

**As Amended by House Committee**

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*Session of 2022*

**HOUSE BILL No. 2525**

By Committee on Children and Seniors

1-20

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1 AN ACT concerning public assistance; relating to food and child care  
2 assistance; removing non-cooperation with child support from  
3 requirements for food and child care assistance eligibility; exempting  
4 qualifying adults enrolled in school from the 20-hour-per-week work  
5 requirement for child care assistance eligibility for a limited time;  
6 amending K.S.A. 39-709 and repealing the existing section.  
7

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

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

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

1 the applicant, the applicant's spouse or the applicant's cohabiting partner  
2 for the primary purpose of earning income may be considered as exempt  
3 personal property in the secretary's discretion.

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

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

16 (1) As used in this subsection, "family group" or "household" means  
17 the applicant or recipient for TANF, child care subsidy or employment  
18 services and all individuals living together in which there is a relationship  
19 of legal responsibility or a qualifying caretaker relationship. This will  
20 include a cohabiting boyfriend or girlfriend living with the person legally  
21 responsible for the child. The family group shall not be eligible for TANF  
22 if the family group contains at least one adult member who has received  
23 TANF, including the federal TANF assistance received in any other state,  
24 for 24 calendar months beginning on and after October 1, 1996, unless the  
25 secretary determines a hardship exists and grants an extension allowing  
26 receipt of TANF until the 36-month limit is reached. No extension beyond  
27 36 months shall be granted. Hardship provisions for a recipient include:

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

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

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

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

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

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

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

8 (A) ~~The applicant~~ Can document an existing certification verifying  
9 completion of the work program assessment;

10 (B) ~~the applicant~~ has a valid offer of employment or is employed a  
11 minimum of 20 hours a week;

12 (C) ~~the applicant~~ is a parenting teen without a GED or high school  
13 diploma;

14 (D) ~~the applicant~~ is enrolled in job corps;

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

16 (F) ~~the applicant~~ has completed the work program assessment within  
17 the last 12 months.

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

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

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

42 (C) The following components meet federal definitions of primary  
43 hours of participation: Full or part-time employment, apprenticeship, work

1 study, self-employment, job corps, subsidized employment, work  
2 experience sites, on-the-job training, supervised community service,  
3 vocational education, job search and job readiness. Secondary components  
4 include: Job skills training, education directly related to employment such  
5 as adult basic education and English as a second language, and completion  
6 of a high school diploma or GED.

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

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

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

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

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

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

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

42 (8) ~~Non-cooperation is the failure of the applicant or recipient to~~  
43 ~~comply with all requirements provided in state and federal law, federal and~~

1 ~~state rules and regulations and agency policy.~~ The period of ineligibility  
2 for TANF benefits based on non-cooperation, *as defined in K.S.A. 39-702,*  
3 *and amendments thereto,* with work programs shall be as follows, *for a:*

4 (A) ~~For a~~ First penalty, three months and full cooperation with work  
5 program activities;

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

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

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

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

18 (10) ~~Non-cooperation is the failure of the applicant or recipient to~~  
19 ~~comply with all requirements provided in state and federal law, federal and~~  
20 ~~state rules and regulations and agency policy.~~ The period of ineligibility  
21 ~~for child care subsidy or~~ TANF benefits based on parents' non-  
22 cooperation, *as defined in K.S.A. 39-702, and amendments thereto,* with  
23 child support services shall be as follows, *for a:*

24 (A) ~~For the~~ First penalty, three months and cooperation with child  
25 support services prior to regaining eligibility;

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

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

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

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

35 **The secretary for children and families shall offer, but not**  
36 **require, coordination with individuals applying for or participating in**  
37 **child care or food assistance to cooperate with child support services.**

38 ~~(12)~~(12) (A) Any individual who is found to have committed fraud or  
39 is found guilty of the crime of theft pursuant to K.S.A. 39-720, and  
40 amendments thereto, and K.S.A. 2021 Supp. 21-5801, and amendments  
41 thereto, in either the TANF or child care program shall render all adults in  
42 the family unit ineligible for TANF assistance. Adults in the household  
43 who were determined to have committed fraud or were convicted of the

1 crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and  
2 K.S.A. 2021 Supp. 21-5801, and amendments thereto, shall render  
3 themselves and all adult household members ineligible for their lifetime  
4 for TANF, even if fraud was committed in only one program. Households  
5 who have been determined to have committed fraud or were convicted of  
6 the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and  
7 K.S.A. 2021 Supp. 21-5801, and amendments thereto, shall be required to  
8 name a protective payee as approved by the secretary or the secretary's  
9 designee to administer TANF benefits or food assistance on behalf of the  
10 children. No adult in a household may have access to the TANF cash  
11 assistance benefit.

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

21 ~~(13)~~**(13)** (A) Food assistance shall not be provided to any person  
22 convicted of a felony offense occurring on or after July 1, 2015, which  
23 includes as an element of such offense the manufacture, cultivation,  
24 distribution, possession or use of a controlled substance or controlled  
25 substance analog. For food assistance, the individual shall be permanently  
26 disqualified if they have been convicted of a state or federal felony offense  
27 occurring on or after July 1, 2015, involving possession or use of a  
28 controlled substance or controlled substance analog.

