

HOUSE BILL No. 2686

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

2-8

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

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

Section 1. K.S.A. 2011 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) General eligibility requirements for assistance for which federal moneys are expended. Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for aid for families with dependent children, for food stamp assistance and for any other assistance provided through the department of social and rehabilitation services under which federal moneys are expended, the secretary of social and rehabilitation services shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance.

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

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

Proposed Amendments to HB 2686
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Rep. Howell

House Federal & State Affairs

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Attachment # 2

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

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