

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2738

By Committee on Welfare Reform

Requested by Representative Awerkamp

2-5

AN ACT concerning public assistance; relating to food assistance; directing the secretary for children and families to request or update a pending waiver application from the supplemental nutrition assistance program that would allow the state to prohibit the purchase of food commonly marketed, advertised or recognized as candy and soft drinks; amending K.S.A. 2025 Supp. 39-709 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.* (1) 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:

(A) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health and when determining such income or resources, the secretary shall:

(i) When a husband and wife or cohabiting partners are living together, consider the combined income or resources of both to determine the eligibility of either or both for such assistance unless otherwise prohibited by law;

(ii) 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, cohabiting partner or such individual's minor child or minor stepchild if the stepchild is living with such individual;

(iii) review and may provide such income and resource exemptions as may be permitted by federal law; and

(iv) 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 boat, personal water craft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance except that any additional motor vehicle used by the applicant, the applicant's spouse or the applicant's cohabiting partner

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

3 (B) is a citizen of the United States or is an alien lawfully admitted to
4 the United States; and

5 (C) resides in the state of Kansas.

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

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

29 (b) *Temporary assistance for needy families program.* (1) As used in
30 this section, "family group" or "household" means the applicant or
31 recipient for TANF, child care subsidy or employment services and all
32 individuals living together in which there is a relationship of legal
33 responsibility or a qualifying caretaker relationship. This will include a
34 cohabiting partner living with the person legally responsible for the child.

35 (2) Assistance may be granted under this act to any dependent child,
36 or relative, subject to the general eligibility requirements as set out in
37 subsection (a), who resides in the state of Kansas or whose parent or other
38 relative with whom the child is living resides in the state of Kansas. Where
39 the husband and wife or cohabiting partners are living together, both shall
40 register for work under the program requirements for TANF in accordance
41 with criteria and guidelines prescribed by rules and regulations of the
42 secretary.

43 (3) The family group shall not be eligible for TANF if the family

1 group contains at least one adult member who has received TANF,
2 including the federal TANF received in any other state, for 24 calendar
3 months beginning on and after October 1, 1996, unless the secretary
4 determines a hardship exists and grants an extension allowing receipt of
5 TANF until the 36-month limit is reached. No extension beyond 36 months
6 shall be granted. Hardship provisions for a recipient include:

7 (A) Is a caretaker of a disabled family member living in the
8 household;

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

11 (C) needs a time limit extension to overcome the effects of domestic
12 violence or sexual assault;

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

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

18 (4) Eligibility for TANF shall be subject to subsection (f)(1) through
19 (3).

20 (5) All adults applying for TANF shall be required to complete a
21 work program assessment as specified by the Kansas department for
22 children and families, including those who have been disqualified for or
23 denied TANF due to non-cooperation, drug testing requirements or fraud.
24 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
25 relative/non-relative caretakers and adults receiving supplemental security
26 income are not required to complete the assessment process.

27 (6) During the application processing period, applicants must
28 complete at least one module or its equivalent of the work program
29 assessment to be considered eligible for TANF benefits, unless good cause
30 is found to be exempt from the requirements. Good cause exemptions shall
31 only include that the applicant:

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

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

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

37 (D) is enrolled in job corps;

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

39 (F) has completed the work program assessment within the last 12
40 months.

41 (7) The Kansas department for children and families shall maintain a
42 sufficient level of dedicated work program staff to enable the agency to
43 conduct work program case management services to TANF recipients in a

1 timely manner and in full accordance with state law and agency policy.

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

6 (B) (i) In order to meet federal work participation requirements,
7 households shall meet at least 30 hours of participation per week, at least
8 20 hours of which shall be primary and at least 10 hours may be secondary
9 components in one parent households where the youngest child is six years
10 of age or older.

11 (ii) Participation hours shall be 55 hours per week in two parent
12 households, 35 hours per week if child care is not used. The maximum
13 assignment is 40 hours per week per individual.

14 (iii) For two parent families to meet the federal work participation
15 rate, both parents shall participate in a combined total of 55 hours per
16 week, 50 hours of which shall be in primary components, or one or both
17 parents could be assigned a combined total of 35 hours per week, 30 hours
18 of which must be primary components, if the Kansas department for
19 children and families paid child care is not received by the family.

