

SENATE BILL No. 195

By Committee on Public Health and Welfare

2-15

1 AN ACT enacting the Kansas safe access act; providing for the safe, legal,
2 humanitarian and therapeutic use of cannabis for medical conditions;
3 providing for the registration and functions of compassion centers;
4 authorizing the issuance of identification cards; establishing the
5 compassion board; providing for administration of the act by the
6 department of health and environment.

7
8 WHEREAS, Cannabis has been used as a medicine for at least 5,000
9 years and can be effective for serious medical conditions for which
10 conventional medications fail to provide relief; and

11 WHEREAS, Modern medical research has shown that cannabis can
12 slow the progression of such serious diseases as Alzheimer's and
13 Parkinson's, stop HIV and cancer cells from spreading; has both anti-
14 inflammatory and pain-relieving properties; can alleviate the symptoms of
15 epilepsy, post traumatic stress disorder and multiple sclerosis; is useful in
16 the treatment of depression, anxiety and other mental disorders; and can
17 help reverse neurological damage from brain injuries and stroke; and

18 WHEREAS, The world health organization has acknowledged the
19 therapeutic effects of cannabinoids, the primary active compounds found
20 in cannabis, including as an anti-depressant, appetite stimulant,
21 anticonvulsant and anti-spasmodic, and identified cannabinoids as
22 beneficial in the treatment of asthma, glaucoma, and nausea and vomiting
23 related to illnesses such as cancer and AIDS; and

24 WHEREAS, The national institutes of health, the institute of medicine
25 and the American college of physicians have issued statements of support
26 for further research and development of cannabis medicine; and

27 WHEREAS, The American medical association has called for the
28 review of the classification of cannabis as a schedule I controlled
29 substance to allow for clinical research and the development of
30 cannabinoid-based medicines; and

31 WHEREAS, The national cancer institute has concluded that cannabis
32 has antiemetic effects and is beneficial for appetite stimulation, pain relief
33 and improved sleep among cancer patients; and

34 WHEREAS, The American herbal pharmacopoeia and the American
35 herbal products association have developed qualitative standards for the
36 use of cannabis as a botanical medicine; and

1 WHEREAS, The United States supreme court has long noted that states
2 may operate as "laboratories of democracy" in the development of
3 innovative public policies; and

4 WHEREAS, Twenty-eight states and the District of Columbia have
5 enacted laws that allow for the medical use of cannabis; and

6 WHEREAS, Seventeen additional states have enacted laws authorizing
7 the medical use of therapeutic compounds extracted from the cannabis
8 plant; and

9 WHEREAS, More than 17 years of state-level experimentation
10 provides a guide for state, and federal law and policy related to the
11 medical use of cannabis; and

12 WHEREAS, The American legion, America's oldest veteran
13 organization, has passed a resolution calling on congress to amend its laws
14 to "at a minimum recognize cannabis as a drug with potential medical
15 value"; and

16 WHEREAS, Accredited educational curricula concerning the medical
17 use of cannabis have been established, which meet continuing medical
18 education requirements for practicing physicians; and

19 WHEREAS, Congress has prohibited the federal department of justice
20 from using funds to interfere with and prosecute those acting in
21 compliance with their state medical cannabis laws, and the department of
22 justice has issued guidance to U.S. attorneys indicating that enforcement
23 of the controlled substances act is not a priority when individual patients
24 and their medical care providers are in compliance with state law, and that
25 federal prosecutors should defer to state and local enforcement so long as a
26 viable state regulatory scheme is in place; and

27 WHEREAS, Data from the federal bureau of investigation's uniform
28 crime reports and the compendium of federal justice statistics show that
29 approximately 99 out of every 100 cannabis arrests in the United States are
30 made under state law, rather than under federal law therefore,
31 consequently, changing state law will have the practical effect of
32 protecting from arrest the vast majority of seriously ill patients who have a
33 medical need to use cannabis.

34 Now, therefore:

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

36 Section 1. (a) Sections 1 through 22, and amendments thereto, shall
37 be known as the Kansas safe act access act.

38 (b) The legislature of the state of Kansas declares that the Kansas safe
39 access act is enacted pursuant to the police power of the state, to protect
40 the health of its citizens that is reserved to the state of Kansas and its
41 people under the 10th amendment to the constitution of the United States.

42 Sec. 2. Definitions. The following definitions of terms shall apply to
43 all rules promulgated pursuant to the Kansas safe access act, unless the

1 context requires otherwise:

2 (a) "Adverse employment action" means refusing to hire or employ a
3 qualified registered patient, barring or discharging a qualified registered
4 patient from employment, requiring a qualified registered patient to retire
5 from employment or discriminating against a qualified registered patient in
6 compensation or in terms, conditions or privileges of employment.

7 (b) "Cannabinoid potency profile" means the results of a liquid
8 chromatography (HPLC) column with diode array detector (DAD) testing
9 of a specific batch of medical cannabis and medical cannabis products to
10 ensure accurate quantification of cannabinoids for dosing and labeling
11 accuracy.

12 (c) "Cannabis" or "Medical cannabis" means all parts of all varieties
13 of the plant cannabis whether growing or not, the seeds thereof, the resin
14 extracted from any part of the plant and every compound, manufacture,
15 salt, derivative, mixture or preparation of the plant, its seeds or resin. It
16 does not include the mature stalks of the plant, fiber produced from the
17 stalks, oil or cake made from the seeds of the plant, any other compound,
18 manufacture, salt, derivative, mixture or preparation of the mature stalks,
19 except the resin extracted therefrom, fiber, oil, cake or the sterilized seed
20 of the plant which is incapable of germination, used for medical
21 therapeutics.

22 (d) "Cannabis compliance agency" or "agency" means agency created
23 under section 21, and amendments thereto. The cannabis compliance
24 agency oversees all components of licensing, compliance and regulation
25 enforcement; is not a resource for the growing process and does not have
26 to give information pertaining to the growing process to patients or
27 caregivers as part of this act. The agency works in consultation with the
28 compassion board and is established as an agency under the Kansas
29 department of health and environment.

30 (e) "Cannabis infused products" or "cannabis-based products" or
31 "cannabis products" means products containing medical cannabis.

32 (f) "Certification" or "recommendation" means a document given by
33 medical provider to a patient which states patient has a condition or illness
34 that may be helped by medical cannabis.

35 (g) "Child-resistant" means special packaging that is designed or
36 constructed to be significantly difficult for children under five years of age
37 to open and not difficult for normal adults to use properly as defined by 16
38 C.F.R. 1700.20 (1995) and ASTM classification standard D3475-13,
39 <http://www.astm.org/Standards/D3475.htm>.

40 (h) "Cannabis resource commission" means the board created under
41 section 13, and amendments thereto. The cannabis resource commission
42 will report to the governor, be responsible for advising on and acting as a
43 resource for policy on behalf of patients, medical providers and the public;

1 with focus on continuous process improvement to better serve the needs of
2 all; to facilitate research, work with researchers, liaison with other Kansas
3 agencies and organizations, liaison with law enforcement, the Kansas
4 legislature and the cannabis compliance agency.

5 (i) "Compassion center" means a local, government regulated,
6 physical location, typically inside a retail storefront or office building in
7 which a person can purchase medical cannabis and medical cannabis
8 products for therapeutic use. A patient receives cannabis medication as
9 allowed per the patient's medical provider's recommendation.

10 (j) "Compassion center staff" means a principal officer, board
11 member, employee, volunteer or agent of a compassion center who has
12 been issued and possesses a valid identification card.

