

SENATE BILL No. 135

By Committee on Federal and State Affairs

2-1

1 AN ACT concerning health and healthcare; relating to medical cannabis;
2 creating the medical cannabis regulation act; providing for licensure
3 and regulation of the cultivation, processing, distribution, sale and use
4 of medical cannabis; delegating administrative duties and functions to
5 the secretary of health and environment, secretary of revenue, board of
6 healing arts, board of pharmacy and the director of alcohol and
7 cannabis control; imposing fines and penalties for violations of the act;
8 establishing the medical cannabis registration fund, the medical
9 cannabis business regulation fund, the pharmacist consultant
10 registration fee fund, the local medical cannabis enforcement fund, the
11 local medical cannabis enforcement refund fund and the state medical
12 cannabis enforcement fund; creating the crimes of unlawful storage and
13 unlawful transport of medical cannabis; making exceptions to the
14 crimes of unlawful manufacture and possession of controlled
15 substances; amending K.S.A. 38-2269, 41-201, 44-501, 44-1015, 65-
16 28b08, 79-5201 and 79-5210 and K.S.A. 2022 Supp. 19-101a, 21-5703,
17 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201 and 65-1120
18 and repealing the existing sections.

19

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

21 New Section 1. The provisions of sections 1 through 50, and
22 amendments thereto, shall be known and may be cited as the medical
23 cannabis regulation act.

24 New Sec. 2. As used in the medical cannabis regulation act, section 1
25 et seq., and amendments thereto:

26 (a) "Academic medical center" means a medical school and its
27 affiliated teaching hospitals and clinics.

28 (b) "Board of healing arts" means the state board of healing arts.

29 (c) "Cannabinoid" means any of the diverse chemical compounds that
30 can act on cannabinoid receptors in cells and alter neurotransmitter release
31 in the brain, including phytocannabinoids that are produced naturally by
32 marijuana and some other plants.

33 (d) (1) "Cannabis" means all parts of all varieties of the plant
34 Cannabis whether growing or not, the seeds thereof, the resin extracted
35 from any part of the plant and every compound, manufacture, salt,
36 derivative, mixture or preparation of the plant, its seeds or resin.

1 (2) "Cannabis" does not include:

2 (A) The mature stalks of the plant, fiber produced from the stalks, oil
3 or cake made from the seeds of the plant, any other compound,
4 manufacture, salt, derivative, mixture or preparation of the mature stalks,
5 except the resin extracted therefrom, fiber, oil or cake or the sterilized seed
6 of the plant that is incapable of germination;

7 (B) any substance listed in schedules II through V of the uniform
8 controlled substances act;

9 (C) drug products approved by the United States food and drug
10 administration as of July 1, 2024;

11 (D) cannabidiol (other trade name: 2-[3-methyl-6-(1-methylethenyl)-
12 2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

13 (E) industrial hemp as defined in K.S.A. 2022 Supp. 2-3901, and
14 amendments thereto, when cultivated, produced, possessed or used for
15 activities authorized by the commercial industrial hemp act.

16 (e) "Caregiver" means an individual registered pursuant to section 8,
17 and amendments thereto, who may purchase and possess medical cannabis
18 in accordance with section 11, and amendments thereto.

19 (f) "Cultivate" means the same as defined in K.S.A. 65-4101, and
20 amendments thereto.

21 (g) "Cultivator" means a person issued a license pursuant to section
22 20, and amendments thereto, who may grow and sell medical cannabis in
23 accordance with section 22, and amendments thereto.

24 (h) "Director" means the director of alcohol and cannabis control.

25 (i) "Dispense" means to deliver a medical cannabis product to a
26 registered patient or caregiver pursuant to the written recommendation of a
27 physician, including the packaging and labeling required for that delivery.

28 (j) "Distributor" means a person issued a license pursuant to section
29 20, and amendments thereto, who may purchase and sell medical cannabis
30 in accordance with section 27, and amendments thereto.

31 (k) "Edibles" means any food product infused with cannabis extract.

32 (l) "Electronic cigarette" means the same as defined in K.S.A. 79-
33 3301, and amendments thereto.

34 (m) "Medical cannabis" means cannabis that is cultivated, processed,
35 tested, dispensed, possessed or used for a medical purpose.

36 (n) "Medical cannabis product" means a product that contains
37 cannabinoids that have been extracted from plant material or the resin
38 therefrom by physical or chemical means and is intended for
39 administration to a registered patient.

40 (o) "Medical cannabis waste" means:

41 (1) Unused, surplus, returned or out-of-date medical cannabis or
42 medical cannabis product;

43 (2) recalled medical cannabis or medical cannabis product;

- 1 (3) plant debris of the plant of Cannabis, including dead plants and all
2 unused plant parts and roots; and
- 3 (4) any wastewater generated during growing and processing.
- 4 (p) "Patient" means an individual registered pursuant to section 8, and
5 amendments thereto, who may purchase and possess medical cannabis in
6 accordance with section 10, and amendments thereto.
- 7 (q) "Person" means any natural person, corporation, partnership, trust
8 or association.
- 9 (r) "Plant" means a cannabis plant produced from a cutting, clipping or
10 seedling that is in a cultivating container.
- 11 (s) "Plant material" means the leaves, stems, buds and flowers of the
12 cannabis plant and does not include seedlings, seeds, clones, stalks or roots
13 of the plant or the weight of any non-cannabis ingredients combined with
14 cannabis.
- 15 (t) "Postsecondary educational institution" means the same as defined
16 in K.S.A. 74-3201b, and amendments thereto.
- 17 (u) "Processor" means a person issued a license pursuant to section
18 20, and amendments thereto, who may purchase, process and sell medical
19 cannabis in accordance with section 26, and amendments thereto.
- 20 (v) "Physician" means an individual licensed to practice medicine and
21 surgery in this state and who is certified by the board of healing arts to
22 recommend treatment with medical cannabis pursuant to section 18, and
23 amendments thereto.
- 24 (w) "Physician's delegate" means:
- 25 (1) A registered nurse, licensed practical nurse, respiratory therapist,
26 emergency medical responder, paramedic, dental hygienist, pharmacy
27 technician or pharmacy intern who has registered for access to the program
28 database as an agent of a practitioner or pharmacist to request program
29 data on behalf of the practitioner or pharmacist;
- 30 (2) a death investigator who has registered for limited access to the
31 program database as an agent of a medical examiner, coroner or another
32 person authorized under law to investigate or determine causes of death; or
- 33 (3) an individual authorized by rules and regulations adopted by the
34 board of healing arts to access the prescription monitoring program
35 database.
- 36 (x) "Qualifying medical condition" means any of the following:
- 37 (1) Acquired immune deficiency syndrome;
- 38 (2) Alzheimer's disease;
- 39 (3) amyotrophic lateral sclerosis;
- 40 (4) cancer;
- 41 (5) chronic traumatic encephalopathy;
- 42 (6) Crohn's disease;
- 43 (7) epilepsy or another seizure disorder;

- 1 (8) fibromyalgia;
- 2 (9) glaucoma;
- 3 (10) hepatitis C;
- 4 (11) inflammatory bowel disease;
- 5 (12) multiple sclerosis;
- 6 (13) Parkinson's disease;
- 7 (14) positive status for human immunodeficiency virus;
- 8 (15) post-traumatic stress disorder;
- 9 (16) sickle cell anemia;
- 10 (17) spinal cord disease or injury;
- 11 (18) Tourette's syndrome;
- 12 (19) traumatic brain injury;
- 13 (20) ulcerative colitis;
- 14 (21) pain that is either chronic and severe or intractable; or
- 15 (22) any other disease or condition approved by the secretary of
- 16 health and environment pursuant to section 15, and amendments thereto.
- 17 (y) "Retail dispensary" means a person issued a license pursuant to
- 18 section 22, and amendments thereto, who may purchase and sell medical
- 19 cannabis in accordance with section 28, and amendments thereto.
- 20 (z) "Smoking" means the use of a lighted cigarette, cigar or pipe or
- 21 otherwise burning cannabis in any other form for the purpose of
- 22 consuming such cannabis.
- 23 (aa) "Tetrahydrocannabinol" means the primary psychoactive
- 24 cannabinoid in cannabis formed by decarboxylation of naturally occurring
- 25 tetrahydrocannabinolic acid that generally takes place by heating.
- 26 (bb) "Tetrahydrocannabinolic acid" means the dominant cannabinoid
- 27 that occurs naturally in most varieties of cannabis.
- 28 (cc) "Tetrahydrocannabinol content" means the sum of the amount of
- 29 tetrahydrocannabinol and 87.7% of the amount of tetrahydrocannabinolic
- 30 acid present in the product.
- 31 (dd) "Vaporization" means the use of an electronic cigarette for the
- 32 purpose of consuming medical cannabis in which such medical cannabis
- 33 comes into direct contact with a heating element.
- 34 (ee) "Veteran" means a person who has:
- 35 (1) Served in the army, navy, marine corps, air force, coast guard,
- 36 space force, any state air or army national guard or any branch of the
- 37 military reserves of the United States; and
- 38 (2) been separated from the branch of service in which the person
- 39 was honorably discharged or received a general discharge under honorable
- 40 conditions.
- 41 New Sec. 3. (a) No person shall grow, harvest, process, sell, barter,
- 42 transport, deliver, furnish or otherwise possess any form of cannabis,
- 43 except as specifically provided in the medical cannabis regulation act or

1 the commercial industrial hemp act, K.S.A. 2-3901 et seq., and
2 amendments thereto.

3 (b) Nothing in the medical cannabis regulation act shall be construed
4 to:

5 (1) Require a physician to recommend that a patient use medical
6 cannabis to treat a qualifying medical condition;

7 (2) permit the use, possession or administration of medical cannabis
8 other than as authorized by this act;

9 (3) permit the use, possession or administration of medical cannabis
10 on federal land located in this state;

11 (4) require any public place to accommodate a registered patient's use
12 of medical cannabis;

13 (5) prohibit any public place from accommodating a registered
14 patient's use of medical cannabis; or

15 (6) restrict research related to cannabis conducted at a postsecondary
16 educational institution, academic medical center or private research and
17 development organization as part of a research protocol approved by an
18 institutional review board or equivalent entity.

19 New Sec. 4. (a) There is hereby established the medical cannabis
20 regulation program.

21 (b) The secretary of health and environment shall administer the
22 program in accordance with the provisions of this act and provide for the
23 registration of patients and caregivers, including the issuance of
24 identification cards to registered patients and caregivers.

25 (c) The board of healing arts shall administer the program in
26 accordance with the provisions of this act and provide for the certification
27 of physicians authorizing such physicians to recommend medical cannabis
28 as a treatment for patients.

29 (d) The board of pharmacy shall administer the program in
30 accordance with the provisions of this act and provide for the registration
31 of pharmacist consultants and the requirements for reporting to the
32 prescription monitoring program.

33 (e) The director of alcohol and cannabis control shall administer the
34 program in accordance with the provisions of this act and provide for the
35 licensure of cultivators, laboratories, processors, distributors, retail
36 dispensaries and employees thereof.

37 New Sec. 5. (a) The medical cannabis advisory committee is hereby
38 created in the department of health and environment. The committee shall
39 consist of the following:

40 (1) Eight members appointed by the governor as follows:

41 (A) Two members who are practicing pharmacists, at least one of
42 whom supports the use of medical cannabis and at least one of whom is a
43 member of the state board of pharmacy;

- 1 (B) two members who are practicing physicians, at least one of whom
2 supports the use of medical cannabis and at least one of whom is a
3 member of the board of healing arts;
- 4 (C) one member who represents employers;
- 5 (D) one member who represents agriculture;
- 6 (E) one member who represents persons involved in the treatment of
7 alcohol and drug addiction; and
- 8 (F) one member who engages in academic research on the use or
9 regulation of medical cannabis;
- 10 (2) two members appointed by the president of the senate as follows:
- 11 (A) One member who represents law enforcement; and
- 12 (B) one member who represents caregivers;
- 13 (3) one member who is a nurse, appointed by the minority leader of
14 the senate;
- 15 (4) two members appointed by the speaker of the house of
16 representatives as follows:
- 17 (A) One member who represents persons involved in mental health
18 treatment; and
- 19 (B) one member who represents patients;
- 20 (5) one member who represents employees, appointed by the
21 minority leader of the house of representatives; and
- 22 (6) the secretary of health and environment, who shall serve as
23 chairperson.
- 24 (b) The initial appointments to the committee shall be made on or
25 before July 31, 2024.
- 26 (c) Except for the secretary of health and environment, each member
27 of the committee shall serve for a period of two years from the date of
28 appointment. A vacancy shall be filled within 21 days of such vacancy in
29 the same manner as the original appointment.
- 30 (d) Each member of the committee shall be paid compensation,
31 subsistence allowances, mileage and other expenses as provided in K.S.A.
32 75-3223(e), and amendments thereto.
- 33 (e) The committee shall hold its initial meeting not later than 30 days
34 after the last member of the committee is appointed. The committee may
35 develop and submit to the secretary of health and environment and the
36 director of alcohol and cannabis control any recommendations related to
37 the medical cannabis regulation program and the implementation and
38 enforcement of this act.
- 39 (f) Prior to January 31 of each year, the medical cannabis advisory
40 committee shall provide a report to the standing committees on federal and
41 state affairs in both the senate and the house of representatives detailing
42 any concerns or recommended changes that the committee has for the
43 medical cannabis regulation act.

1 (g) The provisions of this section shall expire on July 1, 2029.

2 New Sec. 6. (a) Except as permitted under subsection (c), the
3 following individuals shall not solicit or accept, directly or indirectly, any
4 gift, gratuity, emolument or employment from any person who is an
5 applicant for any license or is a licensee under the provisions of the
6 medical cannabis regulation act or any officer, agent or employee thereof,
7 or solicit requests from or recommend, directly or indirectly, to any such
8 person, the appointment of any individual to any place or position:

9 (1) The secretary of health and environment or any officer, employee
10 or agent of the department of health and environment;

11 (2) the secretary of revenue, the director of alcohol and cannabis
12 control or any officer, employee or agent of the division of alcohol and
13 cannabis control;

14 (3) any member of the state board of pharmacy; or

15 (4) any member of the board of healing arts.

16 (b) Except as permitted under subsection (c), an applicant for a
17 license or a licensee under the provisions of the medical cannabis
18 regulation act shall not offer any gift, gratuity, emolument or employment
19 to any of the following:

20 (1) The secretary of health and environment or any officer, employee
21 or agent of the department of health and environment;

22 (2) the secretary of revenue, the director of alcohol and cannabis
23 control or any officer, employee or agent of the division of alcohol and
24 cannabis control;

25 (3) any member of the state board of pharmacy; or

26 (4) any member of the board of healing arts.

27 (c) The board of healing arts, the state board of pharmacy, the
28 secretary of health and environment and the secretary of revenue may
29 adopt rules and regulations for their respective agencies allowing the
30 acceptance of official hospitality by members of the board of healing arts,
31 the state board of pharmacy or the respective secretary and employees of
32 each such respective agency, subject to any limits as prescribed by such
33 rules and regulations.

34 (d) If any member of the board of healing arts, the state board of
35 pharmacy, the secretary of health and environment, the secretary of
36 revenue or any employee of each such respective agency violates any
37 provision of this section, such person shall be removed from such person's
38 office or employment.

39 (e) Violation of any provision of this section is a severity level 7,
40 nonperson felony.

41 (f) Nothing in this section shall be construed to prohibit the
42 prosecution and punishment of any person for any other crime in the
43 Kansas criminal code.

1 New Sec. 7. All actions taken by the board of healing arts, the state
2 board of pharmacy, the secretary of health and environment or the director
3 of alcohol and cannabis control under the medical cannabis regulation act
4 shall be in accordance with the Kansas administrative procedure act and
5 reviewable in accordance with the Kansas judicial review act.

6 New Sec. 8. (a) A patient seeking to use medical cannabis or a
7 caregiver seeking to assist a patient in the use or administration of medical
8 cannabis shall apply to the department of health and environment for
9 registration. The physician who is treating the patient, or such physician's
10 delegate, shall submit the application on the patient's or caregiver's behalf
11 in such form and manner as prescribed by the secretary of health and
12 environment.

13 (b) The application for registration shall include the following:

14 (1) A statement from the physician certifying that:

15 (A) A bona fide physician-patient relationship exists between the
16 physician and patient;

17 (B) the patient has been diagnosed with a qualifying medical
18 condition;

19 (C) the physician, or such physician's delegate, has requested from
20 the prescription monitoring program database a report of information
21 related to the patient that covers at least the 12 months immediately
22 preceding the date of the report;

23 (D) the physician has informed the patient of the risks and benefits of
24 medical cannabis as it pertains to the patient's qualifying medical condition
25 and medical history; and

26 (E) the physician has informed the patient that it is the physician's
27 opinion that the benefits of medical cannabis outweigh its risks;

28 (2) in the case of an application submitted on behalf of a patient, the
29 name or names of one or more caregivers, if any, who will assist the
30 patient in the use or administration of medical cannabis;

31 (3) in the case of an application submitted on behalf of a caregiver,
32 the name of the patient or patients whom the caregiver seeks to assist in
33 the use or administration of medical cannabis; and

34 (4) in the case of a patient who is a minor, the name of the patient's
35 parent or legal guardian who has consented to treatment with medical
36 cannabis and who shall be designated as the patient's caregiver.

37 (c) If the application is complete and meets the requirements of this
38 act and rules and regulations adopted thereunder and the patient or
39 caregiver has paid the required fee, the secretary of health and
40 environment shall register the patient or caregiver and issue to the patient
41 or caregiver an identification card.

42 (d) (1) A registered caregiver shall be at least 21 years of age, except
43 that if the caregiver is the parent or legal guardian of a patient who is a

1 minor, then the registered caregiver shall be at least 18 years of age.

2 (2) A registered patient may designate up to two registered
3 caregivers. If the patient is a minor, a parent or legal guardian of such
4 patient shall be designated as a registered caregiver for such patient.

5 (3) A registered caregiver may provide assistance to not more than
6 two registered patients, unless the secretary approves a greater number of
7 registered patients.

8 (4) A physician who submits an application on behalf of a patient
9 may not also serve as such patient's registered caregiver.

10 (e) Any information collected by the department of health and
11 environment pursuant to this section is confidential and not a public
12 record. The department may share information identifying a specific
13 patient with a licensed retail dispensary or any law enforcement agency for
14 the purpose of confirming that such patient has a valid registration.
15 Information that does not identify a person may be released in summary,
16 statistical or aggregate form. The provisions of this subsection shall expire
17 on July 1, 2029, unless the legislature reviews and reenacts such
18 provisions in accordance with K.S.A. 45-229, and amendments thereto,
19 prior to July 1, 2029.

20 (f) The fees for a patient or caregiver registration, or the renewal
21 thereof, shall be set by rules and regulations adopted by the secretary of
22 health and environment in an amount not to exceed:

23 (1) Except as specified in paragraph (2), \$50 for a patient registration;

24 (2) \$25 for a patient registration if the patient is indigent or is a
25 veteran; and

26 (3) \$25 for a caregiver registration.

27 (g) A registration shall be valid for a period of one year from the
28 effective date as specified on the identification card and may be renewed
29 by submitting a registration renewal application and paying the required
30 fee.

31 New Sec. 9. (a) The department of health and environment shall
32 assign a unique 24-character identification number to each registered
33 patient and caregiver when issuing an identification card. Licensed retail
34 dispensaries shall obtain verification by the department that a patient or
35 caregiver has a valid registration.

36 (b) Law enforcement agencies may also obtain verification by the
37 department when necessary to verify that a patient or caregiver is in
38 compliance with this act. Each patient and caregiver shall promptly deliver
39 such patient's or caregiver's registration identification card upon demand
40 of any officer of a court of competent jurisdiction, any law enforcement
41 officer or any employee or agent of the secretary of health and
42 environment when the identification card is in such patient's or caregiver's
43 immediate possession at the time of the demand.

1 New Sec. 10. (a) A patient registered pursuant to section 8, and
2 amendments thereto, who obtains medical cannabis from a licensed retail
3 dispensary may:

4 (1) Use medical cannabis;

5 (2) subject to subsection (b), purchase and possess medical cannabis;
6 and

7 (3) purchase and possess any paraphernalia or accessories used to
8 administer medical cannabis.

9 (b) A registered patient may purchase and possess medical cannabis
10 in an amount not to exceed a recommended 30-day supply.

11 (c) Nothing in this section shall be construed to authorize a registered
12 patient to operate a motor vehicle, watercraft or aircraft while under the
13 influence of medical cannabis.

14 New Sec. 11. (a) A caregiver registered pursuant to section 8, and
15 amendments thereto, who obtains medical cannabis from a licensed retail
16 dispensary may:

17 (1) Subject to subsection (b), purchase and possess medical cannabis
18 on behalf of a registered patient under the caregiver's care;

19 (2) assist a registered patient under the caregiver's care in the use or
20 administration of medical cannabis; and

21 (3) purchase and possess any paraphernalia or accessories used to
22 administer medical cannabis.

23 (b) A registered caregiver may purchase and possess medical
24 cannabis on behalf of a registered patient in an amount not to exceed a
25 recommended 30-day supply. If a caregiver provides care to more than one
26 registered patient, the caregiver shall maintain separate inventories of
27 medical cannabis for each patient.

28 (c) Nothing in this section shall be construed to permit a registered
29 caregiver to personally use medical cannabis unless the caregiver is also a
30 registered patient.

31 New Sec. 12. (a) In addition to or in lieu of any other civil or criminal
32 penalty as provided by law, the secretary of health and environment may
33 impose a civil penalty or suspend or revoke a registration upon a finding
34 that the patient or caregiver committed a violation as provided in this
35 section.