20 (iv) Single parent families with a child under six years of age meet
21 the federal participation requirement if the parent is engaged in work or
22 work activities for at least 20 hours per week in a primary work
23 component.

24 (C) (i) The following components meet federal definitions of primary
25 hours of participation:

- 26 (a) Full-time or part-time employment;
- 27 (b) apprenticeship;
- 28 (c) work study;
- 29 (d) self-employment;
- 30 (e) job corps;
- 31 (f) subsidized employment;
- 32 (g) work experience sites;
- 33 (h) on-the-job training;
- 34 (i) supervised community service;
- 35 (j) vocational education;
- 36 (k) job search; and
- 37 (l) job readiness.

38 (ii) Secondary components include:

- 39 (a) Job skills training;
- 40 (b) education directly related to employment such as adult basic
41 education and English as a second language; and
- 42 (c) completion of a high school diploma or GED.

43 (D) A parent or other adult caretaker personally providing care for a

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

11 (i) Either parent when two parents are in the home and the household
12 meets the two-parent definition for federal reporting purposes;

13 (ii) one parent or caretaker when the other parent or caretaker is in the
14 home, and available, capable and suitable to provide care and the
15 household does not meet the two-parent definition for federal reporting
16 purposes;

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

21 (iv) any person assigned to a work participation activity for substance
22 use disorders.

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

27 (F) TANF participants with disabilities shall engage in required
28 employment activities to the maximum extent consistent with their
29 abilities. A TANF participant shall provide current documentation by a
30 qualified medical practitioner that details the ability to engage in
31 employment and any limitation in work activities along with the expected
32 duration of such limitations. As used in this subparagraph, "disability"
33 means a physical or mental impairment constituting or resulting in a
34 substantial impediment to employment for such individual.

35 (G) The period of ineligibility for TANF benefits based on non-
36 cooperation, as defined in K.S.A. 39-702, and amendments thereto, with
37 work programs shall be as follows, for a:

38 (i) First penalty, three months and full cooperation with work
39 program activities;

40 (ii) second penalty, six months and full cooperation with work
41 program activities;

42 (iii) third penalty, one year and full cooperation with work program
43 activities; and

1 (iv) fourth or subsequent penalty, 10 years.

2 (9) The period of ineligibility for TANF benefits based on parents'
3 non-cooperation, as defined in K.S.A. 39-702, and amendments thereto,
4 with child support services shall be as follows, for a:

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

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

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

11 (D) fourth penalty, 10 years.

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

27 (c) *Food assistance program.* (1) (A) The secretary shall not apply
28 gross income standards for food assistance higher than the standards
29 specified in 7 U.S.C. § 2015(c) unless expressly required by federal law.
30 Categorical eligibility exempting households from such gross income
31 standards requirements shall not be granted for any non-cash, in-kind or
32 other benefit unless expressly required by federal law.

33 (B) The secretary shall not apply resource limits standards for food
34 assistance that are higher than the standards specified in 7 U.S.C. §
35 2015(g)(1) unless expressly required by federal law. Categorical eligibility
36 exempting households from such resource limits shall not be granted for
37 any non-cash, in-kind or other benefit unless expressly required by federal
38 law.

39 (C) The secretary shall not enact the state option from the United
40 States department of agriculture for broad-based categorical eligibility for
41 households applying for food assistance according to the provisions of 7
42 C.F.R. § 273.2(j)(2)(ii).

43 (D) Eligibility for the food assistance program shall be limited to

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

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

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

23 (G) Eligibility for food assistance shall be subject to subsection (f)(4).

24 (2) (A) Each food assistance household member who is not otherwise
25 exempt from the following work requirements shall:

- 26 (i) Register for work;
27 (ii) participate in an employment and training program, if assigned to
28 such a program by the department;
29 (iii) accept a suitable employment offer; and
30 (iv) not voluntarily quit a job of at least 30 hours per week.

