an individual to submit an application for public
27 assistance to the secretary for children and families over a telephone
28 system and the information to which assent has been given.

29 Sec. 2. K.S.A. 2016 Supp. 39-709 is hereby amended to read as
30 follows: 39-709. (a) *General eligibility requirements for assistance for*
31 *which federal moneys are expended.* Subject to the additional requirements
32 below, assistance in accordance with plans under which federal moneys
33 are expended may be granted to any needy person who:

34 (1) Has insufficient income or resources to provide a reasonable
35 subsistence compatible with decency and health. Where a husband and
36 wife or cohabiting partners are living together, the combined income or

1 resources of both shall be considered in determining the eligibility of
2 either or both for such assistance unless otherwise prohibited by law. The
3 secretary, in determining need of any applicant for or recipient of
4 assistance shall not take into account the financial responsibility of any
5 individual for any applicant or recipient of assistance unless such applicant
6 or recipient is such individual's spouse, cohabiting partner or such
7 individual's minor child or minor stepchild if the stepchild is living with
8 such individual. The secretary in determining need of an individual may
9 provide such income and resource exemptions as may be permitted by
10 federal law. For purposes of eligibility for temporary assistance for needy
11 families, for food assistance and for any other assistance provided through
12 the Kansas department for children and families under which federal
13 moneys are expended, the secretary for children and families shall
14 consider one motor vehicle owned by the applicant for assistance,
15 regardless of the value of such vehicle, as exempt personal property and
16 shall consider any equity in any boat, personal water craft, recreational
17 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined
18 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle
19 owned by the applicant for assistance to be a nonexempt resource of the
20 applicant for assistance except that any additional motor vehicle used by
21 the applicant, the applicant's spouse or the applicant's cohabiting partner
22 for the primary purpose of earning income may be considered as exempt
23 personal property in the secretary's discretion.

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

26 (b) *Temporary assistance for needy families.* Assistance may be
27 granted under this act to any dependent child, or relative, subject to the
28 general eligibility requirements as set out in subsection (a), who resides in
29 the state of Kansas or whose parent or other relative with whom the child
30 is living resides in the state of Kansas. Such assistance shall be known as
31 temporary assistance for needy families. Where the husband and wife or
32 cohabiting partners are living together, both shall register for work under
33 the program requirements for temporary assistance for needy families in
34 accordance with criteria and guidelines prescribed by rules and regulations
35 of the secretary.

36 (1) As used in this subsection, "family group" or "household" means
37 the applicant or recipient for TANF, child care subsidy or employment
38 services and all individuals living together in which there is a relationship
39 of legal responsibility or a qualifying caretaker relationship. This will
40 include a cohabiting boyfriend or girlfriend living with the person legally
41 responsible for the child. The family group shall not be eligible for TANF
42 if the family group contains at least one adult member who has received
43 TANF, including the federal TANF assistance received in any other state,

1 for 24 calendar months beginning on and after October 1, 1996, unless the
2 secretary determines a hardship exists and grants an extension allowing
3 receipt of TANF until the 36-month limit is reached. No extension beyond
4 36 months shall be granted. Hardship provisions for a recipient include:

5 (A) Is a caretaker of a disabled family member living in the
6 household;

7 (B) has a disability which precludes employment on a long-term basis
8 or requires substantial rehabilitation;

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

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

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

16 (2) All adults applying for TANF shall be required to complete a
17 work program assessment as specified by the Kansas department for
18 children and families, including those who have been disqualified for or
19 denied TANF due to non-cooperation, drug testing requirements or fraud.
20 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
21 relative/non-relative caretakers and adults receiving supplemental security
22 income are not required to complete the assessment process. During the
23 application processing period, applicants must complete at least one
24 module or its equivalent of the work program assessment to be considered
25 eligible for TANF benefits, unless good cause is found to be exempt from
26 the requirements. Good cause exemptions shall only include:

27 (A) The applicant can document an existing certification verifying
28 completion of the work program assessment;

29 (B) the applicant has a valid offer of employment or is employed a
30 minimum of 20 hours a week;

31 (C) the applicant is a parenting teen without a GED or high school
32 diploma;

33 (D) the applicant is enrolled in job corps;

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

35 (F) the applicant has completed the work program assessment within
36 the last 12 months.