36 (b) Nothing in this act shall be construed to require the secretary to
37 enforce minor violations if the secretary determines that the public interest
38 is adequately served by a notice or warning to the alleged offender.

39 (c) Upon a finding that a registrant has submitted fraudulent
40 information or otherwise falsified or misrepresented information required
41 to be submitted by such registrant, the secretary may impose a civil fine in
42 an amount not to exceed \$500 for a first offense and may suspend or
43 revoke the individual's registration for a second or subsequent offense.

1 (d) If the secretary suspends, revokes or refuses to renew any
2 registration issued pursuant to this act and determines that there is clear
3 and convincing evidence of a danger of immediate and serious harm to any
4 person, the secretary may place under seal all medical cannabis owned by
5 or in the possession, custody or control of the affected registrant. Except as
6 provided in this section, the secretary shall not dispose of the sealed
7 medical cannabis until a final order is issued authorizing such disposition.
8 During the pendency of an appeal from any order issued by the secretary, a
9 court may order the secretary to sell medical cannabis that is perishable,
10 and the proceeds of any such sale shall be deposited with the court.

11 New Sec. 13. (a) There is hereby established the medical cannabis
12 registration fund in the state treasury. The secretary of health and
13 environment shall administer the medical cannabis registration fund and
14 shall remit all moneys collected from the payment of all fees and fines
15 imposed by the secretary pursuant to the medical cannabis regulation act
16 and any other moneys received by or on behalf of the secretary pursuant to
17 such act to the state treasurer in accordance with the provisions of K.S.A.
18 75-4215, and amendments thereto. Upon receipt of each such remittance,
19 the state treasurer shall deposit the entire amount in the state treasury to
20 the credit of the medical cannabis registration fund. Moneys credited to the
21 medical cannabis registration fund shall only be expended or transferred as
22 provided in this section. Expenditures from such fund shall be made in
23 accordance with appropriation acts upon warrants of the director of
24 accounts and reports issued pursuant to vouchers approved by the
25 secretary or the secretary's designee.

26 (b) Moneys in the medical cannabis registration fund shall be used for
27 the payment or reimbursement of costs related to the regulation and
28 enforcement of the possession and use of medical cannabis by the
29 secretary.

30 New Sec. 14. (a) On or before January 1, 2025, the secretary of health
31 and environment shall, after consulting with the medical cannabis advisory
32 committee, adopt rules and regulations to administer the medical cannabis
33 regulation program and implement and enforce the provisions of the
34 medical cannabis regulation act. Such rules and regulations shall:

35 (1) Establish procedures for registration of patients and caregivers
36 and eligibility requirements for registration, including registration fees;

37 (2) establish procedures for the issuance of patient or caregiver
38 identification cards;

39 (3) establish renewal schedules, procedures and fees for registrations;

40 (4) subject to the provisions of subsection (b), specify, by form and
41 tetrahydrocannabinol content, a 30-day maximum supply of medical
42 cannabis that may be purchased and possessed;

43 (5) specify the forms or methods of using medical cannabis that are

1 attractive to children; and

2 (6) establish a program to assist patients who are indigent or who are
3 veterans in obtaining medical cannabis.

4 (b) Any maximum supply of medical cannabis that may be purchased
5 by a patient or caregiver shall allow at least three ounces of dried,
6 unprocessed medical cannabis or its equivalent as a 30-day supply and
7 allow for exceptions from any such limitation upon submission of a
8 written certification from two independent physicians that there are
9 compelling reasons for the patient or caregiver to purchase greater
10 quantities of medical cannabis.

11 (c) When adopting rules and regulations under this section, the
12 secretary shall consider standards and procedures that have been found to
13 be best practices relative to the use and regulation of medical cannabis.

14 New Sec. 15. (a) Any person may submit a petition to the medical
15 cannabis advisory committee requesting that a disease or condition be
16 added as a qualifying medical condition for the purposes of this act. The
17 petition shall be submitted in such form and manner as prescribed by the
18 secretary of health and environment. A petition shall not seek to add a
19 broad category of diseases or conditions but shall be limited to one disease
20 or condition and shall include a description of such disease or condition.

21 (b) Upon receipt of a petition, the committee shall review such
22 petition to determine whether to recommend the approval or denial of such
23 disease or condition as an addition to the list of qualifying medical
24 conditions. The committee may consolidate the review of petitions for the
25 same or similar diseases or conditions. In making its determination, the
26 committee shall:

27 (1) Consult with one or more experts who specialize in the study of
28 the disease or condition;

29 (2) review any relevant medical or scientific evidence pertaining to
30 the disease or condition;

31 (3) consider whether conventional medical therapies are insufficient
32 to treat or alleviate the disease or condition;

33 (4) review evidence supporting the use of medical cannabis to treat or
34 alleviate the disease or condition; and

35 (5) review any letters of support provided by physicians with
36 knowledge of the disease or condition, including any letter provided by a
37 physician treating the petitioner.

38 (c) Upon completion of its review, the committee shall make a
39 recommendation to the secretary of health and environment whether to
40 approve or deny the addition of the disease or condition to the list of
41 qualifying medical conditions. The secretary shall adopt rules and
42 regulations in accordance with the recommendation of the committee.

43 (d) Prior to July 1, 2027, and every three years thereafter, the

1 committee shall review all diseases or conditions that have been
2 previously recommended for approval by the committee and adopted by
3 the secretary of health and environment through rules and regulations to
4 determine if the inclusion of any such diseases or conditions are no longer
5 supported by scientific evidence. The inclusion of any such disease or
6 condition that the committee determines is no longer supported by
7 scientific evidence shall be recommended by the committee to the
8 secretary of health and environment for removal from the list of qualifying
9 medical conditions.

10 New Sec. 16. On or before January 1, 2025, the department of health
11 and environment shall make a website available for the public to access
12 information regarding patient and caregiver registration under the medical
13 cannabis regulation act.

14 New Sec. 17. A medical cannabis registry identification card, or its
15 equivalent, that is issued under the laws of another state, district, territory,
16 commonwealth or insular possession of the United States that is verifiable
17 by the jurisdiction of issuance and allows a nonresident patient to purchase
18 and possess medical cannabis for medical purposes shall have the same
19 force and effect as an identification card issued by the secretary pursuant
20 to this act if the nonresident patient has not been residing in this state for
21 more than 180 days.

22 New Sec. 18. (a) Except as provided in subsection (j), a physician
23 seeking to recommend treatment with medical cannabis shall apply to the
24 board of healing arts for a certificate authorizing such physician to
25 recommend treatment with medical cannabis. The application shall be
26 submitted in such form and manner as prescribed by the board. The board
27 shall grant a certificate to recommend such treatment if the following
28 conditions are satisfied:

29 (1) The application is complete and meets the requirements
30 established in rules and regulations adopted by the board of healing arts;
31 and

32 (2) the applicant demonstrates that the applicant does not have an
33 ownership or investment interest in or compensation arrangement with an
34 entity licensed by the director of alcohol and cannabis control under this
35 act or an applicant for such licensure.

36 (b) (1) Pursuant to rules and regulations adopted by the board of
37 healing arts, a certificate to recommend treatment with medical cannabis
38 shall:

39 (A) Expire one year from the date of issuance unless renewed in the
40 manner prescribed by the board; and

41 (B) require an annual fee in an amount not to exceed \$175.

42 (2) Renewal of a certificate to recommend treatment with medical
43 cannabis shall be conditioned upon the holder's certification of having met

1 the requirements in subsection (a), paying the required renewal fee and
2 having completed at least two hours of continuing medical education in
3 medical cannabis in accordance with subsection (g).

4 (c) A physician licensed in this state who holds a certificate to
5 recommend treatment with medical cannabis may recommend that a
6 patient be treated with medical cannabis if:

7 (1) The patient has been diagnosed with a qualifying medical
8 condition;

9 (2) an ongoing physician-patient relationship has been established by
10 an initial office visit;

11 (3) an in-person physical examination of the patient was performed
12 by the physician together with a review of all of the patient's medical
13 records, particularly relating to the medical indication for a
14 tetrahydrocannabinol recommendation; and

15 (4) the recommending physician reviews all medical cannabis
16 recommendations for any patient in the prescription monitoring program.

17 (d) In the case of a patient who is a minor, the physician may
18 recommend treatment with medical cannabis only after obtaining the
19 consent of the patient's parent or other person authorized to provide
20 consent to such treatment.

21 (e) When issuing a written recommendation to a patient, a physician
22 shall specify any information required by rules and regulations adopted by
23 the board of healing arts. A written recommendation issued to a patient
24 under this section shall be valid for a period of not more than 90 days. A
25 physician may renew the recommendation for not more than three
26 additional periods of not more than 90 days each. Thereafter, a physician
27 may issue another recommendation to the patient only upon a physical
28 examination of the patient.

29 (f) Each year, a physician holding a certificate to recommend
30 treatment with medical cannabis shall submit to the board of healing arts a
31 report that describes the physician's observations regarding the
32 effectiveness of medical cannabis in treating the physician's patients
33 during the year covered by the report. When submitting reports, a
34 physician shall not include any information that identifies or would tend to
35 identify any specific patient.

36 (g) Each year, a physician holding a certificate to recommend
37 treatment with medical cannabis shall complete at least two hours of
38 continuing medical education in the treatment with and use of medical
39 cannabis as approved by the board of healing arts.

40 (h) A physician shall not issue a recommendation for treatment with
41 medical cannabis for a member of such physician's family or the
42 physician's self, or personally furnish or otherwise administer medical
43 cannabis.

1 (i) A physician holding a certificate to recommend treatment with
2 medical cannabis shall be immune from civil liability, shall not be subject
3 to professional disciplinary action by the board of healing arts and shall
4 not be subject to criminal prosecution for any of the following actions:

5 (1) Advising a patient, patient representative or caregiver about the
6 benefits and risks of medical cannabis to treat a qualifying medical
7 condition;

8 (2) recommending that a patient use medical cannabis to treat or
9 alleviate a qualifying medical condition; or

10 (3) monitoring a patient's treatment with medical cannabis.

11 (j) This section shall not apply to a physician who recommends
12 treatment with cannabis or a drug derived from cannabis under any of the
13 following that is approved by an institutional review board or equivalent
14 entity, the United States food and drug administration or the national
15 institutes of health or one of its cooperative groups or centers under the
16 United States department of health and human services:

17 (1) A research protocol;

18 (2) a clinical trial;

19 (3) an investigational new drug application; or

20 (4) an expanded access submission.

21 New Sec. 19. (a) On or before September 1, 2024, the board of
22 healing arts shall adopt rules and regulations to implement and enforce the
23 provisions of section 18, and amendments thereto. Such rules and
24 regulations shall include the:

25 (1) Procedures and fees for applying for a certificate to recommend
26 treatment with medical cannabis;

27 (2) conditions for eligibility for a certificate to recommend treatment
28 with medical cannabis;

29 (3) schedule, fees and procedures for renewing such certificate;

30 (4) reasons for which a certificate may be suspended or revoked;

31 (5) standards under which a certificate suspension may be lifted; and

32 (6) requirement that each certified physician who recommends
33 medical cannabis for treatment to a patient shall meet the applicable
34 standard of care.

35 (b) The board of healing arts shall approve one or more continuing
36 medical education courses of study that assist physicians holding
37 certificates to recommend treatment with medical cannabis in diagnosing
38 and treating qualifying medical conditions with medical cannabis.

39 New Sec. 20. (a) Any person who seeks to cultivate, conduct
40 laboratory testing of, process, distribute or sell at retail medical cannabis,
41 medical cannabis concentrate or medical cannabis products shall submit an
42 application for the appropriate license to the director in such form and
43 manner as prescribed by the director. A separate license application shall

- 1 be submitted for each location to be operated by the licensee.
- 2 (b) The director shall issue a license to an applicant if the:
- 3 (1) Criminal history record check conducted pursuant to section 45,
4 and amendments thereto, demonstrates that the applicant is not
5 disqualified from holding a license pursuant to section 21, and
6 amendments thereto;
- 7 (2) applicant is not applying for a laboratory license and demonstrates
8 that such applicant does not:
- 9 (A) Have an ownership or investment interest in or compensation
10 arrangement with a licensed laboratory or an applicant for such license; or
11 (B) share any corporate officers or employees with a licensed
12 laboratory or an applicant for such license;
- 13 (3) applicant demonstrates that such applicant will not violate the
14 provisions of section 43, and amendments thereto;
- 15 (4) applicant demonstrates that such applicant will comply with the
16 provisions of section 44, and amendments thereto;
- 17 (5) applicant has submitted a medical cannabis waste disposal plan
18 that complies with section 44, and amendments thereto;
- 19 (6) applicant has submitted a tax clearance certificate issued by the
20 department of revenue; and
- 21 (7) applicant meets all other licensure eligibility conditions
22 established in rules and regulations adopted by the secretary of revenue
23 and has paid all required fees.
- 24 (c) The director may issue the following licenses:
- 25 (1) Cultivator license;
- 26 (2) laboratory license;
- 27 (3) processor license;
- 28 (4) distributor license; and
- 29 (5) retail dispensary license.
- 30 (d) All licenses issued under this section shall be valid for a period of
31 two years from the effective date as specified on the license.
- 32 (e) A license may be renewed by submitting a license renewal
33 application and paying the required fee.
- 34 New Sec. 21. (a) All cultivator, laboratory, processor, distributor and
35 retail dispensary licenses issued pursuant to section 20, and amendments
36 thereto, shall only be issued to a person:
- 37 (1) Who is a citizen of the United States;
- 38 (2) who has not been convicted of a felony under the laws of this
39 state, any other state or the United States, except for any felony that has
40 been expunged from such person's record and such expungement occurred
41 at least 10 years prior to the date that the application for licensure is
42 submitted;
- 43 (3) who has not had a license revoked for cause under the provisions

1 of this act or has not had any license issued under the medical cannabis
2 laws of any state revoked for cause, except that a license may be issued to
3 a person whose license was revoked for the conviction of a misdemeanor
4 at any time after the lapse of 10 years following the date of the revocation;

5 (4) who has not been convicted of being the keeper of or is keeping
6 any property, whether real or personal, where sexual relations are being
7 sold or offered for sale by a person who is 18 years of age or older or has
8 not forfeited bond to appear in court to answer charges of being a keeper
9 of any such property;

10 (5) who has not been convicted of being a proprietor of a gambling
11 house, pandering or any other crime opposed to decency and morality or
12 has not forfeited bond to appear in court to answer charges for any of those
13 crimes;

14 (6) who is at least 18 years of age;

15 (7) who, other than as a member of the governing body of a city or
16 county, does not appoint or supervise any law enforcement officer, is not a
17 law enforcement officer or is not an employee of the director;

18 (8) who does not intend to carry on the business authorized by the
19 license as an agent of another;

20 (9) who, at the time of application for renewal of any license issued
21 under this act, would be eligible for the license upon a first application,
22 except as provided in paragraph (11);

23 (10) who owns the premises for which a license is sought or, at the
24 time of application, has a written lease thereon;

25 (11) whose spouse would be eligible to receive a license under this
26 act, except that:

27 (A) A spouse's ineligibility due to citizenship or age shall not
28 disqualify a person from licensure;

29 (B) a spouse's ineligibility due to conviction of a felony or other
30 crime shall only disqualify a person from licensure if such felony or other
31 crime was committed while the person's spouse held a license issued under
32 this act; and

33 (C) a spouse's ineligibility shall not apply in determining eligibility
34 for renewal of a license;

35 (12) who has been a resident of this state for at least two years
36 immediately preceding the date of the application for licensure. If an
37 individual licensee ceases to be a resident of this state at any time after the
38 license is issued, then the license shall be forfeited; and

39 (13) who has not been found to have held an undisclosed beneficial
40 interest in any license issued pursuant to this act that was obtained by
41 means of fraud or any false statement made on the application for such
42 license.

43 (b) If the applicant is not an individual, then the license shall only be

1 issued to a business entity formed in this state and registered with the
2 secretary of state. No license shall be issued to a publicly traded
3 corporation. Such entity shall submit the following to the director along
4 with the application for licensure:

5 (1) A certificate of good standing;

6 (2) a copy of such entity's bylaws, operating agreement or other
7 document providing for the governance of such entity; and

8 (3) a certified document indicating:

9 (A) Each individual who holds an ownership interest in such entity
10 and each individual who holds an ownership interest in any business entity
11 that holds an ownership interest in the applicant;

12 (B) the percentage of ownership interest of each such individual or
13 business entity; and

14 (C) the residential address of each such individual.

15 (c) All individuals holding an ownership interest in a business entity
16 applying for a license shall satisfy the requirements for licensure under
17 subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(7), (a)(8), (a)(9) and (a)
18 (13).

19 (d) No license shall be issued to a business entity if less than 75% of
20 the total equity or similar ownership interest in such entity is owned by
21 individuals who have been residents of this state for at least two years
22 immediately preceding the date of the application. A license shall be
23 forfeited if, for more than 90 consecutive days, less than 75% of the total
24 equity or similar ownership interest in such entity is owned by individuals
25 who are residents of this state at any time after the license is issued.

26 (f) All business entities holding a license shall notify the director of
27 any change in such entity's registration status with the secretary of state,
28 any amendment of such entity's governing documents and any change in
29 ownership, including the names and addresses of the individuals whose
30 ownership interest changed within 30 days after such change occurs.

31 (g) Any transfer of a license shall be reported to and approved by the
32 director. The director shall not approve any transfer of a license to any
33 individual or business entity that does not satisfy the requirements of this
34 section at the time of the transfer. The director shall impose a transfer fee
35 in an amount equal to the amount imposed for issuance of the license
36 being transferred.

37 (h) Any compensation, fee, expense or similarly characterized
38 nonequity payment that is contingent on or otherwise determined in a
39 manner that factors in profits, sales, revenue or cash flow of any kind
40 relating to a licensee's operation, including, but not limited to, profit-based
41 consulting fees and percentage rent payments is prohibited. Any licensee
42 that enters into an agreement for any prohibited compensation, fee,
43 expense or payment shall forfeit such entity's license to the director. Such

1 prohibited compensation, fee, expense or payment:

2 (1) Includes any distribution that is made by a licensee to one or more
3 individuals or other entities residing or domiciled outside this state that
4 hold an equity or similar ownership interest in the licensee if such
5 distribution is greater than 25% of the total distributed amount; and

6 (2) does not include payments of fixed amounts that are determined
7 prior to the commencement of applicable services.

8 (i) For purposes of this section, the term "business entity" includes
9 for-profit corporations, limited liability companies, partnerships, limited
10 partnerships, limited liability partnerships and trusts. If the applicant is a
11 trust, references to individual ownership interests in the trust mean any
12 grantor, beneficiary or trustee of such trust.

13 (j) The provisions of subsection (a)(12) shall expire on December 31,
14 2025.

15 New Sec. 22. (a) A cultivator licensee may cultivate medical cannabis
16 in a building designated by the licensee that complies with the provisions
17 of section 44, and amendments thereto. A cultivator may:

18 (1) Transport, deliver or sell medical cannabis to one or more
19 licensed cultivators, processors, distributors or retail dispensaries; and

20 (2) purchase or receive medical cannabis from one or more licensed
21 cultivators.

22 (b) (1) Unless authorized by this act, a cultivator shall not transfer or
23 sell medical cannabis and a processor shall not transfer, sell or process into
24 a concentrate or medical cannabis product any medical cannabis, medical
25 cannabis concentrate or medical cannabis product unless samples from
26 each harvest batch or production batch from which such medical cannabis,
27 medical cannabis concentrate or medical cannabis product was derived has
28 been tested by a licensed laboratory for contaminants and has passed all
29 contaminant tests required by this act.

30 (2) A cultivator may transfer medical cannabis that has failed testing
31 for quality control to a licensed processor only for the purposes of
32 decontamination or remediation and only in accordance with the
33 provisions of this act.

34 (c) A cultivator shall employ only those individuals who hold an
35 employee license issued pursuant to section 29, and amendments thereto,
36 and have completed the training requirements established by rules and
37 regulations adopted by the secretary of revenue.

38 (d) A cultivator shall not cultivate medical cannabis for personal,
39 family or household use or on any public land.

40 New Sec. 23. (a) Prior to January 1, 2025, the director shall contract
41 with a private laboratory for the purpose of conducting compliance and
42 quality assurance testing of licensed cultivators, laboratories and
43 processors to provide public safety and ensure that quality medical

1 cannabis, medical cannabis concentrate and medical cannabis products are
2 available to registered patients and caregivers. The director shall only
3 contract with one private laboratory for compliance and quality assurance
4 testing.

5 (b) A laboratory under contract with the director for compliance and
6 quality assurance testing shall not:

7 (1) Conduct any other commercial medical cannabis testing in this
8 state; or

9 (2) employ or be owned by any individual:

10 (A) Who has a direct or indirect financial interest in any entity
11 holding a license issued pursuant to section 20, and amendments thereto;

12 (B) whose spouse, parent, child, sibling or spouse of a child or sibling
13 has a pending application for a license issued pursuant to section 20, and
14 amendments thereto; or

15 (C) who is a member of the board of directors of any entity holding a
16 license issued pursuant to section 20, and amendments thereto.

17 (c) A laboratory under contract with the director for compliance and
18 quality assurance shall:

19 (1) Be accessible and utilized for any medical cannabis testing needs
20 by any regulatory agency within the state, including, but not limited to, the
21 department of health and environment, the department of agriculture, the
22 Kansas bureau of investigation, any other state and local law enforcement
23 agencies and the state fire marshal;

24 (2) be accredited by a national environmental or cannabis laboratory
25 accreditation program approved by the director; and

26 (3) coordinate with the Kansas bureau of investigation to establish
27 forensic testing methods and standards that are standardized to the
28 methods of existing state forensic laboratories for assisting and providing
29 forensic or regulatory testing as such methods are used on January 1, 2025.

