

HOUSE BILL No. 2157

By Committee on Children and Seniors

2-6

1 AN ACT concerning public assistance programs; relating to the temporary
2 assistance for needy families program; administration by the Kansas
3 department for children and families; requirements and limitations for
4 receiving benefits; amending K.S.A. 2018 Supp. 39-702 and 39-709
5 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2018 Supp. 39-702 is hereby amended to read as
9 follows: 39-702. The following words and phrases when used in this act
10 shall, for the purposes of this act, have the meanings respectively ascribed
11 to them in this section:

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

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

16 (c) "Social welfare service" may include such functions as giving
17 assistance, the prevention of public dependency, and promoting the
18 rehabilitation of dependent persons or those who are approaching public
19 dependency.

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

25 (e) "Temporary assistance ~~to~~ for needy families" or "TANF" means
26 financial assistance with respect to or on behalf of a dependent child or
27 dependent children and includes financial assistance for any month to meet
28 the needs of the relative or qualifying caretaker with whom any dependent
29 child is living.

30 (f) "Medical assistance" means the payment of all or part of the cost
31 of necessary: (1) Medical, remedial, rehabilitative or preventive care and
32 services that are within the scope of services to be provided under a
33 medical care plan developed by the secretary pursuant to this act and
34 furnished by health care providers who have a current approved provider
35 agreement with the secretary; and (2) transportation to obtain care and
36 services that are within the scope of services to be provided under a

1 medical care plan developed by the secretary pursuant to this act.

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

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

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

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

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

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

23 (m) "TANF diversion assistance" means a one-time voluntary
24 payment option in lieu of ongoing TANF assistance. The diversion
25 payment is available to applicants who have not received TANF assistance
26 as an adult, and is designed to meet a crisis or emergency hardship that
27 would endanger such applicants' ability to remain employed or to accept
28 an offer of employment. Any household that includes such recipient
29 accepting the diversion payment is ineligible to receive on-going TANF
30 assistance for 12 months after receipt of the diversion payment. Any
31 recipient who receives a diversion payment is limited to ~~18~~ 48 months of
32 TANF cash assistance in a lifetime, unless such recipient shall meet a
33 hardship criteria as defined by the secretary.

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

37 Sec. 2. K.S.A. 2018 Supp. 39-709 is hereby amended to read as
38 follows: 39-709. (a) *General eligibility requirements for assistance for*
39 *which federal moneys are expended.* Subject to the additional requirements
40 below, assistance in accordance with plans under which federal moneys
41 are expended may be granted to any needy person who:

42 (1) Has insufficient income or resources to provide a reasonable
43 subsistence compatible with decency and health. Where a husband and

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

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

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

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

1 TANF, including the federal TANF assistance received in any other state,
2 for ~~24~~ 60 calendar months beginning on and after October 1, 1996, unless
3 the secretary determines a hardship exists and grants an extension ~~allowing~~
4 ~~receipt of TANF until the 36-month limit is reached. No extension beyond~~
5 ~~36 months shall be granted.~~ Hardship provisions for a recipient include:

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

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

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

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

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

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

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

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

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

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

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

37 (F) the applicant has completed the work program assessment within
38 the last 12 months.

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

43 (4) TANF mandatory work program applicants and recipients shall

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

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

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

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

1 (C) ~~by a person age 19 or younger when such person is pregnant or a~~
2 ~~parent of a child in the home and the person does not possess a high school~~
3 ~~diploma or its equivalent. Such person shall become exempt the month~~
4 ~~such person turns age 20; or~~

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

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

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

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

24 (A) ~~For a first penalty, three months and full cooperation with work~~
25 ~~program activities;~~

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

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

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

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

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

43 (A) ~~For the first penalty, three months and cooperation with child~~

1 support services prior to regaining eligibility;

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

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

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

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

11 ~~(12)~~(A) Any individual who is found to have committed fraud or is
12 found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.
13 2018 Supp. 21-5801, and amendments thereto, in either the TANF or child
14 care program shall render all adults in the family unit ineligible for TANF
15 assistance. Adults in the household who were determined to have
16 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
17 39-720 and K.S.A. 2018 Supp. 21-5801, and amendments thereto, shall
18 render themselves and all adult household members ineligible for their
19 lifetime for TANF, even if fraud was committed in only one program.
20 Households who have been determined to have committed fraud or were
21 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2018
22 Supp. 21-5801, and amendments thereto, shall be required to name a
23 protective payee as approved by the secretary or the secretary's designee to
24 administer TANF benefits or food assistance on behalf of the children. No
25 adult in a household may have access to the TANF cash assistance benefit.

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

34 ~~(13)~~(9) (A) Food assistance shall not be provided to any person
35 convicted of a felony offense occurring on or after July 1, 2015, ~~which~~
36 *that* includes as an element of such offense the manufacture, cultivation,
37 distribution, possession or use of a controlled substance or controlled
38 substance analog. For food assistance, the individual shall be permanently
39 disqualified if they have been convicted of a state or federal felony offense
40 occurring on or after July 1, 2015, involving possession or use of a
41 controlled substance or controlled substance analog.

42 (B) Notwithstanding the provisions of subparagraph (A), an
43 individual shall be eligible for food assistance if the individual enrolls in

1 and participates in a drug treatment program approved by the secretary,
2 submits to and passes a drug test and agrees to submit to drug testing if
3 requested by the department pursuant to a drug testing plan.