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

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

38 (C) The secretary is prohibited from requesting or implementing a
39 waiver or program from the United States department of agriculture for the
40 time limited assistance provisions for able-bodied adults aged 18 through
41 49 without dependents in a household under the food assistance program.
42 The time on food assistance for able-bodied adults aged 18 through 49
43 without dependents in the household shall be limited to three months in a

1 36-month period if such adults are not meeting the requirements imposed
2 by the United States department of agriculture that they must work for at
3 least 20 hours per week or participate in a federally approved work
4 program or its equivalent.

5 (3) The Kansas department for children and families shall assign all
6 individuals subject to the requirements established under 7 U.S.C. §
7 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
8 § 2015(d)(4). The provisions of this paragraph shall only apply to:

9 (A) Able-bodied adults aged 18 through 49 without dependents;

10 (B) work registrants aged 50 through 59 without dependents not
11 exempt from 7 U.S.C. § 2015(d)(2); and

12 (C) individuals who are not employed at least 30 hours per week.

13 (4) No federal or state funds shall be used for television, radio or
14 billboard advertisements that are designed to promote food assistance
15 benefits and enrollment. No federal or state funding shall be used for any
16 agreements with foreign governments designed to promote food
17 assistance.

18 (5) *The secretary for children and families shall request a waiver*
19 *from the United States department of agriculture, food and nutrition*
20 *services to exclude candy and soft drinks from the definition of eligible*
21 *foods under 7 C.F.R. § ~~27102~~ 271.2. If a pending waiver application*
22 *exists, the secretary shall amend and re-submit such waiver application. If*
23 *no such waiver is granted, the secretary shall annually submit an*
24 *application for such a waiver until such waiver is granted. A waiver*
25 ***granted by the United States department of agriculture, food and***
26 ***nutrition services shall be implemented by the secretary within six***
27 ***months of being granted. An additional waiver request shall be***
28 ***resubmitted 12 months prior to the expiration of a waiver that has***
29 ***been granted and implemented. For the purposes of this paragraph:***

30 (A) (i) *"Candy" means any solid, semi-solid or molded preparation of*
31 *sugar, natural or artificial sweeteners or chocolate, which may include*
32 *added ingredients, such as flavorings, fruits, nuts or flour, that is*
33 *commonly marketed, advertised or recognized as candy, chocolate bar,*
34 *chewing gum or similar confectionery. "Candy" includes, but is not limited*
35 *to: chocolate bars, hard candies, gummies, caramels, taffy, licorice, mints*
36 *and chewing gum.*

37 (ii) *"Candy" does not include baked goods, such as cakes, cookies,*
38 *muffins, brownies, pastries, bread or similar products or items primarily*
39 *identified and sold as bakery or bread products, regardless of sweetener*
40 *content; and*

41 (B) *"soft drinks" means the same as defined in K.S.A. 79-3602, and*
42 *amendments thereto.*

43 (d) *Child care subsidy program.* (1) The secretary shall adopt rules

1 and regulations for:

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

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

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

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

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

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

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

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

23 (2) (A) The Kansas department for children and families shall
24 provide child care for the pursuit of any degree or certification if the
25 occupation has at least an average job outlook listed in the occupational
26 outlook of the United States department of labor, bureau of labor statistics.

27 (B) For occupations with less than an average job outlook,
28 educational plans shall require approval of the secretary or secretary's
29 designee.

30 (C) Child care may also be approved if the student provides
31 verification of a specific job offer that will be available to such student
32 upon completion of the program.

33 (D) Child care for post-secondary education shall be allowed for a
34 lifetime maximum of 24 months per adult. The 24 months does not have to
35 be consecutive.

36 (E) Students shall be engaged in paid employment for a minimum of
37 15 hours per week.

38 (F) In a two-parent adult household, child care would not be allowed
39 if both parents are adults and attending a formal education or training
40 program at the same time. The household may choose which one of the
41 parents is participating as a post-secondary student. The other parent shall
42 meet another approvable criteria for child care subsidy.