30 New Sec. 24. (a) The director shall propose rules and regulations as
31 necessary to develop acceptable testing and research practices in
32 consultation with the compliance and quality assurance testing laboratory
33 contracted with pursuant to section 23, and amendments thereto, including,
34 but not limited to, testing, standards, quality control analysis, equipment
35 certification and calibration and chemical identification and substances
36 used in bona fide research methods. After the hearing on proposed rules
37 and regulations has been held as required by law, the director shall submit
38 any such proposed rules and regulations to the secretary of revenue who,
39 upon approval by the secretary, shall adopt such rules and regulations.

40 (b) The director shall recommend rules and regulations for laboratory
41 testing performed under this act concerning:

42 (1) The cleanliness and orderliness of the premises of a licensed
43 laboratory and the establishing of licensed laboratories in secured

1 locations;

2 (2) the inspection, cleaning and maintenance of any equipment or
3 utensils used for the analysis of test samples;

4 (3) testing procedures and standards for cannabinoid and terpenoid
5 potency and safe levels of contaminants and appropriate remediation and
6 validation procedures;

7 (4) controlled access areas for storage of medical cannabis, medical
8 cannabis concentrate and medical cannabis product test samples, waste
9 and reference standards;

10 (5) the establishment by the laboratory of a system, including
11 computer systems to be utilized by the laboratory, to retain and maintain
12 all required records, including business records, and processes to ensure
13 results are reported in a timely and accurate manner;

14 (6) the possession, storage and use by the laboratory of reagents,
15 solutions and reference standards;

16 (7) a certificate of analysis for each lot of reference standard;

17 (8) the transport and disposal of unused medical cannabis, medical
18 cannabis concentrate and medical cannabis product and waste;

19 (9) the mandatory use by a laboratory of an inventory tracking system
20 to ensure all test harvest and production batches or samples containing
21 medical cannabis, medical cannabis concentrate or medical cannabis
22 products are identified and tracked from the point such substances are
23 transferred from an entity holding a license issued pursuant to section 20,
24 and amendments thereto, or a registered patient or caregiver through the
25 point of transfer, destruction or disposal. The inventory tracking system
26 reporting shall include the results of any tests that are conducted;

27 (10) the employment of laboratory personnel;

28 (11) a written standard operating procedure manual to be maintained
29 and updated by the laboratory;

30 (12) the successful participation in a proficiency testing program
31 approved by the director for conducting testing required by section 25, and
32 amendments thereto, in order to obtain and maintain certification;

33 (13) the establishment of and adherence to a quality assurance and
34 quality control program to ensure sufficient monitoring of laboratory
35 processes and the quality of results reported;

36 (14) the immediate recall of medical cannabis, medical cannabis
37 concentrate or medical cannabis products that test above allowable
38 thresholds or are otherwise determined to be unsafe;

39 (15) the establishment by the laboratory of a system to document the
40 complete chain of custody for samples from receipt through disposal; and

41 (16) any other aspect of laboratory testing of medical cannabis,
42 medical cannabis concentrate or medical cannabis product deemed
43 necessary by the director.

1 New Sec. 25. (a) (1) The issuance of a laboratory license shall be
2 contingent upon a successful on-site inspection, participation in
3 proficiency testing and ongoing compliance with the requirements of this
4 act. The laboratory premises specified in the license application shall be
5 inspected prior to initial licensure and not more than six times annually by
6 an inspector approved by the director.

7 (2) On and after January 1, 2025, accreditation by the national
8 environmental laboratory accreditation program, ANSI national
9 accreditation board or another accrediting body approved by the director
10 shall be required for licensure and renewal of licensure of a laboratory
11 license.

12 (b) No ownership interest in a licensed laboratory shall be held by a
13 person who has a direct or indirect beneficial ownership interest in any
14 licensed cultivator, processor, distributor or retail dispensary. A licensed
15 laboratory shall establish policies to prevent the existence of or the
16 appearance of undue commercial, financial or other influences that
17 diminish or have the effect of diminishing the public confidence in the
18 competency, impartiality and integrity of the testing processes or results of
19 such laboratory. Such policies shall prohibit employees, owners or agents
20 of a laboratory who participate in any aspect of the analysis and results of
21 a sample from improperly influencing the testing process, manipulating
22 data or benefiting from any ongoing financial, employment, personal or
23 business relationship with the licensed entity that submitted the sample for
24 testing.

25 (c) A licensed laboratory shall retain all results of laboratory tests
26 conducted on medical cannabis, medical cannabis concentrate or medical
27 cannabis products for a period of at least two years and shall promptly
28 provide the director access to such results and the underlying data. The
29 director shall also have access to the laboratory premises and any material
30 or information requested by the director to determine compliance with the
31 requirements of this act.

32 (d) A licensed laboratory shall establish standards, policies and
33 procedures for laboratory testing procedures in accordance with rules and
34 regulations adopted by the secretary of revenue. Samples from each
35 harvest batch or product batch, as appropriate, of medical cannabis,
36 medical cannabis concentrate and medical cannabis product shall be tested
37 for each of the following categories:

- 38 (1) Microbials;
- 39 (2) mycotoxins;
- 40 (3) residual solvents;
- 41 (4) pesticides;
- 42 (5) tetrahydrocannabinol and other cannabinoid potency;
- 43 (6) terpenoid potency type and concentration;

- 1 (7) moisture content;
- 2 (8) homogeneity; and
- 3 (9) heavy metals.

4 (e) (1) For testing and research purposes only, including the provision
5 of testing services for samples submitted for product development, a
6 licensee may accept test samples of medical cannabis, medical cannabis
7 concentrate or medical cannabis product from any entity:

8 (A) Holding a license issued pursuant to section 20, and amendments
9 thereto; or

10 (B) designated in section 47, and amendments thereto.

11 (2) A licensee may accept test samples of medical cannabis, medical
12 cannabis concentrate and medical cannabis products from an individual
13 person for testing if such person is a:

14 (A) Registered patient or caregiver and such person provides the
15 laboratory with the individual's registration identification and a valid photo
16 identification; or

17 (B) participant in an approved clinical or observational study
18 conducted by any entity designated in section 45, and amendments thereto.

19 (3) A licensee may transfer samples to another licensed laboratory for
20 testing. All laboratory reports provided to or by an entity holding a license
21 issued pursuant to section 20, and amendments thereto, or to a patient or
22 caregiver shall identify the licensed laboratory that performed the testing
23 of the sample. A licensee may utilize a licensed distributor to transport
24 samples for testing from the licensed premises requesting testing services
25 and the licensed laboratory performing testing services.

26 (f) A licensee shall employ only those individuals who hold an
27 employee license issued pursuant to section 29, and amendments thereto,
28 and have completed the training requirements established by rules and
29 regulations adopted by the secretary of revenue.

30 New Sec. 26. (a) A processor licensee may:

31 (1) Purchase or receive medical cannabis from one or more licensed
32 cultivators or processors;

33 (2) subject to subsection (b), process medical cannabis obtained from
34 one or more licensed cultivators into a form described in section 30, and
35 amendments thereto; and

36 (3) transport, deliver or sell processed medical cannabis, medical
37 cannabis concentrate and medical cannabis products to one or more
38 licensed processors, distributors or retail dispensaries.

39 (b) When packaging medical cannabis, medical cannabis concentrate
40 and medical cannabis products, a licensed processor shall comply with any
41 packaging and labeling requirements established by rules and regulations
42 adopted by the secretary of revenue.

43 (c) A processor shall employ only those individuals who hold an

1 employee license issued pursuant to section 29, and amendments thereto,
2 and have completed the training requirements established by rules and
3 regulations adopted by the secretary of revenue.

4 (d) Not later than 12 months after commencing operation, the
5 licensed premises of a processor shall be certified as meeting the good
6 manufacturing processes and food safety standards adopted by the
7 secretary of revenue. Such certification shall be made by an accredited
8 certification entity approved by the director.

9 New Sec. 27. (a) A distributor licensee may:

10 (1) Purchase at wholesale medical cannabis, medical cannabis
11 concentrate and medical cannabis products from one or more licensed
12 cultivators or processors;

13 (2) store medical cannabis, medical cannabis concentrate and medical
14 cannabis products obtained from one or more licensed cultivators or
15 processors in a form described in section 30, and amendments thereto; and

16 (3) transport, deliver, package or sell medical cannabis and medical
17 cannabis products in a form described in section 30, and amendments
18 thereto, to one or more licensed retail dispensaries.

19 (b) When storing or selling medical cannabis, a licensed distributor
20 shall comply with any packaging and labeling requirements established by
21 rules and regulations adopted by the secretary of revenue.

22 (c) A distributor shall employ only those individuals who hold an
23 employee license issued pursuant to section 29, and amendments thereto,
24 and have completed the training requirements established by rules and
25 regulations adopted by the secretary of revenue.

26 (d) Not later than 12 months after commencing operation, the
27 licensed premises of a distributor shall be certified as meeting the good
28 manufacturing processes and food safety standards adopted by the
29 secretary of revenue. Such certification shall be made by an accredited
30 certification entity approved by the director.

31 New Sec. 28. (a) A retail dispensary licensee may obtain medical
32 cannabis and medical cannabis products from one or more licensed
33 cultivators, processors or distributors and may dispense and sell medical
34 cannabis and medical cannabis products in accordance with subsection (b).

35 (b) When dispensing and selling medical cannabis and medical
36 cannabis products, a retail dispensary shall:

37 (1) Dispense and sell medical cannabis and medical cannabis
38 products only to a person who provides the licensee with a current, valid
39 patient or caregiver identification card and only in accordance with a
40 written recommendation issued by a physician;

41 (2) report to the prescription monitoring program the information
42 required by K.S.A. 65-1683, and amendments thereto, and rules and
43 regulations adopted by the state board of pharmacy pursuant to section 38,

1 and amendments thereto; and

2 (3) comply with any packaging and labeling requirements established
3 by rules and regulations adopted by the secretary of revenue, including,
4 but not limited to, labeling medical cannabis and medical cannabis
5 products with the following information:

6 (A) The name and address of the licensed cultivator or processor that
7 produced the medical cannabis or medical cannabis product and the retail
8 dispensary;

9 (B) the name of the patient and caregiver, if any;

10 (C) the name of the physician who issued the written
11 recommendation;

12 (D) the directions for use, if any, as recommended by the physician;

13 (E) the health warning as specified in rules and regulations adopted
14 by the secretary of health and environment;

15 (F) the date on which the medical cannabis or medical cannabis
16 product was dispensed; and

17 (G) the quantity, strength, kind or form of medical cannabis contained
18 in the package.

19 (c) A retail dispensary shall employ only those individuals who hold
20 an employee license issued pursuant to section 29, and amendments
21 thereto, and have completed the training requirements established by rules
22 and regulations adopted by the secretary of revenue.

23 (d) A retail dispensary shall designate a pharmacist consultant who is
24 a pharmacist licensed in this state and registered as a pharmacist consultant
25 pursuant to section 39, and amendments thereto.

26 (e) A retail dispensary shall not make public any information received
27 or collected by such licensee that identifies or would tend to identify any
28 specific patient.

29 New Sec. 29. (a) Each individual who seeks to be employed by a
30 person holding a license issued pursuant to section 20, and amendments
31 thereto, shall submit an application for an employee license to the director
32 in such form and manner as prescribed by the director. The director shall
33 issue a license to an applicant if all of the following conditions are met:

34 (1) The criminal history record check conducted pursuant to section
35 45, and amendments thereto, demonstrates that the applicant is not
36 disqualified from holding a license pursuant to section 20, and
37 amendments thereto; and

38 (2) the applicant meets all other licensure eligibility conditions
39 established in rules and regulations adopted by the secretary of revenue
40 and has paid all required fees.

41 (b) An employee license shall be valid for a period of two years from
42 the effective date as specified on the license and may be renewed by
43 submitting a license renewal application and paying the required fee.

1 (c) A license issued pursuant to this section shall not be associated
2 with a specific licensed cultivator, laboratory, processor, distributor or
3 retail dispensary. The holder of an employee license may be employed by
4 any such licensee.

5 New Sec. 30. (a) Only the following forms of medical cannabis may
6 be dispensed under the medical cannabis regulation act:

- 7 (1) Oils;
- 8 (2) tinctures;
- 9 (3) plant material;
- 10 (4) edibles;
- 11 (5) patches; or
- 12 (6) any other form approved by the secretary of revenue under section
13 31, and amendments thereto.

14 (b) The smoking, combustion or vaporization of medical cannabis is
15 prohibited.

16 (c) Any form or method of using medical cannabis that is considered
17 attractive to children is prohibited.

18 (d) No form of medical cannabis shall be dispensed from a vending
19 machine or through electronic commerce.

20 (e) The tetrahydrocannabinol content of any medical cannabis
21 dispensed shall not exceed the following:

- 22 (1) For plant material, 35%;
- 23 (2) for tinctures, oils and concentrates, 60%;
- 24 (3) for edibles, 3.5 grams; and
- 25 (4) for patches, 10 milligrams.

26 New Sec. 31. (a) Any person may submit a petition to the director
27 requesting that a form or method of using medical cannabis be approved
28 for the purposes of section 30, and amendments thereto. The petition shall
29 be submitted in such form and manner as prescribed by the director.

30 (b) Upon receipt of a petition, the director shall review such petition
31 to determine whether to recommend approval of the form or method of
32 using medical cannabis described in the petition. The director may
33 consolidate the review of petitions for the same or similar forms or
34 methods. The director shall consult with the medical cannabis advisory
35 committee and review any relevant scientific evidence when reviewing a
36 petition. The director shall recommend to the secretary of revenue whether
37 to approve or deny the proposed form or method of using medical
38 cannabis. The secretary shall approve or deny such proposed form or
39 method. The secretary's decision shall be final.

40 (c) Any petition for a proposed form or method of using medical
41 cannabis that is substantially the same as a petition that was denied by the
42 secretary during the immediately preceding 12 months shall be rejected
43 without recommendation to the secretary.

1 New Sec. 32. (a) The fees for licenses issued by the director pursuant
2 to this act shall be set by rules and regulations adopted by the secretary of
3 revenue in accordance with this section.

4 (b) The fees for a cultivator license shall be in an amount not to
5 exceed:

6 (1) \$20,000 for a cultivator license application or application for the
7 renewal thereof; and

8 (2) \$20 per plant cultivated on the licensed premises for a cultivator
9 license or the renewal thereof.

10 (c) The fees for a laboratory license shall be in an amount not to
11 exceed:

12 (1) \$4,000 for a laboratory license application or application for the
13 renewal thereof; and

14 (2) \$36,000 for a laboratory license or the renewal thereof.

15 (d) The fees for a processor license shall be in an amount not to
16 exceed:

17 (1) \$20,000 for a processor license application or application for the
18 renewal thereof; and

19 (2) \$180,000 for a processor license or the renewal thereof.

20 (e) The fees for a distributor license shall be in an amount not to
21 exceed:

22 (1) \$20,000 for a distributor license application or application for the
23 renewal thereof; and

24 (2) \$80,000 for a distributor license or the renewal thereof.

25 (f) The fees for a retail dispensary license shall be in an amount not to
26 exceed:

27 (1) \$20,000 for a retail dispensary license application or application
28 for the renewal thereof; and

29 (2) \$80,000 for a retail dispensary license or the renewal thereof.

30 (g) The fee for an employee license shall be in an amount not to
31 exceed \$100.

32 (h) All fees imposed pursuant to subsections (b), (c), (d), (e) and (f)
33 shall not be refundable, except that if a licensee pays the full amount of the
34 license fee upon application and is prevented from operating under such
35 license in accordance with the provisions of this act for the entire second
36 year of the license term, a refund shall be made of $\frac{1}{2}$ of the license fee
37 paid by such licensee. The secretary of revenue shall adopt rules and
38 regulations that provide for the authorization of refunds of $\frac{1}{2}$ of the license
39 fee paid when the licensee does not use such license for the entire second
40 year of the license term as a result of the cancellation of the license upon
41 the request of the licensee for voluntary reasons.

42 New Sec. 33. The director may refuse to issue or renew a license, or
43 may revoke or suspend a license if the applicant has:

1 (a) Failed to comply with any provision of the medical cannabis
2 regulation act, any rules and regulations adopted thereunder or any lawful
3 order issued by the director;

4 (b) falsified or misrepresented any information submitted to the
5 director in order to obtain a license;

6 (c) failed to adhere to any acknowledgment, verification or other
7 representation made to the director when applying for a license; or

8 (d) failed to submit or disclose information requested by the director.

9 New Sec. 34. (a) In addition to or in lieu of any other civil or criminal
10 penalty as provided by law, the director may impose a civil penalty or
11 suspend or revoke a license upon a finding that the licensee committed a
12 violation as provided in this section.

13 (b) (1) Upon a finding that a licensee has submitted fraudulent
14 information or otherwise falsified or misrepresented information required
15 to be submitted by such licensee, the director may impose a civil fine in an
16 amount not to exceed \$5,000 for a first offense and may suspend or revoke
17 such licensee's license for a second or subsequent offense.

18 (2) (A) Except as provided in paragraph (B), upon a finding that a
19 licensee has cultivated, tested, processed, sold, transferred or otherwise
20 distributed medical cannabis in violation of this act, the director may
21 impose a civil fine in an amount not to exceed \$5,000 for a first offense
22 and may suspend or revoke such licensee's license for a second or
23 subsequent offense.

24 (B) Upon a finding that a retail dispensary licensee has knowingly
25 disclosed patient information to any individual, the director shall impose a
26 civil fine in an amount not to exceed \$5,000 and revoke such licensee's
27 license.

28 (c) The director may require any licensee to submit a sample of
29 medical cannabis, medical cannabis concentrate or medical cannabis
30 product to a laboratory upon demand.

31 (d) If the director suspends, revokes or refuses to renew any license
32 issued pursuant to this act and determines that there is clear and
33 convincing evidence of a danger of immediate and serious harm to any
34 person, the director may place under seal all medical cannabis owned by or
35 in the possession, custody or control of the affected license holder. Except
36 as provided in this section, the director shall not dispose of the sealed
37 medical cannabis until a final order is issued authorizing such disposition.
38 During the pendency of an appeal from any order by the director, a court
39 may order the director to sell medical cannabis that is perishable, and the
40 proceeds of any such sale shall be deposited with the court.

41 New Sec. 35. (a) Any citation issued by an agent of the division of
42 alcohol and cannabis control for a violation of the medical cannabis
43 regulation act shall be delivered to the licensee or a person in charge of the

1 licensed premises at the time of the alleged violation. A copy of such
2 citation also shall be delivered by United States mail to the licensee within
3 30 days of the alleged violation.

4 (b) Any duly authorized law enforcement officer who observes a
5 violation of the medical cannabis regulation act may, after serving notice
6 to the licensee or a person in charge of the licensed premises, submit a
7 report of such violation to the division of alcohol and cannabis control for
8 review. Upon receipt of such report, the director shall review the report
9 and determine if administrative action will be taken against the licensee. If
10 the director determines that administrative action will be taken, an
11 administrative citation and notice of administrative action shall be
12 delivered by United States mail to the licensee within 30 days of the date
13 of the alleged violation.

14 (c) The notice required to be served to the licensee or a person in
15 charge of the licensed premises at the time of the alleged violation
16 pursuant to subsection (b) shall be in writing and shall contain the
17 following:

- 18 (1) The name of the licensee;
- 19 (2) the date and time of the alleged violation;
- 20 (3) a description of the alleged violation; and
- 21 (4) a statement that a report of the alleged violation will be submitted
22 to the division of alcohol and cannabis control for review.

23 (d) Any citations not issued in accordance with the provisions of this
24 section shall be void and unenforceable.

25 (e) For purposes of this section, the term "person in charge" means
26 any individual or employee present on the licensed premises at the time of
27 the alleged violation who is responsible for the operation of the licensed
28 premises. If no designated individual or employee is a person in charge,
29 then any employee present is the person in charge.

30 New Sec. 36. (a) There is hereby established the medical cannabis
31 business regulation fund in the state treasury. The director of alcohol and
32 cannabis control shall administer the medical cannabis business regulation
33 fund and shall remit all moneys collected from the payment by licensees of
34 all fees and fines imposed by the director pursuant to the medical cannabis
35 regulation act and any other moneys received by or on behalf of the
36 director pursuant to such act to the state treasurer in accordance with the
37 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
38 each such remittance, the state treasurer shall deposit the entire amount in
39 the state treasury to the credit of the medical cannabis business regulation
40 fund. Moneys credited to the medical cannabis business regulation fund
41 shall only be expended or transferred as provided in this section.
42 Expenditures from such fund shall be made in accordance with
43 appropriation acts upon warrants of the director of accounts and reports

1 issued pursuant to vouchers approved by the director or the director's
2 designee.

3 (b) Moneys in the medical cannabis business regulation fund shall be
4 used for the payment or reimbursement of costs related to the regulation
5 and enforcement of the cultivation, testing, distributing, possession,
6 processing and sale of medical cannabis by the division of alcohol and
7 cannabis control.

