

## HOUSE BILL No. 2627

By Committee on Welfare Reform

Requested by Representative Awerkamp

1-30

1 AN ACT concerning public assistance; reorganizing sections of the public  
2 assistance statute; updating cross references; amending K.S.A. 39-757  
3 and K.S.A. 2023 Supp. 39-709 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2023 Supp. 39-709 is hereby amended to read as  
7 follows: 39-709. (a) *General eligibility requirements for assistance for*  
8 *which federal moneys are expended.*

9 (1) Subject to the additional requirements below, assistance in  
10 accordance with plans under which federal moneys are expended may be  
11 granted to any needy person who:

12 (A) Has insufficient income or resources to provide a reasonable  
13 subsistence compatible with decency and health. ~~Where and when~~  
14 ~~determining such income or resources, the secretary for children and~~  
15 ~~families shall:~~

16 (i) *When* a husband and wife or cohabiting partners are living  
17 together, *consider* the combined income or resources of both ~~shall be~~  
18 ~~considered in determining to determine~~ the eligibility of either or both for  
19 such assistance unless otherwise prohibited by law. ~~The secretary, in~~  
20 ~~determining need of any applicant for or recipient of assistance shall;~~

21 (ii) not take into account the financial responsibility of any individual  
22 for any applicant or recipient of assistance unless such applicant or  
23 recipient is such individual's spouse, cohabiting partner or such  
24 individual's minor child or minor stepchild if the stepchild is living with  
25 such individual. ~~The secretary in determining need of an individual;~~

26 (iii) *review and* may provide such income and resource exemptions as  
27 may be permitted by federal law. ~~For purposes of eligibility for temporary~~  
28 ~~assistance for needy families, for food assistance and for any other~~  
29 ~~assistance provided through the Kansas department for children and~~  
30 ~~families under which federal moneys are expended, the secretary for~~  
31 ~~children and families shall; and~~

32 (iv) consider one motor vehicle owned by the applicant for assistance,  
33 regardless of the value of such vehicle, as exempt personal property and  
34 shall consider any equity in any boat, personal water craft, recreational  
35 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined

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

7 ~~(2)(B)~~ is a citizen of the United States or is an alien lawfully admitted  
8 to the United States ~~and who is residing~~; and

9 (C) resides in the state of Kansas.

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

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

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

41 (2) Assistance may be granted under this act to any dependent child,  
42 or relative, subject to the general eligibility requirements as set out in  
43 subsection (a), who resides in the state of Kansas or whose parent or other

1 relative with whom the child is living resides in the state of Kansas. ~~Such~~  
2 ~~assistance shall be known as temporary assistance for needy families.~~  
3 Where the husband and wife or cohabiting partners are living together,  
4 both shall register for work under the program requirements for temporary  
5 assistance for needy families in accordance with criteria and guidelines  
6 prescribed by rules and regulations of the secretary.

7 ~~(1) As used in this subsection, "family group" or "household" means~~  
8 ~~the applicant or recipient for TANF, child care subsidy or employment~~  
9 ~~services and all individuals living together in which there is a relationship~~  
10 ~~of legal responsibility or a qualifying caretaker relationship. This will~~  
11 ~~include a cohabiting boyfriend or girlfriend living with the person legally~~  
12 ~~responsible for the child.~~ (3) The family group shall not be eligible for  
13 TANF if the family group contains at least one adult member who has  
14 received TANF, including the federal TANF assistance received in any  
15 other state, for 24 calendar months beginning on and after October 1,  
16 1996, unless the secretary determines a hardship exists and grants an  
17 extension allowing receipt of TANF until the 36-month limit is reached.  
18 No extension beyond 36 months shall be granted. Hardship provisions for  
19 a recipient include:

20 (A) Is a caretaker of a disabled family member living in the  
21 household;

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

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

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

28 (E) is determined by the 24<sup>th</sup> month to have an extreme hardship other  
29 than what is designated in criteria listed in subparagraphs (A) through (D).  
30 This determination will be made by the executive review team.

31 ~~(2)(4) Eligibility for cash assistance shall be subject to subsections~~  
32 ~~(f)(1) through (3).~~

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

40 (6) During the application processing period, applicants must  
41 complete at least one module or its equivalent of the work program  
42 assessment to be considered eligible for TANF benefits, unless good cause  
43 is found to be exempt from the requirements. Good cause exemptions shall

1 only include that the applicant:

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

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

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

7 (D) is enrolled in job corps;

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

9 (F) has completed the work program assessment within the last 12  
10 months.

11 ~~(3)~~(7) The Kansas department for children and families shall maintain  
12 a sufficient level of dedicated work program staff to enable the agency to  
13 conduct work program case management services to TANF recipients in a  
14 timely manner and in full accordance with state law and agency policy.

15 ~~(4)~~(8) (A) TANF mandatory work program applicants and recipients  
16 shall participate in work components that lead to competitive, integrated  
17 employment. Components are defined by the federal government as being  
18 either primary or secondary.

19 (B) (i) In order to meet federal work participation requirements,  
20 households shall meet at least 30 hours of participation per week, at least  
21 20 hours of which shall be primary and at least 10 hours may be secondary  
22 components in one parent households where the youngest child is six years  
23 of age or older.