13 (k) "Cultivating caregiver" means the individual or entity, such as a
14 nursing home or hospice, designated by a registered qualifying patient
15 with an identification card, or primary caregiver with an identification
16 card, able to cultivate a patient's recommended amount of medical
17 cannabis on their behalf. Cultivating caregivers shall not exceed a limit of
18 10 patients without purchasing and implementing a seed to sale tracking
19 system and following ecologically sustainable guidelines.

20 (l) "Cultivation facility" means an entity licensed to cultivate, prepare
21 and package medical cannabis, and sell to compassion centers and medical
22 cannabis product manufacturers but not to consumers.

23 (m) "Cultivar" means a cannabis plant variety that has been produced
24 in cultivation by selective breeding.

25 (n) "Department" means the department of health and environment.

26 (o) "Distillation process material" means food grade alcohol and
27 CO₂, a liquid that has a flashpoint below 100 degrees Fahrenheit.

28 (p) "Ecologically sustainable pesticides" means pesticides approved
29 for organic agriculture. Banned pesticides include but are not limited to:
30 Myclobutanil, imidacloprid, avermectin, bifenthrin, etoxazole, and
31 azadirachtin.

32 (q) "Extract" is defined as the final product, derived by various
33 methods of separating plant material from chemical compounds.

34 (r) "Harvest batch lot" means a specifically identified quantity of
35 processed medical cannabis that is uniform in cultivar, cultivated using the
36 same ecologically sustainable herbicides, pesticides and fungicides and
37 harvested at the same time.

38 (s) "Identification card" means a document issued by the department
39 that identifies a person as a registered qualifying patient, registered
40 designated primary caregiver or employee of a registered compassion
41 center.

42 (t) "Identity statement and standardized graphic symbol," "identity
43 statement" means the name, or logo of the business as it is commonly

1 known and used in market positioning. A licensee may elect to have its
2 identity statement also serve as its standardized graphic symbol for
3 purposes of complying with this rule. The licensee shall maintain a record
4 of its identity statement and standardized graphic symbol and make such
5 information available to the cannabis compliance agency upon request.

6 (u) "Licensee" means any person or entity holding a license to
7 operate a compassion center, medical cannabis cultivation facility, medical
8 cannabis testing facility or manufacture medical cannabis products.

9 (v) "Medical cannabis concentrate" means a medical cannabis
10 concentrated form, manufactured by extraction, decoction or distillation,
11 available for purchase at compassion centers.

12 (w) "Medical cannabis products manufacturing facility" means any
13 site that manufactures medical cannabis based products.

14 (x) "Medical cannabis testing facility" means a testing laboratory that
15 is licensed by the cannabis compliance agency to conduct sampling and
16 analysis of medical cannabis and medical cannabis products.

17 (y) "Medical condition" means either a temporary disability or
18 illness, due to injury or surgery, or a permanent disability or illness which:

19 (1) Substantially limits the ability of the person to conduct one or
20 more major life activities as defined in the Americans with disabilities act
21 of 1990 (ADA)(public law 101-336); or

22 (2) if not alleviated, may cause serious harm to the patient's safety,
23 physical, or mental health.

24 (z) "Medical provider" means a physician, physician's assistant or an
25 advanced practice registered nurse who possesses a license in good
26 standing to practice medicine or osteopathy issued by the Kansas board of
27 healing arts or board of nursing and who has taken responsibility for an
28 aspect of the medical care, treatment, diagnosis, counseling or referral of a
29 patient and who has conducted a medical examination of that patient
30 before recording in the patient's medical record the physician's or
31 advanced practice registered nurse's assessment of whether the patient has
32 a medical condition where the medical use of cannabis is appropriate.

33 (aa) "Occupational licensee" means an individual trained in various
34 aspects of cannabis compliance, or cannabis product manufacturing
35 compliance.

36 (bb) "Optional premises" means a site for cultivation or
37 manufacturing other than the primary business site of a licensee.

38 (cc) "Patient," "qualifying patient" and "registered qualifying patient"
39 means a person who has been diagnosed by a medical provider as having a
40 debilitating medical condition and as such have qualified for coverage
41 under the Kansas safe access act, whether a temporary disability or illness,
42 due to injury or surgery, or a permanent disability or illness which
43 substantially limits the ability of the person to conduct one or more major

1 life activities, as defined in the Americans with disabilities act of 1990
2 (ADA)(public law 101-336); or if not alleviated, may cause serious harm
3 to the patient's safety or physical or mental health.

4 (dd) "Patient owned cooperative" or "cooperative" means an
5 organization that merely facilitates the collaborative efforts of patient and
6 caregiver members, including the allocation of costs and revenues. As
7 such, a cooperative is not a statutory entity, but as a practical matter it
8 might have to organize as some form of business to carry out its activities.
9 The cooperative should not purchase medical cannabis from, or sell to,
10 non-members; instead, it should only provide a means for facilitating or
11 coordinating transactions between members. Not every member of a
12 cooperative must participate in cultivation. Cities cannot use nuisance
13 abatement ordinances to impose a blanket ban on cooperatives, if the
14 cooperative cultivates on-site.

15 (ee) "Philanthropic equity investors" means enterprise level investors
16 seeking to provide nonprofits with the capital they need to scale impact
17 and intended to subsidize organizations until they reach a point when their
18 activities are fully sustained by commerce of cooperative members.

19 (ff) "Primary caregiver" means the individual or entity, designated by
20 a registered, qualifying patient who has consistently assumed
21 responsibility for the housing, health or safety of that patient or person,
22 and may include any of the following:

23 (1) A registered qualifying patient receives medical care or supportive
24 services, or both, from a licensed clinic, a licensed state government
25 institution clinic, a licensed health care facility, a licensed residential care
26 facility for persons with chronic life-threatening illness, a licensed
27 residential care facility for the elderly, a hospice or a licensed home health
28 agency, the owner or operator and any trained staff of a licensed clinic,
29 facility, hospice, or home health agency, group home or halfway house, if
30 designated as a primary caregiver by a registered qualifying patient;

31 (2) an individual who has been designated as a primary caregiver by
32 one or more registered qualifying patient(s);

33 (3) a primary caregiver shall be at least 18 years of age, unless the
34 primary caregiver is the parent of a minor child who is a registered
35 qualifying patient, or the primary caregiver is a person otherwise entitled
36 to make medical decisions under state law or it can be proven to the
37 cannabis compliance agency that no other viable option for a caregiver is
38 available.

39 (gg) "Production batch lots" means a group of medical cannabis-
40 based products created from the same production run.

41 (hh) "Radio Frequency Identification Tag" (RDIF Tag) means an
42 electronic tag that exchanges data with a RDIF reader through radio
43 waves; used for identification and tracking. An RFID system includes the

1 tag itself, a read/write device and a host system application for data
2 collection, processing and transmission.

3 (ii) "Seed to sale tracking system" means a technology platform
4 designed specifically for governments and regulatory agencies that will
5 collect and monitor the critical data needed to track compliance with
6 jurisdictional rules, laws and regulations governing cannabis-related
7 businesses. It is a software tracking system used to track the production,
8 transportation, destruction, and sales of legal cannabis in a system
9 allowing regulatory agencies to view reports in real time. It allows medical
10 cannabis businesses to utilize the commercial system as a business
11 platform which supports them in remaining fully compliant when tracking
12 all aspects of their day-to-day operations.

13 (jj) "Shipping container" means any container or wrapping used
14 solely for the transport of medical cannabis or medical cannabis-infused
15 product in bulk or in a quantity for other medical cannabis business.

16 (kk) "Third-party certification agencies" means third-party
17 certification agencies that offer certification for producers of ecologically
18 sustainable grown cannabis products to a private standard that is similar to
19 internationally accepted organic standards.