43 (3) (A) The period of ineligibility for child care subsidy based on

1 parents' non-cooperation, as defined in K.S.A. 39-702, and amendments
2 thereto, with child support services shall be as follows, for a:

3 (i) First penalty, three months and cooperation with child support
4 services prior to regaining eligibility;

5 (ii) second penalty, six months and cooperation with child support
6 services prior to regaining eligibility;

7 (iii) third penalty, one year and cooperation with child support
8 services prior to regaining eligibility; and

9 (iv) fourth penalty, 10 years.

10 (B) The secretary, or the secretary's designee, shall review child
11 support compliance of a parent:

12 (i) Upon application for child care subsidy;

13 (ii) after 12 months of continuous eligibility for child care subsidy;
14 and

15 (iii) following such 12 months of continuous eligibility when the
16 secretary renews or redetermines a parent's eligibility for child care
17 subsidy.

18 (e) *Fraud Investigations.* (1) The Kansas department for children and
19 families shall conduct an electronic check for any false information
20 provided on an application for TANF and other benefits programs
21 administered by the department. For TANF, food assistance and the child
22 care subsidy program, the department shall verify the identity of all adults
23 in the assistance household.

24 (2) (A) Any individual who is found to have committed fraud or is
25 found guilty of the crime of theft pursuant to K.S.A. 21-5801 and 39-720,
26 and amendments thereto, in either the TANF or child care program shall
27 render all adults in the family unit ineligible for TANF.

28 (B) Adults in the household who have been determined to have
29 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
30 21-5801 and 39-720, and amendments thereto, shall render themselves and
31 all adult household members ineligible for their lifetime for TANF, even if
32 fraud was committed in only one program.

33 (C) Households who have been determined to have committed fraud
34 or were convicted of the crime of theft pursuant to K.S.A. 21-5801 and 39-
35 720, and amendments thereto, shall be required to name a protective payee
36 as approved by the secretary or the secretary's designee to administer
37 TANF benefits or food assistance on behalf of the children. No adult in a
38 household may have access to the TANF benefit.

39 (3) Any individual who has failed to cooperate with a fraud
40 investigation shall be ineligible to participate in the TANF program and the
41 child care subsidy program until the Kansas department for children and
42 families determines that such individual is cooperating with the fraud
43 investigation.

1 (4) The Kansas department for children and families shall maintain a
2 sufficient level of fraud investigative staff to enable the department to
3 conduct fraud investigations in a timely manner and in full accordance
4 with state law and department rules and regulations or policies.

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

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

32 (C) Any applicant for or recipient of cash assistance who tests
33 positive for unlawful use of a controlled substance or controlled substance
34 analog shall be required to complete a substance abuse treatment program
35 approved by the secretary, secretary of labor or secretary of commerce,
36 and a job skills program approved by the secretary, secretary of labor or
37 secretary of commerce.

38 (D) Subject to applicable federal laws, any applicant for or recipient
39 of cash assistance who fails to complete or refuses to participate in the
40 substance abuse treatment program or job skills program as required under
41 this subsection shall be ineligible to receive cash assistance until
42 completion of such substance abuse treatment and job skills programs.

43 (E) Upon completion of both substance abuse treatment and job skills

1 programs, such applicant for or recipient of cash assistance may be subject
2 to periodic drug screening, as determined by the secretary.

3 (F) Upon a second positive test for unlawful use of a controlled
4 substance or controlled substance analog, a recipient of cash assistance
5 shall be ordered to complete again a substance abuse treatment program
6 and job skills program, and shall be terminated from cash assistance for a
7 period of 12 months, or until such recipient of cash assistance completes
8 both substance abuse treatment and job skills programs, whichever is later.

9 (G) Upon a third positive test for unlawful use of a controlled
10 substance or controlled substance analog, a recipient of cash assistance
11 shall be terminated from cash assistance, subject to applicable federal law.

12 (H) Except for hearings before the Kansas department for children
13 and families, the results of any drug screening administered as part of the
14 drug screening program authorized by this subsection shall be confidential
15 and shall not be disclosed publicly.

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

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

41 (C) Any designated individual whose drug screening results in a
42 positive test may request that the drug screening specimen be sent to a
43 different drug testing facility for an additional drug screening. Any

1 designated individual who requests an additional drug screening at a
2 different drug testing facility shall be required to pay the cost of drug
3 screening. Such designated individual who took the additional drug
4 screening and who tested negative for unlawful use of a controlled
5 substance and controlled substance analog shall be reimbursed for the cost
6 of such additional drug screening.