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

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

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

36 (C) (i) The following components meet federal definitions of primary  
37 hours of participation:

38 (a) Full or part-time employment;;

39 (b) apprenticeship;;

40 (c) work study;;

41 (d) self-employment;;

42 (e) job corps;;

43 (f) subsidized employment;;

- 1 (g) work experience sites;,  
 2 (h) on-the-job training;,  
 3 (i) supervised community service;,  
 4 (j) vocational education;,  
 5 (k) job search; and  
 6 (l) job readiness.
- 7 (ii) Secondary components include:  
 8 (a) Job skills training;,  
 9 (b) education directly related to employment such as adult basic  
 10 education and English as a second language; and  
 11 (c) completion of a high school diploma or GED.
- 12 ~~(5)~~(D) A parent or other adult caretaker personally providing care for  
 13 a child under the age of three months in their TANF household shall be  
 14 exempt from work participation activities until the month the child attains  
 15 three months of age. Such three-month limitation shall not apply to a  
 16 parent or other adult caretaker who is personally providing care for a child  
 17 born significantly premature, with serious medical conditions or with a  
 18 disability as defined by the secretary, in consultation with the secretary of  
 19 health and environment and adopted in the rules and regulations. The  
 20 three-month period is defined as two consecutive months starting with the  
 21 month after childbirth. The exemption for caring for a child under three  
 22 months cannot be claimed by:
- 23 ~~(A)~~(i) Either parent when two parents are in the home and the  
 24 household meets the two-parent definition for federal reporting purposes;  
 25 ~~(B)~~(ii) one parent or caretaker when the other parent or caretaker is  
 26 in the home, and available, capable and suitable to provide care and the  
 27 household does not meet the two-parent definition for federal reporting  
 28 purposes;  
 29 ~~(C)~~(iii) a person age 19 or younger when such person is pregnant or a  
 30 parent of a child in the home and the person does not possess a high school  
 31 diploma or its equivalent. Such person shall become exempt the month  
 32 such person attains 20 years of age; or  
 33 ~~(D)~~(iv) any person assigned to a work participation activity for  
 34 substance use disorders.
- 35 ~~(6)~~(E) TANF work experience placements shall be reviewed after 90  
 36 days and are limited to six months per 24-month lifetime limit. A client's  
 37 progress shall be reviewed prior to each new placement regardless of the  
 38 length of time they are at the work experience site.
- 39 ~~(7)~~(F) TANF participants with disabilities shall engage in required  
 40 employment activities to the maximum extent consistent with their  
 41 abilities. A TANF participant shall provide current documentation by a  
 42 qualified medical practitioner that details the ability to engage in  
 43 employment and any limitation in work activities along with the expected

1 duration of such limitations. Disability is defined as a physical or mental  
 2 impairment constituting or resulting in a substantial impediment to  
 3 employment for such individual.

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

10 ~~(A)(i) First penalty, three months and full cooperation with work~~  
 11 ~~program activities;~~

12 ~~(B)(ii) second penalty, six months and full cooperation with work~~  
 13 ~~program activities;~~

14 ~~(C)(iii) third penalty, one year and full cooperation with work~~  
 15 ~~program activities; and~~

16 ~~(D)(iv) fourth or subsequent penalty, 10 years.~~

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

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

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

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

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

33 ~~(iv)(D) fourth penalty, 10 years.~~

34 ~~(B) (i) The period of ineligibility for child care subsidy based on~~  
 35 ~~parents' non-cooperation, as defined in K.S.A. 39-702, and amendments~~  
 36 ~~thereto, with child support services shall be as follows, for a:~~

37 ~~(a) First penalty, three months and cooperation with child support~~  
 38 ~~services prior to regaining eligibility;~~

39 ~~(b) second penalty, six months and cooperation with child support~~  
 40 ~~services prior to regaining eligibility;~~

41 ~~(c) third penalty, one year and cooperation with child support services~~  
 42 ~~prior to regaining eligibility; and~~

43 ~~(d) fourth penalty, 10 years.~~

1       (ii) ~~The secretary, or the secretary's designee, shall review child~~  
2 ~~support compliance of a parent:~~

3       (a) ~~Upon application for child care subsidy;~~

4       (b) ~~after 12 months of continuous eligibility for child care subsidy;~~  
5 ~~and~~

6       (c) ~~following such 12 months of continuous eligibility when the~~  
7 ~~secretary renews or redetermines a parent's eligibility for child care~~  
8 ~~subsidy.~~

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

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

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

38       (13) (A) ~~Food assistance shall not be provided to any person~~  
39 ~~convicted of a felony offense occurring on or after July 1, 2015, that~~  
40 ~~includes as an element of such offense the manufacture, cultivation,~~  
41 ~~distribution, possession or use of a controlled substance or controlled~~  
42 ~~substance analog. For food assistance, the individual shall be permanently~~  
43 ~~disqualified if such individual has been convicted of a state or federal~~

1 felony offense occurring on or after July 1, 2015, involving possession or  
2 use of a controlled substance or controlled substance analog.

