

HOUSE BILL No. 2141

By Committee on Welfare Reform

1-23

1 AN ACT concerning food assistance; requiring cooperation with child
2 support to determine food assistance eligibility for custodial and non-
3 custodial parents; ***identifying when the secretary for children and***
4 ***families shall review cooperation with child support***; disqualifying
5 such parents from food assistance when delinquent in child support
6 payments; ***adding disqualification exemptions***; amending K.S.A. 2022
7 Supp. 39-709 and repealing the existing section.
8

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

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

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

1 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle
2 owned by the applicant for assistance to be a nonexempt resource of the
3 applicant for assistance except that any additional motor vehicle used by
4 the applicant, the applicant's spouse or the applicant's cohabiting partner
5 for the primary purpose of earning income may be considered as exempt
6 personal property in the secretary's discretion; or

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

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

19 (1) As used in this subsection, "family group" or "household" means
20 the applicant or recipient for TANF, child care subsidy or employment
21 services and all individuals living together in which there is a relationship
22 of legal responsibility or a qualifying caretaker relationship. This will
23 include a cohabiting boyfriend or girlfriend living with the person legally
24 responsible for the child. The family group shall not be eligible for TANF
25 if the family group contains at least one adult member who has received
26 TANF, including the federal TANF assistance received in any other state,
27 for 24 calendar months beginning on and after October 1, 1996, unless the
28 secretary determines a hardship exists and grants an extension allowing
29 receipt of TANF until the 36-month limit is reached. No extension beyond
30 36 months shall be granted. Hardship provisions for a recipient include:

31 (A) Is a caretaker of a disabled family member living in the
32 household;

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

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

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

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

42 (2) All adults applying for TANF shall be required to complete a
43 work program assessment as specified by the Kansas department for

1 children and families, including those who have been disqualified for or
2 denied TANF due to non-cooperation, drug testing requirements or fraud.
3 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
4 relative/non-relative caretakers and adults receiving supplemental security
5 income are not required to complete the assessment process. During the
6 application processing period, applicants must complete at least one
7 module or its equivalent of the work program assessment to be considered
8 eligible for TANF benefits, unless good cause is found to be exempt from
9 the requirements. Good cause exemptions shall only include that the
10 applicant:

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

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

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

16 (D) is enrolled in job corps;

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

18 (F) has completed the work program assessment within the last 12
19 months.

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

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

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

1 (C) The following components meet federal definitions of primary
2 hours of participation: Full or part-time employment, apprenticeship, work
3 study, self-employment, job corps, subsidized employment, work
4 experience sites, on-the-job training, supervised community service,
5 vocational education, job search and job readiness. Secondary components
6 include: Job skills training, education directly related to employment such
7 as adult basic education and English as a second language, and completion
8 of a high school diploma or GED.

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

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

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

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

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

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

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

1 (8) Non-cooperation is the failure of the applicant or recipient to
2 comply with all requirements provided in state and federal law, federal and
3 state rules and regulations and agency policy. The period of ineligibility
4 for TANF benefits based on non-cooperation, as defined in K.S.A. 39-702,
5 and amendments thereto, with work programs shall be as follows, for a:

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

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

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

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

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

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

26 (A) First penalty, three months and cooperation with child support
27 services prior to regaining eligibility;

28 (B) second penalty, six months and cooperation with child support
29 services prior to regaining eligibility;

30 (C) third penalty, one year and cooperation with child support
31 services prior to regaining eligibility; and

32 (D) fourth penalty, 10 years.

33 ~~(11) Individuals who have not cooperated without good cause with~~
34 ~~child support services shall be ineligible to participate in the food~~
35 ~~assistance program. (A) Custodial and non-custodial parents shall~~
36 ~~cooperate with the child support enforcement program to be eligible for~~
37 ~~food assistance in accordance with the provisions of 7 C.F.R. § 273.11(o)~~
38 ~~(1) and 7 C.F.R. § 273.11(p)(1). The period of disqualification ends once it~~
39 ~~has been determined that such individual is cooperating with the child~~
40 ~~support services enforcement program.~~

