

## HOUSE BILL No. 2112

By Committee on Taxation

1-19

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1 AN ACT concerning the Kansas program of medical assistance; providing  
2 eligibility thereunder for military veterans; income requirements;  
3 amending K.S.A. 2016 Supp. 39-709 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 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.* Subject to the additional requirements  
9 below, assistance in accordance with plans under which federal moneys  
10 are expended may be granted to any needy person who:

11 (1) Has insufficient income or resources to provide a reasonable  
12 subsistence compatible with decency and health. Where a husband and  
13 wife or cohabiting partners are living together, the combined income or  
14 resources of both shall be considered in determining the eligibility of  
15 either or both for such assistance unless otherwise prohibited by law. The  
16 secretary, in determining need of any applicant for or recipient of  
17 assistance shall not take into account the financial responsibility of any  
18 individual for any applicant or recipient of assistance unless such applicant  
19 or recipient is such individual's spouse, cohabiting partner or such  
20 individual's minor child or minor stepchild if the stepchild is living with  
21 such individual. The secretary in determining need of an individual may  
22 provide such income and resource exemptions as may be permitted by  
23 federal law. For purposes of eligibility for temporary assistance for needy  
24 families, for food assistance and for any other assistance provided through  
25 the Kansas department for children and families under which federal  
26 moneys are expended, the secretary for children and families shall  
27 consider one motor vehicle owned by the applicant for assistance,  
28 regardless of the value of such vehicle, as exempt personal property and  
29 shall consider any equity in any boat, personal water craft, recreational  
30 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined  
31 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle  
32 owned by the applicant for assistance to be a nonexempt resource of the  
33 applicant for assistance except that any additional motor vehicle used by  
34 the applicant, the applicant's spouse or the applicant's cohabiting partner  
35 for the primary purpose of earning income may be considered as exempt  
36 personal property in the secretary's discretion.

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

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

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

25 (A) Is a caretaker of a disabled family member living in the  
26 household;

27 (B) has a disability which precludes employment on a long-term basis  
28 or requires substantial rehabilitation;

29 (C) needs a time limit extension to overcome the effects of domestic  
30 violence/sexual assault;

31 (D) is involved with prevention and protection services (PPS) and has  
32 an open social service plan; or

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

36 (2) All adults applying for TANF shall be required to complete a  
37 work program assessment as specified by the Kansas department for  
38 children and families, including those who have been disqualified for or  
39 denied TANF due to non-cooperation, drug testing requirements or fraud.  
40 Adults who are not otherwise eligible for TANF, such as ineligible aliens,  
41 relative/non-relative caretakers and adults receiving supplemental security  
42 income are not required to complete the assessment process. During the  
43 application processing period, applicants must complete at least one

1 module or its equivalent of the work program assessment to be considered  
2 eligible for TANF benefits, unless good cause is found to be exempt from  
3 the requirements. Good cause exemptions shall only include:

4 (A) The applicant can document an existing certification verifying  
5 completion of the work program assessment;

6 (B) the applicant has a valid offer of employment or is employed a  
7 minimum of 20 hours a week;

8 (C) the applicant is a parenting teen without a GED or high school  
9 diploma;

10 (D) the applicant is enrolled in job corps;

11 (E) the applicant is working with a refugee social services agency; or

12 (F) the applicant has completed the work program assessment within  
13 the last 12 months.