7 (D) Upon any positive test for unlawful use of a controlled substance
8 or controlled substance analog, the designated individual shall not receive
9 cash assistance on behalf of the parent's or legal guardian's minor child,
10 and another designated individual shall be selected by the secretary to
11 receive cash assistance on behalf of such parent's or legal guardian's minor
12 child.

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

27 (4) (A) Food assistance shall not be provided to any person convicted
28 of a felony offense occurring on or after July 1, 2015, that includes as an
29 element of such offense the manufacture, cultivation, distribution,
30 possession or use of a controlled substance or controlled substance analog.
31 For food assistance, the individual shall be permanently disqualified if
32 such individual has been convicted of a state or federal felony offense
33 occurring on or after July 1, 2015, involving possession or use of a
34 controlled substance or controlled substance analog.

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

40 (ii) An individual's failure to submit to testing or failure to
41 successfully pass a drug test shall result in ineligibility for food assistance
42 until a drug test is successfully passed.

43 (iii) Failure to successfully complete a drug treatment program shall

1 result in ineligibility for food assistance until a drug treatment plan
2 approved by the secretary is successfully completed, the individual passes
3 a drug test and agrees to submit to drug testing if requested by the
4 department pursuant to a drug testing plan.

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

8 (5) The secretary may adopt such rules and regulations as are
9 necessary to carry out the provisions of this subsection.

10 (6) Any authority granted to the secretary under this subsection shall
11 be in addition to any other penalties prescribed by law.

12 (7) As used in this subsection:

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

17 (B) "Controlled substance" means the same as defined in K.S.A. 21-
18 5701, and amendments thereto, and 21 U.S.C. § 802.

19 (C) "Controlled substance analog" means the same as defined in
20 K.S.A. 21-5701, and amendments thereto.

21 (g) *Assignment of support rights and limited power of attorney.* (1)
22 By applying for or receiving TANF such applicant or recipient shall be
23 deemed to have assigned to the secretary on behalf of the state any
24 accrued, present or future rights to support from any other person such
25 applicant may have in such person's own behalf or in behalf of any other
26 family member for whom the applicant is applying for or receiving aid. In
27 any case in which an order for child support has been established and the
28 legal custodian and obligee under the order surrenders physical custody of
29 the child to a caretaker relative without obtaining a modification of legal
30 custody and support rights on behalf of the child are assigned pursuant to
31 this section, the surrender of physical custody and the assignment shall
32 transfer, by operation of law, the child's support rights under the order to
33 the secretary on behalf of the state. Such assignment shall be of all
34 accrued, present or future rights to support of the child surrendered to the
35 caretaker relative. The assignment of support rights shall automatically
36 become effective upon the date of approval for or receipt of such aid
37 without the requirement that any document be signed by the applicant,
38 recipient or obligee. By applying for or receiving temporary assistance for
39 needy families, or by surrendering physical custody of a child to a
40 caretaker relative who is an applicant or recipient of such assistance on the
41 child's behalf, the applicant, recipient or obligee is also deemed to have
42 appointed the secretary, or the secretary's designee, as an attorney-in-fact
43 to perform the specific act of negotiating and endorsing all drafts, checks,

1 money orders or other negotiable instruments representing support
2 payments received by the secretary in behalf of any person applying for,
3 receiving or having received such assistance. This limited power of
4 attorney shall be effective from the date the secretary approves the
5 application for aid and shall remain in effect until the assignment of
6 support rights has been terminated in full.