20 (ll) "Visiting qualifying patient" means a patient with a debilitating
21 medical condition who is not a resident of Kansas or who has been a
22 resident of Kansas less than 30 days.

23 (mm) "Written documentation" means accurate reproductions of
24 those portions of a patient's medical records that have been created by the
25 attending medical provider, that contain the information that the patient
26 may submit to the cannabis compliance agency or its designee as part of an
27 application for an identification card.

28 Sec. 3. The purpose of the Kansas safe access act. The purpose of this
29 act is to: (a) Provide legal protections to persons with medical conditions,
30 that medicate with cannabis to alleviate the symptoms of such medical
31 conditions under the supervision of a medical provider, and prohibits the
32 provisions of law making unlawful the possession, or cultivation of
33 cannabis from applying to a patient's primary caregiver, who possesses or
34 cultivates cannabis for the medical purposes of the patient upon the written
35 recommendation of their medical provider;

36 (b) allow for the regulated cultivation, processing, manufacture,
37 delivery, distribution and possession of cannabis as permitted by this act;

38 (c) make illegal the property seizure and forfeiture of qualifying
39 patients who use cannabis as a medical treatment, family members in their
40 homes or for the personal caregivers who may assist those patients, the
41 physicians and healthcare professionals who certify patients as qualifying
42 for medical use or the individuals who provide medical cannabis to
43 qualified patients or otherwise participate in accordance with state law and

1 regulations in the medical cannabis program;

2 (d) establish that neither the presence of cannabinoid components or
3 metabolites in a person's bodily fluids, nor conduct related to the medical
4 use of cannabis by a custodial or noncustodial parent, grandparent,
5 pregnant woman, breastfeeding mother, legal guardian, or other person
6 charged with the wellbeing of a child, or infant shall form the sole or
7 primary basis for any action or proceeding by a child welfare agency,
8 family or juvenile court because their child, or ward, is a medical cannabis
9 patient, or a newborn, or child of breastfeeding mother has presence of
10 cannabinoids because the mother is a medical cannabis patient. This
11 subsection shall apply only to conduct in compliance with the Kansas safe
12 access act;

13 (e) establish patient protection for the purposes of medical care,
14 including organ transplants, a qualifying patient's medical use of cannabis
15 does not constitute the use of an illicit substance, or otherwise disqualify a
16 registered qualifying patient from medical care, nor be used to violate a
17 registered qualifying patient on probation, or parole;

18 (f) establish protection for patients and caregivers, that unless
19 required by federal law, or required to obtain federal funding, no landlord
20 may refuse to rent a dwelling unit to a person or take action against a
21 tenant solely on the basis of an individual's status of a qualifying patient,
22 or identification card holder under this act;

23 (g) ensure that patient and caregiver insurance coverage of any type
24 shall not be endangered because of a person's status as a medical cannabis
25 patient;

26 (h) guarantee that medicine availability shall not be hampered to any
27 patient and that it shall be available to all medical cannabis patients in any
28 environment where other medications are allowed;

29 (i) establish that a patient or caregiver may assert the medical purpose
30 for using cannabis as a defense, or appeal, to any prosecution, or
31 conviction, of an offense involving cannabis intended for the patient's
32 medical use, and that this defense shall be presumed valid where the
33 evidence shows that:

34 (1) A medical provider has stated that, in the medical provider's
35 professional opinion, after having completed a full assessment of the
36 patient's medical history and current medical condition, the patient is likely
37 to receive, or would have received therapeutic or palliative benefit from
38 the medical use of cannabis to treat or alleviate the patient's medical
39 condition or symptoms associated with the patient's medical condition;

40 (2) the patient and the patient's designated primary caregiver, or
41 cultivating caregiver if any, were collectively in possession of a quantity of
42 cannabis that was no more than was reasonably necessary to ensure the
43 uninterrupted availability of cannabis for the purpose of treating or

1 alleviating the patient's medical condition or symptoms associated with the
2 patient's medical condition;

3 (3) the registered qualifying patient, cultivating caregiver, or
4 designated primary caregiver was engaged in the acquisition, possession,
5 cultivation, manufacture, use or transportation of cannabis, paraphernalia,
6 or both, relating to the administration of cannabis solely to treat or
7 alleviate the patient's medical condition or symptoms associated with the
8 patient's medical condition;

9 (4) the person may assert the medical purpose for using cannabis in a
10 motion to dismiss, and the charges shall be dismissed following an
11 evidentiary hearing where the person shows the elements listed in
12 paragraphs (1), (2) and (3); and

13 (5) if a patient demonstrates the patient's medical purpose for using
14 cannabis pursuant to this section the patient and the patient's designated
15 caregiver, or cultivating caregiver shall not be subject to the following for
16 the registered qualifying patient's use of cannabis for medical purposes:

17 (A) Disciplinary action by an occupational or professional licensing
18 board or bureau; or

19 (B) forfeiture of any interest in or right to property;

20 (j) recognize established federal protection for native American
21 growers, collectives and compassion centers. Kansas shall in no way
22 impede the rights of indigenous peoples;

23 (k) recognize that worker's compensation should cover medical
24 cannabis as it would all other medications;

25 (l) guarantee medical cannabis patients shall fully retain all rights,
26 including their second amendment rights; and

27 (m) establish that medical cannabis patients will be protected from
28 warrantless drug enforcement administration's medical record searches.

29 (n) This act shall remove cannabis (and all places listed as medical
30 cannabis) and all parts of all varieties of the plant cannabis whether
31 growing or not, the seeds thereof, the resin extracted from any part of the
32 plant and every compound, manufacture, salt, derivative, mixture or
33 preparation of the plant, its seeds or resin. It does not include the mature
34 stalks of the plant, fiber produced from the stalks, oil or cake made from
35 the seeds of the plant, any other compound, manufacture, salt, derivative,
36 mixture or preparation of the mature stalks, the resin extracted therefrom,
37 fiber, oil, or cake or the sterilized seed of the plant which is incapable of
38 germination, from K.S.A. 65-4105, 65-4101, 65-4107, 65-4109, 65-4111
39 and 65-4113, and amendments thereto.

40 (o) The Kansas safe access act shall not prevent the seizure or
41 forfeiture of cannabis exceeding the amounts allowed under such act; and
42 not meeting exceptions listed in section 8, and amendments thereto.

43 (p) Any cannabis, cannabis paraphernalia, illicit property or interest

1 in illicit property that is possessed, owned or used in connection with the
2 medical use of cannabis as allowed under the Kansas safe access act, or
3 acts incidental to such use, shall not be seized or forfeited.

4 (q) A person shall not be subject to arrest, prosecution or penalty in
5 any manner, or denied any right or privilege, including, but not limited to,
6 civil penalty or disciplinary action by a court or occupational or
7 professional licensing board or bureau, simply for being in the presence or
8 vicinity of the medical use of cannabis as allowed under the Kansas safe
9 access act, or for assisting a patient with using or administering cannabis.

10 (r) A person shall not be subject to arrest, prosecution or penalty in
11 any manner or denied any right or privilege including, but not limited to,
12 civil penalty or disciplinary action by a court or occupational or
13 professional licensing board or bureau, for providing a registered
14 qualifying patient or a registered designated primary caregiver, or
15 cultivating caregiver with cannabis paraphernalia for purposes of a
16 registered patient's medical use of cannabis.

17 (s) Fraudulent representation to a law enforcement official of any fact
18 or circumstance relating to the medical use of cannabis to avoid arrest or
19 prosecution shall be punishable by a fine of \$500, which shall be in
20 addition to any other penalties that may apply for making a false statement
21 or for the use of cannabis other than use undertaken pursuant to the Kansas
22 safe access act.

