

HOUSE BILL No. 2666

By Representatives Ousley and Gallagher

2-7

1 AN ACT concerning public assistance; relating to cash assistance, food
2 assistance, medical assistance and child care subsidies; eligibility;
3 amending K.S.A. 2017 Supp. 39-702 and 39-709 and repealing the
4 existing sections.

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

7 Section 1. K.S.A. 2017 Supp. 39-702 is hereby amended to read as
8 follows: 39-702. The following words and phrases when used in this act
9 shall, for the purposes of this act, have the meanings respectively ascribed
10 to them in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 Sec. 2. K.S.A. 2017 Supp. 39-709 is hereby amended to read as
37 follows: 39-709. (a) *General eligibility requirements for assistance for*
38 *which federal moneys are expended.* Subject to the additional requirements
39 below, assistance in accordance with plans under which federal moneys
40 are expended may be granted to any needy person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (4) TANF mandatory work program applicants and recipients shall
43 participate in work components that lead to competitive, integrated

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

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

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

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

43 (C) ~~by a person age 19 or younger when such person is pregnant or a~~

1 parent of a child in the home and the person does not possess a high school
2 diploma or its equivalent. Such person shall become exempt the month
3 such person turns age 20; or

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

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

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

18 ~~(8) 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 TANF benefits based on non-cooperation with work programs shall be~~
22 ~~as follows:~~

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

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

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

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

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

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

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

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

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

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

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

10 ~~(12)~~(8) (A) Any individual who is found to have committed fraud or
11 is found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.
12 2017 Supp. 21-5801, and amendments thereto, in either the TANF or child
13 care program shall render all adults in the family unit ineligible for TANF
14 assistance. Adults in the household who were determined to have
15 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
16 39-720 and K.S.A. 2017 Supp. 21-5801, and amendments thereto, shall
17 render themselves and all adult household members ineligible for their
18 lifetime for TANF, even if fraud was committed in only one program.
19 Households who have been determined to have committed fraud or were
20 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2017
21 Supp. 21-5801, and amendments thereto, shall be required to name a
22 protective payee as approved by the secretary or the secretary's designee to
23 administer TANF benefits or food assistance on behalf of the children. No
24 adult in a household may have access to the TANF cash assistance benefit.

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

33 ~~(13)~~(9) (A) Food assistance shall not be provided to any person
34 convicted of a felony offense occurring on or after July 1, 2015, which
35 includes as an element of such offense the manufacture, cultivation,
36 distribution, possession or use of a controlled substance or controlled
37 substance analog. For food assistance, the individual shall be permanently
38 disqualified if they have been convicted of a state or federal felony offense
39 occurring on or after July 1, 2015, involving possession or use of a
40 controlled substance or controlled substance analog.

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

1 submits to and passes a drug test and agrees to submit to drug testing if
2 requested by the department pursuant to a drug testing plan.

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

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

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

28 ~~(15)~~(11) (A) The secretary for children and families shall place a
29 photograph of the recipient, if agreed to by such recipient of public
30 assistance, on any Kansas benefits card issued by the Kansas department
31 for children and families that the recipient uses in obtaining food, cash or
32 any other services. When a recipient of public assistance is a minor or
33 otherwise incapacitated individual, a parent or legal guardian of such
34 recipient may have a photograph of such parent or legal guardian placed
35 on the card.

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

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

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

8 ~~(16)~~(12) The secretary for children and families shall adopt rules and
9 regulations:

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

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

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

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

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

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

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

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

1 shall meet another approvable criteria for child care subsidy.

2 ~~(17)~~(13) (A) The secretary for children and families is prohibited
3 from requesting or implementing a waiver or program from the U.S.
4 department of agriculture for the time limited assistance provisions for
5 able-bodied adults aged 18 through 49 without dependents in a household
6 under the food assistance program. The time on food assistance for able-
7 bodied adults aged 18 through 49 without dependents in the household
8 shall be limited to three months in a 36-month period if such adults are not
9 meeting the requirements imposed by the U.S. department of agriculture
10 that they must work for at least 20 hours per week or participate in a
11 federally approved work program or its equivalent.

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

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

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

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

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

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

35 ~~(19)~~(15) The secretary for children and families shall not enact the
36 state option from the U.S. department of agriculture for broad-based
37 categorical eligibility for households applying for food assistance
38 according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

39 ~~(20)~~(16) No federal or state funds shall be used for television, radio
40 or billboard advertisements that are designed to promote food assistance
41 benefits and enrollment. No federal or state funding shall be used for any
42 agreements with foreign governments designed to promote food
43 assistance.