41 ~~(B) An individual shall be disqualified from participating in the food~~
42 ~~assistance program during any month that the individual is delinquent in~~
43 ~~making any payment due under a court order for the support of a child in~~

1 ~~accordance with the provisions of 7 C.F.R. § 273.11(q)~~ **The secretary shall**
2 **review child support compliance of a custodial or non-custodial**
3 **parent:**

4 **(i) Upon application for food assistance;**

5 **(ii) when the secretary renews or redetermines a custodial or non-**
6 **custodial parent's eligibility for food assistance; and**

7 **(iii) any time the secretary has reason to review compliance.**

8 **(C) A custodial or non-custodial parent shall be disqualified from**
9 **participating in the food assistance program when the custodial or**
10 **non-custodial parent is delinquent in making any payment due under**
11 **a court order for the support of a child in accordance with the**
12 **provisions of 7 C.F.R § 273.11(q).**

13 **(D) A disqualification under subparagraph (C) shall not apply if:**

14 **(i) A court is allowing the custodial or non-custodial parent to**
15 **delay payment;**

16 **(ii) the custodial or non-custodial parent is complying with a**
17 **payment plan approved by a court or the secretary; or**

18 **(iii) the secretary determines the custodial or non-custodial**
19 **parent has good cause for not complying with child support.**

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

37 (B) Any individual who has failed to cooperate with a fraud
38 investigation shall be ineligible to participate in the TANF cash assistance
39 program and the child care subsidy program until the Kansas department
40 for children and families determines that such individual is cooperating
41 with the fraud investigation. The Kansas department for children and
42 families shall maintain a sufficient level of fraud investigative staff to
43 enable the department to conduct fraud investigations in a timely manner

1 and in full accordance with state law and department rules and regulations
2 or policies.

3 (13) (A) Food assistance shall not be provided to any person
4 convicted of a felony offense occurring on or after July 1, 2015, that
5 includes as an element of such offense the manufacture, cultivation,
6 distribution, possession or use of a controlled substance or controlled
7 substance analog. For food assistance, the individual shall be permanently
8 disqualified if such individual has been convicted of a state or federal
9 felony offense occurring on or after July 1, 2015, involving possession or
10 use of a controlled substance or controlled substance analog.

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

16 (ii) An individual's failure to submit to testing or failure to
17 successfully pass a drug test shall result in ineligibility for food assistance
18 until a drug test is successfully passed. Failure to successfully complete a
19 drug treatment program shall result in ineligibility for food assistance until
20 a drug treatment plan approved by the secretary is successfully completed,
21 the individual passes a drug test and agrees to submit to drug testing if
22 requested by the department pursuant to a drug testing plan.

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

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

41 (15) (A) The secretary for children and families shall place a
42 photograph of the recipient, if agreed to by such recipient of public
43 assistance, on any Kansas benefits card issued by the Kansas department

1 for children and families that the recipient uses in obtaining food, cash or
2 any other services. When a recipient of public assistance is a minor or
3 otherwise incapacitated individual, a parent or legal guardian of such
4 recipient may have a photograph of such parent or legal guardian placed
5 on the card.

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

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

14 (D) The Kansas department for children and families shall monitor all
15 recipient requests for a Kansas benefits card replacement and, upon the
16 fourth such request in a 12-month period, send a notice alerting the
17 recipient that the recipient's account is being monitored for potential
18 suspicious activity. If a recipient makes an additional request for
19 replacement subsequent to such notice, the department shall refer the
20 investigation to the department's fraud investigation unit.

21 (16) The secretary for children and families shall adopt rules and
22 regulations for:

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

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

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

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

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

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

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

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

1 The Kansas department for children and families shall provide child
2 care for the pursuit of any degree or certification if the occupation has at
3 least an average job outlook listed in the occupational outlook of the
4 United States department of labor, bureau of labor statistics. For
5 occupations with less than an average job outlook, educational plans shall
6 require approval of the secretary or secretary's designee. Child care may
7 also be approved if the student provides verification of a specific job offer
8 that will be available to such student upon completion of the program.
9 Child care for post-secondary education shall be allowed for a lifetime
10 maximum of 24 months per adult. The 24 months may not have to be
11 consecutive. Students shall be engaged in paid employment for a minimum
12 of 15 hours per week. In a two-parent adult household, child care would
13 not be allowed if both parents are adults and attending a formal education
14 or training program at the same time. The household may choose which
15 one of the parents is participating as a post-secondary student. The other
16 parent shall meet another approvable criteria for child care subsidy.