23 (t) Any identification cardholder who sells cannabis to a person who
24 is not allowed to possess cannabis for medical purposes under the Kansas
25 safe access act shall have the cardholder's identification card revoked and
26 shall be subject to other penalties for the unauthorized sale of cannabis.

27 (u) Where a state-funded or locally-funded law enforcement agency
28 encounters an individual who, during the course of the investigation,
29 credibly asserts that such individual is an identification cardholder or an
30 entity whose personnel credibly assert that it is a compassion center, the
31 law enforcement agency shall not provide any information from any
32 cannabis-related investigation of the person to any law enforcement
33 authority that does not recognize the protection of the Kansas safe access
34 act and any prosecution of the individual, individuals or entity for a
35 violation of the Kansas safe access act shall be conducted pursuant to the
36 laws of this state.

37 (v) The act will establish protection of card holding, nonresident
38 patients from other states with an established medical cannabis program
39 traveling through the state of Kansas.

40 (w) If the department fails to adopt temporary rules and regulations to
41 implement the Kansas safe access act within 180 business days of the
42 effective date of the Kansas safe access act, a patient, prospective board
43 member, or prospective principal officer of a compassion center may

1 commence an action in a court of competent jurisdiction to compel the
2 department to perform the actions mandated pursuant to the provisions of
3 the Kansas safe access act.

4 (x) If the cannabis compliance agency fails to issue a valid
5 identification card in response to a valid application or renewal submitted
6 pursuant to the Kansas safe access act within 30 business days of its
7 submission, the identification card shall be deemed granted and a copy of
8 the identification application, copy of renewal application, receipt from
9 application submittal or receipt from application renewal shall be deemed
10 a valid identification card.

11 (y) If at any time after the 180 business days following the effective
12 date of the Kansas safe access act, the department is not accepting
13 applications, including if it has not created rules and regulations allowing
14 patients to submit applications, a notarized statement by a patient
15 containing the information required in an application, pursuant to section
16 5, and amendments thereto, together with a written certification from their
17 medical provider, these together shall be deemed a valid identification
18 card.

19 (z) The act prohibits the provisions of law making unlawful the
20 possession, therapeutic use, manufacture or cultivation of cannabis from
21 applying to a registered qualifying patient, a registered qualifying patient's
22 primary caregiver or cultivating caregiver, who possesses or cultivates
23 cannabis for the personal medical purposes of the patient upon the written
24 or oral recommendation or approval of a medical provider.

25 (aa) Patient owned cooperatives are allowed to grow, distribute and/or
26 sell medical cannabis and medical cannabis products on a non-profit basis
27 to their members.

28 (bb) Duly designated primary caregivers, and cultivating caregivers,
29 who consistently attend to registered qualifying patients' needs, are
30 allowed to charge for their labor and services in providing medical
31 cannabis.

32 (cc) Nothing in this act shall be construed as interfering with a
33 Kansas citizen's right to purchase hemp based products under sec. 7606
34 legitimacy of industrial hemp research, within the 2014 farm act and/or
35 federal guidelines established thereafter.

36 Sec. 4. Medical providers. The purpose of this rule is to prohibit any
37 medical provider from being punished, or denied any right or privilege, for
38 having recommended cannabis to a qualifying patient for medical
39 therapeutic use. It sets forth general standards and requirements for
40 medical providers and establishes guidelines for diagnosing registered
41 qualifying patients as having a debilitating medical condition and as such
42 have coverage under the Kansas safe access act, whether a temporary
43 disability or illness, due to injury or surgery, or a permanent disability or

1 illness which substantially limits the ability of the person to conduct one or
2 more major life activities, as defined in the Americans with disabilities act
3 of 1990 (ADA)(public law 101-336); or if not alleviated, may cause
4 serious harm to the patient's safety or physical or mental health.

5 The cannabis compliance agency intends the guidelines in this section
6 to help maintain the integrity of Kansas medical providers recommending
7 medical cannabis.

8 (a) A medical provider shall not be subject to arrest, prosecution or
9 penalty in any manner or denied any right or privilege, including, but not
10 limited to, civil penalty or disciplinary action by the state board of healing
11 arts or by any other occupational or professional licensing board or bureau,
12 solely for providing written certifications, or otherwise stating that, in the
13 medical provider's professional opinion, a patient is likely to receive
14 therapeutic benefit from the medical use of cannabis to treat, or alleviate
15 the patient's medical condition(s) or symptoms associated with the medical
16 condition.

17 (b) Nothing in the Kansas safe access act shall prevent a professional
18 licensing board from sanctioning a medical provider for failing to properly
19 evaluate a patient's medical condition or otherwise violating the standard
20 of care for evaluating medical conditions.

21 (c) For medical providers to qualify to recommend medical cannabis
22 they must fulfill requirements as outlined by the cannabis compliance
23 agency.

24 (d) Continuing education units covering medical cannabis are
25 available online and if approved by the board of healing arts or the board
26 of nursing, medical providers will be required to take courses in the
27 endocannabinoid system (ECS), basic cannabis science, cannabis and
28 palliative care and classes on dosage and delivery systems.

29 (e) Medical providers must reevaluate registered qualifying patients
30 annually and provide the registered qualifying patient with an updated
31 recommendation.

32 (f) Recommendations shall not be for any specific total weight but an
33 individualized dosage plan.

34 Sec. 5. Identification cards. The purpose of this rule is to set forth
35 general standards and requirements for the issuance of medical cannabis
36 patient, and caregiver identification cards. The cannabis compliance
37 agency intends this rule to provide unimpeded and legal access to medical
38 cannabis patients and to prevent the diversion of medical cannabis to the
39 black market.

40 (a) This act would require the department to establish and maintain a
41 program under the cannabis compliance agency, for the issuance of
42 identification cards to registered qualified patients, or primary caregivers,
43 who submit the following in accordance with the cannabis compliance

1 agency's rules and regulations:

2 (1) Written certification;

3 (2) application with \$10.00 fee or \$10.00 renewal fee;

4 (3) name, address and date of birth date of the qualifying patient,
5 except that if the applicant is homeless, no address is required;

6 (4) name, address and telephone number of the qualifying patient's
7 medical provider;

8 (5) name, address and date of birth of the designated primary
9 caregiver designated, if any, by the qualifying patient;

10 (6) a statement signed by the registered qualifying patient, pledging
11 not to divert cannabis to anyone who is not allowed to possess cannabis
12 pursuant to the Kansas safe access act; and

13 (7) a signed statement from the designated primary caregiver, if any, a
14 statement signed by the cultivating caregiver if any, agreeing to be
15 designated as the patient's designated primary caregiver or cultivating
16 caregiver, and pledging not to divert cannabis to anyone who is not
17 allowed to possess cannabis pursuant to the Kansas safe access act.

18 (b) The cannabis compliance agency shall not issue an identification
19 card to a qualifying patient who is younger than 18 years of age unless:

20 (1) The qualifying patient's medical provider has explained the
21 potential risks and benefits of the medical use of cannabis to the custodial
22 parent or legal guardian with responsibility for health care decisions for
23 the qualifying patient; and

24 (2) the custodial parent or legal guardian with responsibility for
25 health care decisions for the qualifying patient consents in writing to:

26 (A) Allow the qualifying patient's medical use of cannabis;

27 (B) serve as the qualifying patient's designated primary caregiver; and

28 (C) control the acquisition of the cannabis, the dosage and the
29 frequency of the medical use of cannabis by the qualifying patient.

30 (c) An identification card, or its equivalent, that is issued under the
31 laws of another state, district, territory, commonwealth or insular
32 possession of the United States that allows, in the jurisdiction of issuance,
33 a visiting qualifying patient to possess cannabis for medical purposes, shall
34 have the same force and effect as an identification card issued by the
35 cannabis compliance agency.

