

HOUSE BILL No. 2686

By Representatives Kelley, Aipke, Goodman, Gregory, Hildabrand, Mast, O'Brien and Scapa

2-8

Proposed Amendments to HB 2686  
Prepared for Representative Wolfe-Moore  
March 27, 2012  
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Office of Revisor of Statutes

Wolfe-Moore

1 AN ACT establishing a program of drug screening for cash assistance  
2 recipients; amending K.S.A. 2011 Supp. 39-709 and repealing the  
3 existing section.  
4

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

6 Section 1. K.S.A. 2011 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 are living together, the combined income or resources of both shall be  
14 considered in determining the eligibility of either or both for such  
15 assistance unless otherwise prohibited by law. The secretary, in  
16 determining need of any applicant for or recipient of assistance shall not  
17 take into account the financial responsibility of any individual for any  
18 applicant or recipient of assistance unless such applicant or recipient is  
19 such individual's spouse or such individual's minor child or minor  
20 stepchild if the stepchild is living with such individual. The secretary in  
21 determining need of an individual may provide such income and resource  
22 exemptions as may be permitted by federal law. For purposes of eligibility  
23 for aid for families with dependent children, for food stamp assistance and  
24 for any other assistance provided through the department of social and  
25 rehabilitation services under which federal moneys are expended, the  
26 secretary of social and rehabilitation services shall consider one motor  
27 vehicle owned by the applicant for assistance, regardless of the value of  
28 such vehicle, as exempt personal property and shall consider any equity in  
29 any additional motor vehicle owned by the applicant for assistance to be a  
30 nonexempt resource of the applicant for assistance.

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

33 (b) *Assistance to families with dependent children.* Assistance may be  
34 granted under this act to any dependent child, or relative, subject to the  
35 general eligibility requirements as set out in subsection (a), who resides in

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Attachment # 4

1 and rehabilitation services may order a drug screening of such recipient at  
 2 any time when reasonable suspicion arises from the information obtained  
 3 by the secretary of social and rehabilitation services indicating possible  
 4 drug use by the recipient, including, but not limited to, an individual's  
 5 demeanor, missed appointments and arrest or other police records. A cash  
 6 assistance recipient who tests positive for use of an illegal substance shall  
 7 undergo a drug evaluation and if indicated by the evaluation be required  
 8 to complete an educational or treatment program recommended as a result  
 9 of the evaluation.

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

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

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

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

41 (6) Except for hearings before the department of social and  
 42 rehabilitation services or criminal prosecutions, the results of any test  
 43 administered as part of the drug screening program authorized by this

Any person whose drug screening which results in a positive test may request that the drug screening specimen to be sent to a different drug testing facility for a more detailed drug screen.

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