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

41 (4) TANF mandatory work program applicants and recipients shall
42 participate in work components that lead to competitive, integrated
43 employment. Components are defined by the federal government as being

1 either primary or secondary. In order to meet federal work participation
2 requirements, households need to meet at least 30 hours of participation
3 per week, at least 20 hours of which need to be primary and at least 10
4 hours may be secondary components in one parent households where the
5 youngest child is six years of age or older. Participation hours shall be 55
6 hours in two parent households (35 hours per week if child care is not
7 used). The maximum assignment is 40 hours per week per individual. For
8 two parent families to meet the federal work participation rate both parents
9 must participate in a combined total of 55 hours per week, 50 hours of
10 which must be in primary components, or one or both parents could be
11 assigned a combined total of 35 hours per week (30 hours of which must
12 be primary components) if department for children and families paid child
13 care is not received by the family. Single parent families with a child under
14 age six meet the federal participation requirement if the parent is engaged
15 in work or work activities for at least 20 hours per week in a primary work
16 component. The following components meet federal definitions of primary
17 hours of participation: Full or part-time employment, apprenticeship, work
18 study, self-employment, job corps, subsidized employment, work
19 experience sites, on-the-job training, supervised community service,
20 vocational education, job search and job readiness. Secondary components
21 include: Job skills training, education directly related to employment such
22 as adult basic education and English as a second language, and completion
23 of a high school diploma or GED.

24 (5) ~~A parent or other adult caretaker~~ *An individual who is a single*
25 *custodial parent and personally providing care for a child under the age of*
26 ~~three months one year~~ *in their TANF household is exempt from work*
27 *participation activities until the month the child turns three months one*
28 *year of age. Such three-month limitation shall not apply to a parent or*
29 ~~other adult caretaker who is personally providing care for a child born~~
30 ~~significantly premature, with serious medical conditions or with a~~
31 ~~disability as defined by the secretary, in consultation with the secretary of~~
32 ~~health and environment, and adopted in the rules and regulations. The~~
33 ~~three-month period is defined as two consecutive months starting with the~~
34 ~~month after childbirth. The exemption for caring for a child under three~~
35 ~~months cannot be claimed:~~

36 (A) ~~By either parent when two parents are in the home and the~~
37 ~~household meets the two-parent definition for federal reporting purposes;~~

38 (B) ~~by one parent or caretaker when the other parent or caretaker is in~~
39 ~~the home, and available, capable and suitable to provide care and the~~
40 ~~household does not meet the two-parent definition for federal reporting~~
41 ~~purposes;~~

42 (C) ~~by a person age 19 or younger when such person is pregnant or a~~
43 ~~parent of a child in the home and the person does not possess a high school~~

1 ~~diploma or its equivalent. Such person shall become exempt the month~~
2 ~~such person turns age 20; or~~

3 ~~(D) by any person assigned to a work participation activity for~~
4 ~~substance use disorders.~~

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

9 (7) TANF participants with disabilities shall engage in required
10 employment activities to the maximum extent consistent with their
11 abilities. TANF participants shall provide current documentation by a
12 qualified medical practitioner that details the abilities to engage in
13 employment and any limitations in work activities along with the expected
14 duration of such limitations. Disability is defined as a physical or mental
15 impairment constituting or resulting in a substantial impediment to
16 employment for such individual.

17 (8) Non-cooperation is the failure of the applicant or recipient to
18 comply with all requirements provided in state and federal law, federal and
19 state rules and regulations and agency policy. The period of ineligibility
20 for TANF benefits based on non-cooperation with work programs shall be
21 as follows:

22 (A) For a first penalty, three months and full cooperation with work
23 program activities;

24 (B) for a second penalty, six months and full cooperation with work
25 program activities;

26 (C) for a third penalty, one year and full cooperation with work
27 program activities; and

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

29 (9) Individuals that have not cooperated with TANF work programs
30 shall be ineligible to participate in the food assistance program. The
31 comparable penalty shall be applied to only the individual in the food
32 assistance program who failed to comply with the TANF work
33 requirement. The agency shall impose the same penalty to the member of
34 the household who failed to comply with TANF requirements. The penalty
35 periods are three months, six months, one year, or 10 years.

36 (10) Non-cooperation is the failure of the applicant or recipient to
37 comply with all requirements provided in state and federal law, federal and
38 state rules and regulations and agency policy. The period of ineligibility
39 for child care subsidy or TANF benefits based on parents' non-cooperation
40 with child support services shall be as follows:

41 (A) For the first penalty, three months and cooperation with child
42 support services prior to regaining eligibility;

43 (B) for a second penalty, six months and cooperation with child

1 support services prior to regaining eligibility;

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

4 (D) for a fourth penalty, 10 years.