3 ~~(B) (i) Notwithstanding the provisions of subparagraph (A), an~~  
4 ~~individual shall be eligible for food assistance if the individual enrolls in~~  
5 ~~and participates in a drug treatment program approved by the secretary,~~  
6 ~~submits to and passes a drug test and agrees to submit to drug testing if~~  
7 ~~requested by the department pursuant to a drug testing plan.~~

8 ~~(ii) An individual's failure to submit to testing or failure to~~  
9 ~~successfully pass a drug test shall result in ineligibility for food assistance~~  
10 ~~until a drug test is successfully passed. Failure to successfully complete a~~  
11 ~~drug treatment program shall result in ineligibility for food assistance until~~  
12 ~~a drug treatment plan approved by the secretary is successfully completed,~~  
13 ~~the individual passes a drug test and agrees to submit to drug testing if~~  
14 ~~requested by the department pursuant to a drug testing plan.~~

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

18 ~~(+4)(10)~~ No TANF cash assistance shall be used to purchase alcohol,  
19 cigarettes, tobacco products, lottery tickets, concert tickets, professional or  
20 collegiate sporting event tickets or tickets for other entertainment events  
21 intended for the general public or sexually oriented adult materials. No  
22 TANF cash assistance shall be used in any retail liquor store, casino,  
23 gaming establishment, jewelry store, tattoo parlor, massage parlor, body  
24 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,  
25 vapor cigarette store, psychic or fortune telling business, bail bond  
26 company, video arcade, movie theater, swimming pool, cruise ship, theme  
27 park, dog or horse racing facility, parimutuel facility, or sexually oriented  
28 business or any retail establishment that provides adult-oriented  
29 entertainment in which performers disrobe or perform in an unclothed  
30 state for entertainment, or in any business or retail establishment where  
31 minors under age 18 are not permitted. No TANF cash assistance shall be  
32 used for purchases at points of sale outside the state of Kansas.

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

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

1 thereto.

2 (C) ~~As used in this paragraph and its subparagraphs, "Kansas benefits~~  
3 ~~card" means any card issued to provide food assistance, cash assistance or~~  
4 ~~child care assistance, including, but not limited to, the vision card, EBT~~  
5 ~~card and Kansas benefits card.~~

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

13 (16) ~~The secretary for children and families shall adopt rules and~~  
14 ~~regulations for:~~

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

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

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

23 (ii) ~~adults who are former TANF recipients who need child care for~~  
24 ~~employment after their TANF case has closed and earned income is a~~  
25 ~~factor in the closure in the two months immediately following TANF~~  
26 ~~closure;~~

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

30 (iv) ~~adults who are participants in a food assistance employment and~~  
31 ~~training program;~~

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

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

36 The Kansas department for children and families shall provide child  
37 care for the pursuit of any degree or certification if the occupation has at  
38 least an average job outlook listed in the occupational outlook of the  
39 United States department of labor, bureau of labor statistics. For  
40 occupations with less than an average job outlook, educational plans shall  
41 require approval of the secretary or secretary's designee. Child care may  
42 also be approved if the student provides verification of a specific job offer  
43 that will be available to such student upon completion of the program.

1 Child care for post-secondary education shall be allowed for a lifetime  
2 maximum of 24 months per adult. The 24 months may not have to be  
3 consecutive. Students shall be engaged in paid employment for a minimum  
4 of 15 hours per week. In a two-parent adult household, child care would  
5 not be allowed if both parents are adults and attending a formal education  
6 or training program at the same time. The household may choose which  
7 one of the parents is participating as a post-secondary student. The other  
8 parent shall meet another approvable criteria for child care subsidy.

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

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

24 ~~(C) Any recipient who has not complied with the work requirements  
25 under subparagraph (B) shall be ineligible to participate in the food  
26 assistance program for the following time period and until the recipient  
27 complies with such work requirements for a:~~

28 ~~(i) First penalty, three months;~~

29 ~~(ii) second penalty, six months; and~~

30 ~~(iii) third penalty and any subsequent penalty, one year.~~

31 ~~(D) The Kansas department for children and families shall assign all  
32 individuals subject to the requirements established under 7 U.S.C. §  
33 2015(d)(1) to an employment and training program as defined in 7 U.S.C.  
34 § 2015(d)(4). The provisions of this subparagraph shall only apply to:~~

35 ~~(i) Able-bodied adults aged 18 through 49 without dependents;~~

36 ~~(ii) work registrants aged 50 through 59 without dependents not  
37 exempt from 7 U.S.C. § 2015(d)(2); and~~

38 ~~(iii) individuals who are not employed at least 30 hours per week.~~

39 ~~(18) Eligibility for the food assistance program shall be limited to  
40 those individuals who are citizens or who meet qualified non-citizen status  
41 as determined by United States department of agriculture. Non-citizen  
42 individuals who are unable or unwilling to provide qualifying immigrant  
43 documentation, as defined by the United States department of agriculture,~~

