AN ACT establishing a program of drug screening for cash assistance recipients; amending K.S.A. 2011 Supp. 39-709 and repealing the existing section.

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

Section 1. K.S.A. 2011 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) General eligibility requirements for assistance for which federal moneys are expended. Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for aid for families with dependent children, for food stamp assistance and for any other assistance provided through the department of social and rehabilitation services under which federal moneys are expended, the secretary of social and rehabilitation services shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance.

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

(b) Assistance to families with dependent children. Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in
the state of Kansas or whose parent or other relative with whom the child
is living resides in the state of Kansas. Such assistance shall be known as
aid to families with dependent children. Where husband and wife are
living together both shall register for work under the program
requirements for aid to families with dependent children in accordance
with criteria and guidelines prescribed by rules and regulations of the
secretary.

(c) Aid to families with dependent children; assignment of support
rights and limited power of attorney. By applying for or receiving aid to
families with dependent children such applicant or recipient shall be
deemed to have assigned to the secretary on behalf of the state any
accrued, present or future rights to support from any other person such
applicant may have in such person's own behalf or in behalf of any other
family member for whom the applicant is applying for or receiving aid. In
any case in which an order for child support has been established and the
legal custodian and obligee under the order surrenders physical custody of
the child to a caretaker relative without obtaining a modification of legal
custody and support rights on behalf of the child are assigned pursuant to
this section, the surrender of physical custody and the assignment shall
transfer, by operation of law, the child's support rights under the order to
the secretary on behalf of the state. Such assignment shall be of all
accrued, present or future rights to support of the child surrendered to the
caretaker relative. The assignment of support rights shall automatically
become effective upon the date of approval for or receipt of such aid
without the requirement that any document be signed by the applicant,
recipient or obligee. By applying for or receiving aid to families with
dependent children, or by surrendering physical custody of a child to a
caretaker relative who is an applicant or recipient of such assistance on the
child's behalf, the applicant, recipient or obligee is also deemed to have
appointed the secretary, or the secretary's designee, as an attorney in fact to
perform the specific act of negotiating and endorsing all drafts, checks,
money orders or other negotiable instruments representing support
payments received by the secretary in behalf of any person applying for,
receiving or having received such assistance. This limited power of
attorney shall be effective from the date the secretary approves the
application for aid and shall remain in effect until the assignment of
support rights has been terminated in full.

(d) Eligibility requirements for general assistance, the cost of which
is not shared by the federal government. (1) General assistance may be
granted to eligible persons who do not qualify for financial assistance in a
program in which the federal government participates and who satisfy the
additional requirements prescribed by or under this subsection (d).

(A) To qualify for general assistance in any form a needy person must
have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be a member of a family in which a minor child or a pregnant woman resides or be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing when a minor child may be considered to be living with a family and whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to families in which a minor child or a pregnant woman resides or to an adult or family in which all legally responsible family members are unable to engage in employment. Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.

(B) To qualify for general assistance in any form a needy person must be a citizen of the United States or an alien lawfully admitted to the United States and must be residing in the state of Kansas.

(2) General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of the secretary relating to inability to engage in employment or are not a member of a family in which a minor or a pregnant woman resides.

(3) In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first time failure to complete such a work assignment requirement shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a
period fixed by such rules and regulations of ineligibility of not more than six calendar months.

(4) If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720, and amendments thereto, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the provisions of K.S.A. 39-720, and amendments thereto, or the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction. If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction.

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

(2) For the purposes of medical assistance eligibility determinations
on or after July 1, 2004, if an applicant or recipient owns property in joint
tenancy with some other party and the applicant or recipient of medical
assistance has restricted or conditioned their interest in such property to a
specific and discrete property interest less than 100%, then such
designation will cause the full value of the property to be considered an
available resource to the applicant or recipient.