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

9 (12) (A) Any individual who is found to have committed fraud or is
10 found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.
11 2016 Supp. 21-5801, and amendments thereto, in either the TANF or child
12 care program shall render all adults in the family unit ineligible for TANF
13 assistance. Adults in the household who were determined to have
14 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
15 39-720 and K.S.A. 2016 Supp. 21-5801, and amendments thereto, shall
16 render themselves and all adult household members ineligible for their
17 lifetime for TANF, even if fraud was committed in only one program.
18 Households who have been determined to have committed fraud or were
19 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2016
20 Supp. 21-5801, and amendments thereto, shall be required to name a
21 protective payee as approved by the secretary or the secretary's designee to
22 administer TANF benefits or food assistance on behalf of the children. No
23 adult in a household may have access to the TANF cash assistance benefit.

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

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

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

1 requested by the department pursuant to a drug testing plan.

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

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

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

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

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

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

43 (D) The Kansas department for children and families shall monitor all

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

7 (16) The secretary for children and families shall adopt rules and
8 regulations:

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

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

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

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

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

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

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

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

1 ~~meet another approvable criteria for child care subsidy.~~

2 (17) (A) The secretary for children and families ~~is prohibited from~~
3 ~~requesting or implementing~~ *may request and implement* a waiver or
4 program from the U.S. department of agriculture for the time limited
5 assistance provisions for able-bodied adults aged 18 through 49 without
6 dependents in a household under the food assistance program *pursuant to*
7 *7 U.S.C. § 2015(o)(4)(A), as such section exists on July 1, 2017, in areas*
8 *that have an unemployment rate of over 10% or that do not have a*
9 *sufficient number of jobs.* The time on food assistance for able-bodied
10 adults aged 18 through 49 without dependents in the household shall be
11 limited to three months in a 36-month period if such adults are not meeting
12 the requirements imposed by the U.S. department of agriculture that they
13 must work for at least 20 hours per week or participate in a federally
14 approved work program or its equivalent, *unless such adults are exempt*
15 *from such requirements. The secretary may use all available authority to*
16 *exempt specific populations from such requirements pursuant to 7 C.F.R. §*
17 *273.24, as such section exists on July 1, 2017, including, but not limited*
18 *to: Individuals aged 18 to 21 years who are aging out of the foster care*
19 *system; homeless individuals, including homeless military veterans; ex-*
20 *offenders; individuals who are mentally unfit for employment; and non-*
21 *custodial parents.*

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

27 (C) Any recipient who has not complied with the work requirements
28 under subparagraph (B) shall be ineligible to participate in the food
29 assistance program for the following time period and until the recipient
30 complies with such work requirements:

- 31 (i) For a first penalty, three months;
32 (ii) for a second penalty, six months; and
33 (iii) for a third penalty and any subsequent penalty, one year.

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

1 available to the remaining household members.

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

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

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

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

23 (c) (1) On and after January 1, 2017, the department for children and
24 families shall conduct an electronic check for any false information
25 provided on an application for TANF and other benefits programs
26 administered by the department. For TANF cash assistance, food
27 assistance and the child care subsidy program, the department shall verify
28 the identity of all adults in the assistance household.

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

43 (d) *Temporary assistance for needy families; assignment of support*

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

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

1 requirements of applicants for and recipients of medical assistance. Such
2 assistance shall be known as medical assistance.

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

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

21 (B) If a trust has discretionary language, the trust shall be considered
22 to be an available resource to the extent, using the full extent of discretion,
23 the trustee may make any of the income or principal available to the
24 applicant or recipient of medical assistance. Any such discretionary trust
25 shall be considered an available resource unless: (i) At the time of creation
26 or amendment of the trust, the trust states a clear intent that the trust is
27 supplemental to public assistance; and (ii) the trust: (a) Is funded from
28 resources of a person who, at the time of such funding, owed no duty of
29 support to the applicant or recipient of medical assistance; or (b) is funded
30 not more than nominally from resources of a person while that person
31 owed a duty of support to the applicant or recipient of medical assistance.