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

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

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

- 36 (i) First penalty, three months;
- 37 (ii) second penalty, six months; and
- 38 (iii) third penalty and any subsequent penalty, one year.

39 (D) The Kansas department for children and families shall assign all
40 individuals subject to the requirements established under 7 U.S.C. §
41 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
42 § 2015(d)(4). The provisions of this subparagraph shall only apply to:

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

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

2 (18) Eligibility for the food assistance program shall be limited to
3 those individuals who are citizens or who meet qualified non-citizen status
4 as determined by United States department of agriculture. Non-citizen
5 individuals who are unable or unwilling to provide qualifying immigrant
6 documentation, as defined by the United States department of agriculture,
7 residing within a household shall not be included when determining the
8 household's size for the purposes of assigning a benefit level to the
9 household for food assistance or comparing the household's monthly
10 income with the income eligibility standards. The gross non-exempt
11 earned and unearned income and resources of disqualified individuals shall
12 be counted in its entirety as available to the remaining household
13 members.

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

18 (20) No federal or state funds shall be used for television, radio or
19 billboard advertisements that are designed to promote food assistance
20 benefits and enrollment. No federal or state funding shall be used for any
21 agreements with foreign governments designed to promote food
22 assistance.

23 (21) (A) The secretary for children and families shall not apply gross
24 income standards for food assistance higher than the standards specified in
25 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
26 eligibility exempting households from such gross income standards
27 requirements shall not be granted for any non-cash, in-kind or other
28 benefit unless expressly required by federal law.

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

35 (c) (1) The Kansas department for children and families shall conduct
36 an electronic check for any false information provided on an application
37 for TANF and other benefits programs administered by the department.
38 For TANF cash assistance, food assistance and the child care subsidy
39 program, the department shall verify the identity of all adults in the
40 assistance household.

41 (2) The department of administration shall provide monthly to the
42 Kansas department for children and families the social security numbers or
43 alternate taxpayer identification numbers of all persons who claim a

1 Kansas lottery prize in excess of \$5,000 during the reported month. The
2 Kansas department for children and families shall verify if individuals
3 with such winnings are receiving TANF cash assistance, food assistance or
4 assistance under the child care subsidy program and take appropriate
5 action. The Kansas department for children and families shall use data
6 received under this subsection solely, and for no other purpose, to
7 determine if any recipient's eligibility for benefits has been affected by
8 lottery prize winnings. The Kansas department for children and families
9 shall not publicly disclose the identity of any lottery prize winner,
10 including recipients who are determined to have illegally received
11 benefits.

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

42 (e) *Requirements for medical assistance for which federal moneys or*
43 *state moneys or both are expended.* (1) When the secretary has adopted a

1 medical care plan under which federal moneys or state moneys or both are
2 expended, medical assistance in accordance with such plan shall be
3 granted to any person who is a citizen of the United States or who is an
4 alien lawfully admitted to the United States and who is residing in the state
5 of Kansas, whose resources and income do not exceed the levels
6 prescribed by the secretary. In determining the need of an individual, the
7 secretary may provide for income and resource exemptions and protected
8 income and resource levels. Resources from inheritance shall be counted.
9 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and
10 amendments thereto, shall constitute a transfer of resources. The secretary
11 shall exempt principal and interest held in irrevocable trust pursuant to
12 K.S.A. 16-303(c), and amendments thereto, from the eligibility
13 requirements of applicants for and recipients of medical assistance. Such
14 assistance shall be known as medical assistance.