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

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

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

1       ~~(14)~~~~(13)~~**(14)** No TANF cash assistance shall be used to purchase  
2 alcohol, cigarettes, tobacco products, lottery tickets, concert tickets,  
3 professional or collegiate sporting event tickets or tickets for other  
4 entertainment events intended for the general public or sexually oriented  
5 adult materials. No TANF cash assistance shall be used in any retail liquor  
6 store, casino, gaming establishment, jewelry store, tattoo parlor, massage  
7 parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco  
8 paraphernalia store, vapor cigarette store, psychic or fortune telling  
9 business, bail bond company, video arcade, movie theater, swimming pool,  
10 cruise ship, theme park, dog or horse racing facility, parimutuel facility, or  
11 sexually oriented business or any retail establishment~~which~~ *that* provides  
12 adult-oriented entertainment in which performers disrobe or perform in an  
13 unclad state for entertainment, or in any business or retail establishment  
14 where minors under age 18 are not permitted. No TANF cash assistance  
15 shall be used for purchases at points of sale outside the state of Kansas.

16       ~~(15)~~~~(14)~~**(15)** (A) The secretary for children and families shall place a  
17 photograph of the recipient, if agreed to by such recipient of public  
18 assistance, on any Kansas benefits card issued by the Kansas department  
19 for children and families that the recipient uses in obtaining food, cash or  
20 any other services. When a recipient of public assistance is a minor or  
21 otherwise incapacitated individual, a parent or legal guardian of such  
22 recipient may have a photograph of such parent or legal guardian placed  
23 on the card.

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

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

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

39       ~~(16)~~~~(15)~~**(16)** The secretary for children and families shall adopt rules  
40 and regulations *for*:

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

43       (B) ~~in~~ determining and maintaining eligibility for non-TANF child

1 care, requiring that all included adults shall be employed a minimum of 20  
2 hours per week or more as defined by the secretary or meet the following  
3 specific qualifying exemptions:

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

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

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

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

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

17 (vi) adults who are caretakers of a child in custody of the secretary in  
18 out-of-home placement needing child care;

19 *(vii) adults enrolled in a public or nonpublic elementary or*  
20 *secondary school making progress toward graduation for up to 48 months;*  
21 *or*

22 *(viii) adults enrolled in a postsecondary educational institution for at*  
23 *least six credit hours that are required to obtain a degree or certificate for*  
24 *up to 72 months.*

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

41 ~~(17)(16)(17)~~ (A) The secretary for children and families is prohibited  
42 from requesting or implementing a waiver or program from the U.S.  
43 department of agriculture for the time limited assistance provisions for



1 able-bodied adults aged 18 through 49 without dependents in a household  
2 under the food assistance program. The time on food assistance for able-  
3 bodied adults aged 18 through 49 without dependents in the household  
4 shall be limited to three months in a 36-month period if such adults are not  
5 meeting the requirements imposed by the U.S. department of agriculture  
6 that they must work for at least 20 hours per week or participate in a  
7 federally approved work program or its equivalent.

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

13 (C) Any recipient who has not complied with the work requirements  
14 under subparagraph (B) shall be ineligible to participate in the food  
15 assistance program for the following time period and until the recipient  
16 complies with such work requirements *for a*:

17 (i) ~~For a~~ First penalty, three months;

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

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

20 ~~(18)(17)~~(18) Eligibility for the food assistance program shall be  
21 limited to those individuals who are citizens or who meet qualified non-  
22 citizen status as determined by U.S. department of agriculture. Non-citizen  
23 individuals who are unable or unwilling to provide qualifying immigrant  
24 documentation, as defined by the U.S. department of agriculture, residing  
25 within a household shall not be included when determining the household's  
26 size for the purposes of assigning a benefit level to the household for food  
27 assistance or comparing the household's monthly income with the income  
28 eligibility standards. The gross non-exempt earned and unearned income  
29 and resources of disqualified individuals shall be counted in its entirety as  
30 available to the remaining household members.

31 ~~(19)(18)~~(19) The secretary for children and families shall not enact  
32 the state option from the U.S. department of agriculture for broad-based  
33 categorical eligibility for households applying for food assistance  
34 according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

35 ~~(20)(19)~~(20) No federal or state funds shall be used for television,  
36 radio or billboard advertisements that are designed to promote food  
37 assistance benefits and enrollment. No federal or state funding shall be  
38 used for any agreements with foreign governments designed to promote  
39 food assistance.

40 ~~(21)(20)~~(21) (A) The secretary for children and families shall not  
41 apply gross income standards for food assistance higher than the standards  
42 specified in 7 U.S.C. § 2015(c) unless expressly required by federal law.  
43 Categorical eligibility exempting households from such gross income

1 standards requirements shall not be granted for any non-cash, in-kind or  
2 other benefit unless expressly required by federal law.

