

As Amended by House Committee

As Amended by Senate Committee

Session of 2005

SENATE BILL No. 30

By Committee on Judiciary

1-11

12 AN ACT concerning public assistance; relating to persons convicted of a
13 controlled substance related felony.

14

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

16 Section 1. (a) Under the authority of subsection (d)(1)(A) of 21
17 U.S.C. §862a, the state of Kansas hereby exercises its option out of sub-
18 section (a) of 21 U.S.C. §862a, which makes any individual ineligible for
19 certain state and federal assistance if that individual has been convicted
20 under federal or state law of any offense which is classified as a felony by
21 the law of the jurisdiction and which has as an element of such offense
22 the possession, use or distribution of a controlled substance as defined
23 by subsection (6) of 21 U.S.C. §802, only if, after such conviction, such
24 individual has:

25 ~~(a)~~ (1) Been assessed by a licensed substance abuse treatment pro-
26 vider as not requiring substance abuse treatment; or

27 ~~(b)~~ (2) been assessed by a licensed substance abuse treatment pro-
28 vider and such provider recommended substance abuse treatment and
29 such individual:

30 ~~(1)~~ (A) Is participating in a licensed substance abuse treatment pro-
31 gram; or

32 ~~(2)~~ (B) has successfully completed a licensed substance abuse treat-
33 ment program.

34 ~~(b) Such individual shall submit to urinalysis, at the expense of~~
35 ~~such individual, during the application process and randomly there-~~
36 ~~after as determined by the case worker. Upon such individual's re-~~
37 ~~quest, a confirmation test of a positive result shall be performed at~~
38 ~~such individual's expense. Any state or federal assistance to such~~
39 ~~individual, permitted by this section, shall be suspended until re-~~
40 ~~ceipt of the confirmation result. A positive result shall disqualify~~
41 ~~such individual from receiving such state and federal assistance. An~~
42 ~~individual may be disqualified for any state or federal assistance~~
43 ~~permitted by this section if confirmation of illegal drug use is found~~

1 **as a result of testing that occurs while the individual is on proba-**
2 **tion, parole, conditional release or postrelease supervision or dur-**
3 **ing required substance abuse treatment. *Thereafter, such disqual-***
4 ***ified individual may reapply for assistance after 30 days.***

5 Sec. 2. This act shall take effect and be in force from and after its
6 publication in the statute book.