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

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

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

29 ~~(15)~~(11) (A) The secretary for children and families shall place a
30 photograph of the recipient, if agreed to by such recipient of public
31 assistance, on any Kansas benefits card issued by the Kansas department
32 for children and families that the recipient uses in obtaining food, cash or
33 any other services. When a recipient of public assistance is a minor or
34 otherwise incapacitated individual, a parent or legal guardian of such
35 recipient may have a photograph of such parent or legal guardian placed
36 on the card.

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

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

1 card and Kansas benefits card.

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

9 ~~(16)~~(12) The secretary for children and families shall adopt rules and
10 regulations:

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

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

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

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

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

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

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

30 The *Kansas* department for children and families shall provide child
31 care for the pursuit of any degree or certification if the occupation has at
32 least an average job outlook listed in the occupational outlook of the U.S.
33 department of labor, bureau of labor statistics. For occupations with less
34 than an average job outlook, educational plans shall require approval of
35 the secretary or secretary's designee. Child care may also be approved if
36 the student provides verification of a specific job offer that will be
37 available to such student upon completion of the program. Child care for
38 post-secondary education shall be allowed for a lifetime maximum of ~~24~~
39 ~~60~~ months per adult. The ~~24~~ ~~60~~ months may not have to be consecutive.
40 Students shall be engaged in paid employment for a minimum of 15 hours
41 per week. In a two-parent adult household, child care would not be
42 allowed if both parents are adults and attending a formal education or
43 training program at the same time. The household may choose which one

1 of the parents is participating as a post-secondary student. The other parent
2 shall meet another approvable criteria for child care subsidy.

3 ~~(17)~~(13) (A) The secretary for children and families is prohibited
4 from requesting or implementing a waiver or program from the U.S.
5 department of agriculture for the time limited assistance provisions for
6 able-bodied adults aged 18 through 49 without dependents in a household
7 under the food assistance program. The time on food assistance for able-
8 bodied adults aged 18 through 49 without dependents in the household
9 shall be limited to three months in a 36-month period if such adults are not
10 meeting the requirements imposed by the U.S. department of agriculture
11 that they must work for at least 20 hours per week or participate in a
12 federally approved work program or its equivalent.

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

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

22 (i) For a first penalty, three months;

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

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

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

36 ~~(19)~~(15) The secretary for children and families shall not enact the
37 state option from the U.S. 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)~~(16) 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)~~(17) (A) 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) On and after January 1, 2017, the department for children and
15 families shall conduct an electronic check for any false information
16 provided on an application for TANF and other benefits programs
17 administered by the department. For TANF cash assistance, food
18 assistance and the child care subsidy program, the department shall verify
19 the identity of all adults in the 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: (i) At the time of creation
17 or amendment of the trust, the trust states a clear intent that the trust is
18 supplemental to public assistance; and (ii) the trust: (a) Is funded from
19 resources of a person who, at the time of such funding, owed no duty of
20 support to the applicant or recipient of medical assistance; or (b) is funded
21 not more than nominally from resources of a person while that person
22 owed a duty of support to the applicant or recipient of medical assistance.

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

26 (4) (A) When an applicant or recipient of medical assistance is a party
27 to a contract, agreement or accord for personal services being provided by
28 a nonlicensed individual or provider and such contract, agreement or
29 accord involves health and welfare monitoring, pharmacy assistance, case
30 management, communication with medical, health or other professionals,
31 or other activities related to home health care, long term care, medical
32 assistance benefits, or other related issues, any moneys paid under such
33 contract, agreement or accord shall be considered to be an available
34 resource unless the following restrictions are met: (i) The contract,
35 agreement or accord must be in writing and executed prior to any services
36 being provided; (ii) the moneys paid are in direct relationship with the fair
37 market value of such services being provided by similarly situated and
38 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed
39 individuals or situations can be found, the value of services will be based
40 on federal hourly minimum wage standards; (iv) such individual providing
41 the services will report all receipts of moneys as income to the appropriate
42 state and federal governmental revenue agencies; (v) any amounts due
43 under such contract, agreement or accord shall be paid after the services

1 are rendered; (vi) the applicant or recipient shall have the power to revoke
2 the contract, agreement or accord; and (vii) upon the death of the applicant
3 or recipient, the contract, agreement or accord ceases.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the county subject to the lien.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (h) *Placement under the revised Kansas code for care of children or*
34 *revised Kansas juvenile justice code; assignment of support rights and*
35 *limited power of attorney.* In any case in which the secretary for children
36 and families pays for the expenses of care and custody of a child pursuant
37 to K.S.A. 2018 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
38 thereto, including the expenses of any foster care placement, an
39 assignment of all past, present and future support rights of the child in
40 custody possessed by either parent or other person entitled to receive
41 support payments for the child is, by operation of law, conveyed to the
42 secretary. Such assignment shall become effective upon placement of a
43 child in the custody of the secretary or upon payment of the expenses of

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

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

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

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

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

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

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

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

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

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

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

1 or controlled substance analog or prior drug screening records of the
2 designated individual indicating unlawful use of a controlled substance or
3 controlled substance analog.

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

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

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

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

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

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

42 (9) As used in this subsection:

43 (A) "Cash assistance" means cash assistance provided to individuals

1 under the provisions of article 7 of chapter 39 of the Kansas Statutes
2 Annotated, and amendments thereto, and any rules and regulations adopted
3 pursuant to such statutes.

4 (B) "Controlled substance" means the same as in K.S.A. 2018 Supp.
5 21-5701, and amendments thereto, and 21 U.S.C. § 802.

6 (C) "Controlled substance analog" means the same as in K.S.A. 2018
7 Supp. 21-5701, and amendments thereto.

8 Sec. 3. K.S.A. 2018 Supp. 39-702 and 39-709 are hereby repealed.

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