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

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

33 (B) If a trust has discretionary language, the trust shall be considered
34 to be an available resource to the extent, using the full extent of discretion,
35 the trustee may make any of the income or principal available to the
36 applicant or recipient of medical assistance. Any such discretionary trust
37 shall be considered an available resource unless:

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

40 (ii) the trust is funded:

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

43 or

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

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

7 (4) (A) When an applicant or recipient of medical assistance is a party
8 to a contract, agreement or accord for personal services being provided by
9 a nonlicensed individual or provider and such contract, agreement or
10 accord involves health and welfare monitoring, pharmacy assistance, case
11 management, communication with medical, health or other professionals,
12 or other activities related to home health care, long term care, medical
13 assistance benefits, or other related issues, any moneys paid under such
14 contract, agreement or accord shall be considered to be an available
15 resource unless the following restrictions are met:

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

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

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

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

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

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

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

33 (B) When an applicant or recipient of medical assistance is a party to
34 a written contract for personal services being provided by a licensed health
35 professional or facility and such contract involves health and welfare
36 monitoring, pharmacy assistance, case management, communication with
37 medical, health or other professionals, or other activities related to home
38 health care, long term care, medical assistance benefits or other related
39 issues, any moneys paid in advance of receipt of services for such
40 contracts shall be considered to be an available resource.

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

43 (f) *Eligibility for medical assistance of resident receiving medical*

1 *care outside state.* A person who is receiving medical care including long-
2 term care outside of Kansas whose health would be endangered by the
3 postponement of medical care until return to the state or by travel to return
4 to Kansas, may be determined eligible for medical assistance if such
5 individual is a resident of Kansas and all other eligibility factors are met.
6 Persons who are receiving medical care on an ongoing basis in a long-term
7 medical care facility in a state other than Kansas and who do not return to
8 a care facility in Kansas when they are able to do so, shall no longer be
9 eligible to receive assistance in Kansas unless such medical care is not
10 available in a comparable facility or program providing such medical care
11 in Kansas. For persons who are minors or who are under guardianship, the
12 actions of the parent or guardian shall be deemed to be the actions of the
13 child or ward in determining whether or not the person is remaining
14 outside the state voluntarily.

15 (g) *Medical assistance; assignment of rights to medical support and*
16 *limited power of attorney; recovery from estates of deceased recipients.* (1)
17 (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and
18 amendments thereto, or as otherwise authorized on and after September
19 30, 1989, under section 303 of the federal medicare catastrophic coverage
20 act of 1988, whichever is applicable, by applying for or receiving medical
21 assistance under a medical care plan in which federal funds are expended,
22 any accrued, present or future rights to support and any rights to payment
23 for medical care from a third party of an applicant or recipient and any
24 other family member for whom the applicant is applying shall be deemed
25 to have been assigned to the secretary on behalf of the state. The
26 assignment shall automatically become effective upon the date of approval
27 for such assistance without the requirement that any document be signed
28 by the applicant or recipient. By applying for or receiving medical
29 assistance the applicant or recipient is also deemed to have appointed the
30 secretary, or the secretary's designee, as an attorney-in-fact to perform the
31 specific act of negotiating and endorsing all drafts, checks, money orders
32 or other negotiable instruments, representing payments received by the
33 secretary in on behalf of any person applying for, receiving or having
34 received such assistance. This limited power of attorney shall be effective
35 from the date the secretary approves the application for assistance and
36 shall remain in effect until the assignment has been terminated in full. The
37 assignment of any rights to payment for medical care from a third party
38 under this subsection shall not prohibit a health care provider from directly
39 billing an insurance carrier for services rendered if the provider has not
40 submitted a claim covering such services to the secretary for payment.
41 Support amounts collected on behalf of persons whose rights to support
42 are assigned to the secretary only under this subsection and no other shall
43 be distributed pursuant to K.S.A. 39-756(d), and amendments thereto,

1 except that any amounts designated as medical support shall be retained by
2 the secretary for repayment of the unreimbursed portion of assistance.
3 Amounts collected pursuant to the assignment of rights to payment for
4 medical care from a third party shall also be retained by the secretary for
5 repayment of the unreimbursed portion of assistance.

6 (B) Notwithstanding the provisions of subparagraph (A), the
7 secretary of health and environment, or the secretary's designee, is hereby
8 authorized to and shall exercise any of the powers specified in
9 subparagraph (A) in relation to performance of such secretary's duties
10 pertaining to medical subrogation, estate recovery or any other duties
11 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
12 Annotated, and amendments thereto.

