

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2179

By Committee on Appropriations

1-25

1 AN ACT concerning public assistance; relating to child care assistance;  
2 removing non-cooperation with child support from disqualifications for  
3 child care assistance; **requiring the secretary to conduct reviews of**  
4 **cooperation**; amending K.S.A. 2022 Supp. 39-709 and repealing the  
5 existing section.  
6

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

8 Section 1. K.S.A. 2022 Supp. 39-709 is hereby amended to read as  
9 follows: 39-709. (a) *General eligibility requirements for assistance for*  
10 *which federal moneys are expended.* Subject to the additional requirements  
11 below, assistance in accordance with plans under which federal moneys  
12 are expended may be granted to any needy person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (D) is enrolled in job corps;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~(D)(iv)~~ fourth penalty, 10 years.

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

33 **(a) First penalty, three months and cooperation with child**  
34 **support services prior to regaining eligibility;**

35 **(b) second penalty, six months and cooperation with child**  
36 **support services prior to regaining eligibility;**

37 **(c) third penalty, one year and cooperation with child support**  
38 **services prior to regaining eligibility; and**

39 **(d) fourth penalty, 10 years.**

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

42 **(a) Upon application for child care subsidy;**

43 **(b) after 12 months of continuous eligibility for child care**

1 **subsidy; and**

2 **(c) following such 12 months of continuous eligibility when the**  
3 **secretary renews or redetermines a parent's eligibility for child care**  
4 **subsidy.**

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

9 (12) (A) Any individual who is found to have committed fraud or is  
10 found guilty of the crime of theft pursuant to K.S.A. 39-720, and  
11 amendments thereto, and K.S.A. 2022 Supp. 21-5801, and amendments  
12 thereto, in either the TANF or child care program shall render all adults in  
13 the family unit ineligible for TANF assistance. Adults in the household  
14 who have been determined to have committed fraud or were convicted of  
15 the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and  
16 K.S.A. 2022 Supp. 21-5801, and amendments thereto, shall render  
17 themselves and all adult household members ineligible for their lifetime  
18 for TANF, even if fraud was committed in only one program. Households  
19 who have been determined to have committed fraud or were convicted of  
20 the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and  
21 K.S.A. 2022 Supp. 21-5801, and amendments thereto, shall be required to  
22 name a protective payee as approved by the secretary or the secretary's  
23 designee to administer TANF benefits or food assistance on behalf of the  
24 children. No adult in a household may have access to the TANF cash  
25 assistance benefit.

26 (B) Any individual who 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 Kansas department  
29 for children and families determines that such individual is cooperating  
30 with the fraud investigation. The Kansas department for children and  
31 families shall maintain a sufficient level of fraud investigative staff to  
32 enable the department to conduct fraud investigations in a timely manner  
33 and in full accordance with state law and department rules and regulations  
34 or policies.

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

43 (B) (i) Notwithstanding the provisions of subparagraph (A), an

1 individual shall be eligible for food assistance if the individual enrolls in  
2 and participates in a drug treatment program approved by the secretary,  
3 submits to and passes a drug test and agrees to submit to drug testing if  
4 requested by the department pursuant to a drug testing plan.

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

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

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

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

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

42 (C) As used in this paragraph and its subparagraphs, "Kansas benefits  
43 card" means any card issued to provide food assistance, cash assistance or

1 child care assistance, including, but not limited to, the vision card, EBT  
2 card and Kansas benefits card.

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

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

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

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

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

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

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

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

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

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

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



1 of 15 hours per week. In a two-parent adult household, child care would  
2 not be allowed if both parents are adults and attending a formal education  
3 or training program at the same time. The household may choose which  
4 one of the parents is participating as a post-secondary student. The other  
5 parent shall meet another approvable criteria for child care subsidy.

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

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

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

25 (i) First penalty, three months;

26 (ii) second penalty, six months; and

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

28 (D) The Kansas department for children and families shall assign all  
29 individuals subject to the requirements established under 7 U.S.C. §  
30 2015(d)(1) to an employment and training program as defined in 7 U.S.C.  
31 § 2015(d)(4). The provisions of this subparagraph shall only apply to:

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

33 (ii) individuals who are not employed at least 30 hours per week.

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

1 be counted in its entirety as available to the remaining household  
2 members.

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

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

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

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

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

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

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

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

1 K.S.A. 16-303(c), and amendments thereto, from the eligibility  
2 requirements of applicants for and recipients of medical assistance. Such  
3 assistance shall be known as medical assistance.

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

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

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

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

29 (ii) the trust is funded:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 actions of the parent or guardian shall be deemed to be the actions of the  
2 child or ward in determining whether or not the person is remaining  
3 outside the state voluntarily.

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

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

38 (B) Notwithstanding the provisions of subparagraph (A), the  
39 secretary of health and environment, or the secretary's designee, is hereby  
40 authorized to and shall exercise any of the powers specified in  
41 subparagraph (A) in relation to performance of such secretary's duties  
42 pertaining to medical subrogation, estate recovery or any other duties  
43 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes

1 Annotated, and amendments thereto.

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

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

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

43 (B) if an individual receives any medical assistance on or after July 1,

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

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

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

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



1 medical facility. If the recipient is readmitted as an inpatient to a nursing or  
2 medical facility for a continuous period of less than 90 days, another  
3 continuous period of at least 90 days shall be completed prior to  
4 dissolution of the lien.

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

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

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

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

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

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

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

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

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

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

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

1 death to the secretary of health and environment or the secretary's  
2 designee.

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

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

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

40 (j) If the applicant or recipient of temporary assistance for needy  
41 families is a mother of the dependent child, as a condition of the mother's  
42 eligibility for temporary assistance for needy families the mother shall  
43 identify by name and, if known, by current address the father of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (9) As used in this subsection:

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

22 (B) "Controlled substance" means the same as in K.S.A. 2022 Supp.  
23 21-5701, and amendments thereto, and 21 U.S.C. § 802.

24 (C) "Controlled substance analog" means the same as in K.S.A. 2022  
25 Supp. 21-5701, and amendments thereto.

26 Sec. 2. K.S.A. 2022 Supp. 39-709 is hereby repealed.

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