36 (1) The cannabis compliance agency may not deny an application or
37 renewal only if the applicant did not provide the information required
38 pursuant to this section, rather, the application must be sent back and the
39 missing information outlined. The application information will not be
40 entered into the system and will be considered as a non-submittal.

41 (2) The cannabis compliance agency may deny an application if the
42 applicant previously had an identification card revoked for violating the
43 Kansas safe access act or if the cannabis compliance agency determines

1 that the information provided was falsified.

2 (3) Applicants will be allowed to appeal first rejections to the
3 compassion board for review. Rejection of an application, or renewal, by
4 the compassion board is considered a final department action, subject to
5 judicial review. All administrative proceedings are subject to the Kansas
6 administrative procedure act and in accordance with the judicial review
7 act.

8 (d) The cannabis compliance agency shall issue an identification card
9 to the designated caregiver, if any, who is named in a qualifying patient's
10 approved application provided that the designated primary caregiver meets
11 the requirements outlined in in this act.

12 (1) The cannabis compliance agency shall notify the qualifying
13 patient who has designated someone to serve as the patient's primary
14 caregiver if an identification card will not be issued to the designated
15 primary caregiver.

16 (2) A designated primary caregiver shall be issued an identification
17 card each time the designated primary caregiver is designated by a
18 qualifying patient; adding the new patient name to card of the designated
19 primary caregiver.

20 (e) The cannabis compliance agency shall issue temporary
21 identification cards to qualifying patients and to designated primary
22 caregivers at the time of approval, upon payment of a \$10.00 fee, and
23 permanent cards within 30 business days of approving an application or
24 renewal.

25 (f) Each identification card shall expire one year after the date of
26 issuance, unless the medical provider states a different time parameter
27 within the written certification, then the identification card shall expire on
28 that date.

29 (g) Identification cards shall contain all of the following:

30 (1) Name, address and date of birth of the qualifying patient; unless
31 homeless, then no address is required;

32 (2) name, address and date of birth of the designated primary
33 caregiver, if any;

34 (3) the date of issuance and expiration date of the identification card;

35 (4) a random 20-digit alphanumeric identification number, containing
36 at least four numbers and at least four letters, that is unique to the
37 cardholder;

38 (5) if the cardholder is a designated primary caregiver, the random
39 identification number of the registered qualifying patient the designated
40 caregiver is assisting;

41 (6) a photograph; and

42 (7) a barcode for scanning.

43 (h) The following notifications and cannabis compliance agency

1 responses are required:

2 (1) A registered qualifying patient shall notify the cannabis
3 compliance agency of any change of name, address or designated primary
4 caregiver or if the registered qualifying patient ceases to have a
5 debilitating medical condition, within 30 business days of such change via
6 the website or customer service phone number;

7 (2) a registered qualifying patient who fails to notify the cannabis
8 compliance agency of any of these changes may be subject to a civil
9 penalty of no more than \$150.00 levied by the department;

10 (3) any registered designated primary caregiver, cultivating caregiver
11 or compassion center staffer must notify the cannabis compliance agency
12 of any change in name or address within 30 business days of such change.
13 A registered designated primary caregiver, cultivating caregiver or
14 compassion center staffer who fails to notify the cannabis compliance
15 agency of any of these changes may be subject to a civil penalty of no
16 more than \$150.00 levied by the cannabis compliance agency;

17 (4) when a cardholder notifies the cannabis compliance agency of any
18 changes listed in this subsection, the cannabis compliance agency shall
19 issue the cardholder a new identification card within 30 business days of
20 receiving the updated information and a \$10.00 fee;

21 (5) when a registered qualifying patient ceases to be a registered
22 qualifying patient or changes the registered designated primary caregiver,
23 or cultivating caregiver the cannabis compliance agency shall notify the
24 designated primary caregiver, or cultivating caregiver within 30 business
25 days. The registered designated primary caregivers, or cultivating
26 caregiver's protections under the Kansas safe access act as to that
27 qualifying patient shall expire 30 business days after notification by the
28 cannabis compliance agency; and

29 (6) if a cardholder loses the identification card, the cardholder shall
30 notify the cannabis compliance agency within 10 business days of losing
31 the identification card and submit a \$10.00 fee within 30 business days of
32 losing the card. Within 30 business days after such notification, the
33 cannabis compliance agency shall issue a new identification card.

34 (i) Mere possession of, or application for, an identification card shall
35 not constitute probable cause or reasonable suspicion, nor shall it be used
36 to support the search of the person or property of the person possessing or
37 applying for the identification card. The possession of, or application for,
38 an identification card shall not preclude the existence of probable cause if
39 probable cause exists on other grounds. All patient information shall be
40 confidential, and all federal confidentiality rules and guidelines shall be in
41 force:

42 (1) Applications and supporting information submitted by qualifying
43 patients designated primary caregivers, and including information

1 regarding their designated primary caregivers and medical providers, are
2 confidential; and

3 (2) applications and supporting information submitted by compassion
4 centers, and compassion center personnel operating in compliance with the
5 Kansas safe access act, are confidential.

6 (j) The application for qualifying patients' identification cards shall
7 include a question asking whether the patient would like the compassion
8 board to notify the patient of any clinical studies regarding cannabis' risk
9 or efficacy that seek human subjects. The compassion board shall inform
10 those patients who answer in the affirmative of any such studies it is
11 notified of that will be conducted in the United States.

12 (k) Medical providers must re-evaluate registered qualifying patients
13 annually and provide the registered qualifying patient with an updated
14 recommendation. The registered qualifying patient must provide the
15 updated recommendation to the cannabis compliance agency for
16 identification card renewal 30 business days prior to expiration of current
17 identification card.

18 (l) Failure to register an updated recommendation with the cannabis
19 compliance agency may result in suspended ability to purchase medical
20 cannabis or medical cannabis products.

21 (m) The cannabis compliance agency may make exceptions, at their
22 discretion.

23 Sec. 6. Compassion centers. The purpose of this rule is to set forth
24 general standards and requirements for the licensing, and regulation of
25 compassion centers. The cannabis compliance agency intends this rule to
26 provide safe and regulated access to medical cannabis, protect the health
27 of patients, by implementing, and enforcing congruent standard operating
28 procedures for all licensed compassion centers. The following provisions
29 govern the registration of compassion centers:

30 (a) The cannabis compliance agency shall register a compassion
31 center and issue a registration certificate, with a random 20-digit
32 alphanumeric identification number, within 90 business days of receiving
33 an application for a compassion center if the following conditions are met:

34 (1) The prospective compassion center provided the following:

35 (A) An application or renewal fee;

36 (B) the legal name of the compassion center;

37 (C) the physical address of the compassion center and the physical
38 address of one additional location, if any, where cannabis will be
39 cultivated, neither of which may be within 1000 feet of a preexisting
40 public or private school;

41 (D) the name, address and date of birth of each principal officer and
42 board member of the compassion center;

43 (E) the name, address and date of birth of any person who is an agent

1 of or employed by the compassion center, if any;

2 (F) operating regulations that include procedures for the oversight of
3 the compassion center, procedures to ensure accurate record-keeping,
4 patient database security, security of patient paper files and security
5 measures to deter and prevent unauthorized entrance into areas containing
6 cannabis and prevent the theft of cannabis and proof of compliance with
7 any other oversight rules and regulations set forth by the cannabis
8 compliance agency; and

9 (G) principal officers and board members will be elected to office by
10 patient and caregiver members of the cooperative; and

11 (2) may be subject to a criminal history check at the time of
12 nomination.