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

18 (4) TANF mandatory work program applicants and recipients shall  
19 participate in work components that lead to competitive, integrated  
20 employment. Components are defined by the federal government as being  
21 either primary or secondary. In order to meet federal work participation  
22 requirements, households need to meet at least 30 hours of participation  
23 per week, at least 20 hours of which need to be primary and at least 10  
24 hours may be secondary components in one parent households where the  
25 youngest child is six years of age or older. Participation hours shall be 55  
26 hours in two parent households (35 hours per week if child care is not  
27 used). The maximum assignment is 40 hours per week per individual. For  
28 two parent families to meet the federal work participation rate both parents  
29 must participate in a combined total of 55 hours per week, 50 hours of  
30 which must be in primary components, or one or both parents could be  
31 assigned a combined total of 35 hours per week (30 hours of which must  
32 be primary components) if department for children and families paid child  
33 care is not received by the family. Single parent families with a child under  
34 age six meet the federal participation requirement if the parent is engaged  
35 in work or work activities for at least 20 hours per week in a primary work  
36 component. The following components meet federal definitions of primary  
37 hours of participation: Full or part-time employment, apprenticeship, work  
38 study, self-employment, job corps, subsidized employment, work  
39 experience sites, on-the-job training, supervised community service,  
40 vocational education, job search and job readiness. Secondary components  
41 include: Job skills training, education directly related to employment such  
42 as adult basic education and English as a second language, and completion  
43 of a high school diploma or GED.

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

12 (A) By either parent when two parents are in the home and the  
13 household meets the two-parent definition for federal reporting purposes;

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

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

22 (D) by any person assigned to a work participation activity for  
23 substance use disorders.

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

28 (7) TANF participants with disabilities shall engage in required  
29 employment activities to the maximum extent consistent with their  
30 abilities. TANF participants shall provide current documentation by a  
31 qualified medical practitioner that details the abilities to engage in  
32 employment and any limitations in work activities along with the expected  
33 duration of such limitations. Disability is defined as a physical or mental  
34 impairment constituting or resulting in a substantial impediment to  
35 employment for such individual.

36 (8) Non-cooperation is the failure of the applicant or recipient to  
37 comply with all requirements provided in state and federal law, federal and  
38 state rules and regulations and agency policy. The period of ineligibility  
39 for TANF benefits based on non-cooperation with work programs shall be  
40 as follows:

41 (A) For a first penalty, three months and full cooperation with work  
42 program activities;

43 (B) for a second penalty, six months and full cooperation with work

1 program activities;

2 (C) for a third penalty, one year and full cooperation with work  
3 program activities; and

4 (D) for a fourth or subsequent penalty, 10 years.

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

12 (10) Non-cooperation is the failure of the applicant or recipient to  
13 comply with all requirements provided in state and federal law, federal and  
14 state rules and regulations and agency policy. The period of ineligibility  
15 for child care subsidy or TANF benefits based on parents' non-cooperation  
16 with child support services shall be as follows:

17 (A) For the first penalty, three months and cooperation with child  
18 support services prior to regaining eligibility;

19 (B) for a second penalty, six months and cooperation with child  
20 support services prior to regaining eligibility;

21 (C) for a third penalty, one year and cooperation with child support  
22 services prior to regaining eligibility; and

23 (D) for a fourth penalty, 10 years.

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

28 (12) (A) Any individual who is found to have committed fraud or is  
29 found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.  
30 2016 Supp. 21-5801, and amendments thereto, in either the TANF or child  
31 care program shall render all adults in the family unit ineligible for TANF  
32 assistance. Adults in the household who were determined to have  
33 committed fraud or were convicted of the crime of theft pursuant to K.S.A.  
34 39-720 and K.S.A. 2016 Supp. 21-5801, and amendments thereto, shall  
35 render themselves and all adult household members ineligible for their  
36 lifetime for TANF, even if fraud was committed in only one program.  
37 Households who have been determined to have committed fraud or were  
38 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2016  
39 Supp. 21-5801, and amendments thereto, shall be required to name a  
40 protective payee as approved by the secretary or the secretary's designee to  
41 administer TANF benefits or food assistance on behalf of the children. No  
42 adult in a household may have access to the TANF cash assistance benefit.

43 (B) Any individual that has failed to cooperate with a fraud

1 investigation shall be ineligible to participate in the TANF cash assistance  
2 program and the child care subsidy program until the department for  
3 children and families determines that such individual is cooperating with  
4 the fraud investigation. The department for children and families shall  
5 maintain a sufficient level of fraud investigative staff to enable the  
6 department to conduct fraud investigations in a timely manner and in full  
7 accordance with state law and department rules and regulations or policies.