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

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

1 agreement or accord must be in writing and executed prior to any services
2 being provided; (ii) the moneys paid are in direct relationship with the fair
3 market value of such services being provided by similarly situated and
4 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed
5 individuals or situations can be found, the value of services will be based
6 on federal hourly minimum wage standards; (iv) such individual providing
7 the services will report all receipts of moneys as income to the appropriate
8 state and federal governmental revenue agencies; (v) any amounts due
9 under such contract, agreement or accord shall be paid after the services
10 are rendered; (vi) the applicant or recipient shall have the power to revoke
11 the contract, agreement or accord; and (vii) upon the death of the applicant
12 or recipient, the contract, agreement or accord ceases.

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

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

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

38 (g) *Medical assistance; assignment of rights to medical support and*
39 *limited power of attorney; recovery from estates of deceased recipients.* (1)
40 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and
41 amendments thereto, or as otherwise authorized on and after September
42 30, 1989, under section 303 of the federal medicare catastrophic coverage
43 act of 1988, whichever is applicable, by applying for or receiving medical

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

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

36 (2) The amount of any medical assistance paid after June 30, 1992,
37 under the provisions of subsection (e) is: (A) A claim against the property
38 or any interest therein belonging to and a part of the estate of any deceased
39 recipient or, if there is no estate, the estate of the surviving spouse, if any,
40 shall be charged for such medical assistance paid to either or both; and (B)
41 a claim against any funds of such recipient or spouse in any account under
42 K.S.A. 9-1215, 17-2263, 17-2264, 17-5828 or 17-5829, and amendments
43 thereto. There shall be no recovery of medical assistance correctly paid to

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

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

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

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

1 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
2 trust, annuities or similar arrangement.

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

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

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

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

1 is located. However, it may be enforced only:

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

3 (B) when there is no child of the recipient, natural or adopted, who is
4 20 years of age or less residing in the home;

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

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

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

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

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

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

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

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

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

42 (h) *Placement under the revised Kansas code for care of children or*
43 *revised Kansas juvenile justice code; assignment of support rights and*

1 *limited power of attorney*. In any case in which the secretary for children
2 and families pays for the expenses of care and custody of a child pursuant
3 to K.S.A. 2016 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
4 thereto, including the expenses of any foster care placement, an
5 assignment of all past, present and future support rights of the child in
6 custody possessed by either parent or other person entitled to receive
7 support payments for the child is, by operation of law, conveyed to the
8 secretary. Such assignment shall become effective upon placement of a
9 child in the custody of the secretary or upon payment of the expenses of
10 care and custody of a child by the secretary without the requirement that
11 any document be signed by the parent or other person entitled to receive
12 support payments for the child. When the secretary pays for the expenses
13 of care and custody of a child or a child is placed in the custody of the
14 secretary, the parent or other person entitled to receive support payments
15 for the child is also deemed to have appointed the secretary, or the
16 secretary's designee, as attorney in fact to perform the specific act of
17 negotiating and endorsing all drafts, checks, money orders or other
18 negotiable instruments representing support payments received by the
19 secretary on behalf of the child. This limited power of attorney shall be
20 effective from the date the assignment to support rights becomes effective
21 and shall remain in effect until the assignment of support rights has been
22 terminated in full.

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

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

42 (k) By applying for or receiving child care benefits or food
43 assistance, the applicant or recipient shall be deemed to have assigned,

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

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

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

1 an additional drug screening at a different drug testing facility shall be
2 required to pay the cost of drug screening. Such applicant or recipient who
3 took the additional drug screening and who tested negative for unlawful
4 use of a controlled substance and controlled substance analog shall be
5 reimbursed for the cost of such additional drug screening.

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

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

42 (A) In addition, any individual designated to receive cash assistance
43 on behalf of an eligible minor child shall be subject to drug screening at

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

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

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

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

42 (6) Except for hearings before the Kansas department for children
43 and families or, the results of any drug screening administered as part of

1 the drug screening program authorized by this subsection shall be
2 confidential and shall not be disclosed publicly.

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

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

8 (9) As used in this subsection:

9 (A) "Cash assistance" means cash assistance provided to individuals
10 under the provisions of article 7 of chapter 39 of the Kansas Statutes
11 Annotated, and amendments thereto, and any rules and regulations adopted
12 pursuant to such statutes.

13 (B) "Controlled substance" means the same as in K.S.A. 2016 Supp.
14 21-5701, and amendments thereto, and 21 U.S.C. § 802.

15 (C) "Controlled substance analog" means the same as in K.S.A. 2016
16 Supp. 21-5701, and amendments thereto.

17 Sec. 3. K.S.A. 2016 Supp. 39-709 is hereby repealed.

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