13 (3) Principal officer and board member candidates cannot be
14 excluded for any offense consisting of conduct for which the Kansas safe
15 access act would likely have prevented a conviction, but the conduct
16 which either occurred prior to the enactment of the Kansas safe access act
17 or was prosecuted by an authority other than the state of Kansas, whether
18 as a patient or caregiver. Candidates who can show by medical records that
19 their past convictions would have been negated by the Kansas safe access
20 act cannot be excluded from consideration.

21 (b) Not later than 180 business days after the effective date of the
22 Kansas safe access act, the cannabis compliance agency shall adopt any
23 further rules and regulations establishing application and renewal fees for
24 registry identification cards and compassion center registration certificates,
25 including reasonable rules and regulations governing:

26 (1) The form and content of compassion center registration and
27 renewal applications;

28 (2) minimum oversight requirements for registered compassion
29 centers;

30 (3) minimum record keeping requirements for registered compassion
31 centers;

32 (4) minimum security requirements for registered compassion
33 centers; and

34 (5) procedures for suspending or terminating the registration of
35 registered compassion centers that violate the provisions of the Kansas
36 safe access act or the rules and regulations promulgated pursuant to this
37 section.

38 (c) The cannabis compliance agency shall design rules and
39 regulations with the goal of protecting against diversion and theft, without
40 imposing an undue burden on the registered compassion centers or
41 compromising the confidentiality of registered qualifying patients and
42 their registered designated primary caregivers.

43 (d) Any dispensing records that a registered compassion center is

1 required to keep shall track transactions according to registered qualifying
2 patient's registered designated primary caregivers' and registered
3 compassion centers' registry identification numbers, rather than their
4 names, to protect their confidentiality.

5 (e) Fees shall be in accordance with the following parameters:

6 (1) Compassion center application fees may not exceed \$1,000.00;

7 (2) compassion center renewal fees may not exceed \$1,000.00;

8 (3) the cannabis compliance agency may establish a sliding scale of
9 patient application and renewal fees based upon a qualifying patient's
10 family income;

11 (4) the department may accept donations from private sources in
12 order to reduce the application and renewal fees; and

13 (5) a registered compassion center shall not be subject to prosecution;
14 search, except by the cannabis compliance agency pursuant to section 21,
15 and amendments thereto.

16 (f) Seizure or penalty in any manner or be denied any right or
17 privilege, including, but not limited to, civil penalty or disciplinary action
18 by a court or business licensing board or entity, solely for acting in
19 accordance with the Kansas safe access act and cannabis compliance
20 agency rules and regulations to acquire, possess, cultivate, manufacture,
21 deliver, transfer, transport, supply or dispense cannabis, cannabis based
22 products or related supplies and educational materials to registered
23 qualifying patients, to registered designated primary caregivers on behalf
24 of registered qualifying patients or to other registered compassion centers.

25 (1) A registered compassion center may not dispense, deliver or
26 otherwise transfer cannabis to a person other than another registered
27 compassion center, an identification card-carrying patient, a cultivating
28 caregiver or an identification card-carrying patient's registered designated
29 primary caregiver.

30 (2) Compassion centers will utilize the seed to sale tracking system to
31 be implemented by the cannabis compliance agency.

32 (g) A compassion center shall implement security measures to deter
33 and prevent entry into and theft from restricted access areas containing
34 cannabis or currency.

35 The cannabis compliance agency shall issue a renewal compassion
36 center registration certificate within 30 business days to any registered
37 compassion center that submits a \$1,000.00 renewal fee, provided that its
38 registration is not suspended and has not been revoked.

39 (h) Registered compassion centers are subject to inspection by the
40 cannabis compliance agency.

41 (i) A registered compassion center shall be operated on a not-for-
42 profit basis for the mutual benefit of its cooperative members.

43 (1) The bylaws of a registered compassion center shall contain such

1 provisions relative to the disposition of revenues and receipts as may be
2 necessary and appropriate to establish and maintain its nonprofit character.

3 (2) A registered compassion center need not be recognized as tax
4 exempt by the internal revenue service to qualify as a non for profit.

5 (3) If the entity makes a profit during any period, this excess must be
6 returned to cooperative members via health support services, income
7 based, sliding scale product pricing, free medicine for hospice patients,
8 donated into the broader community or put back into the organization,
9 based on the votes of the cooperative members and board of directors.

10 (4) Wages of management, officers and employees of a compassion
11 center can be increased by a vote of the compassion center board or a vote
12 of cooperative members.

13 (j) A licensed compassion center may not sell medical cannabis over
14 the internet but can allow registered qualifying patients to use the internet
15 to arrange delivery of their purchase.

16 (k) The premises of a compassion center will be the only place where
17 an automatic dispensing machine that contains medical cannabis or
18 medical cannabis products may be located. It must comply with all
19 regulations promulgated by the cannabis compliance agency for its use.

20 (l) Potency quantifications for medical cannabis and medical cannabis
21 products shall be accessible to compassion center patients are in three
22 ways:

23 (1) Labels in display cases;

24 (2) labels on products; and

25 (3) a book of complete testing results on each current batch number,
26 and or harvest batch lot number available for sale, to be located at a
27 compassion center.

28 (m) When medical cannabis is received from medical cannabis
29 cultivation facilities, registered qualifying patients or cultivating
30 caregivers for purchase, storage or donation consideration by the collective
31 compassion center and the medical cannabis has not already been tested at
32 a certified testing facility, it must be subjected to an initial contaminants
33 inspection before being sent out to a certified testing facility, or in the case
34 of stored patient overages, be sent to storage:

35 (1) Certified medical cannabis intake processors shall utilize a
36 minimum 30X microscope for a first screening which analyzes and detects
37 contamination of:

38 (A) Pathogenic molds;

39 (B) rot; and

40 (C) insects.

41 (2) In the event that the screening results indicate the presence of
42 quantities of any substance determined to be injurious to health, such
43 products shall be immediately quarantined and immediate notification

1 made to the cannabis compliance agency shall be made and the adulterated
2 product shall be documented and properly destroyed according to
3 guidelines to be established by the cannabis compliance agency.

4 (3) Certified medical cannabis processors will follow medical
5 cannabis handling procedures to be defined by the cannabis compliance
6 agency.

7 (n) A compassion center shall establish written policies and
8 procedures addressing inventory controls.

9 (o) A registered compassion center is prohibited from acquiring,
10 possessing, cultivating, manufacturing, delivering, transferring,
11 transporting, supplying or dispensing cannabis for any purpose except to
12 assist registered qualifying patients with the medical use of cannabis
13 directly or through the qualifying patient's designated primary caregivers
14 or to cultivating caregivers. All principal officers and board members of a
15 registered compassion center must be residents of the state of Kansas.

16 (p) County and city governments may enact reasonable limits on the
17 number of registered compassion centers that can operate in their
18 jurisdictions and may enact zoning regulations that reasonably limit
19 registered compassion centers to certain areas of their jurisdictions, after
20 public hearings on the subject.

21 (q) Before cannabis may be dispensed to a designated primary
22 caregiver, a registered qualifying patient or cultivating caregiver, a
23 compassion center staffer must scan the identification card of the
24 registered qualifying patient or the designated primary caregiver and must
25 verify each of the following:

26 (1) That the identification card presented to the registered compassion
27 center is valid; and

28 (2) that the person presenting the card is the person identified on the
29 identification card presented to the compassion center staffer.

30 (r) If a patient wishes the staff of the compassion center to
31 communicate with their medical provider, then release of information
32 forms will need to be signed for both parties.