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

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

21 An individual's failure to submit to testing or failure to successfully  
22 pass a drug test shall result in ineligibility for food assistance until a drug  
23 test is successfully passed. Failure to successfully complete a drug  
24 treatment program shall result in ineligibility for food assistance until a  
25 drug treatment plan approved by the secretary is successfully completed,  
26 the individual passes a drug test and agrees to submit to drug testing if  
27 requested by the department pursuant to a drug testing plan.

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

31 (14) No TANF cash assistance shall be used to purchase alcohol,  
32 cigarettes, tobacco products, lottery tickets, concert tickets, professional or  
33 collegiate sporting event tickets or tickets for other entertainment events  
34 intended for the general public or sexually oriented adult materials. No  
35 TANF cash assistance shall be used in any retail liquor store, casino,  
36 gaming establishment, jewelry store, tattoo parlor, massage parlor, body  
37 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,  
38 vapor cigarette store, psychic or fortune telling business, bail bond  
39 company, video arcade, movie theater, swimming pool, cruise ship, theme  
40 park, dog or horse racing facility, parimutuel facility, or sexually oriented  
41 business or any retail establishment which provides adult-oriented  
42 entertainment in which performers disrobe or perform in an unclothed  
43 state for entertainment, or in any business or retail establishment where

1 minors under age 18 are not permitted. No TANF cash assistance shall be  
2 used for purchases at points of sale outside the state of Kansas.

3 (15) (A) The secretary for children and families shall place a  
4 photograph of the recipient, if agreed to by such recipient of public  
5 assistance, on any Kansas benefits card issued by the Kansas department  
6 for children and families that the recipient uses in obtaining food, cash or  
7 any other services. When a recipient of public assistance is a minor or  
8 otherwise incapacitated individual, a parent or legal guardian of such  
9 recipient may have a photograph of such parent or legal guardian placed  
10 on the card.

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

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

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

26 (16) The secretary for children and families shall adopt rules and  
27 regulations:

28 (A) In determining eligibility for the child care subsidy program,  
29 including an income of a cohabiting partner in a child care household; and

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

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

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

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

43 (iv) adults who are participants in a food assistance employment and

1 training program; or

2 (v) adults who are participants in an early head start child care  
3 partnership program and are working or in school or training.

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

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

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

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

39 (i) For a first penalty, three months;

40 (ii) for a second penalty, six months; and

41 (iii) for a third penalty and any subsequent penalty, one year.

42 (18) Eligibility for the food assistance program shall be limited to  
43 those individuals who are citizens or who meet qualified non-citizen status



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

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

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

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

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

31 (c) (1) On and after January 1, 2017, the department for children and  
32 families shall conduct an electronic check for any false information  
33 provided on an application for TANF and other benefits programs  
34 administered by the department. For TANF cash assistance, food  
35 assistance and the child care subsidy program, the department shall verify  
36 the identity of all adults in the assistance household.

37 (2) The department of administration shall provide monthly to the  
38 Kansas department for children and families the social security numbers or  
39 alternate taxpayer identification numbers of all persons who claim a  
40 Kansas lottery prize in excess of \$5,000 during the reported month. The  
41 Kansas department for children and families shall verify if individuals  
42 with such winnings are receiving TANF cash assistance, food assistance or  
43 assistance under the child care subsidy program and take appropriate

1 action. The Kansas department for children and families shall use data  
2 received under this subsection solely, and for no other purpose, to  
3 determine if any recipient's eligibility for benefits has been affected by  
4 lottery prize winnings. The Kansas department for children and families  
5 shall not publicly disclose the identity of any lottery prize winner,  
6 including recipients who are determined to have illegally received  
7 benefits.