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

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

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

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

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

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

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

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

(2) The amount of any medical assistance paid after June 30, 1992,
under the provisions of subsection (e) is (A) a claim against the property or
any interest therein belonging to and a part of the estate of any deceased
recipient or, if there is no estate, the estate of the surviving spouse, if any,
shall be charged for such medical assistance paid to either or both, and (B)
a claim against any funds of such recipient or spouse in any account under
K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and
amendments thereto. There shall be no recovery of medical assistance
correctly paid to or on behalf of an individual under subsection (e) except
after the death of the surviving spouse of the individual, if any, and only at
a time when the individual has no surviving child who is under 21 years of
age or is blind or permanently and totally disabled. Transfers of real or
personal property by recipients of medical assistance without adequate
consideration are voidable and may be set aside. Except where there is a
surviving spouse, or a surviving child who is under 21 years of age or is
blind or permanently and totally disabled, the amount of any medical
assistance paid under subsection (e) is a claim against the estate in any
guardianship or conservatorship proceeding. The monetary value of any
benefits received by the recipient of such medical assistance under long-
term care insurance, as defined by K.S.A. 40-2227, and amendments
thereto, shall be a credit against the amount of the claim provided for such
medical assistance under this subsection (g). The secretary is authorized to
enforce each claim provided for under this subsection (g). The secretary
shall not be required to pursue every claim, but is granted discretion to
determine which claims to pursue. All moneys received by the secretary from claims under this subsection (g) shall be deposited in the social welfare fund. The secretary may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection (g).

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

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

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

(4) The secretary of social and rehabilitation services or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record. The lien must be filed in the office of the register of deeds of the county where the real property is located and must contain the legal description of all real property in the county subject to the lien. This lien is for payments of medical assistance made by the department of social and rehabilitation services to the recipient who is an inpatient in a nursing home or other medical institution. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home, nursing homes or other medical institution shall constitute a determination by the department of social and rehabilitation services that
the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of social and rehabilitation services after the expiration of six months from the date the recipient became eligible for compensated inpatient care at a nursing home, nursing homes or other medical institution until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient.

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

(A) After the death of the surviving spouse of the recipient;
(B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;
(C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or
(D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

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

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary or the secretary's designee;
(B) the lien is terminated by foreclosure of prior lien of record or settlement action in lieu of foreclosure;
(C) the value of the real property is consumed by the lien, at which time the secretary or the secretary's designee may force the sale for the real property to satisfy the lien; or
(D) after a lien is filed against the real property, it will be dissolved if the recipient leaves the nursing or medical facility and resides in the property to which the lien is attached for a period of more than 90 days without being readmitted as an inpatient to a nursing or medical facility, even though there may have been no reasonable expectation that this would occur. If the recipient is readmitted to a nursing or medical facility
during this period, and does return home after being released, another 90
days must be completed before the lien can be dissolved.

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

(h) Placement under the revised Kansas code for care of children or
revised Kansas juvenile justice code; assignment of support rights and
limited power of attorney. In any case in which the secretary of social and
rehabilitation services pays for the expenses of care and custody of a child
pursuant to K.S.A. 2011 Supp. 38-2201 et seq. or 38-2301 et seq., and
amendments thereto, including the expenses of any foster care placement,
an assignment of all past, present and future support rights of the child in
custody possessed by either parent or other person entitled to receive
support payments for the child is, by operation of law, conveyed to the
secretary. Such assignment shall become effective upon placement of a
child in the custody of the secretary or upon payment of the expenses of
care and custody of a child by the secretary without the requirement that
any document be signed by the parent or other person entitled to receive
support payments for the child. When the secretary pays for the expenses
of care and custody of a child or a child is placed in the custody of the
secretary, the parent or other person entitled to receive support payments
for the child is also deemed to have appointed the secretary, or the
secretary's designee, as attorney in fact to perform the specific act of
negotiating and endorsing all drafts, checks, money orders or other
negotiable instruments representing support payments received by the
secretary on behalf of the child. This limited power of attorney shall be
effective from the date the assignment to support rights becomes effective
and shall remain in effect until the assignment of support rights has been
terminated in full.