8 New Sec. 37. (a) On or before January 1, 2025, the director shall
9 propose rules and regulations to administer the medical cannabis
10 regulation program and implement and enforce the provisions of the
11 medical cannabis regulation act. The secretary of revenue shall, after
12 consulting with the medical cannabis advisory committee, adopt rules and
13 regulations to administer the medical cannabis regulation program and
14 implement and enforce the provisions of this act. Such rules and
15 regulations shall:

16 (1) Establish application procedures and fees for licenses issued
17 under sections 20 and 29, and amendments thereto;

18 (2) specify the conditions for eligibility for licensure;

19 (3) establish a license renewal schedule, renewal procedures and
20 renewal fees;

21 (4) establish standards for the processing and storage of medical
22 cannabis and medical cannabis products that are in conformance with good
23 manufacturing processes and food safety standards;

24 (5) establish standards and procedures for the testing of medical
25 cannabis by a licensed laboratory;

26 (6) establish procedures for transporting medical cannabis, medical
27 cannabis concentrate and medical cannabis products between licensees,
28 including submission of any shipping records or other documentation as
29 may be required by the director;

30 (7) establish official packaging and labeling requirements for medical
31 cannabis, medical cannabis concentrate and medical cannabis products that
32 are transferred between licensees;

33 (8) establish official packaging and labeling requirements for retail
34 dispensaries that:

35 (A) Designate the package as Kansas medical cannabis;

36 (B) include the information required under section 28, and
37 amendments thereto;

38 (C) ensure that the packaging is tamper-proof and child-resistant; and

39 (D) ensure that the package is not attractive to children;

40 (9) specify licensed premises security requirements in accordance
41 with section 44, and amendments thereto; and

42 (10) establish training requirements for employees of licensed
43 cultivators, laboratories, processors, distributors and retail dispensaries.

1 (b) When adopting rules and regulations, the secretary shall consider
2 standards and procedures that have been found to be best practices relative
3 to the use and regulation of medical cannabis.

4 New Sec. 38. On or before January 1, 2025, the state board of
5 pharmacy shall adopt rules and regulations establishing the requirements
6 for:

7 (a) Retail dispensary reports to the prescription monitoring program
8 database, including, but not limited to, the:

- 9 (1) Methods of transmission;
10 (2) nationally recognized telecommunications format to be used;
11 (3) frequency of such reports; and
12 (4) procedures for the maintenance of information submitted to or
13 received from the prescription monitoring program to ensure such
14 information is treated as confidential and is subject to the requirements of
15 K.S.A. 65-1685 and 65-1687, and amendments thereto;

16 (b) pharmacists to register as pharmacist consultants, including the
17 fee for such registration and the renewal thereof; and

18 (c) the sharing of patient and caregiver information from the
19 prescription monitoring program database to the Kansas criminal justice
20 information system operated and maintained by the Kansas bureau of
21 investigation. All information shared from the prescription monitoring
22 program database shall be confidential and shall not be used except by law
23 enforcement agencies in this state for the purposes of law enforcement.
24 The following information shall be shared from the prescription
25 monitoring program:

26 (1) The name of the patient or caregiver registered under section 8,
27 and amendments thereto;

28 (2) the date of birth of such patient or caregiver;

29 (3) the unique identification number assigned to such patient's or
30 caregiver's registration card;

31 (4) the written recommendation for treatment with medical cannabis
32 from such patient's physician, including the amount of a 30-day supply of
33 medical cannabis; and

34 (5) the amount and date such patient or caregiver last purchased
35 medical cannabis.

36 New Sec. 39. (a) Any pharmacist who seeks to operate as a
37 pharmacist consultant for a retail dispensary shall register with the state
38 board of pharmacy in accordance with rules and regulations adopted by the
39 board.

40 (b) In operating as a pharmacist consultant for a retail dispensary,
41 such pharmacist shall:

42 (1) Not charge a fee for such pharmacist's services that exceeds 1% of
43 the gross annual receipts of such retail dispensary;

1 (2) audit each recommendation for use of medical cannabis, verify
2 that any medical cannabis dispensed to a patient or caregiver is in
3 accordance with such recommendation and ensure that each such
4 recommendation is reported to the prescription monitoring program in
5 accordance with K.S.A. 65-1683, and amendments thereto, and rules and
6 regulations adopted by the state board of pharmacy;

7 (3) develop and provide training to retail dispensary employees at
8 least once every 12 months that:

9 (A) Establishes guidelines for providing information to registered
10 patients related to risks, benefits and side effects associated with medical
11 cannabis;

12 (B) explains how to identify the signs and symptoms of substance
13 abuse;

14 (C) establishes guidelines for refusing to provide medical cannabis to
15 an individual who appears to be impaired or abusing medical cannabis;
16 and

17 (D) assists in the development and implementation of review and
18 improvement processes for patient education and support provided by the
19 retail dispensary;

20 (4) provide oversight for the development and dissemination of:

21 (A) Education materials for qualifying patients and designated
22 caregivers that include:

23 (i) Information about possible side effects and contraindications of
24 medical cannabis;

25 (ii) guidelines for notifying the physician who provided the written
26 recommendation for medical cannabis if side effects or contraindications
27 occur;

28 (iii) a description of the potential effects of differing strengths of
29 medical cannabis strains and products;

30 (iv) information about potential drug-to-drug interactions, including
31 interactions with alcohol, prescription drugs, nonprescription drugs and
32 supplements;

33 (v) techniques for the use of medical cannabis, medical cannabis
34 products and paraphernalia for the use of medical cannabis; and

35 (vi) information about different methods, forms and routes of medical
36 cannabis administration;

37 (B) systems for documentation by a registered patient or designated
38 caregiver of the symptoms of a registered patient that includes a logbook,
39 rating scale for pain and symptoms and guidelines for a patient's self-
40 assessment; and

41 (C) policies and procedures for refusing to provide medical cannabis
42 to an individual who appears to be impaired or abusing medical cannabis;
43 and

1 (5) be accessible by telephone or video conference to the retail
2 dispensary and for a patient consultation during operating hours.

3 (c) The state board of pharmacy shall establish a fee for registration
4 as a pharmacist consultant that shall not exceed \$100.

5 (d) Each pharmacist consultant shall renew such consultant's
6 registration annually upon submitting a renewal application along with
7 payment of the required fee in such form and manner as prescribed by the
8 board.

9 New Sec. 40. (a) There is hereby established the pharmacist
10 consultant registration fee fund in the state treasury. The state board of
11 pharmacy shall administer the pharmacist consultant registration fee fund
12 and shall remit all moneys collected from the payment by pharmacist
13 consultants of all fees and fines imposed by the state board pursuant to the
14 medical cannabis regulation act and any other moneys received by or on
15 behalf of the state board pursuant to such act to the state treasurer in
16 accordance with the provisions of K.S.A. 75-4215, and amendments
17 thereto. Upon receipt of each such remittance, the state treasurer shall
18 deposit the entire amount in the state treasury to the credit of the
19 pharmacist consultant registration fee fund. Moneys credited to the
20 pharmacist consultant registration fee fund shall only be expended or
21 transferred as provided in this section. Expenditures from such fund shall
22 be made in accordance with appropriation acts upon warrants of the
23 director of accounts and reports issued pursuant to vouchers approved by
24 the state board or the state board's designee.

25 (b) Moneys in the pharmacist consultant registration fee fund shall be
26 used for the payment or reimbursement of costs related to the operation
27 and maintenance of the Kansas prescription drug monitoring program that
28 is attributable to the medical cannabis regulation act and to the regulation
29 and registration of pharmacist consultants by the state board of pharmacy.

30 New Sec. 41. (a) The director shall establish and maintain an
31 electronic database to monitor medical cannabis from its seed source
32 through its cultivation, testing, processing, distribution and dispensing,
33 giving preference to systems that include tracking each plant beginning
34 with the plant's in vitro genetic origination data. The director may contract
35 with a separate entity to establish and maintain all or any portion of the
36 electronic database on behalf of the division of alcohol and cannabis
37 control.

38 (b) The electronic database shall allow for information regarding
39 medical cannabis to be updated instantaneously. Any licensed cultivator,
40 laboratory, processor, distributor or retail dispensary shall submit such
41 information to the director as the director determines is necessary for
42 maintaining the electronic database, including any manifest or other
43 shipping documents for seeds or seedlings shipped into this state.

1 (c) The director, any employee of the division, any entity under
2 contract with the director and any employee or agent thereof shall not
3 make public any information reported to or collected by the director under
4 this section that identifies or would tend to identify any specific patient.
5 Such information shall be kept confidential to protect the privacy of the
6 patient. The provisions of this subsection shall expire on July 1, 2029,
7 unless the legislature reviews and reenacts such provisions in accordance
8 with K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

9 New Sec. 42. (a) There shall be no direct or indirect cooperative
10 advertising between or among two or more licensed cultivators, retail
11 dispensaries or physicians, or any combination thereof, where such
12 advertising has the purpose or effect of steering or influencing patient or
13 caregiver choice with regard to the selection of a physician, retail
14 dispensary or source of medical cannabis.

15 (b) All advertisements for medical cannabis or medical cannabis
16 products that make a statement relating to side effects, contraindications
17 and effectiveness shall present a true statement of such information. When
18 applicable, advertisements broadcast through media, including, but not
19 limited to, radio, television or any other electronic media, shall include
20 such information in the audio or audio and visual parts of the broadcast.
21 False or misleading information in any part of the advertisement shall not
22 be corrected by the inclusion of a true statement in another, distinct part of
23 the advertisement.

24 (c) An advertisement is false or otherwise misleading if such
25 advertisement:

26 (1) Contains a representation or suggestion that a medical cannabis
27 brand or product is better, more effective, useful in a broader range of
28 conditions or patients or safer than other drugs or treatments, including
29 other medical cannabis brands or products, unless such a claim has been
30 demonstrated by substantial evidence or substantial clinical experience;

31 (2) contains favorable information or opinions about a medical
32 cannabis brand or product previously regarded as valid but that have been
33 rendered invalid by contrary and more recent credible information;

34 (3) uses a quote or paraphrase out of context or without citing
35 conflicting information from the same source to convey a false or
36 misleading idea;

37 (4) cites or refers to a study on individuals without a qualifying
38 medical condition without disclosing that the subjects were not suffering
39 from a qualifying medical condition;

40 (5) uses data favorable to a medical cannabis product derived from
41 patients treated with a product or dosages different from those approved in
42 this state;

43 (6) contains favorable information or conclusions from a study that is

1 inadequate in design, scope or conduct to furnish significant support for
2 such information or conclusions; or

3 (7) fails to provide adequate emphasis for the fact that two or more
4 facing pages are part of the same advertisement when only one page
5 contains information relating to side effects, consequences and
6 contraindications.

7 (d) An advertisement for medical cannabis or medical cannabis
8 products shall not contain any:

9 (1) Statement that is false or misleading in any material particular or
10 is otherwise in violation of the Kansas consumer protection act;

11 (2) statement that falsely disparages a competitor's products;

12 (3) statement, design or representation, picture or illustration that:

13 (A) Is obscene or indecent;

14 (B) encourages or represents the recreational use of cannabis or the
15 use of medical cannabis for a condition other than a qualifying medical
16 condition;

17 (C) relates to the safety or efficacy of medical cannabis unless
18 supported by substantial evidence or substantial clinical data; or

19 (D) portrays anyone under 18 years of age or contains the use of a
20 figure, symbol or language that is customarily associated with anyone
21 under 18 years of age;

22 (4) offer of a prize or award to a registered patient, caregiver or
23 physician related to the purchase of medical cannabis; or

24 (5) statement that indicates or implies that the product or entity in the
25 advertisement has been approved or endorsed by the secretary of health
26 and environment, the director, the state of Kansas or any person or entity
27 associated with the state.

28 (e) No advertisement shall be broadcast or otherwise disseminated if
29 the submitter of the advertisement has received information that has not
30 been widely publicized in medical literature that the use of the medical
31 cannabis product may cause fatalities or serious harm.

32 (f) The director may:

33 (1) Require that a specific disclosure be made in an advertisement in
34 a clear and conspicuous manner, if the director determines that such
35 advertisement would be false or misleading without such a disclosure; or

36 (2) make recommendations with respect to changes to such
37 advertisement that are:

38 (A) Necessary to protect the public health, safety and welfare; or

39 (B) consistent with dispensing information for the medical cannabis
40 or medical cannabis product that is the subject of such advertisement.

41 (g) A retail dispensary shall not:

42 (1) Advertise medical cannabis brand names or utilize graphics
43 related to cannabis or paraphernalia on the exterior of the building or

1 grounds of the licensed premises of such retail dispensary; or

2 (2) display any medical cannabis or paraphernalia that is clearly
3 visible from the exterior of such retail dispensary.

4 (h) Medical cannabis shall not be advertised for sale by any
5 cultivator, processor or distributor, except that such licensees may make a
6 price list available to a retail dispensary.

7 New Sec. 43. (a) Except as otherwise provided, no cultivator,
8 laboratory, processor, distributor or retail dispensary shall be located
9 within 1,000 feet of the boundaries of a parcel of real estate having
10 situated on it a school, religious organization, public library or public park.
11 If the relocation of a cultivator, laboratory, processor, distributor or retail
12 dispensary results in such licensee being located within 1,000 feet of the
13 boundaries of a parcel of real estate having situated on it a school,
14 religious organization, public library or public park, the director shall
15 revoke the license of such cultivator, laboratory, processor, distributor or
16 retail dispensary.

17 (b) (1) The director shall not revoke the license of a cultivator,
18 laboratory, processor, distributor or retail dispensary if such licensee
19 existed at a location prior to the establishment of a school, religious
20 organization, public library or public park that is located on real estate that
21 is within 1,000 feet of such licensee.

22 (2) Any applicant for a license may petition for and receive an
23 exemption from the provisions of this section upon approval by the
24 director if the proposed licensed premises:

25 (A) Has an industrial zoning classification; and

26 (B) is located not less than 500 feet of the boundaries of a parcel of
27 real estate having situated on it a school, religious organization, public
28 library or public park.

29 (c) This section shall not apply to research related to cannabis
30 conducted at a postsecondary educational institution, academic medical
31 center or private research and development organization as part of a
32 research protocol approved by an institutional review board or equivalent
33 entity.

34 (d) A county may prohibit the operation of retail dispensaries in such
35 county by adoption of a resolution. Any retail dispensary that is lawfully
36 operating at the time such resolution is adopted shall be permitted to
37 continue operating in such county and shall not be denied renewal of any
38 license based upon the adoption of such resolution.

39 (e) No license shall be issued for premises unless such premises
40 comply with all applicable zoning and building regulations.

41 (f) As used in this section:

42 (1) "Public library" means any library established pursuant to article
43 12 of chapter 12 of the Kansas Statutes Annotated, and amendments

1 thereto, and any other library that serves the general public and is funded
2 in whole, or in part, from moneys derived from tax levies;

3 (2) "public park" means any park or other outdoor recreational area or
4 facility, including, but not limited to, parks, open spaces, trails, swimming
5 pools, playgrounds and playing courts and fields established by the state or
6 any political subdivision thereof;

7 (3) "religious organization" means any organization, church, body of
8 communicants or group gathered in common membership for mutual
9 support and edification in piety, worship and religious observances or a
10 society of individuals united for religious purposes at a definite place
11 owned by such entity that:

12 (A) Maintains an established place of worship within this state;

13 (B) has a regular schedule of services or meetings at least on a
14 weekly basis; and

15 (C) has been determined to be organized and created as a bona fide
16 religious organization; and

17 (4) "school" means any public or private preschool, elementary,
18 middle or high school or other attendance center for kindergarten or any of
19 the grades one through 12.

20 New Sec. 44. (a) The licensed premises for any license issued
21 pursuant to section 20, and amendments thereto, shall be equipped with
22 security equipment and measures to prevent unauthorized access to
23 restricted areas of the premises and the theft, diversion or inversion of
24 medical cannabis, medical cannabis concentrate or medical cannabis
25 products.

26 (b) The licensee of a licensed premises shall install and maintain the
27 following security equipment for the licensed premises:

28 (1) Exterior lighting sufficient to illuminate the exterior and perimeter
29 of the licensed premises to facilitate surveillance of the premises;

30 (2) electronic video monitoring in accordance with subsection (c);

31 (3) controlled access to restricted access areas of the premises by
32 means of electronic card access systems, biometric identification systems
33 or similar systems that:

34 (A) Provide for the automatic locking of all external access doors in
35 the event of power loss; and

36 (B) records access information by date, time and identity of the
37 individual accessing restricted access area and maintains such information
38 for at least one year;

39 (4) if windows are visible in any restricted access area, windows that
40 are secured at all times to prevent opening or other access to the restricted
41 access area via such windows; and

42 (5) alarm systems that provide:

43 (A) Immediate, automatic notification of local law enforcement

- 1 agencies of any unauthorized breach of the security of the premises; and
- 2 (B) manual, silent alarms at each point-of-sale, reception area, vault
- 3 and electronic monitoring station that provides for the immediate,
- 4 automatic notification of local law enforcement agencies of any
- 5 unauthorized breach of the security of the premises.
- 6 (c) Any electronic video monitoring system installed and maintained
- 7 by a licensee shall:
- 8 (1) Include coverage of:
- 9 (A) All entrances to the premises, including all windows and
- 10 entrances to restricted access areas;
- 11 (B) the exterior and perimeter of the premises;
- 12 (C) each point-of-sale location;
- 13 (D) all vaults or safes; and
- 14 (E) all areas where medical cannabis, medical cannabis concentrate
- 15 and medical cannabis products are cultivated, processed or disposed of as
- 16 waste;
- 17 (2) include surveillance with artificial intelligence;
- 18 (3) store all video recordings for at least 90 days in a secure location
- 19 on or off the premises or through a secure service or network that provides
- 20 on-demand access to such recordings. All such recordings shall be made
- 21 available to the director upon request and at the expense of the licensee;
- 22 (4) accurately display the date and time of all recorded events in a
- 23 manner that does not obstruct the recorded view; and
- 24 (5) be installed in a manner that will prevent the video monitoring
- 25 equipment from being obstructed, tampered with or disabled.
- 26 (d) (1) Each licensee shall notify the director of any malfunction in
- 27 security equipment within 24 hours after such malfunction is discovered,
- 28 and shall make reasonable efforts to repair such malfunctioning security
- 29 equipment within 72 hours after such discovery.
- 30 (2) If the malfunctioning equipment is the electronic video
- 31 monitoring system, a licensee shall provide for alternative video
- 32 monitoring or other security measures until the malfunction can be
- 33 repaired. If other security measures are used, the licensee shall notify the
- 34 director of the use of such measures and when the electronic video
- 35 monitoring system has been repaired.
- 36 (3) Each licensee shall maintain a record of all security equipment
- 37 malfunctions and repairs for each licensed premises. Each record of a
- 38 malfunction shall be maintained for one year from the date of the last entry
- 39 for such malfunction. Such record shall include the following:
- 40 (A) Date, time and nature of each malfunction;
- 41 (B) date and method of repair;
- 42 (C) reason for the delay, if any, in making a repair;
- 43 (D) use of alternative security measures, if any; and

1 (E) date and time of communications with the director.

2 (4) All security systems shall have a contingency operation system in
3 the event of power outages.

4 (e) Each licensee shall establish policies and procedures for the
5 security of the licensed premises. Such policies and procedures shall
6 include:

7 (1) Controlling access to all restricted access areas;

8 (2) verifying the identity of individuals authorized to be in restricted
9 access areas and individuals authorized to conduct inventory control
10 activities;

11 (3) Limiting the amount of money available in the premises and
12 notifying any person entering the premises that there is a minimum amount
13 of money available, including by posting signage;

14 (4) use of electronic video monitoring systems;

15 (5) use of alarm systems, including the use of manual, silent alarms;
16 and

17 (6) communications with local law enforcement agencies regarding
18 unauthorized security breaches and the employment and identity of any
19 armed security personnel by the licensee.

20 (f) Each licensee shall employ a security manager. A security
21 manager shall be responsible for:

22 (1) Conducting semiannual audits of the security equipment and
23 measures utilized on the licensed premises to ensure compliance with
24 policies and procedures and to identify any security issues;

25 (2) training employees, upon employment and at least annually
26 thereafter, on security measures, emergency response and theft prevention;
27 and

28 (3) evaluating the credentials of any contractor, including any
29 contractor providing any security equipment or measures, who intends to
30 provide services at the licensed premises prior to such contractor accessing
31 the premises.

32 (g) Each licensee shall ensure that the security manager for a licensed
33 premises and any contractor providing security services for such licensed
34 premises and any employees of such contractor providing such services
35 have completed training in security equipment and measures. Such
36 training shall include:

37 (1) Prevention of theft, diversion and inversion of medical cannabis;

38 (2) emergency response procedures;

39 (3) appropriate use of force;

40 (4) preservation of a crime scene;

41 (5) controlling access to restricted access areas of the premises;

42 (6) at least eight hours of training in providing security services on
43 the premises; and

1 (7) at least eight hours of attendance in a course on providing security
2 services.

3 (h) Except as provided in subsection (c)(3), each licensee shall retain
4 all documents related to security equipment and measures and any other
5 documents related to the operations of the licensed premises for a period
6 of three years for inspection by the director.

7 (i) Each licensee shall maintain a medical cannabis waste disposal
8 plan that complies with the provisions of the medical cannabis regulation
9 act and rules and regulations adopted pursuant thereto. Any change in such
10 plan shall be submitted to the director not less than 30 days before such
11 change becomes effective.

12 (j) As used in this section, the term "restricted access entrance" means
13 an entrance that is restricted to the public and requires a key, keycard,
14 code, biometric identification system or similar device to allow entry to
15 authorized personnel.

16 New Sec. 45. Each applicant for a cultivator, laboratory, processor,
17 distributor or retail dispensary license shall require each owner owning
18 20% or more of the ownership interest in such applicant and each director,
19 officer and agent of such applicant to be fingerprinted and to submit to a
20 state and national criminal history record check. Each applicant for an
21 employee licensee shall be fingerprinted and submit to a state and national
22 criminal history record check. The director is authorized to submit the
23 fingerprints to the Kansas bureau of investigation and the federal bureau of
24 investigation for a state and national criminal history record check. The
25 director shall use the information obtained from fingerprinting and the
26 state and national criminal history record check for purposes of verifying
27 the identification of the applicant and any owner, director, officer and
28 agent thereof, if any, and for making a determination of the qualifications
29 of the applicant for licensure. The Kansas bureau of investigation may
30 charge a reasonable fee to the applicant for fingerprinting and conducting a
31 criminal history record check.