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

43 (3) By applying for or receiving medical assistance under the

1 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and
2 amendments thereto, such individual or such individual's agent, fiduciary,
3 guardian, conservator, representative payee or other person acting on
4 behalf of the individual consents to the following definitions of estate and
5 the results therefrom:

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

11 (B) if an individual receives any medical assistance on or after July 1,
12 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
13 and amendments thereto, which forms the basis for a claim under
14 paragraph (2), such claim shall apply to the individual's medical assistance
15 estate. The medical assistance estate is defined as including all real and
16 personal property and other assets in which the deceased individual had
17 any legal title or interest immediately before or at the time of death to the
18 extent of that interest or title. The medical assistance estate includes
19 without limitation, assets conveyed to a survivor, heir or assign of the
20 deceased recipient through joint tenancy, tenancy in common,
21 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
22 trust, annuities or similar arrangement.

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

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

34 (B) The secretary of health and environment or the secretary's
35 designee may place a lien on any interest in real property owned by a
36 recipient of medical assistance during the lifetime of such recipient. Such
37 lien may be filed only after notice and an opportunity for a hearing has
38 been given. Such lien may be enforced only upon competent medical
39 testimony that the recipient cannot reasonably be expected to be
40 discharged and returned home. A six-month period of compensated
41 inpatient care at a nursing home or other medical institution shall
42 constitute a determination by the department of health and environment
43 that the recipient cannot reasonably be expected to be discharged and

1 returned home. To return home means the recipient leaves the nursing or
2 medical facility and resides in the home on which the lien has been placed
3 for a continuous period of at least 90 days without being readmitted as an
4 inpatient to a nursing or medical facility. The amount of the lien shall be
5 for the amount of assistance paid by the department of health and
6 environment until the time of the filing of the lien and for any amount paid
7 thereafter for such medical assistance to the recipient. After the lien is filed
8 against any real property owned by the recipient, such lien will be
9 dissolved if the recipient is discharged, returns home and resides upon the
10 real property to which the lien is attached for a continuous period of at
11 least 90 days without being readmitted as an inpatient to a nursing or
12 medical facility. If the recipient is readmitted as an inpatient to a nursing or
13 medical facility for a continuous period of less than 90 days, another
14 continuous period of at least 90 days shall be completed prior to
15 dissolution of the lien.

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

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

23 (B) when there is no child of the recipient, natural or adopted, who is
24 20 years of age or less residing in the home;

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

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

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

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

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

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

43 (7) If the secretary for aging and disability services or the secretary of

1 health and environment, or both, or such secretary's designee has not filed
2 an action to foreclose the lien in the Kansas district court in the county
3 where the real property is located within 10 years from the date of the
4 filing of the lien, then the lien shall become dormant, and shall cease to
5 operate as a lien on the real estate of the recipient. Such dormant lien may
6 be revived in the same manner as a dormant judgment lien is revived under
7 K.S.A. 60-2403 et seq., and amendments thereto.

8 (8) Within seven days of receipt of notice by the secretary for
9 children and families or the secretary's designee of the death of a recipient
10 of medical assistance under this subsection, the secretary for children and
11 families or the secretary's designee shall give notice of such recipient's
12 death to the secretary of health and environment or the secretary's
13 designee.

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

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

42 (i) No person who voluntarily quits employment or who is fired from
43 employment due to gross misconduct as defined by rules and regulations

1 of the secretary or who is a fugitive from justice by reason of a felony
2 conviction or charge or violation of a condition of probation or parole
3 imposed under federal or state law shall be eligible to receive public
4 assistance benefits in this state. Any recipient of public assistance who
5 fails to timely comply with monthly reporting requirements under criteria
6 and guidelines prescribed by rules and regulations of the secretary shall be
7 subject to a penalty established by the secretary by rules and regulations.

8 (j) If the applicant or recipient of temporary assistance for needy
9 families is a mother of the dependent child, as a condition of the mother's
10 eligibility for temporary assistance for needy families the mother shall
11 identify by name and, if known, by current address the father of the
12 dependent child except that the secretary may adopt by rules and
13 regulations exceptions to this requirement in cases of undue hardship. Any
14 recipient of temporary assistance for needy families who fails to cooperate
15 with requirements relating to child support services under criteria and
16 guidelines prescribed by rules and regulations of the secretary shall be
17 subject to a penalty established by the secretary.