(i) No person who voluntarily quits employment or who is fired from
employment due to gross misconduct as defined by rules and regulations
of the secretary or who is a fugitive from justice by reason of a felony
conviction or charge shall be eligible to receive public assistance benefits
in this state. Any recipient of public assistance who fails to timely comply
with monthly reporting requirements under criteria and guidelines
prescribed by rules and regulations of the secretary shall be subject to a
penalty established by the secretary by rules and regulations.

(j) If the applicant or recipient of aid to families with dependent
children is a mother of the dependent child, as a condition of the mother's eligibility for aid to families with dependent children the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of aid to families with dependent children who fails to cooperate with requirements relating to child support enforcement under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations which penalty shall progress to ineligibility for the family after three months of noncooperation.

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

(l) (1) Applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall agree to participate in a program of drug screening. Within the limits of appropriations therefor, the program of drug screening for cash assistance recipients shall be established, subject to applicable federal law, by the secretary of social and rehabilitation services on or before January 1, 2013. Subject to appropriations therefor, such program shall provide for random drug screening of approximately \( \frac{1}{3} \) of cash assistance recipients each year. If any recipient opts out from such drug screening, the secretary of social
and rehabilitation services may order a drug screening of such recipient at
any time when reasonable suspicion arises from the information obtained
by the secretary of social and rehabilitation services indicating possible
drug use by the recipient, including, but not limited to, an individual’s
demeanor, missed appointments and arrest or other police records. A cash
assistance recipient who tests positive for use of an illegal substance shall
undergo a drug evaluation and if indicated by the evaluation be required
to complete an educational or treatment program recommended as a result
of the evaluation.

(2) Subject to applicable federal laws, any cash assistance recipient
who fails to complete or refuses to participate in the educational or
treatment program required under this subsection for the first time shall be
terminated from cash assistance for 12 months. After completion of such
educational or treatment program, the cash assistance recipient shall be
subject to periodic drug screening. Upon a second positive test for use of
an illegal substance, the cash assistance recipient shall be ordered to
complete again an educational or treatment program for substance abuse
and shall be terminated from cash assistance for 12 months. Upon a third
positive test for use of an illegal substance, the cash assistance recipient,
subject to applicable federal law, if any, shall be terminated from cash
assistance.

(3) Applicants and recipients of cash assistance shall be required to
pay the cost of drug screening. Such applicants and recipients who took
the drug screening test and who test negative for use of an illegal
substance shall be reimbursed in timely manners for the cost of the drug
screening.

(4) A household which includes a recipient who has been terminated
from cash assistance shall be required to receive cash assistance as
protective or vendor payments to a third-party payee designated or
approved by the secretary of social and rehabilitation services for the
benefit of the other eligible members of the household.

(5) If a person is found guilty of a crime that has as an element of the
offense the possession, use or distribution of a controlled substance, and
the date of the crime is on or after July 1, 2000, such person shall thereby
become forever ineligible to receive any cash assistance under this
subsection unless the conviction is the person's first conviction. First time
offenders convicted of a misdemeanor drug offense shall become ineligible
to receive benefits for 24 months from the date of conviction. First time
offenders convicted of a felony drug offense shall become ineligible to
receive benefits for five years from the date of conviction.

(6) Except for hearings before the department of social and
rehabilitation services or criminal prosecutions, the results of any test
administered as part of the drug screening program authorized by this
subsection shall be confidential and shall not be disclosed publicly.

(7) The secretary of social and rehabilitation services may adopt such rules and regulations as necessary to carry out the provisions of this subsection.

(8) The secretary of social and rehabilitation services shall report on or before January 31, 2015, and annually thereafter on or before January 31 to the chairperson of the house committee on appropriations, the chairperson of the house committee on health and human services, the chairperson of the senate committee on ways and means and the chairperson of the senate committee on public health and welfare concerning the operation and administration of the drug screening program established under the subsection.

(9) As used in this subsection, "cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

Sec. 2. K.S.A. 2011 Supp. 39-709 is hereby repealed.

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