1 ~~residing within a household shall not be included when determining the~~  
2 ~~household's size for the purposes of assigning a benefit level to the~~  
3 ~~household for food assistance or comparing the household's monthly~~  
4 ~~income with the income eligibility standards. The gross non-exempt~~  
5 ~~earned and unearned income and resources of disqualified individuals shall~~  
6 ~~be counted in its entirety as available to the remaining household~~  
7 ~~members.~~

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

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

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

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

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

33 (D) *Eligibility for the food assistance program shall be limited to*  
34 *those individuals who are citizens or who meet qualified non-citizen status*  
35 *as determined by the United States department of agriculture. Non-citizen*  
36 *individuals who are unable or unwilling to provide qualifying immigrant*  
37 *documentation, as defined by the United States department of agriculture,*  
38 *residing within a household shall not be included when determining the*  
39 *household's size for the purposes of assigning a benefit level to the*  
40 *household for food assistance or comparing the household's monthly*  
41 *income with the income eligibility standards. The gross non-exempt*  
42 *earned and unearned income and resources of disqualified individuals*  
43 *shall be counted in its entirety as available to the remaining household*

1 members.

2 (E) Individuals who have not cooperated with TANF work programs  
3 shall be ineligible to participate in the food assistance program. The  
4 comparable penalty shall be applied to only the individual in the food  
5 assistance program who failed to comply with the TANF work  
6 requirement. The agency shall impose the same penalty to the member of  
7 the household who failed to comply with TANF requirements. The penalty  
8 periods are three months, six months, one year, or 10 years.

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

13 (G) Eligibility for food assistance shall be subject to subsection (f)  
14 (4).

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

17 (i) Register for work;

18 (ii) participate in an employment and training program, if assigned  
19 to such a program by the department;

20 (iii) accept a suitable employment offer; and

21 (iv) not voluntarily quit a job of at least 30 hours per week.

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

26 (i) First penalty, three months;

27 (ii) second penalty, six months; and

28 (iii) third penalty and any subsequent penalty, one year.

29 (3) The Kansas department for children and families shall assign all  
30 individuals subject to the requirements established under 7 U.S.C. §  
31 2015(d)(1) to an employment and training program as defined in 7 U.S.C.  
32 § 2015(d)(4). The provisions of this paragraph shall only apply to:

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

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

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

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

42 (d) Child care subsidy program. (1) The secretary for children and  
43 families shall adopt rules and regulations for:

- 1       (A) Determining eligibility for the child care subsidy program,  
2 including an income of a cohabiting partner in a child care household;  
3 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  
42 shall 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)~~*(e) Fraud Investigations.* (1) The Kansas department for children  
19 and 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 cash assistance, food  
22 assistance and the child care subsidy program, the department shall verify  
23 the identity of all adults in the assistance household.

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

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

42 *(B) Adults in the household who have been determined to have*  
43 *committed fraud or were convicted of the crime of theft pursuant to K.S.A.*

1 21-5801 and 39-720, and amendments thereto, shall render themselves  
2 and all adult household members ineligible for their lifetime for TANF,  
3 even if fraud was committed in only one program.

4 (C) Households who have been determined to have committed fraud  
5 or were convicted of the crime of theft pursuant to K.S.A. 21-5801 and 39-  
6 720, and amendments thereto, shall be required to name a protective  
7 payee as approved by the secretary or the secretary's designee to  
8 administer TANF benefits or food assistance on behalf of the children. No  
9 adult in a household may have access to the TANF cash assistance benefit.

10 (3) Any individual who has failed to cooperate with a fraud  
11 investigation shall be ineligible to participate in the TANF cash assistance  
12 program and the child care subsidy program until the Kansas department  
13 for children and families determines that such individual is cooperating  
14 with the fraud investigation.

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

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

39 (B) Any applicant for or recipient of cash assistance whose drug  
40 screening results in a positive test may request that the drug screening  
41 specimen be sent to a different drug testing facility for an additional drug  
42 screening. Any applicant for or recipient of cash assistance who requests  
43 an additional drug screening at a different drug testing facility shall be

1 required to pay the cost of drug screening. Such applicant or recipient who  
2 took the additional drug screening and who tested negative for unlawful  
3 use of a controlled substance and controlled substance analog shall be  
4 reimbursed for the cost of such additional drug screening.

5 (C) Any applicant for or recipient of cash assistance who tests  
6 positive for unlawful use of a controlled substance or controlled substance  
7 analog shall be required to complete a substance abuse treatment program  
8 approved by the secretary for children and families, secretary of labor or  
9 secretary of commerce, and a job skills program approved by the secretary  
10 for children and families, secretary of labor or secretary of commerce.

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

16 (E) Upon completion of both substance abuse treatment and job skills  
17 programs, such applicant for or recipient of cash assistance may be  
18 subject to periodic drug screening, as determined by the secretary for  
19 children and families.

20 (F) Upon a second positive test for unlawful use of a controlled  
21 substance or controlled substance analog, a recipient of cash assistance  
22 shall be ordered to complete again a substance abuse treatment program  
23 and job skills program, and shall be terminated from cash assistance for a  
24 period of 12 months, or until such recipient of cash assistance completes  
25 both substance abuse treatment and job skills programs, whichever is  
26 later.