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

40 (l) (1) A program of drug screening for applicants for cash assistance
41 as a condition of eligibility for cash assistance and persons receiving cash
42 assistance as a condition of continued receipt of cash assistance shall be
43 established, subject to applicable federal law, by the secretary for children

1 and families on and before January 1, 2014. Under such program of drug
2 screening, the secretary for children and families shall order a drug
3 screening of an applicant for or a recipient of cash assistance at any time
4 when reasonable suspicion exists that such applicant for or recipient of
5 cash assistance is unlawfully using a controlled substance or controlled
6 substance analog. The secretary for children and families may use any
7 information obtained by the secretary for children and families to
8 determine whether such reasonable suspicion exists, including, but not
9 limited to, an applicant's or recipient's demeanor, missed appointments and
10 arrest or other police records, previous employment or application for
11 employment in an occupation or industry that regularly conducts drug
12 screening, termination from previous employment due to unlawful use of a
13 controlled substance or controlled substance analog or prior drug screening
14 records of the applicant or recipient indicating unlawful use of a controlled
15 substance or controlled substance analog.

16 (2) Any applicant for or recipient of cash assistance whose drug
17 screening results in a positive test may request that the drug screening
18 specimen be sent to a different drug testing facility for an additional drug
19 screening. Any applicant for or recipient of cash assistance who requests
20 an additional drug screening at a different drug testing facility shall be
21 required to pay the cost of drug screening. Such applicant or recipient who
22 took the additional drug screening and who tested negative for unlawful
23 use of a controlled substance and controlled substance analog shall be
24 reimbursed for the cost of such additional drug screening.

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

1 abuse treatment and job skills programs, whichever is later. Upon a third
2 positive test for unlawful use of a controlled substance or controlled
3 substance analog, a recipient of cash assistance shall be terminated from
4 cash assistance, subject to applicable federal law.

5 (4) If an applicant for or recipient of cash assistance is ineligible for
6 or terminated from cash assistance as a result of a positive test for
7 unlawful use of a controlled substance or controlled substance analog, and
8 such applicant for or recipient of cash assistance is the parent or legal
9 guardian of a minor child, an appropriate protective payee shall be
10 designated to receive cash assistance on behalf of such child. Such parent
11 or legal guardian of the minor child may choose to designate an individual
12 to receive cash assistance for such parent's or legal guardian's minor child,
13 as approved by the secretary for children and families. Prior to the
14 designated individual receiving any cash assistance, the secretary for
15 children and families shall review whether reasonable suspicion exists that
16 such designated individual is unlawfully using a controlled substance or
17 controlled substance analog.

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

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

41 (C) Upon any positive test for unlawful use of a controlled substance
42 or controlled substance analog, the designated individual shall not receive
43 cash assistance on behalf of the parent's or legal guardian's minor child,

1 and another designated individual shall be selected by the secretary for
2 children and families to receive cash assistance on behalf of such parent's
3 or legal guardian's minor child.

4 (5) If a person has been convicted under federal or state law of any
5 offense that is classified as a felony by the law of the jurisdiction and has
6 as an element of such offense the manufacture, cultivation, distribution,
7 possession or use of a controlled substance or controlled substance analog,
8 and the date of conviction is on or after July 1, 2013, such person shall
9 thereby become forever ineligible to receive any cash assistance under this
10 subsection unless such conviction is the person's first conviction. First-
11 time offenders convicted under federal or state law of any offense that is
12 classified as a felony by the law of the jurisdiction and has as an element
13 of such offense the manufacture, cultivation, distribution, possession or
14 use of a controlled substance or controlled substance analog, and the date
15 of conviction is on or after July 1, 2013, such person shall become
16 ineligible to receive cash assistance for five years from the date of
17 conviction.

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

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

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

27 (9) As used in this subsection:

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

32 (B) "Controlled substance" means the same as in K.S.A. 2022 Supp.
33 21-5701, and amendments thereto, and 21 U.S.C. § 802.

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

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

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