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

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

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

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

25 (B) *For purposes of medical assistance eligibility determinations on*  
26 *and after July 1, 2017, medical assistance shall also be granted to any*  
27 *resident military veteran, any spouse or dependent child of such military*  
28 *veteran and any spouse or dependent child of a deceased military veteran*  
29 *whose income does not exceed 138% of the federal poverty level. As used*  
30 *in this subparagraph, "military veteran" means a person who has been*  
31 *separated from the armed forces and was honorably discharged or*  
32 *received a general discharge under honorable conditions. The secretary of*  
33 *health and environment shall submit to the centers for medicare and*  
34 *medicaid services any waiver request necessary to implement the*  
35 *provisions of this subparagraph.*

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

40 (B) If a trust has discretionary language, the trust shall be considered  
41 to be an available resource to the extent, using the full extent of discretion,  
42 the trustee may make any of the income or principal available to the  
43 applicant or recipient of medical assistance. Any such discretionary trust

1 shall be considered an available resource unless: (i) At the time of creation  
2 or amendment of the trust, the trust states a clear intent that the trust is  
3 supplemental to public assistance; and (ii) the trust: (a) Is funded from  
4 resources of a person who, at the time of such funding, owed no duty of  
5 support to the applicant or recipient of medical assistance; or (b) is funded  
6 not more than nominally from resources of a person while that person  
7 owed a duty of support to the applicant or recipient of medical assistance.

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

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

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

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

42 (f) *Eligibility for medical assistance of resident receiving medical*  
43 *care outside state.* A person who is receiving medical care including long-

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

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

1 the secretary for repayment of the unreimbursed portion of assistance.  
2 Amounts collected pursuant to the assignment of rights to payment for  
3 medical care from a third party shall also be retained by the secretary for  
4 repayment of the unreimbursed portion of assistance.

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

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

42 (3) By applying for or receiving medical assistance under the  
43 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and

1 amendments thereto, such individual or such individual's agent, fiduciary,  
2 guardian, conservator, representative payee or other person acting on  
3 behalf of the individual consents to the following definitions of estate and  
4 the results therefrom:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (7) If the secretary for aging and disability services or the secretary of  
43 health and environment, or both, or such secretary's designee has not filed



1 an action to foreclose the lien in the Kansas district court in the county  
2 where the real property is located within 10 years from the date of the  
3 filing of the lien, then the lien shall become dormant, and shall cease to  
4 operate as a lien on the real estate of the recipient. Such dormant lien may  
5 be revived in the same manner as a dormant judgment lien is revived under  
6 K.S.A. 60-2403 et seq., and amendments thereto.

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

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

18 (h) *Placement under the revised Kansas code for care of children or*  
19 *revised Kansas juvenile justice code; assignment of support rights and*  
20 *limited power of attorney.* In any case in which the secretary for children  
21 and families pays for the expenses of care and custody of a child pursuant  
22 to K.S.A. 2016 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments  
23 thereto, including the expenses of any foster care placement, an  
24 assignment of all past, present and future support rights of the child in  
25 custody possessed by either parent or other person entitled to receive  
26 support payments for the child is, by operation of law, conveyed to the  
27 secretary. Such assignment shall become effective upon placement of a  
28 child in the custody of the secretary or upon payment of the expenses of  
29 care and custody of a child by the secretary without the requirement that  
30 any document be signed by the parent or other person entitled to receive  
31 support payments for the child. When the secretary pays for the expenses  
32 of care and custody of a child or a child is placed in the custody of the  
33 secretary, the parent or other person entitled to receive support payments  
34 for the child is also deemed to have appointed the secretary, or the  
35 secretary's designee, as attorney in fact to perform the specific act of  
36 negotiating and endorsing all drafts, checks, money orders or other  
37 negotiable instruments representing support payments received by the  
38 secretary on behalf of the child. This limited power of attorney shall be  
39 effective from the date the assignment to support rights becomes effective  
40 and shall remain in effect until the assignment of support rights has been  
41 terminated in full.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (9) As used in this subsection:

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

32 (B) "Controlled substance" means the same as in K.S.A. 2016 Supp.  
33 21-5701, and amendments thereto, and 21 U.S.C. § 802.

34 (C) "Controlled substance analog" means the same as in K.S.A. 2016  
35 Supp. 21-5701, and amendments thereto.

36 Sec. 2. K.S.A. 2016 Supp. 39-709 is hereby repealed.

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