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

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

35 (2) (A) If an applicant for or recipient of cash assistance is ineligible  
36 for or terminated from cash assistance as a result of a positive test for  
37 unlawful use of a controlled substance or controlled substance analog,  
38 and such applicant for or recipient of cash assistance is the parent or  
39 legal guardian of a minor child, an appropriate protective payee shall be  
40 designated to receive cash assistance on behalf of such child. Such parent  
41 or legal guardian of the minor child may choose to designate an  
42 individual to receive cash assistance for such parent's or legal guardian's  
43 minor child, as approved by the secretary for children and families. Prior

1 to the designated individual receiving any cash assistance, the secretary  
2 for children and families shall review whether reasonable suspicion exists  
3 that such designated individual is unlawfully using a controlled substance  
4 or controlled substance analog.

5 (B) In addition, any individual designated to receive cash assistance  
6 on behalf of an eligible minor child shall be subject to drug screening at  
7 any time when reasonable suspicion exists that such designated individual  
8 is unlawfully using a controlled substance or controlled substance analog.  
9 The secretary for children and families may use any information obtained  
10 by the secretary for children and families to determine whether such  
11 reasonable suspicion exists, including, but not limited to, the designated  
12 individual's demeanor; missed appointments and arrest or other police  
13 records, previous employment or application for employment in an  
14 occupation or industry that regularly conducts drug screening,  
15 termination from previous employment due to unlawful use of a controlled  
16 substance or controlled substance analog or prior drug screening records  
17 of the designated individual indicating unlawful use of a controlled  
18 substance or controlled substance analog.

19 (C) Any designated individual whose drug screening results in a  
20 positive test may request that the drug screening specimen be sent to a  
21 different drug testing facility for an additional drug screening. Any  
22 designated individual who requests an additional drug screening at a  
23 different drug testing facility shall be required to pay the cost of drug  
24 screening. Such designated individual who took the additional drug  
25 screening and who tested negative for unlawful use of a controlled  
26 substance and controlled substance analog shall be reimbursed for the  
27 cost of such additional drug screening.

28 (D) Upon any positive test for unlawful use of a controlled substance  
29 or controlled substance analog, the designated individual shall not receive  
30 cash assistance on behalf of the parent's or legal guardian's minor child,  
31 and another designated individual shall be selected by the secretary for  
32 children and families to receive cash assistance on behalf of such parent's  
33 or legal guardian's minor child.

34 (3) If a person has been convicted under federal or state law of any  
35 offense that is classified as a felony by the law of the jurisdiction and has  
36 as an element of such offense the manufacture, cultivation, distribution,  
37 possession or use of a controlled substance or controlled substance  
38 analog, and the date of conviction is on or after July 1, 2013, such person  
39 shall thereby become forever ineligible to receive any cash assistance  
40 under this subsection unless such conviction is the person's first  
41 conviction. First-time offenders convicted under federal or state law of  
42 any offense that is classified as a felony by the law of the jurisdiction and  
43 has as an element of such offense the manufacture, cultivation,

1 *distribution, possession or use of a controlled substance or controlled*  
2 *substance analog, and the date of conviction is on or after July 1, 2013,*  
3 *such person shall become ineligible to receive cash assistance for five*  
4 *years from the date of conviction.*

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

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

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

21 (iii) *Failure to successfully complete a drug treatment program shall*  
22 *result in ineligibility for food assistance until a drug treatment plan*  
23 *approved by the secretary is successfully completed, the individual passes*  
24 *a drug test and agrees to submit to drug testing if requested by the*  
25 *department pursuant to a drug testing plan.*

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

29 (5) *The secretary for children and families may adopt such rules and*  
30 *regulations as are necessary to carry out the provisions of this subsection.*

31 (6) *Any authority granted to the secretary for children and families*  
32 *under this subsection shall be in addition to any other penalties prescribed*  
33 *by law.*

34 (7) *As used in this subsection:*

35 (A) *"Cash assistance" means cash assistance provided to individuals*  
36 *under the provisions of article 7 of chapter 39 of the Kansas Statutes*  
37 *Annotated, and amendments thereto, and any rules and regulations*  
38 *adopted pursuant to such provisions.*

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

41 (C) *"Controlled substance analog" means the same as in K.S.A. 21-*  
42 *5701, and amendments thereto.*

43 ~~(d) Temporary assistance for needy families;~~ (g) *Assignment of*

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

30 *(2) If the applicant or recipient of temporary assistance for needy*  
31 *families is a mother of the dependent child, as a condition of the mother's*  
32 *eligibility for temporary assistance for needy families, the mother shall*  
33 *identify by name and, if known, by current address the father of the*  
34 *dependent child except that the secretary may adopt by rules and*  
35 *regulations exceptions to this requirement in cases of undue hardship. Any*  
36 *recipient of temporary assistance for needy families who fails to cooperate*  
37 *with requirements relating to child support services under criteria and*  
38 *guidelines prescribed by rules and regulations of the secretary shall be*  
39 *subject to a penalty established by the secretary.*

40 *(3) In any case in which the secretary for children and families pays*  
41 *for the expenses of care and custody of a child pursuant to K.S.A. 38-2201*  
42 *et seq. or 38-2301 et seq., and amendments thereto, including the expenses*  
43 *of any foster care placement, an assignment of all past, present and future*