1 ~~(21)~~(17) (A) The secretary for children and families shall not apply
2 gross income standards for food assistance higher than the standards
3 specified in 7 U.S.C. § 2015(c) unless expressly required by federal law.
4 Categorical eligibility exempting households from such gross income
5 standards requirements shall not be granted for any non-cash, in-kind or
6 other benefit unless expressly required by federal law.

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

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

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

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

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

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

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

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

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

11 (B) If a trust has discretionary language, the trust shall be considered
12 to be an available resource to the extent, using the full extent of discretion,
13 the trustee may make any of the income or principal available to the
14 applicant or recipient of medical assistance. Any such discretionary trust
15 shall be considered an available resource unless: (i) At the time of creation
16 or amendment of the trust, the trust states a clear intent that the trust is
17 supplemental to public assistance; and (ii) the trust: (a) Is funded from
18 resources of a person who, at the time of such funding, owed no duty of
19 support to the applicant or recipient of medical assistance; or (b) is funded
20 not more than nominally from resources of a person while that person
21 owed a duty of support to the applicant or recipient of medical assistance.

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

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

1 the contract, agreement or accord; and (vii) upon the death of the applicant
2 or recipient, the contract, agreement or accord ceases.

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

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

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

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

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

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

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

26 (2) The amount of any medical assistance paid after June 30, 1992,
27 under the provisions of subsection (e) is: (A) A claim against the property
28 or any interest therein belonging to and a part of the estate of any deceased
29 recipient or, if there is no estate, the estate of the surviving spouse, if any,
30 shall be charged for such medical assistance paid to either or both; and (B)
31 a claim against any funds of such recipient or spouse in any account under
32 K.S.A. 9-1215, 17-2263, 17-2264, 17-5828 or 17-5829, and amendments
33 thereto. There shall be no recovery of medical assistance correctly paid to
34 or on behalf of an individual under subsection (e) except after the death of
35 the surviving spouse of the individual, if any, and only at a time when the
36 individual has no surviving child who is under 21 years of age or is blind
37 or permanently and totally disabled. Transfers of real or personal property
38 by recipients of medical assistance without adequate consideration are
39 voidable and may be set aside. Except where there is a surviving spouse,
40 or a surviving child who is under 21 years of age or is blind or
41 permanently and totally disabled, the amount of any medical assistance
42 paid under subsection (e) is a claim against the estate in any guardianship
43 or conservatorship proceeding. The monetary value of any benefits

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (h) *Placement under the revised Kansas code for care of children or*
33 *revised Kansas juvenile justice code; assignment of support rights and*
34 *limited power of attorney.* In any case in which the secretary for children
35 and families pays for the expenses of care and custody of a child pursuant
36 to K.S.A. 2017 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
37 thereto, including the expenses of any foster care placement, an
38 assignment of all past, present and future support rights of the child in
39 custody possessed by either parent or other person entitled to receive
40 support payments for the child is, by operation of law, conveyed to the
41 secretary. Such assignment shall become effective upon placement of a
42 child in the custody of the secretary or upon payment of the expenses of
43 care and custody of a child by the secretary without the requirement that

1 any document be signed by the parent or other person entitled to receive
2 support payments for the child. When the secretary pays for the expenses
3 of care and custody of a child or a child is placed in the custody of the
4 secretary, the parent or other person entitled to receive support payments
5 for the child is also deemed to have appointed the secretary, or the
6 secretary's designee, as attorney in fact to perform the specific act of
7 negotiating and endorsing all drafts, checks, money orders or other
8 negotiable instruments representing support payments received by the
9 secretary on behalf of the child. This limited power of attorney shall be
10 effective from the date the assignment to support rights becomes effective
11 and shall remain in effect until the assignment of support rights has been
12 terminated in full.

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

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

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

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

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

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

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

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

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

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

1 designated individual indicating unlawful use of a controlled substance or
2 controlled substance analog.

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

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

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

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

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

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

41 (9) As used in this subsection:

42 (A) "Cash assistance" means cash assistance provided to individuals
43 under the provisions of article 7 of chapter 39 of the Kansas Statutes

1 Annotated, and amendments thereto, and any rules and regulations adopted
2 pursuant to such statutes.

3 (B) "Controlled substance" means the same as in K.S.A. 2017 Supp.
4 21-5701, and amendments thereto, and 21 U.S.C. § 802.

5 (C) "Controlled substance analog" means the same as in K.S.A. 2017
6 Supp. 21-5701, and amendments thereto.

7 Sec. 3. K.S.A. 2017 Supp. 39-702 and 39-709 are hereby repealed.

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