32 New Sec. 46. (a) A financial institution that provides financial
33 services to any cultivator, laboratory, processor, distributor or retail
34 dispensary shall be exempt from any criminal law of this state, an element
35 of which may be proven beyond a reasonable doubt that a person provides
36 financial services to a person who possesses, delivers or manufactures
37 medical cannabis or medical cannabis products, including any of the
38 offenses specified in article 57 of chapter 21 of the Kansas Statutes
39 Annotated, and amendments thereto, or any attempt, conspiracy or
40 solicitation specified in article 53 of chapter 21 of the Kansas Statutes
41 Annotated, and amendments thereto, if the cultivator, laboratory,
42 processor, distributor or retail dispensary is in compliance with the
43 provisions of this act and all applicable tax laws of this state.

1 (b) (1) Upon the request of a financial institution, the director shall
2 provide to the financial institution the following information:

3 (A) Whether a person with whom the financial institution is seeking
4 to do business is a licensed cultivator, laboratory, processor, distributor or
5 retail dispensary;

6 (B) the name of any other business or individual affiliated with such
7 person;

8 (C) an unredacted copy of such person's application for a license, and
9 any supporting documentation, that was submitted by such person;

10 (D) information relating to sales and volume of product sold by such
11 person, if applicable;

12 (E) whether such person is in compliance with the provisions of this
13 act; and

14 (F) any past or pending violations of the medical cannabis regulation
15 act or any rules and regulations adopted thereunder committed by such
16 person and any penalty imposed on such person for such violation.

17 (2) The director may charge a financial institution a reasonable fee to
18 cover the administrative cost of providing information requested under this
19 section.

20 (c) Information received by a financial institution under subsection
21 (b) is confidential. Except as otherwise permitted by any other state or
22 federal law, a financial institution shall not make the information available
23 to any person other than the customer to whom the information applies and
24 any trustee, conservator, guardian, personal representative or agent of such
25 customer.

26 (d) As used in this section:

27 (1) "Financial institution" means any bank, trust company, savings
28 bank, credit union or savings and loan association or any other financial
29 institution regulated by the state of Kansas, any agency of the United
30 States or other state with an office in Kansas that complies with the
31 requirements of the financial crimes enforcement network of the United
32 States treasury department; and

33 (2) "financial services" means services that a financial institution is
34 authorized to provide under chapter 9 or article 22 of chapter 17 of the
35 Kansas Statutes Annotated, and amendments thereto, as applicable.

36 New Sec. 47. Nothing in this act authorizes the director to oversee or
37 limit research conducted at a postsecondary educational institution,
38 academic medical center or private research and development organization
39 that is related to cannabis and is approved by an agency, board, center,
40 department or institute of the United States government, including any of
41 the following:

42 (a) The agency for health care research and quality;

43 (b) the national institutes of health;

- 1 (c) the national academy of sciences;
- 2 (d) the centers for medicare and medicaid services;
- 3 (e) the United States department of defense;
- 4 (f) the centers for disease control and prevention;
- 5 (g) the United States department of veterans affairs;
- 6 (h) the drug enforcement administration;
- 7 (i) the food and drug administration; and
- 8 (j) any board recognized by the national institutes of health for the
- 9 purpose of evaluating the medical value of healthcare services.

10 New Sec. 48. No provisions of the medical cannabis regulation act
11 shall be construed to:

12 (a) Require an employer to permit or accommodate the use,
13 consumption, possession, transfer, display, distribution, transportation, sale
14 or growing of cannabis or any conduct otherwise allowed by this act in any
15 workplace or on the employer's property;

16 (b) prohibit a person, employer, corporation or any other entity that
17 occupies, owns or controls a property from prohibiting or otherwise
18 regulating the use, consumption, possession, transfer, display, distribution,
19 transportation, sale or growing of cannabis on such property;

20 (c) require any government medical assistance program, a private
21 health insurer or a workers compensation carrier or self-insured employer
22 providing workers compensation benefits to reimburse a person for costs
23 associated with the use of medical cannabis;

24 (d) affect the ability of an employer to implement policies to promote
25 workplace health and safety by restricting the use of cannabis by
26 employees;

27 (e) prohibit an employer from:

28 (1) Establishing and enforcing a drug testing policy, drug-free
29 workplace policy or zero-tolerance drug policy;

30 (2) disciplining an employee for a violation of a workplace drug
31 policy or for working while under the influence of cannabis; or

32 (3) including a provision in any contract that prohibits the use of
33 cannabis;

34 (f) prevent an employer from, because of a person's violation of a
35 workplace drug policy or because that person was working while under the
36 influence of cannabis:

37 (1) Refusing to hire a person;

38 (2) discharging a person;

39 (3) disciplining a person; or

40 (4) otherwise taking an adverse employment action against a person
41 with respect to hiring decisions, tenure, terms, conditions or privileges of
42 employment; or

43 (g) permit the possession or use of medical cannabis by any person

1 detained in a correctional institution, as defined in K.S.A. 2022 Supp. 21-
2 5914, and amendments thereto, or committed to a care and treatment
3 facility, as defined in K.S.A. 2022 Supp. 21-5914, and amendments
4 thereto.

5 New Sec. 49. The secretary of revenue, in consultation with the
6 secretary of health and environment, may enter into one or more
7 intergovernmental agreements with any of the Prairie Band Potawatomi
8 Nation, the Iowa Tribe of Kansas and Nebraska, the Sac and Fox Nation of
9 Missouri in Kansas and Nebraska and the Kickapoo Tribe in Kansas to
10 provide for a free market exchange between entities engaged in the
11 business of medical cannabis licensed by any such tribal government and
12 licensed cultivators, laboratories, processors, distributors and retail
13 dispensaries. Such agreement shall provide that the applicable tribal
14 regulatory authority agrees to meet or exceed the substantive standards of
15 the medical cannabis regulation act and any rules and regulations adopted
16 pursuant thereto concerning the regulation of licensing and testing with
17 respect to medical cannabis activity.

18 New Sec. 50. The provisions of the medical cannabis regulation act,
19 sections 1 through 50, and amendments thereto, are hereby declared to be
20 severable. If any part or provision of the medical cannabis regulation act is
21 held to be void, invalid or unconstitutional, such part or provision shall not
22 affect or impair any of the remaining parts or provisions of the medical
23 cannabis regulation act, and any such remaining provisions shall continue
24 in full force and effect.

25 New Sec. 51. (a) It shall be unlawful to store or otherwise leave
26 medical cannabis or a medical cannabis product where it is readily
27 accessible to a child under 18 years of age. Such conduct shall be unlawful
28 with no requirement of a culpable mental state.

29 (b) Violation of this section is a class A person misdemeanor.

30 (c) This section shall not apply to any person who stores or otherwise
31 leaves medical cannabis or a medical cannabis product where it is readily
32 accessible to a child under 18 years of age if:

33 (1) Such child is a patient registered pursuant to section 8, and
34 amendments thereto; and

35 (2) such medical cannabis or medical cannabis product is not readily
36 accessible to any child under 18 years of age other than the child described
37 in paragraph (1).

38 (d) As used in this section:

39 (1) "Medical cannabis" and "medical cannabis product" mean the
40 same as such terms are defined in section 2, and amendments thereto; and

41 (2) "readily accessible" means the medical cannabis or medical
42 cannabis product is not stored in a locked container that restricts entry to
43 such container solely to individuals who are over 18 years of age or who

1 are registered patients pursuant to section 8, and amendments thereto.

2 (e) This section shall be a part of and supplemental to the Kansas
3 criminal code.

4 New Sec. 52. (a) No person shall transport medical cannabis or
5 medical cannabis products in any vehicle upon a highway or street unless
6 such medical cannabis or medical cannabis product:

7 (1) If transported by a person holding a license issued under section
8 20, and amendments thereto, or any employee or agent thereof, is in:

9 (A) The original, sealed packaging in accordance with any packaging
10 requirements of the secretary of revenue adopted in rules and regulations,
11 and the seal of which has not been broken and any other means of closure
12 has not been removed; and

13 (B) a locked rear compartment or any locked outside compartment of
14 the vehicle that is not accessible to any person in the vehicle while it is in
15 motion. If a vehicle is not equipped with such a compartment, then such
16 medical cannabis or medical cannabis products shall be placed behind the
17 last upright seat or in an area not normally occupied by the driver or a
18 passenger of the vehicle while it is in motion; or

19 (2) if transported by a person registered as a patient or caregiver
20 under section 8, and amendments thereto, is in:

21 (A) The exclusive possession of a passenger in a vehicle that is a
22 recreational vehicle, as defined by K.S.A. 75-1212, and amendments
23 thereto, or a bus, as defined by K.S.A. 8-1406, and amendments thereto,
24 who is not in the driving compartment of such vehicle or who is in a
25 portion of such vehicle that is not directly accessible to the driver; or

26 (B) a part of the vehicle that is not otherwise accessible to the driver.

27 (b) Violation of this section is a class C nonperson misdemeanor.

28 (c) As used in this section, the terms "medical cannabis" and
29 "medical cannabis product" mean the same as those terms are defined in
30 section 2, and amendments thereto.

31 (d) This section shall be a part of and supplemental to the Kansas
32 criminal code.

33 New Sec. 53. (a) The division of alcoholic beverage control is hereby
34 renamed the division of alcohol and cannabis control.

35 (b) The division of alcohol and cannabis control and the director of
36 the division of alcohol and cannabis control shall be the successor in every
37 way to the powers, duties and functions of the division of alcoholic
38 beverage control and the director of the division of alcoholic beverage
39 control in which the same were vested prior to July 1, 2024. Every act
40 performed in the exercise of such powers, duties and functions by or under
41 the authority of the division of alcohol and cannabis control or the director
42 of the division of alcohol and cannabis control shall be deemed to have the
43 same force and effect as if performed by the division of alcoholic beverage

1 control or the director of the division of alcoholic beverage control in
2 which such powers, duties and functions were vested prior to July 1, 2024.

3 (c) Whenever the division of alcoholic beverage control, or words of
4 like effect, are referred to or designated by a statute, contract or other
5 document, and such reference or designation is in regard to any function,
6 power or duty of the division of alcoholic beverage control, such reference
7 or designation shall be deemed to apply to the division of alcohol and
8 cannabis control.

9 (d) Whenever the director of the division of alcoholic beverage
10 control, or words of like effect, are referred to or designated by a statute,
11 contract or other document, and such reference or designation is in regard
12 to any function, power or duty of the director of the division of alcoholic
13 beverage control, such reference or designation shall be deemed to apply
14 to the director of alcohol and cannabis control.

15 (e) All rules and regulations, orders and directives of the director of
16 the division of alcoholic beverage control that are in effect on July 1, 2024,
17 shall continue to be effective and shall be deemed to be rules and
18 regulations, orders and directives of the director of the division of alcohol
19 and cannabis control until revised, amended, revoked or nullified pursuant
20 to law.

21 New Sec. 54. (a) No law enforcement officer shall enforce any
22 violations of 18 U.S.C. § 922(g)(3) if the substance involved in such
23 violation is medical cannabis and such person is a registered patient
24 pursuant to the medical cannabis regulation act, section 1 et seq., and
25 amendments thereto, whose possession is authorized by such act.

26 (b) As used in this section:

27 (1) "Law enforcement officer" means the same as defined in K.S.A.
28 74-5602, and amendments thereto; and

29 (2) "medical cannabis" means the same as defined in section 2, and
30 amendments thereto.

31 New Sec. 55. (a) Subject to the provisions of K.S.A. 44-1018, and
32 amendments thereto, it shall be unlawful for any person to:

33 (1) Refuse to sell or rent after the making of a bona fide offer, to fail
34 to transmit a bona fide offer or refuse to negotiate in good faith for the sale
35 or rental of, or otherwise make unavailable or deny, real property to any
36 person because such person consumes medical cannabis in accordance
37 with section 10, and amendments thereto;

38 (2) discriminate against any person in the terms, conditions or
39 privileges of sale or rental of real property, or in the provision of services
40 or facilities in connection therewith, because such person consumes
41 medical cannabis in accordance with section 10, and amendments thereto;
42 and

43 (3) discriminate against any person in such person's use or occupancy

1 of real property because such person associates with another person who
2 consumes medical cannabis in accordance with section 10, and
3 amendments thereto.

4 (b) (1) It shall be unlawful for any person or other entity whose
5 business includes engaging in real estate related transactions to
6 discriminate against any person in making available such a transaction, or
7 in the terms or conditions of such a transaction, because such person or
8 any person associated with such person in connection with any real estate
9 related transaction consumes medical cannabis in accordance with section
10 10, and amendments thereto.

11 (2) Nothing in this subsection prohibits a person engaged in the
12 business of furnishing appraisals of real property to take into consideration
13 factors other than an individual's consumption of medical cannabis in
14 accordance with section 10, and amendments thereto.

15 (3) As used in this subsection, "real estate related transaction" means
16 the same as defined in K.S.A. 44-1017, and amendments thereto.

17 (c) It shall be unlawful to coerce, intimidate, threaten or interfere with
18 any person in the exercise or enjoyment of, or on account of such person's
19 having exercised or enjoyed, or on account of such person's having aided
20 or encouraged any other person in the exercise or enjoyment of, any right
21 granted or protected by subsection (a) or (b).

22 (d) Nothing in this section shall be construed to prohibit a person
23 from taking any action necessary to procure or retain any monetary benefit
24 provided under federal law, or any rules and regulations adopted
25 thereunder, or to obtain or maintain any license, certificate, registration or
26 other legal status issued or bestowed under federal law, or any rules and
27 regulations adopted thereunder.

28 (e) The provisions of this section shall be a part of and supplemental
29 to the Kansas act against discrimination.

30 New Sec. 56. (a) A covered entity, solely on the basis that an
31 individual consumes medical cannabis in accordance with section 10, and
32 amendments thereto, shall not:

33 (1) Consider such individual ineligible to receive an anatomical gift
34 or organ transplant;

35 (2) deny medical and other services related to organ transplantation,
36 including evaluation, surgery, counseling and post-transplantation
37 treatment and services;

38 (3) refuse to refer the individual to a transplant center or a related
39 specialist for the purpose of evaluation or receipt of an organ transplant;

40 (4) refuse to place such individual on an organ transplant waiting list;
41 or

42 (5) place such individual at a lower-priority position on an organ
43 transplant waiting list than the position at which such individual would

1 have been placed if not for such individual's consumption of medical
2 cannabis.

3 (b) A covered entity may take into account an individual's
4 consumption of medical cannabis when making treatment or coverage
5 recommendations or decisions, solely to the extent that such consumption
6 has been found by a physician, following an individualized evaluation of
7 the individual, to be medically significant to the provision of the
8 anatomical gift.

9 (c) Nothing in this section shall be construed to require a covered
10 entity to make a referral or recommendation for or perform a medically
11 inappropriate organ transplant.

12 (d) As used in this section, the terms "anatomical gift," "covered
13 entity" and "organ transplant" mean the same as those terms are defined in
14 K.S.A. 65-3276, and amendments thereto.

15 New Sec. 57. (a) No order shall be issued pursuant to K.S.A. 38-
16 2242, 38-2243 or 38-2244, and amendments thereto, if the sole basis for
17 the threat to the child's safety or welfare is that the child resides with an
18 individual who consumes medical cannabis in accordance with section 10,
19 and amendments thereto, or the child consumes medical cannabis in
20 accordance with section 10, and amendments thereto.

21 (b) This section shall be a part of and supplemental to the revised
22 Kansas code for care of children.

23 New Sec. 58. (a) Notwithstanding the provisions of K.S.A. 65-2836,
24 and amendments thereto, the board shall not revoke, suspend or limit a
25 physician's license, publicly censure a physician or place a physician's
26 license under probationary conditions for any of the following:

27 (1) The physician has:

28 (A) Advised a patient about the possible benefits and risks of using
29 medical cannabis;

30 (B) advised the patient that using medical cannabis may mitigate the
31 patient's symptoms; or

32 (C) submitted an application on behalf of a patient or caregiver for
33 registration as a patient or caregiver under section 8, and amendments
34 thereto; or

35 (2) the physician is a registered patient or caregiver pursuant to
36 section 8, and amendments thereto, possesses or has possessed or uses or
37 has used medical cannabis in accordance with the medical cannabis
38 regulation act, section 1 et seq., and amendments thereto.

39 (b) As used in this section, the term "medical cannabis" means the
40 same as defined in section 2, and amendments thereto.

41 New Sec. 59. (a) Notwithstanding the provisions of K.S.A. 65-28a05,
42 and amendments thereto, the board shall not revoke, suspend or limit a
43 physician assistant's license, publicly or privately censure a physician

1 assistant or deny an application for a license or for reinstatement of a
2 license for any of the following:

3 (1) The physician assistant has:

4 (A) Advised a patient about the possible benefits and risks of using
5 medical cannabis; or

6 (B) advised the patient that using medical cannabis may mitigate the
7 patient's symptoms; or

8 (2) the physician assistant is a registered patient or caregiver pursuant
9 to section 8, and amendments thereto, possesses or has possessed or uses
10 or has used medical cannabis in accordance with the medical cannabis
11 regulation act, section 1 et seq., and amendments thereto.

12 (b) As used in this section, the term "medical cannabis" means the
13 same as defined in section 2, and amendments thereto.

14 New Sec. 60. (a) Notwithstanding any other provision of law, any
15 person, board, commission or similar body that determines the
16 qualifications of individuals for licensure, certification or registration shall
17 not disqualify an individual from licensure, certification or registration
18 solely because such individual consumes medical cannabis in accordance
19 with section 10, and amendments thereto.

20 (b) The provisions of this section shall not apply to the:

21 (1) Kansas commission on peace officers' standards and training;

22 (2) Kansas highway patrol;

23 (3) office of the attorney general;

24 (4) department of health and environment; or

25 (5) division of alcohol and cannabis control.

26 New Sec. 61. (a) A tax is hereby imposed upon the privilege of
27 selling medical cannabis and medical cannabis products in this state by
28 any retail dispensary at the rate of 10% on the gross receipts received from
29 the sale of medical cannabis to patients and caregivers holding an
30 identification card issued pursuant to section 8, and amendments thereto.
31 The tax imposed by this section shall be paid by the patient or caregiver at
32 the time of purchase.

33 (b) On or before the 20th day of each calendar month, every retail
34 dispensary shall file a return with the director of taxation showing the
35 quantity of medical cannabis and medical cannabis products sold to
36 patients and caregivers within this state during the preceding calendar
37 month. Each return shall be accompanied by a remittance for the full tax
38 liability shown.

39 (c) (1) All moneys received by the director of taxation or the
40 director's designee from taxes imposed by this section shall be remitted to
41 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
42 and amendments thereto. Upon receipt of each such remittance, the state
43 treasurer shall deposit the entire amount in the state treasury.

1 (2) Subject to the maintenance requirements of the local medical
2 cannabis enforcement refund fund established by section 65, and
3 amendments thereto:

4 (A) 20% of the remittance shall be credited to the local medical
5 cannabis enforcement fund established by section 64, and amendments
6 thereto;

7 (B) 10% of the remittance shall be credited to the state medical
8 cannabis enforcement fund established by section 66, and amendments
9 thereto, except that the aggregate amount of moneys credited to the state
10 medical cannabis enforcement fund shall not exceed \$2,500,000 in any
11 fiscal year; and

12 (C) the remaining balance of the remittance shall be credited to the
13 state general fund.

14 New Sec. 62. The director of taxation shall have the power to require
15 any retail dispensary to furnish additional information deemed necessary
16 for the purpose of computing the amount of the taxes due pursuant to
17 section 61, and amendments thereto, and, for such purpose, to examine all
18 books, records and files of such persons or entities. The director also shall
19 have the power to issue subpoenas and examine witnesses under oath, and
20 if any witness shall fail or refuse to appear at the request of the director, or
21 refuse access to books, records and files, the district court of the proper
22 county, or the judge thereof, on application of the director, shall compel
23 obedience by proceedings for contempt, as in the case of disobedience of
24 the requirements of a subpoena issued from such court or a refusal to
25 testify therein.

26 New Sec. 63. The provisions of K.S.A. 75-5133, 79-3610, 79-3611,
27 79-3612, 79-3613, 79-3615 and 79-3617, and amendments thereto,
28 relating to the assessment, collection, appeal and administration of the
29 retailers' sales tax, insofar as practicable, shall have full force and effect
30 with respect to taxes, penalties and fines imposed by sections 61 and 62,
31 and amendments thereto.

32 New Sec. 64. (a) There is hereby established the local medical
33 cannabis enforcement fund in the state treasury. Moneys credited to the
34 local medical cannabis enforcement fund shall be expended only for the
35 purpose and in the manner provided by this section.

36 (b) All moneys credited to the local medical cannabis enforcement
37 fund shall be allocated to the cities and counties of the state as follows:

38 (1) Each city that has a population of more than 6,000 shall receive
39 70% of the amount that is collected pursuant to section 61, and
40 amendments thereto, from retail dispensaries located in such city and that
41 is paid into the state treasury during the period for which the allocation is
42 made;

43 (2) each city that has a population of 6,000 or less shall receive 46%

1 % of the amount that is collected pursuant to section 61, and amendments
2 thereto, from retail dispensaries located in such city and that is paid into
3 the state treasury during the period for which the allocation is made;

4 (3) each county shall receive:

5 (A) 70% of the amount that is collected pursuant to section 61, and
6 amendments thereto, from retail dispensaries located in such county and
7 outside the corporate limits of any city and that is paid into the state
8 treasury during the period for which the allocation is made; and

9 (B) 23 $\frac{1}{3}$ % of the amount that is collected pursuant to section 61, and
10 amendments thereto, from retail dispensaries located in the county and
11 within a city that has a population of 6,000 or less and that is paid into the
12 state treasury during the period for which the allocation is made.