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

9 (c) (1) ~~On and after January 1, 2017,~~ The *Kansas* department for  
10 children and families shall conduct an electronic check for any false  
11 information provided on an application for TANF and other benefits  
12 programs administered by the department. For TANF cash assistance, food  
13 assistance and the child care subsidy program, the department shall verify  
14 the identity of all adults in the assistance household.

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

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

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

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

32 (2) For the purposes of medical assistance eligibility determinations  
33 on or after July 1, 2004, if an applicant or recipient owns property in joint  
34 tenancy with some other party and the applicant or recipient of medical  
35 assistance has restricted or conditioned their interest in such property to a  
36 specific and discrete property interest less than 100%, then such  
37 designation will cause the full value of the property to be considered an  
38 available resource to the applicant or recipient. Medical assistance  
39 eligibility for receipt of benefits under the title XIX of the social security  
40 act, commonly known as medicaid, shall not be expanded, as provided for  
41 in the patient protection and affordable care act, public law 111-148, 124  
42 stat. 119, and the health care and education reconciliation act of 2010,  
43 public law 111-152, 124 stat. 1029, unless the legislature expressly

1 consents to, and approves of, the expansion of medicaid services by an act  
2 of the legislature.

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

7 (B) If a trust has discretionary language, the trust shall be considered  
8 to be an available resource to the extent, using the full extent of discretion,  
9 the trustee may make any of the income or principal available to the  
10 applicant or recipient of medical assistance. Any such discretionary trust  
11 shall be considered an available resource unless:

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

14 (ii) the trust *is funded*:

15 (a) ~~is funded~~ From resources of a person who, at the time of such  
16 funding, owed no duty of support to the applicant or recipient of medical  
17 assistance; or

18 (b) ~~is funded~~ not more than nominally from resources of a person  
19 while that person owed a duty of support to the applicant or recipient of  
20 medical assistance.

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

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

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

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

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

41 (iv) such individual providing the services will report all receipts of  
42 moneys as income to the appropriate state and federal governmental  
43 revenue agencies;

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

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

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

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

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

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

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

34 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and  
35 amendments thereto, or as otherwise authorized on and after September  
36 30, 1989, under section 303 of the federal medicare catastrophic coverage  
37 act of 1988, whichever is applicable, by applying for or receiving medical  
38 assistance under a medical care plan in which federal funds are expended,  
39 any accrued, present or future rights to support and any rights to payment  
40 for medical care from a third party of an applicant or recipient and any  
41 other family member for whom the applicant is applying shall be deemed  
42 to have been assigned to the secretary on behalf of the state. The  
43 assignment shall automatically become effective upon the date of approval

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

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

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

1 who is under 21 years of age or is blind or permanently and totally  
2 disabled, the amount of any medical assistance paid under subsection (e) is  
3 a claim against the estate in any guardianship or conservatorship  
4 proceeding. The monetary value of any benefits received by the recipient  
5 of such medical assistance under long-term care insurance, as defined by  
6 K.S.A. 40-2227, and amendments thereto, shall be a credit against the  
7 amount of the claim provided for such medical assistance under this  
8 subsection. The secretary of health and environment is authorized to  
9 enforce each claim provided for under this subsection. The secretary of  
10 health and environment shall not be required to pursue every claim, but is  
11 granted discretion to determine which claims to pursue. All moneys  
12 received by the secretary of health and environment from claims under this  
13 subsection shall be deposited in the social welfare fund. The secretary of  
14 health and environment may adopt rules and regulations for the  
15 implementation and administration of the medical assistance recovery  
16 program under this subsection.

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

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

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

40 (4) The secretary of health and environment or the secretary's  
41 designee is authorized to file and enforce a lien against the real property of  
42 a recipient of medical assistance in certain situations, subject to all prior  
43 liens of record and transfers for value to a bona fide purchaser of record.

1 The lien must be filed in the office of the register of deeds of the county  
2 where the real property is located within one year from the date of death of  
3 the recipient and must contain the legal description of all real property in  
4 the county subject to the lien.

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

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

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

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

40 (B) when there is no child of the recipient, natural or adopted, who is  
41 20 years of age or less residing in the home;

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (3) Any applicant for or recipient of cash assistance who tests  
43 positive for unlawful use of a controlled substance or controlled substance

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

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

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

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

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

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

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

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

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

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

1 (9) As used in this subsection:

2 (A) "Cash assistance" means cash assistance provided to individuals  
3 under the provisions of article 7 of chapter 39 of the Kansas Statutes  
4 Annotated, and amendments thereto, and any rules and regulations adopted  
5 pursuant to such ~~statutes~~ *provisions*.

6 (B) "Controlled substance" means the same as in K.S.A. 2021 Supp.  
7 21-5701, and amendments thereto, and 21 U.S.C. § 802.

8 (C) "Controlled substance analog" means the same as in K.S.A. 2021  
9 Supp. 21-5701, and amendments thereto.

10 Sec. 2. K.S.A. 39-709 is hereby repealed.

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