1 *support rights of the child in custody possessed by either parent or other*  
2 *person entitled to receive support payments for the child is, by operation*  
3 *of law, conveyed to the secretary. Such assignment shall become effective*  
4 *upon placement of a child in the custody of the secretary or upon payment*  
5 *of the expenses of care and custody of a child by the secretary without the*  
6 *requirement that any document be signed by the parent or other person*  
7 *entitled to receive support payments for the child. When the secretary pays*  
8 *for the expenses of care and custody of a child or a child is placed in the*  
9 *custody of the secretary, the parent or other person entitled to receive*  
10 *support payments for the child is also deemed to have appointed the*  
11 *secretary, or the secretary's designee, as attorney in fact to perform the*  
12 *specific act of negotiating and endorsing all drafts, checks, money orders*  
13 *or other negotiable instruments representing support payments received by*  
14 *the secretary on behalf of the child. This limited power of attorney shall be*  
15 *effective from the date the assignment to support rights becomes effective*  
16 *and shall remain in effect until the assignment of support rights has been*  
17 *terminated in full.*

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

40 (h) *Electronic benefits card. (1) The secretary for children and*  
41 *families shall place a photograph of the recipient, if agreed to by such*  
42 *recipient of public assistance, on any Kansas benefits card issued by the*  
43 *Kansas department for children and families that the recipient uses in*

1 *obtaining food, cash or any other services. When a recipient of public*  
2 *assistance is a minor or otherwise incapacitated individual, a parent or*  
3 *legal guardian of such recipient may have a photograph of such parent or*  
4 *legal guardian placed on the card.*

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

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

16 *(4) As used in this subsection, "Kansas benefits card" means any card*  
17 *issued to provide food assistance, cash assistance or child care assistance,*  
18 *including, but not limited to, the vision card, EBT card and Kansas*  
19 *benefits card.*

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

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

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

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

11 (B) If a trust has discretionary language, the trust shall be considered  
12 to be an available resource to the extent, using the full extent of discretion,  
13 the trustee may make any of the income or principal available to the  
14 applicant or recipient of medical assistance. Any such discretionary trust  
15 shall be considered an available resource unless:

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

18 (ii) the trust is funded:

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

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

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

28 (4) (A) When an applicant or recipient of medical assistance is a party  
29 to a contract, agreement or accord for personal services being provided by  
30 a nonlicensed individual or provider and such contract, agreement or  
31 accord involves health and welfare monitoring, pharmacy assistance, case  
32 management, communication with medical, health or other professionals,  
33 or other activities related to home health care, long term care, medical  
34 assistance benefits, or other related issues, any moneys paid under such  
35 contract, agreement or accord shall be considered to be an available  
36 resource unless the following restrictions are met:

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

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

42 (iii) if no similarly situated nonlicensed individuals or situations can  
43 be found, the value of services will be based on federal hourly minimum

1 wage standards;

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

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

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

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

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

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

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

36 ~~(g)~~ *Medical assistance; assignment of rights to medical support*  
37 *and limited power of attorney; recovery from estates of deceased*  
38 *recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-  
39 787, and amendments thereto, or as otherwise authorized on and after  
40 September 30, 1989, under section 303 of the federal medicare  
41 catastrophic coverage act of 1988, whichever is applicable, by applying for  
42 or receiving medical assistance under a medical care plan in which federal  
43 funds are expended, any accrued, present or future rights to support and

1 any rights to payment for medical care from a third party of an applicant or  
2 recipient and any other family member for whom the applicant is applying  
3 shall be deemed to have been assigned to the secretary on behalf of the  
4 state. The assignment shall automatically become effective upon the date  
5 of approval for such assistance without the requirement that any document  
6 be signed by the applicant or recipient. By applying for or receiving  
7 medical assistance the applicant or recipient is also deemed to have  
8 appointed the secretary, or the secretary's designee, as an attorney-in-fact  
9 to perform the specific act of negotiating and endorsing all drafts, checks,  
10 money orders or other negotiable instruments, representing payments  
11 received by the secretary in on behalf of any person applying for, receiving  
12 or having received such assistance. This limited power of attorney shall be  
13 effective from the date the secretary approves the application for assistance  
14 and shall remain in effect until the assignment has been terminated in full.  
15 The assignment of any rights to payment for medical care from a third  
16 party under this subsection shall not prohibit a health care provider from  
17 directly billing an insurance carrier for services rendered if the provider  
18 has not submitted a claim covering such services to the secretary for  
19 payment. Support amounts collected on behalf of persons whose rights to  
20 support are assigned to the secretary only under this subsection and no  
21 other shall be distributed pursuant to K.S.A. 39-756(d), and amendments  
22 thereto, except that any amounts designated as medical support shall be  
23 retained by the secretary for repayment of the unreimbursed portion of  
24 assistance. Amounts collected pursuant to the assignment of rights to  
25 payment for medical care from a third party shall also be retained by the  
26 secretary for repayment of the unreimbursed portion of assistance.