13 (c) The state treasurer shall make distributions from the local medical
14 cannabis enforcement fund in accordance with subsection (b) on March
15 15, June 15, September 15 and December 15 of each year. The director of
16 accounts and reports shall draw warrants on the state treasurer in favor of
17 the several county treasurers and city treasurers on the dates and in the
18 amounts determined under this section. Such distributions shall be paid
19 directly to the several county treasurers and city treasurers.

20 New Sec. 65. There is hereby established in the state treasury the
21 local medical cannabis enforcement refund fund. The local medical
22 cannabis enforcement refund fund shall be held by the state treasurer for
23 prompt refunding of all overpayments of the tax levied and collected
24 pursuant to section 61, and amendments thereto. The local medical
25 cannabis enforcement refund fund shall be maintained in an amount
26 determined by the secretary of revenue as necessary to meet current
27 refunding requirements, but such amount shall not exceed \$10,000.

28 New Sec. 66. (a) There is hereby established the state medical
29 cannabis enforcement fund in the state treasury. The Kansas bureau of
30 investigation shall administer the state medical cannabis enforcement fund.
31 Moneys credited to the fund shall only be expended or transferred as
32 provided in this section. Expenditures from such fund shall be made in
33 accordance with appropriation acts upon warrants of the director of
34 accounts and reports issued pursuant to vouchers approved by the director
35 of the Kansas bureau of investigation or the director's designee.

36 (b) Moneys in the state medical cannabis enforcement fund shall be
37 expended for the purpose of investigating and prosecuting criminal
38 offenses involving the cultivation, manufacture, transportation,
39 distribution, sale and use of medical cannabis in violation of the medical
40 cannabis regulation act, section 1 et seq., and amendments thereto. Any
41 law enforcement agency in this state may apply to the Kansas bureau of
42 investigation for a grant of moneys from the state medical cannabis
43 enforcement fund to be expended by such law enforcement agency for the

1 purposes set forth in this section. Applications shall be submitted in such
2 form and manner as prescribed by the director of the Kansas bureau of
3 investigation.

4 New Sec. 67. For purposes of sections 61 through 66, and
5 amendments thereto, the terms "medical cannabis" and "retail dispensary"
6 mean the same as defined in section 2, and amendments thereto.

7 Sec. 68. K.S.A. 2022 Supp. 19-101a is hereby amended to read as
8 follows: 19-101a. (a) The board of county commissioners may transact all
9 county business and perform all powers of local legislation and
10 administration it deems appropriate, subject only to the following
11 limitations, restrictions or prohibitions:

12 (1) Counties shall be subject to all acts of the legislature which apply
13 uniformly to all counties.

14 (2) Counties may not affect the courts located therein.

15 (3) Counties shall be subject to acts of the legislature prescribing
16 limits of indebtedness.

17 (4) In the exercise of powers of local legislation and administration
18 authorized under provisions of this section, the home rule power conferred
19 on cities to determine their local affairs and government shall not be
20 superseded or impaired without the consent of the governing body of each
21 city within a county which may be affected.

22 (5) Counties may not legislate on social welfare administered under
23 state law enacted pursuant to or in conformity with public law No. 271 –
24 74th congress, or amendments thereof.

25 (6) Counties shall be subject to all acts of the legislature concerning
26 elections, election commissioners and officers and their duties as such
27 officers and the election of county officers.

28 (7) Counties shall be subject to the limitations and prohibitions
29 imposed under K.S.A. 12-187 through 12-195, and amendments thereto,
30 prescribing limitations upon the levy of retailers' sales taxes by counties.

31 (8) Counties may not exempt from or effect changes in statutes made
32 nonuniform in application solely by reason of authorizing exceptions for
33 counties having adopted a charter for county government.

34 (9) No county may levy ad valorem taxes under the authority of this
35 section upon real property located within any redevelopment project area
36 established under the authority of K.S.A. 12-1772, and amendments
37 thereto, unless the resolution authorizing the same specifically authorized
38 a portion of the proceeds of such levy to be used to pay the principal of
39 and interest upon bonds issued by a city under the authority of K.S.A. 12-
40 1774, and amendments thereto.

41 (10) Counties shall have no power under this section to exempt from
42 any statute authorizing or requiring the levy of taxes and providing
43 substitute and additional provisions on the same subject, unless the

1 resolution authorizing the same specifically provides for a portion of the
2 proceeds of such levy to be used to pay a portion of the principal and
3 interest on bonds issued by cities under the authority of K.S.A. 12-1774,
4 and amendments thereto.

5 (11) Counties may not exempt from or effect changes in the
6 provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

7 (12) Except as otherwise specifically authorized by K.S.A. 12-1,101
8 through 12-1,109, and amendments thereto, counties may not levy and
9 collect taxes on incomes from whatever source derived.

10 (13) Counties may not exempt from or effect changes in K.S.A. 19-
11 430, and amendments thereto.

12 (14) Counties may not exempt from or effect changes in K.S.A. 19-
13 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

14 (15) Counties may not exempt from or effect changes in K.S.A. 19-
15 15,139, 19-15,140 and 19-15,141, and amendments thereto.

16 (16) Counties may not exempt from or effect changes in the
17 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
18 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-
19 1260 through 12-1270 and 12-1276, and amendments thereto.

20 (17) Counties may not exempt from or effect changes in the
21 provisions of K.S.A. 19-211, and amendments thereto.

22 (18) Counties may not exempt from or effect changes in the
23 provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

24 (19) Counties may not regulate the production or drilling of any oil or
25 gas well in any manner which would result in the duplication of regulation
26 by the state corporation commission and the Kansas department of health
27 and environment pursuant to chapter 55 and chapter 65 of the Kansas
28 Statutes Annotated, and amendments thereto, and any rules and regulations
29 adopted pursuant thereto. Counties may not require any license or permit
30 for the drilling or production of oil and gas wells. Counties may not
31 impose any fee or charge for the drilling or production of any oil or gas
32 well.

33 (20) Counties may not exempt from or effect changes in K.S.A. 79-
34 41a04, and amendments thereto.

35 (21) Counties may not exempt from or effect changes in K.S.A. 79-
36 1611, and amendments thereto.

37 (22) Counties may not exempt from or effect changes in K.S.A. 79-
38 1494, and amendments thereto.

39 (23) Counties may not exempt from or effect changes in K.S.A. 19-
40 202(b), and amendments thereto.

41 (24) Counties may not exempt from or effect changes in K.S.A. 19-
42 204(b), and amendments thereto.

43 (25) Counties may not levy or impose an excise, severance or any

1 other tax in the nature of an excise tax upon the physical severance and
2 production of any mineral or other material from the earth or water.

3 (26) Counties may not exempt from or effect changes in K.S.A. 79-
4 2017 or 79-2101, and amendments thereto.

5 (27) Counties may not exempt from or effect changes in K.S.A. 2-
6 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
7 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments
8 thereto.

9 (28) Counties may not exempt from or effect changes in K.S.A. 80-
10 121, and amendments thereto.

11 (29) Counties may not exempt from or effect changes in K.S.A. 19-
12 228, and amendments thereto.

13 (30) Counties may not exempt from or effect changes in the Kansas
14 911 act.

15 (31) Counties may not exempt from or effect changes in K.S.A. 26-
16 601, and amendments thereto.

17 (32) (A) Counties may not exempt from or effect changes in the
18 Kansas liquor control act except as provided by paragraph (B).

19 (B) Counties may adopt resolutions which are not in conflict with the
20 Kansas liquor control act.

21 (33) (A) Counties may not exempt from or effect changes in the
22 Kansas cereal malt beverage act except as provided by paragraph (B).

23 (B) Counties may adopt resolutions which are not in conflict with the
24 Kansas cereal malt beverage act.

25 (34) Counties may not exempt from or effect changes in the Kansas
26 lottery act.

27 (35) Counties may not exempt from or effect changes in the Kansas
28 expanded lottery act.

29 (36) Counties may neither exempt from nor effect changes to the
30 eminent domain procedure act.

31 (37) Any county granted authority pursuant to the provisions of
32 K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be
33 subject to the limitations and prohibitions imposed under K.S.A. 19-5001
34 through 19-5005, and amendments thereto.

35 (38) Except as otherwise specifically authorized by K.S.A. 19-5001
36 through 19-5005, and amendments thereto, counties may not exercise any
37 authority granted pursuant to K.S.A. 19-5001 through 19-5005, and
38 amendments thereto, including the imposition or levy of any retailers' sales
39 tax.

40 (39) Counties may not exempt from or effect changes in K.S.A. 65-
41 201 and 65-202, and amendments thereto.

42 (40) *Except as provided in section 43, and amendments thereto,*
43 *counties may not exempt from or effect changes in the medical cannabis*

1 *regulation act, section 1 et seq., and amendments thereto.*

2 (b) Counties shall apply the powers of local legislation granted in
3 subsection (a) by resolution of the board of county commissioners. If no
4 statutory authority exists for such local legislation other than that set forth
5 in subsection (a) and the local legislation proposed under the authority of
6 such subsection is not contrary to any act of the legislature, such local
7 legislation shall become effective upon passage of a resolution of the
8 board and publication in the official county newspaper. If the legislation
9 proposed by the board under authority of subsection (a) is contrary to an
10 act of the legislature which is applicable to the particular county but not
11 uniformly applicable to all counties, such legislation shall become
12 effective by passage of a charter resolution in the manner provided in
13 K.S.A. 19-101b, and amendments thereto.

14 (c) Any resolution adopted by a county ~~which~~ *that* conflicts with the
15 restrictions in subsection (a) is null and void.

16 Sec. 69. K.S.A. 2022 Supp. 21-5703 is hereby amended to read as
17 follows: 21-5703. (a) It shall be unlawful for any person to manufacture
18 any controlled substance or controlled substance analog.

19 (b) Violation or attempted violation of subsection (a) is a:

20 (1) Drug severity level 2 felony, except as provided in subsections (b)
21 (2) and (b)(3);

22 (2) drug severity level 1 felony if:

23 (A) The controlled substance is not methamphetamine, as defined by
24 ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-4107(d)(3) *or (f)(1)*, and
25 amendments thereto, or an analog thereof; and

26 (B) the offender has a prior conviction for unlawful manufacturing of
27 a controlled substance under this section, K.S.A. 65-4159, prior to its
28 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially
29 similar offense from another jurisdiction and the substance was not
30 methamphetamine, as defined by ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-
31 4107(d)(3) *or (f)(1)*, and amendments thereto, or an analog thereof, in any
32 such prior conviction; and

33 (3) drug severity level 1 felony if the controlled substance is
34 methamphetamine, as defined by ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-
35 4107(d)(3) *or (f)(1)*, and amendments thereto, or an analog thereof.

36 (c) The provisions of ~~subsection (d) of~~ K.S.A. 2022 Supp. 21-
37 5301(d), and amendments thereto, shall not apply to a violation of
38 attempting to unlawfully manufacture any controlled substance or
39 controlled substance analog pursuant to this section.

40 (d) For persons arrested and charged under this section, bail shall be
41 at least \$50,000 cash or surety, and such person shall not be released upon
42 the person's own recognizance pursuant to K.S.A. 22-2802, and
43 amendments thereto, unless the court determines, on the record, that the

1 defendant is not likely to re-offend, the court imposes pretrial supervision,
2 or the defendant agrees to participate in a licensed or certified drug
3 treatment program.

4 (e) The sentence of a person who violates this section shall not be
5 subject to statutory provisions for suspended sentence, community service
6 work or probation.

7 (f) The sentence of a person who violates this section, K.S.A. 65-
8 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its
9 transfer, shall not be reduced because these sections prohibit conduct
10 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their
11 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 2022
12 Supp. 21-5705, and amendments thereto.

13 (g) *The provisions of this section shall not apply to a cultivator or*
14 *processor licensed by the director of alcohol and cannabis control*
15 *pursuant to section 20, and amendments thereto, that is producing medical*
16 *cannabis, as defined in section 2, and amendments thereto, when used for*
17 *acts authorized by the medical cannabis regulation act, section 1 et seq.,*
18 *and amendments thereto.*

19 Sec. 70. K.S.A. 2022 Supp. 21-5705 is hereby amended to read as
20 follows: 21-5705. (a) It shall be unlawful for any person to distribute or
21 possess with the intent to distribute any of the following controlled
22 substances or controlled substance analogs thereof:

23 (1) Opiates, opium or narcotic drugs, or any stimulant designated in
24 ~~subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107(d)(1), (d)(3) or (f)(1),~~
25 and amendments thereto;

26 (2) any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e),~~
27 ~~subsection (e) of K.S.A. 65-4107(e), subsection (b) or (c) of K.S.A. 65-~~
28 ~~4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b),~~ and amendments
29 thereto;

30 (3) any stimulant designated in ~~subsection (f) of K.S.A. 65-4105(f),~~
31 ~~subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107(d)(2), (d)(4),~~
32 ~~(d)(5) or (f)(2) or subsection (e) of K.S.A. 65-4109(e),~~ and amendments
33 thereto;

34 (4) any hallucinogenic drug designated in ~~subsection (d) of K.S.A.~~
35 ~~65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of~~
36 ~~K.S.A. 65-4109(g),~~ and amendments thereto;

37 (5) any substance designated in ~~subsection (g) of K.S.A. 65-4105(g)~~
38 ~~and subsection (e), (d), (e), (f) or (g) of K.S.A. 65-4111(c), (d), (e), (f) or~~
39 ~~(g),~~ and amendments thereto;

40 (6) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-~~
41 ~~4109(f),~~ and amendments thereto; or

42 (7) any substance designated in ~~subsection (h) of K.S.A. 65-4105(h),~~
43 and amendments thereto.

1 (b) It shall be unlawful for any person to distribute or possess with
2 the intent to distribute a controlled substance or a controlled substance
3 analog designated in K.S.A. 65-4113, and amendments thereto.

4 (c) It shall be unlawful for any person to cultivate any controlled
5 substance or controlled substance analog listed in subsection (a).

6 (d) (1) Except as provided further, violation of subsection (a) is a:

7 (A) Drug severity level 4 felony if the quantity of the material was
8 less than 3.5 grams;

9 (B) drug severity level 3 felony if the quantity of the material was at
10 least 3.5 grams but less than 100 grams;

11 (C) drug severity level 2 felony if the quantity of the material was at
12 least 100 grams but less than 1 kilogram; and

13 (D) drug severity level 1 felony if the quantity of the material was 1
14 kilogram or more.

15 (2) Violation of subsection (a) with respect to material containing any
16 quantity of marijuana, or an analog thereof, is a:

17 (A) Drug severity level 4 felony if the quantity of the material was
18 less than 25 grams;

19 (B) drug severity level 3 felony if the quantity of the material was at
20 least 25 grams but less than 450 grams;

21 (C) drug severity level 2 felony if the quantity of the material was at
22 least 450 grams but less than 30 kilograms; and

23 (D) drug severity level 1 felony if the quantity of the material was 30
24 kilograms or more.

25 (3) Violation of subsection (a) with respect to material containing any
26 quantity of heroin, as defined by ~~subsection (c)(1) of~~ K.S.A. 65-4105(c)
27 (1), and amendments thereto, or methamphetamine, as defined by
28 ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-4107(d)(3) or (f)(1), and
29 amendments thereto, or an analog thereof, is a:

30 (A) Drug severity level 4 felony if the quantity of the material was
31 less than 1 gram;

32 (B) drug severity level 3 felony if the quantity of the material was at
33 least 1 gram but less than 3.5 grams;

34 (C) drug severity level 2 felony if the quantity of the material was at
35 least 3.5 grams but less than 100 grams; and

36 (D) drug severity level 1 felony if the quantity of the material was
37 100 grams or more.

38 (4) Violation of subsection (a) with respect to material containing any
39 quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107,
40 65-4109 or 65-4111, and amendments thereto, or an analog thereof,
41 distributed by dosage unit, is a:

42 (A) Drug severity level 4 felony if the number of dosage units was
43 fewer than 10;

1 (B) drug severity level 3 felony if the number of dosage units was at
2 least 10 but less than 100;

3 (C) drug severity level 2 felony if the number of dosage units was at
4 least 100 but less than 1,000; and

5 (D) drug severity level 1 felony if the number of dosage units was
6 1,000 or more.

7 (5) For any violation of subsection (a), the severity level of the
8 offense shall be increased one level if the controlled substance or
9 controlled substance analog was distributed or possessed with the intent to
10 distribute on or within 1,000 feet of any school property.

11 (6) Violation of subsection (b) is a:

12 (A) Class A person misdemeanor, except as provided in ~~subsection~~
13 ~~(d)(6)(B)~~ *subparagraph (B)*; and

14 (B) nondrug severity level 7, person felony if the substance was
15 distributed to or possessed with the intent to distribute to a minor.

16 (7) Violation of subsection (c) is a:

17 (A) Drug severity level 3 felony if the number of plants cultivated
18 was more than 4 but fewer than 50;

19 (B) drug severity level 2 felony if the number of plants cultivated was
20 at least 50 but fewer than 100; and

21 (C) drug severity level 1 felony if the number of plants cultivated was
22 100 or more.

23 (e) In any prosecution under this section, there shall be a rebuttable
24 presumption of an intent to distribute if any person possesses the following
25 quantities of controlled substances or analogs thereof:

26 (1) 450 grams or more of marijuana;

27 (2) 3.5 grams or more of heroin or methamphetamine;

28 (3) 100 dosage units or more containing a controlled substance; or

29 (4) 100 grams or more of any other controlled substance.

30 (f) It shall not be a defense to charges arising under this section that
31 the defendant:

32 (1) Was acting in an agency relationship on behalf of any other party
33 in a transaction involving a controlled substance or controlled substance
34 analog;

35 (2) did not know the quantity of the controlled substance or
36 controlled substance analog; or

37 (3) did not know the specific controlled substance or controlled
38 substance analog contained in the material that was distributed or
39 possessed with the intent to distribute.

40 (g) *The provisions of subsections (a)(4) and (a)(5) shall not apply to*
41 *any cultivator, laboratory, processor, distributor or retail dispensary*
42 *licensed by the director of alcohol and cannabis control pursuant to*
43 *section 20, and amendments thereto, or any employee or agent thereof,*

1 *that is growing, testing, processing, distributing, dispensing or selling*
2 *medical cannabis in accordance with the medical cannabis regulation act,*
3 *section 1 et seq., and amendments thereto.*

4 (h) As used in this section:

5 (1) "Material" means the total amount of any substance, including a
6 compound or a mixture, ~~which~~ *that* contains any quantity of a controlled
7 substance or controlled substance analog.

8 (2) "Dosage unit" means a controlled substance or controlled
9 substance analog distributed or possessed with the intent to distribute as a
10 discrete unit, including but not limited to, one pill, one capsule or one
11 microdot, and not distributed by weight.

12 (A) For steroids, or controlled substances in liquid solution legally
13 manufactured for prescription use, or an analog thereof, "dosage unit"
14 means the smallest medically approved dosage unit, as determined by the
15 label, materials provided by the manufacturer, a prescribing authority,
16 licensed health care professional or other qualified health authority.

17 (B) For illegally manufactured controlled substances in liquid
18 solution, or controlled substances in liquid products not intended for
19 ingestion by human beings, or an analog thereof, "dosage unit" means 10
20 milligrams, including the liquid carrier medium, except as provided in
21 ~~subsection (g)(2)(C)~~ *subparagraph (C)*.

22 (C) For lysergic acid diethylamide (LSD) in liquid form, or an analog
23 thereof, a dosage unit is defined as 0.4 milligrams, including the liquid
24 medium.

25 (3) *"Medical cannabis" means the same as defined in section 2, and*
26 *amendments thereto.*

27 Sec. 71. K.S.A. 2022 Supp. 21-5706 is hereby amended to read as
28 follows: 21-5706. (a) It shall be unlawful for any person to possess any
29 opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-
30 4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled
31 substance analog thereof.

32 (b) It shall be unlawful for any person to possess any of the following
33 controlled substances or controlled substance analogs thereof:

34 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-
35 4109(b) or (c) or 65-4111(b), and amendments thereto;

36 (2) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)
37 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;

38 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-
39 4107(g) or 65-4109(g), and amendments thereto;

40 (4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c),
41 (d), (e), (f) or (g), and amendments thereto;

42 (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and
43 amendments thereto;

1 (6) any substance designated in K.S.A. 65-4113, and amendments
2 thereto; or

3 (7) any substance designated in K.S.A. 65-4105(h), and amendments
4 thereto.

5 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.

6 (2) Except as provided in subsection (c)(3):

7 (A) Violation of subsection (b) is a class A nonperson misdemeanor,
8 except as provided in subparagraph (B); and

9 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug
10 severity level 5 felony if that person has a prior conviction under such
11 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially
12 similar offense from another jurisdiction, or under any city ordinance or
13 county resolution for a substantially similar offense if the substance
14 involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana
15 as designated in K.S.A. 65-4105(d), and amendments thereto, or any
16 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an
17 analog thereof.