33 Sec. 7. Compassion center staffing. The purpose of this rule is to set
34 forth general standards and requirements for the certification, and
35 regulation of compassion center staffing. The cannabis compliance agency
36 intends this rule to provide safe and regulated access to medical cannabis,
37 protect the health of patients, by implementing and enforcing congruent
38 standard operating procedures for all licensed compassion center staff
39 members. The following provisions govern the registration of compassion
40 center staffing:

41 (a) Compassion center staff identification cards shall contain the
42 following:

43 (1) The legal name of the registered compassion center with which

1 the compassion center staffer is affiliated;

2 (2) a random 20-digit alphanumeric identification number that is
3 unique to the cardholder;

4 (3) the date of issuance and expiration date of the identification card;

5 (4) a photograph; and

6 (5) a barcode for scanning.

7 (b) A statement shall be signed by staff pledging not to divert
8 cannabis to anyone who is not allowed to possess cannabis pursuant to the
9 Kansas safe access act.

10 (c) The cannabis compliance agency shall issue temporary
11 identification cards to qualifying compassion center staffers at the time of
12 approval and upon payment of a \$25.00 fee, and permanent cards within
13 30 business days of approving an application or renewal.

14 (1) Compassion center staffers cannot be excluded from employment
15 due to any offense consisting of conduct for which the Kansas safe access
16 act would likely have prevented a conviction, but the conduct which either
17 occurred prior to the enactment of the Kansas safe access act or was
18 prosecuted by an authority other than the state of Kansas, whether as a
19 patient or caregiver. Compassion center staffers who can provide medical
20 records that show their past convictions would have been negated by the
21 Kansas safe access act cannot be excluded from consideration.

22 (2) The cannabis compliance agency shall notify the registered
23 compassion center in writing or email of the reason for denying an
24 identification card to any staffer.

25 (d) The cannabis compliance agency shall not issue an identification
26 card to any principal officer, board member, agent, volunteer or employee
27 of a registered compassion center who is younger than 21 years of age.

28 (1) The cannabis compliance agency may refuse to issue an
29 identification card to a compassion center staffer who has had a card
30 revoked for violating the Kansas safe access act.

31 (2) A compassion center registration certificate and the identification
32 card for each compassion center staffer shall expire one year after the date
33 of issuance.

34 (3) The cannabis compliance agency shall issue a renewal
35 identification card within 30 business days to any compassion center
36 staffer who submits a \$25.00 renewal fee.

37 (4) An identification card of a compassion center staffer shall expire
38 and the person's login information to the seed to sale tracking system shall
39 be deactivated by the agency upon notification by a registered compassion
40 center that such person ceased to work at the registered compassion center.

41 (A) A registered compassion center shall notify the cannabis
42 compliance agency within 3 business days of a compassion center staffer
43 termination or when a compassion center staffer voluntarily ceases to work

1 at the registered compassion center.

2 (B) A registered compassion center shall notify the cannabis
3 compliance agency in writing of the name, address and date of birth of any
4 new compassion center staffer and shall submit a fee in an amount of
5 \$25.00 before a new compassion center staffer begins working at the
6 registered compassion center.

7 (C) The cannabis compliance agency shall issue temporary
8 identification cards to qualifying compassion center staffers at the time of
9 approval, and permanent cards within 30 business days of approving an
10 application or renewal.

11 (e) No compassion center staffers shall be subject to arrest,
12 prosecution, search, seizure or penalty in any manner or denied any right
13 or privilege including, but not limited to, civil penalty or disciplinary
14 action by a court or occupational or professional licensing board or entity,
15 solely for working for a registered compassion center in accordance with
16 the Kansas safe access act and cannabis compliance agency rules and
17 regulations to acquire, possess, cultivate, manufacture, deliver, transfer,
18 transport, supply or dispense cannabis, cannabis based products, related
19 supplies, and educational materials to registered qualifying patients or
20 registered designated primary caregivers on behalf of registered qualifying
21 patients or to other registered compassion centers.

22 (f) All employees of a compassion center shall be residents of Kansas
23 upon the date of their identification card application.

24 Sec. 8. Supply and allowances. The purpose of this rule is to establish
25 guidelines regarding the supply and allowances of cannabis for rural
26 registered qualifying patients who meet the guidelines of the cannabis
27 compliance agency to grow their own medical cannabis. It sets forth
28 general standards and requirements for supply, storing, donations,
29 damages, overages, and emergency supply. The cannabis compliance
30 agency intends this rule to help maintain an interrupted supply of medical
31 cannabis supply for rural registered qualifying patients and prevent any
32 diversion to the black market.

33 (a) An identification card-carrying patient shall not directly through a
34 designated primary caregiver, or through a compassion center obtain more
35 than their medical provider recommended dosage of cannabis from
36 registered compassion centers in any 30 calendar day period. Exceptions to
37 30 day supply being:

38 (1) Medical patients who can prove that hardship, either financial or
39 physical, would be imposed by monthly travel; or

40 (2) allowance for patient growers to store overages for out of season
41 use or donate to compassion center for an indigent members free medicine
42 program.

43 (A) Overages will be stored in rented lock boxes within compassion

1 centers.

2 (B) Compassion centers will enter submissions into seed to sale
3 tracking system and generate receipts for patients.

4 (C) Patients will be able to withdraw from lock boxes per their 30 day
5 supply.

6 (D) Patients do not have to withdraw full 30 day supply at any one
7 visit.

8 (b) Cannabis overage stock should examine under the 30x
9 microscope upon receipt at the compassion center. Any stock contaminated
10 by mold, mites, or pests must be disposed of per guidelines to be
11 established by the cannabis compliance agency.

12 Sec. 9. Medical cannabis cultivation facilities. The purpose of this
13 rule is to establish guidelines regarding the cultivation of cannabis for
14 general supply by a cooperative medical cannabis cultivation facility. It
15 sets forth general standards and requirements for cultivation, best
16 practices, security, workforce education, health and safety standards. The
17 cannabis compliance agency intends this rule to help maintain an
18 uninterrupted supply of pharmaceutical grade medical cannabis, establish
19 standard operating procedure and safety standards, promote sustainable
20 agricultural practices, and prevent any diversion to the black market.

21 (a) To qualify to label any product as "grown by ecologically
22 sustainable standards" medical cannabis cultivation facility must follow
23 guidelines in (b) and (c).

24 (b) The United States department of agriculture (USDA) does not
25 inspect medical cannabis grows. Instead, cultivating caregivers with more
26 than 10 patients, and any medical cannabis cultivation facility, must work
27 with third-party certification agencies that offer certification for medical
28 cannabis that meets organic standards.

29 (1) All medical cannabis crops to be sold in compassion centers, or
30 used in manufacturing of cannabis based products must be inspected by a
31 third-party certification inspector.

32 (2) All agricultural products used must be materials that have been
33 approved for use in organic farming and meet all guidelines in the Kansas
34 safe access act.

35 (c) Medical cannabis cultivation facilities must develop best practices
36 to reduce the carbon footprint of their facility, as well as reduce facility
37 water and energy use. An inspection and rating program will be developed
38 through the cannabis compliance agency.

39 (1) Outdoor medical cannabis cultivation and medical cannabis
40 cultivation in greenhouses utilizing current best industry practices to
41 guarantee energy efficiency are allowed.