27 (B) Notwithstanding the provisions of subparagraph (A), the  
28 secretary of health and environment, or the secretary's designee, is hereby  
29 authorized to and shall exercise any of the powers specified in  
30 subparagraph (A) in relation to performance of such secretary's duties  
31 pertaining to medical subrogation, estate recovery or any other duties  
32 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes  
33 Annotated, and amendments thereto.

34 (2) The amount of any medical assistance paid after June 30, 1992,  
35 under the provisions of subsection~~(e)~~ (i) is a claim against the property or  
36 any interest therein belonging to and a part of the estate of any deceased  
37 recipient or, if there is no estate, the estate of the surviving spouse, if any,  
38 shall be charged for such medical assistance paid to either or both and a  
39 claim against any funds of such recipient or spouse in any account under  
40 K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall  
41 be no recovery of medical assistance correctly paid to or on behalf of an  
42 individual under subsection~~(e)~~ (i) except after the death of the surviving  
43 spouse of the individual, if any, and only at a time when the individual has

1 no surviving child who is under 21 years of age or is blind or permanently  
2 and totally disabled. Transfers of real or personal property by recipients of  
3 medical assistance without adequate consideration are voidable and may  
4 be set aside. Except where there is a surviving spouse, or a surviving child  
5 who is under 21 years of age or is blind or permanently and totally  
6 disabled, the amount of any medical assistance paid under subsection ~~(e)~~  
7 *(i)* is a claim against the estate in any guardianship or conservatorship  
8 proceeding. The monetary value of any benefits received by the recipient  
9 of such medical assistance under long-term care insurance, as defined by  
10 K.S.A. 40-2227, and amendments thereto, shall be a credit against the  
11 amount of the claim provided for such medical assistance under this  
12 subsection. The secretary of health and environment is authorized to  
13 enforce each claim provided for under this subsection. The secretary of  
14 health and environment shall not be required to pursue every claim, but is  
15 granted discretion to determine which claims to pursue. All moneys  
16 received by the secretary of health and environment from claims under this  
17 subsection shall be deposited in the social welfare fund. The secretary of  
18 health and environment may adopt rules and regulations for the  
19 implementation and administration of the medical assistance recovery  
20 program under this subsection.

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

27 (A) If an individual receives any medical assistance before July 1,  
28 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
29 and amendments thereto, which forms the basis for a claim under  
30 paragraph (2), such claim is limited to the individual's probatable estate as  
31 defined by applicable law; and

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

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

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

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

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

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

1 (B) when there is no child of the recipient, natural or adopted, who is  
2 20 years of age or less residing in the home;

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

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

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

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

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

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

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

29 (8) Within seven days of receipt of notice by the secretary for  
30 children and families or the secretary's designee of the death of a recipient  
31 of medical assistance under this subsection, the secretary for children and  
32 families or the secretary's designee shall give notice of such recipient's  
33 death to the secretary of health and environment or the secretary's  
34 designee.

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

40 ~~(h) Placement under the revised Kansas code for care of children or~~  
41 ~~revised Kansas juvenile justice code; assignment of support rights and~~  
42 ~~limited power of attorney. In any case in which the secretary for children~~  
43 ~~and families pays for the expenses of care and custody of a child pursuant~~

1 to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto,  
2 including the expenses of any foster care placement, an assignment of all  
3 past, present and future support rights of the child in custody possessed by  
4 either parent or other person entitled to receive support payments for the  
5 child is, by operation of law, conveyed to the secretary. Such assignment  
6 shall become effective upon placement of a child in the custody of the  
7 secretary or upon payment of the expenses of care and custody of a child  
8 by the secretary without the requirement that any document be signed by  
9 the parent or other person entitled to receive support payments for the  
10 child. When the secretary pays for the expenses of care and custody of a  
11 child or a child is placed in the custody of the secretary, the parent or other  
12 person entitled to receive support payments for the child is also deemed to  
13 have appointed the secretary, or the secretary's designee, as attorney in fact  
14 to perform the specific act of negotiating and endorsing all drafts, checks,  
15 money orders or other negotiable instruments representing support  
16 payments received by the secretary on behalf of the child. This limited  
17 power of attorney shall be effective from the date the assignment to  
18 support rights becomes effective and shall remain in effect until the  
19 assignment of support rights has been terminated in full.

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

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

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

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

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

37 (2) Any applicant for or recipient of cash assistance whose drug  
38 screening results in a positive test may request that the drug screening  
39 specimen be sent to a different drug testing facility for an additional drug  
40 screening. Any applicant for or recipient of cash assistance who requests  
41 an additional drug screening at a different drug testing facility shall be  
42 required to pay the cost of drug screening. Such applicant or recipient who  
43 took the additional drug screening and who tested negative for unlawful

1 use of a controlled substance and controlled substance analog shall be  
2 reimbursed for the cost of such additional drug screening.