18 (3) If the substance involved is marijuana, as designated in K.S.A.
19 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as
20 designated in K.S.A. 65-4105(h), and amendments thereto, violation of
21 subsection (b) is a:

22 (A) Class B nonperson misdemeanor, except as provided in
23 subparagraphs (B) ~~and~~, (C) *and* (D);

24 (B) class A nonperson misdemeanor if that person has a prior
25 conviction under such subsection, under K.S.A. 65-4162, prior to its
26 repeal, under a substantially similar offense from another jurisdiction, or
27 under any city ordinance or county resolution for a substantially similar
28 offense; ~~and~~

29 (C) drug severity level 5 felony if that person has two or more prior
30 convictions under such subsection, under K.S.A. 65-4162, prior to its
31 repeal, under a substantially similar offense from another jurisdiction, or
32 under any city ordinance or county resolution for a substantially similar
33 offense; *and*

34 (D) *nonperson misdemeanor punishable by a fine of not to exceed*
35 *\$400 if that person is not a registered patient or caregiver under the*
36 *medical cannabis regulation act, section 1 et seq., and amendments*
37 *thereto, is found in possession of not more than 1.5 ounces of marijuana*
38 *and provides a statement from such person's physician recommending the*
39 *use of medical cannabis to treat such person's symptoms.*

40 (d) It shall be an affirmative defense to prosecution under this section
41 arising out of a person's possession of any cannabidiol treatment
42 preparation if the person:

43 (1) Has a debilitating medical condition, as defined in K.S.A. 2022

1 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a
2 minor child who has such debilitating medical condition;

3 (2) is possessing a cannabidiol treatment preparation, as defined in
4 K.S.A. 2022 Supp. 65-6235, and amendments thereto, that is being used to
5 treat such debilitating medical condition; and

6 (3) has possession of a letter, at all times while the person has
7 possession of the cannabidiol treatment preparation, that:

8 (A) Shall be shown to a law enforcement officer on such officer's
9 request;

10 (B) is dated within the preceding 15 months and signed by the
11 physician licensed to practice medicine and surgery in Kansas who
12 diagnosed the debilitating medical condition;

13 (C) is on such physician's letterhead; and

14 (D) identifies the person or the person's minor child as such
15 physician's patient and identifies the patient's debilitating medical
16 condition.

17 (e) *If the substance involved is medical cannabis, as defined in*
18 *section 2, and amendments thereto, the provisions of subsections (b) and*
19 *(c) shall not apply to:*

20 (1) *Any person who is registered or licensed pursuant to the medical*
21 *cannabis regulation act, section 1 set seq., and amendments thereto, and*
22 *whose possession is authorized by such act; or*

23 (2) *any person who is not a resident of this state and who holds a*
24 *license issued by another jurisdiction authorizing such person to purchase*
25 *and possess medical cannabis as recognized under section 17, and*
26 *amendments thereto.*

27 (f) It shall not be a defense to charges arising under this section that
28 the defendant was acting in an agency relationship on behalf of any other
29 party in a transaction involving a controlled substance or controlled
30 substance analog.

31 Sec. 72. K.S.A. 2022 Supp. 21-5707 is hereby amended to read as
32 follows: 21-5707. (a) It shall be unlawful for any person to knowingly or
33 intentionally use any communication facility:

34 (1) In committing, causing, or facilitating the commission of any
35 felony under K.S.A. 2022 Supp. 21-5703, 21-5705 or 21-5706, and
36 amendments thereto; or

37 (2) in any attempt to commit, any conspiracy to commit, or any
38 criminal solicitation of any felony under K.S.A. 2022 Supp. 21-5703, 21-
39 5705 or 21-5706, and amendments thereto. Each separate use of a
40 communication facility may be charged as a separate offense under this
41 subsection.

42 (b) Violation of subsection (a) is a nondrug severity level 8,
43 nonperson felony.

1 (c) *The provisions of this section shall not apply to any person using*
2 *communication facilities for activities authorized by the medical cannabis*
3 *regulation act, section 1 et seq., and amendments thereto.*

4 (d) As used in this section, "communication facility" means any and
5 all public and private instrumentalities used or useful in the transmission
6 of writing, signs, signals, pictures or sounds of all kinds and includes
7 telephone, wire, radio, computer, computer networks, beepers, pagers and
8 all other means of communication.

9 Sec. 73. K.S.A. 2022 Supp. 21-5709 is hereby amended to read as
10 follows: 21-5709. (a) It shall be unlawful for any person to possess
11 ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal,
12 iodine, anhydrous ammonia, pressurized ammonia or
13 phenylpropanolamine, or their salts, isomers or salts of isomers with an
14 intent to use the product to manufacture a controlled substance.

15 (b) It shall be unlawful for any person to use or possess with intent to
16 use any drug paraphernalia to:

17 (1) Manufacture, cultivate, plant, propagate, harvest, test, analyze or
18 distribute a controlled substance; or

19 (2) store, contain, conceal, inject, ingest, inhale or otherwise
20 introduce a controlled substance into the human body.

21 (c) It shall be unlawful for any person to use or possess with intent to
22 use anhydrous ammonia or pressurized ammonia in a container not
23 approved for that chemical by the Kansas department of agriculture.

24 (d) It shall be unlawful for any person to purchase, receive or
25 otherwise acquire at retail any compound, mixture or preparation
26 containing more than 3.6 grams of pseudoephedrine base or ephedrine
27 base in any single transaction or any compound, mixture or preparation
28 containing more than nine grams of pseudoephedrine base or ephedrine
29 base within any 30-day period.

30 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;

31 (2) violation of subsection (b)(1) is a:

32 (A) Drug severity level 5 felony, except as provided in subsection (e)
33 (2)(B); and

34 (B) class B nonperson misdemeanor if the drug paraphernalia was
35 used to cultivate fewer than five marijuana plants;

36 (3) violation of subsection (b)(2) is a class B nonperson
37 misdemeanor;

38 (4) violation of subsection (c) is a drug severity level 5 felony; and

39 (5) violation of subsection (d) is a class A nonperson misdemeanor.

40 (f) For persons arrested and charged under subsection (a) or (c), bail
41 shall be at least \$50,000 cash or surety, and such person shall not be
42 released upon the person's own recognizance pursuant to K.S.A. 22-2802,
43 and amendments thereto, unless the court determines, on the record, that

1 the defendant is not likely to reoffend, the court imposes pretrial
 2 supervision or the defendant agrees to participate in a licensed or certified
 3 drug treatment program.

4 *(g) The provisions of subsection (b) shall not apply to any person*
 5 *registered or licensed pursuant to the medical cannabis regulation act,*
 6 *section 1 et seq., and amendments thereto, whose possession of such*
 7 *equipment or material is used solely to produce or for the administration*
 8 *of medical cannabis, as defined in section 2, and amendments thereto, in a*
 9 *manner authorized by the medical cannabis regulation act, section 1 et*
 10 *seq., and amendments thereto.*

11 Sec. 74. K.S.A. 2022 Supp. 21-5710 is hereby amended to read as
 12 follows: 21-5710. (a) It shall be unlawful for any person to advertise,
 13 market, label, distribute or possess with the intent to distribute:

14 (1) Any product containing ephedrine, pseudoephedrine, red
 15 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,
 16 pressurized ammonia or phenylpropanolamine or their salts, isomers or
 17 salts of isomers if the person knows or reasonably should know that the
 18 purchaser will use the product to manufacture a controlled substance or
 19 controlled substance analog; or

20 (2) any product containing ephedrine, pseudoephedrine or
 21 phenylpropanolamine, or their salts, isomers or salts of isomers for
 22 indication of stimulation, mental alertness, weight loss, appetite control,
 23 energy or other indications not approved pursuant to the pertinent federal
 24 over-the-counter drug final monograph or tentative final monograph or
 25 approved new drug application.

26 (b) It shall be unlawful for any person to distribute, possess with the
 27 intent to distribute or manufacture with intent to distribute any drug
 28 paraphernalia, knowing or under circumstances where one reasonably
 29 should know that it will be used to manufacture or distribute a controlled
 30 substance or controlled substance analog in violation of K.S.A. 2022 Supp.
 31 21-5701 through 21-5717, and amendments thereto.

32 (c) It shall be unlawful for any person to distribute, possess with
 33 intent to distribute or manufacture with intent to distribute any drug
 34 paraphernalia, knowing or under circumstances where one reasonably
 35 should know, that it will be used as such in violation of K.S.A. 2022 Supp.
 36 21-5701 through 21-5717, and amendments thereto, ~~except subsection (b)~~
 37 ~~of K.S.A. 2022 Supp. 21-5706(b), and amendments thereto.~~

38 (d) It shall be unlawful for any person to distribute, possess with
 39 intent to distribute or manufacture with intent to distribute any drug
 40 paraphernalia, knowing, or under circumstances where one reasonably
 41 should know, that it will be used as such in violation of ~~subsection (b)~~
 42 ~~of K.S.A. 2022 Supp. 21-5706(b), and amendments thereto.~~

43 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;

1 (2) violation of subsection (b) is a:

2 (A) Drug severity level 5 felony, except as provided in ~~subsection (e)~~
3 ~~(2)(B)~~ *subparagraph (B)*; and

4 (B) drug severity level 4 felony if the trier of fact makes a finding that
5 the offender distributed or caused drug paraphernalia to be distributed to a
6 minor or on or within 1,000 feet of any school property;

7 (3) violation of subsection (c) is a:

8 (A) Nondrug severity level 9, nonperson felony, except as provided in
9 ~~subsection (e)(3)(B)~~ *subparagraph (B)*; and

10 (B) drug severity level 5 felony if the trier of fact makes a finding that
11 the offender distributed or caused drug paraphernalia to be distributed to a
12 minor or on or within 1,000 feet of any school property; and

13 (4) violation of subsection (d) is a:

14 (A) Class A nonperson misdemeanor, except as provided in
15 ~~subsection (e)(4)(B)~~ *subparagraph (B)*; and

16 (B) nondrug severity level 9, nonperson felony if the trier of fact
17 makes a finding that the offender distributed or caused drug paraphernalia
18 to be distributed to a minor or on or within 1,000 feet of any school
19 property.

20 (f) For persons arrested and charged under subsection (a), bail shall
21 be at least \$50,000 cash or surety, and such person shall not be released
22 upon the person's own recognizance pursuant to K.S.A. 22-2802, and
23 amendments thereto, unless the court determines, on the record, that the
24 defendant is not likely to re-offend, the court imposes pretrial supervision
25 or the defendant agrees to participate in a licensed or certified drug
26 treatment program.

27 (g) *The provisions of subsection (c) shall not apply to any person*
28 *licensed pursuant to the medical cannabis regulation act, section 1 et seq.,*
29 *and amendments thereto, whose distribution or manufacture is used solely*
30 *to distribute or produce medical cannabis, as defined in section 2, and*
31 *amendments thereto, in a manner authorized by the medical cannabis*
32 *regulation act, section 1 et seq., and amendments thereto.*

33 (h) As used in this section, "or under circumstances where one
34 reasonably should know" that an item will be used in violation of this
35 section, shall include, but not be limited to, the following:

36 (1) Actual knowledge from prior experience or statements by
37 customers;

38 (2) inappropriate or impractical design for alleged legitimate use;

39 (3) receipt of packaging material, advertising information or other
40 manufacturer supplied information regarding the item's use as drug
41 paraphernalia; or

42 (4) receipt of a written warning from a law enforcement or
43 prosecutorial agency having jurisdiction that the item has been previously

1 determined to have been designed specifically for use as drug
2 paraphernalia.

3 Sec. 75. K.S.A. 2022 Supp. 23-3201 is hereby amended to read as
4 follows: 23-3201. (a) The court shall determine legal custody, residency
5 and parenting time of a child in accordance with the best interests of the
6 child.

7 (b) *The court shall not consider the fact that a parent or a child*
8 *consumes medical cannabis in accordance with section 10, and*
9 *amendments thereto, when determining the legal custody, residency or*
10 *parenting time of a child.*

11 Sec. 76. K.S.A. 38-2269 is hereby amended to read as follows: 38-
12 2269. (a) When the child has been adjudicated to be a child in need of
13 care, the court may terminate parental rights or appoint a permanent
14 custodian when the court finds by clear and convincing evidence that the
15 parent is unfit by reason of conduct or condition which renders the parent
16 unable to care properly for a child and the conduct or condition is unlikely
17 to change in the foreseeable future.

18 (b) In making a determination of unfitness the court shall consider,
19 but is not limited to, the following, if applicable:

20 (1) Emotional illness, mental illness, mental deficiency or physical
21 disability of the parent, of such duration or nature as to render the parent
22 unable to care for the ongoing physical, mental and emotional needs of the
23 child;

24 (2) conduct toward a child of a physically, emotionally or sexually
25 cruel or abusive nature;

26 (3) the use of intoxicating liquors or narcotic or dangerous drugs of
27 such duration or nature as to render the parent unable to care for the
28 ongoing physical, mental or emotional needs of the child, *except that the*
29 *use of medical cannabis in accordance with section 10, and amendments*
30 *thereto, shall not be considered to render the parent unable to care for the*
31 *ongoing physical, mental or emotional needs of the child;*

32 (4) physical, mental or emotional abuse or neglect or sexual abuse of
33 a child;

34 (5) conviction of a felony and imprisonment;

35 (6) unexplained injury or death of another child or stepchild of the
36 parent or any child in the care of the parent at the time of injury or death;

37 (7) failure of reasonable efforts made by appropriate public or private
38 agencies to rehabilitate the family;

39 (8) lack of effort on the part of the parent to adjust the parent's
40 circumstances, conduct or conditions to meet the needs of the child; and

41 (9) whether, as a result of the actions or inactions attributable to the
42 parent and one or more of the factors listed in subsection (c) apply, the
43 child has been in the custody of the secretary and placed with neither

1 parent for 15 of the most recent 22 months beginning 60 days after the
2 date on which a child in the secretary's custody was removed from the
3 child's home.

4 (c) In addition to the foregoing, when a child is not in the physical
5 custody of a parent, the court, shall consider, but is not limited to, the
6 following:

7 (1) Failure to assure care of the child in the parental home when able
8 to do so;

9 (2) failure to maintain regular visitation, contact or communication
10 with the child or with the custodian of the child;

11 (3) failure to carry out a reasonable plan approved by the court
12 directed toward the integration of the child into a parental home; and

13 (4) failure to pay a reasonable portion of the cost of substitute
14 physical care and maintenance based on ability to pay.

15 In making the above determination, the court may disregard incidental
16 visitations, contacts, communications or contributions.

17 (d) A finding of unfitness may be made as provided in this section if
18 the court finds that the parents have abandoned the child, the custody of
19 the child was surrendered pursuant to K.S.A. 38-2282, and amendments
20 thereto, or the child was left under such circumstances that the identity of
21 the parents is unknown and cannot be ascertained, despite diligent
22 searching, and the parents have not come forward to claim the child within
23 three months after the child is found.

24 (e) If a person is convicted of a felony in which sexual intercourse
25 occurred, or if a juvenile is adjudicated a juvenile offender because of an
26 act which, if committed by an adult, would be a felony in which sexual
27 intercourse occurred, and as a result of the sexual intercourse, a child is
28 conceived, a finding of unfitness may be made.

29 (f) The existence of any one of the above factors standing alone may,
30 but does not necessarily, establish grounds for termination of parental
31 rights.

32 (g) (1) If the court makes a finding of unfitness, the court shall
33 consider whether termination of parental rights as requested in the petition
34 or motion is in the best interests of the child. In making the determination,
35 the court shall give primary consideration to the physical, mental and
36 emotional health of the child. If the physical, mental or emotional needs of
37 the child would best be served by termination of parental rights, the court
38 shall so order. A termination of parental rights under the code shall not
39 terminate the right of a child to inherit from or through a parent. Upon
40 such termination all rights of the parent to such child, including, such
41 parent's right to inherit from or through such child, shall cease.

42 (2) If the court terminates parental rights, the court may authorize
43 adoption pursuant to K.S.A. 38-2270, and amendments thereto,

1 appointment of a permanent custodian pursuant to K.S.A. 38-2272, and
2 amendments thereto, or continued permanency planning.

3 (3) If the court does not terminate parental rights, the court may
4 authorize appointment of a permanent custodian pursuant to K.S.A. 38-
5 2272, and amendments thereto, or continued permanency planning.

6 (h) If a parent is convicted of an offense as provided in K.S.A. 38-
7 2271(a)(7), and amendments thereto, or is adjudicated a juvenile offender
8 because of an act which if committed by an adult would be an offense as
9 provided in K.S.A. 38-2271(a)(7), and amendments thereto, and if the
10 victim was the other parent of a child, the court may disregard such
11 convicted or adjudicated parent's opinions or wishes in regard to the
12 placement of such child.

13 (i) A record shall be made of the proceedings.

14 (j) When adoption, proceedings to appoint a permanent custodian or
15 continued permanency planning has been authorized, the person or agency
16 awarded custody of the child shall within 30 days submit a written plan for
17 permanent placement which shall include measurable objectives and time
18 schedules.

19 Sec. 77. K.S.A. 41-201 is hereby amended to read as follows: 41-201.

20 (a) The director of ~~alcoholic beverage~~ *alcohol and cannabis* control and
21 agents and employees of the director designated by the director, with the
22 approval of the secretary of revenue, are hereby vested with the power and
23 authority of peace and police officers, in the execution of the duties
24 imposed upon the director of ~~alcoholic beverage~~ *alcohol and cannabis*
25 control by this act and in enforcing the provisions of this act.

26 (b) The director and each agent and employee designated by the
27 director under subsection (a), with the approval of the secretary of
28 revenue, shall have the authority to make arrests, conduct searches and
29 seizures and carry firearms while investigating violations of this act and
30 during the routine conduct of their duties as determined by the director or
31 designee. In addition to the above, the director and such agents and
32 employees shall have the authority to make arrests, conduct searches and
33 seizures and generally to enforce all the criminal laws of the state as
34 violations of those laws are encountered by such employees or agents
35 during the routine performance of their duties. In addition to or in lieu of
36 the above, the director and the director's agents and employees shall have
37 the authority to issue notices to appear pursuant to K.S.A. 22-2408, and
38 amendments thereto. No agent or employee of the director shall be
39 certified to carry firearms under the provisions of this section without
40 having first successfully completed the firearm training course or courses
41 prescribed for law enforcement officers under ~~subsection (a)~~ of K.S.A. 74-
42 5604a(a), and amendments thereto. The director may adopt rules and
43 regulations prescribing other training required for such agents or

1 employees.

2 (c) The attorney general shall appoint, with the approval of the
3 secretary of revenue, ~~an two or more assistant-attorney attorneys~~ general
4 who shall be the ~~attorney attorneys~~ for the director of ~~alcoholic beverage~~
5 *alcohol and cannabis* control and the division of ~~alcoholic beverage~~
6 *alcohol and cannabis* control, and who shall receive an annual salary fixed
7 by the attorney general with the approval of the director of ~~alcoholic~~
8 ~~beverage~~ *alcohol and cannabis* control and the state finance council.

9 Sec. 78. K.S.A. 44-501 is hereby amended to read as follows: 44-
10 501. (a) (1) Compensation for an injury shall be disallowed if such
11 injury to the employee results from:

12 (A) The employee's deliberate intention to cause such injury;

13 (B) the employee's willful failure to use a guard or protection against
14 accident or injury which is required pursuant to any statute and provided
15 for the employee;

16 (C) the employee's willful failure to use a reasonable and proper
17 guard and protection voluntarily furnished the employee by the employer;

18 (D) the employee's reckless violation of their employer's workplace
19 safety rules or regulations; or

20 (E) the employee's voluntary participation in fighting or horseplay
21 with a co-employee for any reason, work related or otherwise.

22 (2) ~~Subparagraphs (B) and (C) of paragraph (1) of subsection (a)~~
23 *Subsections (a)(1)(B) and (a)(1)(C)* shall not apply when it was reasonable
24 under the totality of the circumstances to not use such equipment, or if the
25 employer approved the work engaged in at the time of an accident or
26 injury to be performed without such equipment.

27 (b) (1) (A) The employer shall not be liable under the workers
28 compensation act where the injury, disability or death was contributed to
29 by the employee's use or consumption of alcohol or any drugs, chemicals
30 or any other compounds or substances, including, but not limited to, any
31 drugs or medications ~~which~~ *that* are available to the public without a
32 prescription from a health care provider, prescription drugs or medications,
33 any form or type of narcotic drugs, marijuana, stimulants, depressants or
34 hallucinogens.

35 (B) (i) In the case of drugs or medications which are available to the
36 public without a prescription from a health care provider and prescription
37 drugs or medications, compensation shall not be denied if the employee
38 can show that such drugs or medications were being taken or used in
39 therapeutic doses and there have been no prior incidences of the
40 employee's impairment on the job as the result of the use of such drugs or
41 medications within the previous 24 months.

42 (ii) *In the case of cannabis, including any cannabis derivatives,*
43 *compensation shall not be denied if the employee is registered as a patient*

1 *pursuant to section 8, and amendments thereto, such cannabis or cannabis*
 2 *derivative was used in accordance with the medical cannabis regulation*
 3 *act, section 1 et seq., and amendments thereto, and there has been no*
 4 *prior incidence of the employee's impairment on the job as a result of the*
 5 *use of such cannabis or cannabis derivative within the immediately*
 6 *preceding 24 months.*

7 (C) It shall be conclusively presumed that the employee was impaired
 8 due to alcohol or drugs if it is shown that, at the time of the injury, the
 9 employee had an alcohol concentration of .04 or more, or a GCMS
 10 confirmatory test by quantitative analysis showing a concentration at or
 11 above the levels shown on the following chart for the drugs of abuse listed:

	Confirmatory test cutoff levels (ng/ml)
15 Marijuana metabolite ¹	15
16 Cocaine metabolite ²	150
17 Opiates:	
18 Morphine	2000
19 Codeine	2000
20 6-Acetylmorphine ⁴³	10 ng/ml
21 Phencyclidine	25
22 Amphetamines:	
23 Amphetamine	500
24 Methamphetamine ³⁴	500

25 ¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid.

26 ² Benzoylcegonine.