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

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

37 (4) By applying for or receiving child care subsidy or food assistance,
38 the applicant or recipient shall be deemed to have assigned, pursuant to
39 K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the
40 state only accrued, present or future rights to support from any other
41 person such applicant may have in such person's own behalf or in behalf of
42 any other family member for whom the applicant is applying for or
43 receiving aid. The assignment of support rights shall automatically become

1 effective upon the date of approval for or receipt of such aid without the
2 requirement that any document be signed by the applicant or recipient. By
3 applying for or receiving child care subsidy or food assistance, the
4 applicant or recipient is also deemed to have appointed the secretary, or the
5 secretary's designee, as an attorney in fact to perform the specific act of
6 negotiating and endorsing all drafts, checks, money orders or other
7 negotiable instruments representing support payments received by the
8 secretary in behalf of any person applying for, receiving or having
9 received such assistance. This limited power of attorney shall be effective
10 from the date the secretary approves the application for aid and shall
11 remain in effect until the assignment of support rights has been terminated
12 in full. An applicant or recipient who has assigned support rights to the
13 secretary pursuant to this subsection shall cooperate in establishing and
14 enforcing support obligations to the same extent required of applicants for
15 or recipients of TANF.

16 (h) *Electronic benefits card.* (1) The secretary shall place a
17 photograph of the recipient, if agreed to by such recipient of public
18 assistance, on any Kansas benefits card issued by the Kansas department
19 for children and families that the recipient uses in obtaining food, cash or
20 any other services. When a recipient of public assistance is a minor or
21 otherwise incapacitated individual, a parent or legal guardian of such
22 recipient may have a photograph of such parent or legal guardian placed
23 on the card.

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

28 (3) The Kansas department for children and families shall monitor all
29 recipient requests for a Kansas benefits card replacement and, upon the
30 fourth such request in a 12-month period, send a notice alerting the
31 recipient that the recipient's account is being monitored for potential
32 suspicious activity. If a recipient makes an additional request for
33 replacement subsequent to such notice, the department shall refer the
34 investigation to the department's fraud investigation unit.

35 (4) As used in this subsection, "Kansas benefits card" means any card
36 issued to provide food assistance, TANF or child care assistance,
37 including, but not limited to, the vision card, EBT card and Kansas
38 benefits card.

39 (i) *Requirements for medical assistance for which federal moneys or*
40 *state moneys or both are expended.* (1) When the secretary has adopted a
41 medical care plan under which federal moneys or state moneys or both are
42 expended, medical assistance in accordance with such plan shall be
43 granted to any person who is a citizen of the United States or who is an

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

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

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

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

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

37 (ii) the trust is funded:

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (j) *Eligibility for medical assistance of resident receiving medical*
41 *care outside state.* A person who is receiving medical care including long-
42 term care outside of Kansas whose health would be endangered by the
43 postponement of medical care until return to the state or by travel to return

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

12 (k) *Medical assistance; assignment of rights to medical support and*
13 *limited power of attorney; recovery from estates of deceased recipients.* (1)

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

1 medical care from a third party shall also be retained by the secretary for
2 repayment of the unreimbursed portion of assistance.

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

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

40 (3) By applying for or receiving medical assistance under the
41 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and
42 amendments thereto, such individual or such individual's agent, fiduciary,
43 guardian, conservator, representative payee or other person acting on

1 behalf of the individual consents to the following definitions of estate and
2 the results therefrom:

3 (A) If an individual receives any medical assistance before July 1,
4 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
5 and amendments thereto, which forms the basis for a claim under
6 paragraph (2), such claim is limited to the individual's probatable estate as
7 defined by applicable law; and

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

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

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

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

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

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

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

20 (B) when there is no child of the recipient, natural or adopted, who is
21 20 years of age or less residing in the home;

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

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

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

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

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

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

40 (7) If the secretary for aging and disability services or the secretary of
41 health and environment, or both, or such secretary's designee has not filed
42 an action to foreclose the lien in the Kansas district court in the county
43 where the real property is located within 10 years from the date of the

1 filing of the lien, then the lien shall become dormant, and shall cease to
2 operate as a lien on the real estate of the recipient. Such dormant lien may
3 be revived in the same manner as a dormant judgment lien is revived under
4 K.S.A. 60-2403 et seq., and amendments thereto.

5 (8) Within seven days of receipt of notice by the secretary or the
6 secretary's designee of the death of a recipient of medical assistance under
7 this subsection, the secretary or the secretary's designee shall give notice
8 of such recipient's death to the secretary of health and environment or the
9 secretary's designee.

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

15 Sec. 2. K.S.A. 2025 Supp. 39-709 is hereby repealed.

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