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

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

39 ~~(A) In addition, any individual designated to receive cash assistance~~  
40 ~~on behalf of an eligible minor child shall be subject to drug screening at~~  
41 ~~any time when reasonable suspicion exists that such designated individual~~  
42 ~~is unlawfully using a controlled substance or controlled substance analog.~~  
43 ~~The secretary for children and families may use any information obtained~~

1 by the secretary for children and families to determine whether such  
2 reasonable suspicion exists, including, but not limited to, the designated  
3 individual's demeanor, missed appointments and arrest or other police  
4 records, previous employment or application for employment in an  
5 occupation or industry that regularly conducts drug screening, termination  
6 from previous employment due to unlawful use of a controlled substance  
7 or controlled substance analog or prior drug screening records of the  
8 designated individual indicating unlawful use of a controlled substance or  
9 controlled substance analog.

10 (B) Any designated individual whose drug screening results in a  
11 positive test may request that the drug screening specimen be sent to a  
12 different drug testing facility for an additional drug screening. Any  
13 designated individual who requests an additional drug screening at a  
14 different drug testing facility shall be required to pay the cost of drug  
15 screening. Such designated individual who took the additional drug  
16 screening and who tested negative for unlawful use of a controlled  
17 substance and controlled substance analog shall be reimbursed for the cost  
18 of such additional drug screening.

19 (C) Upon any positive test for unlawful use of a controlled substance  
20 or controlled substance analog, the designated individual shall not receive  
21 cash assistance on behalf of the parent's or legal guardian's minor child,  
22 and another designated individual shall be selected by the secretary for  
23 children and families to receive cash assistance on behalf of such parent's  
24 or legal guardian's minor child.

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

39 (6) Except for hearings before the Kansas department for children and  
40 families, the results of any drug screening administered as part of the drug  
41 screening program authorized by this subsection shall be confidential and  
42 shall not be disclosed publicly.

43 (7) The secretary for children and families may adopt such rules and

1 regulations as are necessary to carry out the provisions of this subsection.

2 ~~(8) Any authority granted to the secretary for children and families~~  
3 ~~under this subsection shall be in addition to any other penalties prescribed~~  
4 ~~by law.~~

5 ~~(9) As used in this subsection:~~

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

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

12 ~~(C) "Controlled substance analog" means the same as in K.S.A. 21-~~  
13 ~~5701, and amendments thereto.~~

14 Sec. 2. K.S.A. 39-757 is hereby amended to read as follows: 39-757.

15 (a) The secretary for children and families shall remit all moneys received  
16 by or for the secretary from the enforcement of rights assigned to the  
17 secretary under ~~subsection (b) of~~ K.S.A. 39-709, and amendments thereto,  
18 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
19 and amendments thereto. Upon receipt of each such remittance, the state  
20 treasurer shall deposit the entire amount in the state treasury as follows:

21 (1) Amounts to be distributed pursuant to part D of title IV of the federal  
22 social security act, 42 U.S.C. § 651 et seq., to the state shall be credited to  
23 the title IV-D aid to families with dependent children fee fund, and all  
24 expenditures from such fund shall be made in accordance with  
25 appropriation acts upon warrants of the director of accounts and reports  
26 issued pursuant to vouchers approved by the secretary or by a person or  
27 persons designated by the secretary; and (2) amounts to be distributed  
28 pursuant to part D of title IV of the federal social security act, 42 U.S.C. §  
29 651 et seq., to applicants for or recipients of aid under ~~subsection (b) of~~  
30 K.S.A. 39-709, and amendments thereto, shall be credited to the title IV-D  
31 aid to families with dependent children claims fund, and all expenditures  
32 from such fund shall be made upon warrants of the director of accounts  
33 and reports issued pursuant to vouchers approved by the secretary or by a  
34 person or persons designated by the secretary.

35 (b) The secretary for children and families shall remit all moneys  
36 received by or for the secretary under K.S.A. 39-756, and amendments  
37 thereto, to the state treasurer in accordance with the provisions of K.S.A.  
38 75-4215, and amendments thereto. Upon receipt of each such remittance,  
39 the state treasurer shall deposit the entire amount in the state treasury as  
40 follows: (1) Amounts to be distributed pursuant to part D of title IV of the  
41 federal social security act, 42 U.S.C. § 651 et seq., to the state shall be  
42 credited to the title IV-D fee fund, and all expenditures from such fund  
43 shall be made in accordance with ~~appropriate~~ *appropriate* appropriations acts upon

1 warrants of the director of accounts and reports issued pursuant to  
2 vouchers approved by the secretary or by a person or persons designated  
3 by the secretary; and (2) amounts to be distributed pursuant to part D of  
4 title IV of the federal social security act, 42 U.S.C. § 651 et seq., to  
5 persons who under K.S.A. 39-756, and amendments thereto, are eligible  
6 for services specified in such section shall be credited to the title IV-D  
7 claims fund, and all expenditures from such fund shall be made upon  
8 warrants of the director of accounts and reports issued pursuant to  
9 vouchers approved by the secretary or by a person or persons designated  
10 by the secretary.

11 (c) Money shall be deposited in the funds established by subsections  
12 (a) and (b) of this section and shall be distributed from such funds in  
13 accordance with the provisions of part D of title IV of the federal social  
14 security act, 42 U.S.C. § 651 et seq.

15 Sec. 3. K.S.A. 39-757 and K.S.A. 2023 Supp. 39-709 are hereby  
16 repealed.

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