27 ³ ~~Specimen must also contain amphetamine at a concentration greater~~
 28 ~~than or equal to 200 ng/ml Test for 6-AM when morphine concentration~~
 29 ~~exceeds 2,000 ng/ml.~~

30 ⁴ ~~Test for 6-AM when morphine concentration exceeds 2,000 ng/ml-~~
 31 ~~Specimen must also contain amphetamine at a concentration greater~~
 32 ~~than or equal to 200 ng/ml.~~

33 (D) If it is shown that the employee was impaired pursuant to
 34 subsection (b)(1)(C) at the time of the injury, there shall be a rebuttable
 35 presumption that the accident, injury, disability or death was contributed to
 36 by such impairment. The employee may overcome the presumption of
 37 contribution by clear and convincing evidence.

38 (E) An employee's refusal to submit to a chemical test at the request
 39 of the employer shall result in the forfeiture of benefits under the workers
 40 compensation act if the employer had sufficient cause to suspect the use of
 41 alcohol or drugs by the claimant or if the employer's policy clearly
 42 authorizes post-injury testing.

43 (2) The results of a chemical test shall be admissible evidence to

1 prove impairment if the employer establishes that the testing was done
2 under any of the following circumstances:

3 (A) As a result of an employer mandated drug testing policy, in place
4 in writing prior to the date of accident or injury, requiring any worker to
5 submit to testing for drugs or alcohol;

6 (B) during an autopsy or in the normal course of medical treatment
7 for reasons related to the health and welfare of the injured worker and not
8 at the direction of the employer;

9 (C) the worker, prior to the date and time of the accident or injury,
10 gave written consent to the employer that the worker would voluntarily
11 submit to a chemical test for drugs or alcohol following any accident or
12 injury;

13 (D) the worker voluntarily agrees to submit to a chemical test for
14 drugs or alcohol following any accident or injury; or

15 (E) as a result of federal or state law or a federal or state rule or
16 regulation having the force and effect of law requiring a post-injury testing
17 program and such required program was properly implemented at the time of
18 testing.

19 (3) Notwithstanding subsection (b)(2), the results of a chemical test
20 performed on a sample collected by an employer shall not be admissible
21 evidence to prove impairment unless the following conditions are met:

22 (A) The test sample was collected within a reasonable time following
23 the accident or injury;

24 (B) the collecting and labeling of the test sample was performed by or
25 under the supervision of a licensed health care professional;

26 (C) the test was performed by a laboratory approved by the United
27 States department of health and human services or licensed by the
28 department of health and environment, except that a blood sample may be
29 tested for alcohol content by a laboratory commonly used for that purpose
30 by state law enforcement agencies;

31 (D) the test was confirmed by gas chromatography-mass
32 spectroscopy or other comparably reliable analytical method, except that
33 no such confirmation is required for a blood alcohol sample;

34 (E) the foundation evidence must establish, beyond a reasonable
35 doubt, that the test results were from the sample taken from the employee;
36 and

37 (F) a split sample sufficient for testing shall be retained and made
38 available to the employee within 48 hours of a positive test.

39 (c) (1) Except as provided in paragraph (2), compensation shall not
40 be paid in case of coronary or coronary artery disease or cerebrovascular
41 injury unless it is shown that the exertion of the work necessary to
42 precipitate the disability was more than the employee's usual work in the
43 course of the employee's regular employment.

1 (2) For events occurring on or after July 1, 2014, in the case of a
2 firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto,
3 or a law enforcement officer as defined by K.S.A. 74-5602, and
4 amendments thereto, coronary or coronary artery disease or
5 cerebrovascular injury shall be compensable if:

6 (A) The injury can be identified as caused by a specific event
7 occurring in the course and scope of employment;

8 (B) the coronary or cerebrovascular injury occurred within 24 hours
9 of the specific event; and

10 (C) the specific event was the prevailing factor in causing the
11 coronary or coronary artery disease or cerebrovascular injury.

12 (d) Except as provided in the workers compensation act, no
13 construction design professional who is retained to perform professional
14 services on a construction project or any employee of a construction
15 design professional who is assisting or representing the construction
16 design professional in the performance of professional services on the site
17 of the construction project, shall be liable for any injury resulting from the
18 employer's failure to comply with safety standards on the construction
19 project for which compensation is recoverable under the workers
20 compensation act, unless responsibility for safety practices is specifically
21 assumed by contract. The immunity provided by this subsection to any
22 construction design professional shall not apply to the negligent
23 preparation of design plans or specifications.

24 (e) An award of compensation for permanent partial impairment,
25 work disability, or permanent total disability shall be reduced by the
26 amount of functional impairment determined to be preexisting. Any such
27 reduction shall not apply to temporary total disability, nor shall it apply to
28 compensation for medical treatment.

29 (1) Where workers compensation benefits have previously been
30 awarded through settlement or judicial or administrative determination in
31 Kansas, the percentage basis of the prior settlement or award shall
32 conclusively establish the amount of functional impairment determined to
33 be preexisting. Where workers compensation benefits have not previously
34 been awarded through settlement or judicial or administrative
35 determination in Kansas, the amount of preexisting functional impairment
36 shall be established by competent evidence.

37 (2) In all cases, the applicable reduction shall be calculated as
38 follows:

39 (A) If the preexisting impairment is the result of injury sustained
40 while working for the employer against whom workers compensation
41 benefits are currently being sought, any award of compensation shall be
42 reduced by the current dollar value attributable under the workers
43 compensation act to the percentage of functional impairment determined to

1 be preexisting. The "current dollar value" shall be calculated by
2 multiplying the percentage of preexisting impairment by the compensation
3 rate in effect on the date of the accident or injury against which the
4 reduction will be applied.

5 (B) In all other cases, the employer against whom benefits are
6 currently being sought shall be entitled to a credit for the percentage of
7 preexisting impairment.

8 (f) If the employee receives, whether periodically or by lump sum,
9 retirement benefits under the federal social security act or retirement
10 benefits from any other retirement system, program, policy or plan which
11 is provided by the employer against which the claim is being made, any
12 compensation benefit payments which the employee is eligible to receive
13 under the workers compensation act for such claim shall be reduced by the
14 weekly equivalent amount of the total amount of all such retirement
15 benefits, less any portion of any such retirement benefit, other than
16 retirement benefits under the federal social security act, that is attributable
17 to payments or contributions made by the employee, but in no event shall
18 the workers compensation benefit be less than the workers compensation
19 benefit payable for the employee's percentage of functional impairment.
20 Where the employee elects to take retirement benefits in a lump sum, the
21 lump sum payment shall be amortized at the rate of 4% per year over the
22 employee's life expectancy to determine the weekly equivalent value of the
23 benefits.

24 Sec. 79. K.S.A. 44-1015 is hereby amended to read as follows: 44-
25 1015. As used in this act, unless the context otherwise requires:

26 (a) "Commission" means the Kansas human rights commission.

27 (b) "Real property" means and includes:

28 (1) All vacant or unimproved land; and

29 (2) any building or structure ~~which~~ *that* is occupied or designed or
30 intended for occupancy, or any building or structure having a portion
31 thereof ~~which~~ *that* is occupied or designed or intended for occupancy.

32 (c) "Family" includes a single individual.

33 (d) "Person" means an individual, corporation, partnership,
34 association, labor organization, legal representative, mutual company,
35 joint-stock company, trust, unincorporated organization, trustee, trustee in
36 bankruptcy, receiver and fiduciary.

37 (e) "To rent" means to lease, to sublease, to let and otherwise to grant
38 for a consideration the right to occupy premises not owned by the
39 occupant.

40 (f) "Discriminatory housing practice" means any act that is unlawful
41 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, *or*
42 *section 55, and amendments thereto.*

43 (g) "Person aggrieved" means any person who claims to have been

1 injured by a discriminatory housing practice or believes that such person
2 will be injured by a discriminatory housing practice that is about to occur.

3 (h) "Disability" ~~has the meaning provided by~~ *means the same as*
4 *defined in K.S.A. 44-1002 and amendments thereto.*

5 (i) "Familial status" means having one or more individuals less than
6 18 years of age domiciled with:

7 (1) A parent or another person having legal custody of such
8 individual or individuals; or

9 (2) the designee of such parent or other person having such custody,
10 with the written permission of such parent or other person.

11 Sec. 80. K.S.A. 2022 Supp. 65-1120 is hereby amended to read as
12 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may
13 deny, revoke, limit or suspend any license or authorization to practice
14 nursing as a registered professional nurse, as a licensed practical nurse, as
15 an advanced practice registered nurse or as a registered nurse anesthetist
16 that is issued by the board or applied for under this act, or may require the
17 licensee to attend a specific number of hours of continuing education in
18 addition to any hours the licensee may already be required to attend or
19 may publicly or privately censure a licensee or holder of a temporary
20 permit or authorization, if the applicant, licensee or holder of a temporary
21 permit or authorization is found after hearing:

22 (1) To be guilty of fraud or deceit in practicing nursing or in
23 procuring or attempting to procure a license to practice nursing;

24 (2) to have been guilty of a felony or to have been guilty of a
25 misdemeanor involving an illegal drug offense unless the applicant or
26 licensee establishes sufficient rehabilitation to warrant the public trust,
27 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
28 license or authorization to practice nursing as a licensed professional
29 nurse, as a licensed practical nurse, as an advanced practice registered
30 nurse or registered nurse anesthetist shall be granted to a person with a
31 felony conviction for a crime against persons as specified in article 34 of
32 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
33 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments*
34 *thereto*, or K.S.A. 2022 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and
35 amendments thereto;

36 (3) has been convicted or found guilty or has entered into an agreed
37 disposition of a misdemeanor offense related to the practice of nursing as
38 determined on a case-by-case basis;

39 (4) to have committed an act of professional incompetency as defined
40 in subsection (e);

41 (5) to be unable to practice with skill and safety due to current abuse
42 of drugs or alcohol;

43 (6) to be a person who has been adjudged in need of a guardian or

1 conservator, or both, under the act for obtaining a guardian or conservator,
2 or both, and who has not been restored to capacity under that act;

3 (7) to be guilty of unprofessional conduct as defined by rules and
4 regulations of the board;

5 (8) to have willfully or repeatedly violated the provisions of the
6 Kansas nurse practice act or any rules and regulations adopted pursuant to
7 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

8 (9) to have a license to practice nursing as a registered nurse or as a
9 practical nurse denied, revoked, limited or suspended, or to be publicly or
10 privately censured, by a licensing authority of another state, agency of the
11 United States government, territory of the United States or country or to
12 have other disciplinary action taken against the applicant or licensee by a
13 licensing authority of another state, agency of the United States
14 government, territory of the United States or country. A certified copy of
15 the record or order of public or private censure, denial, suspension,
16 limitation, revocation or other disciplinary action of the licensing authority
17 of another state, agency of the United States government, territory of the
18 United States or country shall constitute prima facie evidence of such a
19 fact for purposes of this paragraph (9); or

20 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to
21 its repeal, or K.S.A. 2022 Supp. 21-5407, and amendments thereto, as
22 established by any of the following:

23 (A) A copy of the record of criminal conviction or plea of guilty for a
24 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2022
25 Supp. 21-5407, and amendments thereto.

26 (B) A copy of the record of a judgment of contempt of court for
27 violating an injunction issued under K.S.A. 2022 Supp. 60-4404, and
28 amendments thereto.

29 (C) A copy of the record of a judgment assessing damages under
30 K.S.A. 2022 Supp. 60-4405, and amendments thereto.

31 (b) *Proceedings*. Upon filing of a sworn complaint with the board
32 charging a person with having been guilty of any of the unlawful practices
33 specified in subsection (a), two or more members of the board shall
34 investigate the charges, or the board may designate and authorize an
35 employee or employees of the board to conduct an investigation. After
36 investigation, the board may institute charges. If an investigation, in the
37 opinion of the board, reveals reasonable grounds for believing the
38 applicant or licensee is guilty of the charges, the board shall fix a time and
39 place for proceedings, which shall be conducted in accordance with the
40 provisions of the Kansas administrative procedure act.

41 (c) *Witnesses*. No person shall be excused from testifying in any
42 proceedings before the board under this act or in any civil proceedings
43 under this act before a court of competent jurisdiction on the ground that

1 such testimony may incriminate the person testifying, but such testimony
2 shall not be used against the person for the prosecution of any crime under
3 the laws of this state except the crime of perjury as defined in K.S.A. 2022
4 Supp. 21-5903, and amendments thereto.

5 (d) *Costs*. If final agency action of the board in a proceeding under
6 this section is adverse to the applicant or licensee, the costs of the board's
7 proceedings shall be charged to the applicant or licensee as in ordinary
8 civil actions in the district court, but if the board is the unsuccessful party,
9 the costs shall be paid by the board. Witness fees and costs may be taxed
10 by the board according to the statutes relating to procedure in the district
11 court. All costs accrued by the board, when it is the successful party, and
12 ~~which that~~ the attorney general certifies cannot be collected from the
13 applicant or licensee shall be paid from the board of nursing fee fund. All
14 moneys collected following board proceedings shall be credited in full to
15 the board of nursing fee fund.

16 (e) *Professional incompetency defined*. As used in this section,
17 "professional incompetency" means:

18 (1) One or more instances involving failure to adhere to the
19 applicable standard of care to a degree ~~which that~~ constitutes gross
20 negligence, as determined by the board;

21 (2) repeated instances involving failure to adhere to the applicable
22 standard of care to a degree ~~which that~~ constitutes ordinary negligence, as
23 determined by the board; or

24 (3) a pattern of practice or other behavior ~~which that~~ demonstrates a
25 manifest incapacity or incompetence to practice nursing.

26 (f) *Criminal justice information*. The board upon request shall receive
27 from the Kansas bureau of investigation such criminal history record
28 information relating to arrests and criminal convictions as necessary for
29 the purpose of determining initial and continuing qualifications of
30 licensees of and applicants for licensure by the board.

31 (g) *Medical cannabis exemption*. *The board shall not deny, revoke,*
32 *limit or suspend the license of any licensee or publicly or privately*
33 *censure any licensee for:*

34 (1) *Advising a patient about the possible benefits and risks of using*
35 *medical cannabis, or that using medical cannabis may mitigate the*
36 *patient's symptoms; or*

37 (2) *any actions as a registered patient or caregiver pursuant to the*
38 *medical cannabis regulation act, section 1 et seq., and amendments*
39 *thereto, including whether the licensee possesses or has possessed, or uses*
40 *or has used medical cannabis in accordance with such act.*

41 Sec. 81. K.S.A. 65-28b08 is hereby amended to read as follows: 65-
42 28b08. (a) The board may deny, revoke, limit or suspend any license or
43 authorization issued to a certified nurse-midwife to engage in the

1 independent practice of midwifery that is issued by the board or applied
2 for under this act, or may publicly censure a licensee or holder of a
3 temporary permit or authorization, if the applicant or licensee is found
4 after a hearing:

5 (1) To be guilty of fraud or deceit while engaging in the independent
6 practice of midwifery or in procuring or attempting to procure a license to
7 engage in the independent practice of midwifery;

8 (2) to have been found guilty of a felony or to have been found guilty
9 of a misdemeanor involving an illegal drug offense unless the applicant or
10 licensee establishes sufficient rehabilitation to warrant the public trust,
11 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
12 license or authorization to practice and engage in the independent practice
13 of midwifery shall be granted to a person with a felony conviction for a
14 crime against persons as specified in article 34 of chapter 21 of the Kansas
15 Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the
16 Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2022 Supp.
17 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

18 (3) to have committed an act of professional incompetence as defined
19 in subsection (c);

20 (4) to be unable to practice the healing arts with reasonable skill and
21 safety by reason of impairment due to physical or mental illness or
22 condition or use of alcohol, drugs or controlled substances. All
23 information, reports, findings and other records relating to impairment
24 shall be confidential and not subject to discovery or release to any person
25 or entity outside of a board proceeding. The provisions of this paragraph
26 providing confidentiality of records shall expire on July 1, 2022, unless the
27 legislature reviews and reenacts such provisions pursuant to K.S.A. 45-
28 229, and amendments thereto, prior to July 1, 2022;

29 (5) to be a person who has been adjudged in need of a guardian or
30 conservator, or both, under the act for obtaining a guardian or conservator,
31 or both, and who has not been restored to capacity under that act;

32 (6) to be guilty of unprofessional conduct as defined by rules and
33 regulations of the board;

34 (7) to have willfully or repeatedly violated the provisions of the
35 Kansas nurse practice act or any rules and regulations adopted pursuant to
36 that act;

37 (8) to have a license to practice nursing as a registered nurse or as a
38 practical nurse denied, revoked, limited or suspended, or to have been
39 publicly or privately censured, by a licensing authority of another state,
40 agency of the United States government, territory of the United States or
41 country, or to have other disciplinary action taken against the applicant or
42 licensee by a licensing authority of another state, agency of the United
43 States government, territory of the United States or country. A certified

1 copy of the record or order of public or private censure, denial, suspension,
2 limitation, revocation or other disciplinary action of the licensing authority
3 of another state, agency of the United States government, territory of the
4 United States or country shall constitute prima facie evidence of such a
5 fact for purposes of this paragraph; or

6 (9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its
7 repeal, or K.S.A. 2022 Supp. 21-5407, and amendments thereto, as
8 established by any of the following:

9 (A) A copy of the record of criminal conviction or plea of guilty to a
10 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2022
11 Supp. 21-5407, and amendments thereto;

12 (B) a copy of the record of a judgment of contempt of court for
13 violating an injunction issued under K.S.A. 60-4404, and amendments
14 thereto; or

15 (C) a copy of the record of a judgment assessing damages under
16 K.S.A. 60-4405, and amendments thereto.

17 (b) No person shall be excused from testifying in any proceedings
18 before the board under this act or in any civil proceedings under this act
19 before a court of competent jurisdiction on the ground that such testimony
20 may incriminate the person testifying, but such testimony shall not be used
21 against the person for the prosecution of any crime under the laws of this
22 state, except the crime of perjury as defined in K.S.A. 2022 Supp. 21-
23 5903, and amendments thereto.

24 (c) *The board shall not deny, revoke, limit or suspend any license or*
25 *authorization issued to a certified nurse-midwife or publicly censure a*
26 *certified nurse-midwife for any of the following:*

27 (1) *Advising a patient about the possible benefits and risks of using*
28 *medical cannabis, or that using medical cannabis may mitigate the*
29 *patient's symptoms; or*

30 (2) *any actions as a registered patient or caregiver pursuant to the*
31 *medical cannabis regulation act, section 1 et seq., and amendments*
32 *thereto, including whether the licensee possesses or has possessed, or uses*
33 *or has used medical cannabis in accordance with such act.*

34 (d) As used in this section, "professional incompetency" means:

35 (1) One or more instances involving failure to adhere to the
36 applicable standard of care to a degree ~~which~~ *that* constitutes gross
37 negligence, as determined by the board;

38 (2) repeated instances involving failure to adhere to the applicable
39 standard of care to a degree ~~which~~ *that* constitutes ordinary negligence, as
40 determined by the board; or

41 (3) a pattern of practice or other behavior ~~which~~ *that* demonstrates a
42 manifest incapacity or incompetence to engage in the independent practice
43 of midwifery.

1 ~~(d)~~(e) The board, upon request, shall receive from the Kansas bureau of
2 investigation such criminal history record information relating to arrests
3 and criminal convictions, as necessary, for the purpose of determining
4 initial and continuing qualifications of licensees and applicants for
5 licensure by the board.

6 ~~(e)~~—The provisions of this section shall become effective on January 1,
7 2017.

8 Sec. 82. K.S.A. 79-5201 is hereby amended to read as follows: 79-
9 5201. As used in ~~this act~~ *article 52 of chapter 79 of the Kansas Statutes*
10 *Annotated, and amendments thereto*:

11 (a) "Marijuana" means any marijuana, whether real or counterfeit, as
12 defined by K.S.A. 2022 Supp. 21-5701, and amendments thereto, which is
13 held, possessed, transported, transferred, sold or offered to be sold in
14 violation of the laws of Kansas;

15 ~~(b)~~—"Controlled substance" means any drug or substance, whether real
16 or counterfeit, as defined by K.S.A. 2022 Supp. 21-5701, and amendments
17 thereto, ~~which~~ *that* is held, possessed, transported, transferred, sold or
18 offered to be sold in violation of the laws of Kansas. Such term shall not
19 include marijuana;

20 ~~(e)~~(b) "dealer" means any person who, in violation of Kansas law,
21 manufactures, produces, ships, transports or imports into Kansas or in any
22 manner acquires or possesses more than 28 grams of marijuana, or more
23 than one gram of any controlled substance, or 10 or more dosage units of
24 any controlled substance ~~which~~ *that* is not sold by weight;

25 ~~(d)~~(c) "domestic marijuana plant" means any cannabis plant at any
26 level of growth ~~which~~ *that* is harvested or tended, manicured, irrigated,
27 fertilized or where there is other evidence that it has been treated in any
28 other way in an effort to enhance growth;

29 (d) "*marijuana*" means any marijuana, whether real or counterfeit,
30 as defined in K.S.A. 2022 Supp. 21-5701, and amendments thereto, that is
31 held, possessed, transported, transferred, sold or offered for sale in
32 violation of the laws of Kansas; and

33 (e) "*medical cannabis*" means the same as defined in section 2, and
34 *amendments thereto*.

35 Sec. 83. K.S.A. 79-5210 is hereby amended to read as follows: 79-
36 5210. Nothing in this act requires persons registered under article 16 of
37 chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*, or
38 otherwise lawfully in possession of marijuana, *medical cannabis* or a
39 controlled substance to pay the tax required under this act.

40 Sec. 84. K.S.A. 38-2269, 41-201, 44-501, 44-1015, 65-28b08, 79-
41 5201 and 79-5210 and K.S.A. 2022 Supp. 19-101a, 21-5703, 21-5705, 21-
42 5706, 21-5707, 21-5709, 21-5710, 23-3201 and 65-1120 are hereby
43 repealed.

1 Sec. 85. This act shall take effect and be in force from and after July
2 1, 2024, and its publication in the statute book.