42 (2) LED lighting and high intensity discharge bulbs (HID bulbs) are
43 allowed in medical cannabis cultivation facility use

- 1 All high intensity discharge bulbs (HID bulbs) must be recycled, with
2 recycling expense paid by the cultivation facility.
- 3 (3) Only renewable energy sources such as wind, solar and water are
4 allowed as main power supply, unless local grid is totally supplied by
5 sustainable energy source. No on-site fossil fuel generators may be used,
6 except as backup emergency power, never as a main supply.
- 7 (4) Only 5, 4 and 2 hydro-safe resins should be used in aquaponics
8 and hydroponic systems.
- 9 (5) Polystyrene beads shall not be used in hydroponic systems.
- 10 (6) Water use and restrictions - Methods that are not allowed and may
11 be subject to fines:
- 12 (A) Unpermitted grading, road construction and culvert crossings;
13 (B) illegal stream diversions and streams drying up;
14 (C) discharge of sediments, pollutants, and human waste or trash;
15 (D) erosion or soil deposition;
16 (E) water contamination from pesticides, rodenticides, herbicides,
17 fungicides, fertilizers, and fuels;
18 (F) capturing rain runoff from buildings, storing and filtering for
19 watering use is mandated;
20 (G) greywater recycling, and filtering is mandated and must be
21 implemented pursuant to all standards outlined in rules and regulations
22 adopted by the cannabis compliance agency; and
23 (H) cisterns are recommended.
- 24 (d) All collective medical cannabis cultivation facilities should be
25 clearly marked with signs on all sides, denoting the site as a medical
26 cannabis grow in compliance with the Kansas safe access act.
- 27 (1) All cultivation facilities will utilize agency selected seed to sale
28 tracking system.
- 29 (2) All medical cannabis crops will be lot controlled. If specific
30 medical cannabis cultivars are for a specific patient, or group of patients:
- 31 (A) Their member numbers will also be listed in the tracking system;
32 and
33 (B) harvest batch lot associated.
- 34 (e) Clean grow room, trimming room, bagging room standards and
35 cannabis handling procedures to be defined by the cannabis compliance
36 agency will apply to all medical cannabis cultivation facilities.
- 37 (f) The site must be secured:
- 38 (1) Monitored 24 hours a day, utilizing;
39 (2) cameras;
40 (3) security staff;
41 (4) alarms; and
42 (5) key card entry doors and gates.
- 43 (g) All cooperative medical cannabis cultivation facilities will be

1 placed in rural areas and may supply compassion centers, cannabis product
2 manufacturers, research programs and cultivating caregivers located in
3 other areas.

4 (h) Medical cannabis cultivation facilities may sell the stalks and
5 vegetation (leaves) to farmers for use as livestock feed (silage), following
6 all process requirements established by the cannabis compliance agency.

7 (i) Medical cannabis cultivation facilities must comply with all laws
8 on environmental audits under Kansas law.

9 (j) Medical cannabis cultivation facilities must obtain and carry
10 medical cannabis crop insurance if available.

11 (k) The medical cannabis cultivation facility's water supply shall be
12 tested annually for contaminants by a qualified lab approved by the
13 cannabis compliance agency. If a water treatment system is needed, the
14 agency may require more frequent testing.

15 (l) Soil used to cultivate medical cannabis shall be tested annually
16 and must meet guidelines established by the cannabis compliance agency.

17 (m) For each batch of water or soil fails to meet the standards of the
18 cannabis compliance agency the cultivation facility shall perform and
19 document both a root cause analysis and any corrective action taken.

20 (n) The cultivation facility shall maintain the results of all testing for
21 no less than 2 years.

22 (o) The cannabis compliance agency reserves the right to require any
23 and all types of testing to prevent contaminated medical cannabis. The
24 agency may also issue recalls of contaminated medical cannabis and order
25 the destruction of contaminated medical cannabis.

26 (p) All greenhouse infrastructure, hardware and all other applicable
27 structures, or systems, must be UL listed.

28 (q) Medical cannabis cultivation facilities will utilize the seed to sale
29 tracking system to be implemented by the cannabis compliance agency.

30 Sec. 10. Cultivating caregivers and patient growers. The purpose of
31 this rule is to establish guidelines regarding the cultivation of cannabis by
32 cultivating caregivers and patient growers. It sets forth general standards
33 and requirements for cultivation best practices, security, workforce
34 education, health and safety standards. The cannabis compliance agency
35 intends this rule to help maintain an uninterrupted supply of
36 pharmaceutical grade medical cannabis, establish standard operating
37 procedure and safety standards, promote sustainable agricultural practices
38 and prevent any diversion to the black market.

39 (a) All patient and caregiver cultivation sites shall be clearly marked
40 with signs on all sides denoting the site as a medical cannabis crop in
41 compliance with the Kansas safe access act.

42 (b) Patient growers shall be allowed to cultivate only as much as
43 required for the patient's own medical use:

- 1 (1) Within the confines of the recommendation of their medical
2 provider; and
- 3 (2) taking into consideration the patient's chosen delivery method.
- 4 (c) Depending on patients dosing regimens, they may grow several as
5 many cultivars in various levels of growth to keep a continuous supply.
- 6 (d) Caregiver cultivation sites must meet environmental standards to
7 be set by the cannabis compliancy agency.
- 8 (e) Cultivating caregivers that exceed 10 registered qualifying
9 patients will apply for licensure as a cultivating facility and if approved,
10 will be bound by all the regulations set forth in section 9, and amendments
11 thereto.
- 12 (1) If not approved, cultivating caregivers can appeal to the cannabis
13 compliance agency.
- 14 (2) The cannabis compliance agency will consider needs of patients
15 served by cultivating caregiver:
- 16 (A) If geographic hardship of patients dictates need of this cultivating
17 caregiver;
- 18 (B) cultivar exclusivity dictates need of this cultivating caregiver;
- 19 (C) if the cultivating caregiver is excluded for qualifying as
20 cultivation facility because they cannot meet all requirements of section 9,
21 and amendments thereto, and to do so would induce an undue financial
22 hardship; or
- 23 (D) any other considerations deemed pertinent by the cannabis
24 compliance agency.
- 25 (3) If the appeal is denied, cultivating caregivers must conform to
26 patient count limit of less than 10.
- 27 (f) Cannabis handling standards established by the cannabis
28 compliance agency will also apply to cultivating caregiver grows.
- 29 (g) Cultivating caregivers need to obtain and carry appropriate
30 insurance, and cannabis crop specific insurance, if available.
- 31 (h) Cultivating caregivers, cannot be excluded for any offense
32 consisting of conduct for which the Kansas safe access act would likely
33 have prevented a conviction, but the conduct which either occurred prior
34 to the enactment of the Kansas safe access act or was prosecuted by an
35 authority other than the state of Kansas, whether as a patient or caregiver.
36 Candidates who can prove their past convictions would have been negated
37 by the Kansas safe access act by providing to the cannabis compliance
38 agency medical records from the time of the conviction for the patient, or
39 records that the patient was receiving care from a caregiver cannot be
40 excluded from consideration.
- 41 (i) To guarantee a constant and uninterrupted supply, plants are
42 allowed in all five stages of growth: Germinating, seedling, vegetative,
43 flowering and curing.

1 (j) Crop failure or damage will be reported to cannabis compliance
2 agency within 5 business days via email or electronic form on agency
3 website, meeting any documentation requirements established by the
4 cannabis compliance agency.

5 Affected patients of primary caregiver or cultivating caregiver will be
6 directed to closest compassion center for any emergency medical cannabis
7 replacement needs.

8 (k) If the medical provider feels it is necessary for the patient to have
9 an amount over their normal allotment, the exception will be granted:

10 (1) The medical provider will provide updated recommendation
11 documentation to the patient; and

12 (2) the patient will provide documentation to the cannabis compliance
13 agency by email or upload to agency website.

14 (l) Cultivating caregivers will utilize the seed to sale tracking system
15 to be implemented by the cannabis compliance agency.

16 Sec. 11. Employee training. Employee training is mandatory for all
17 cannabis industry positions. Required training information will be
18 available via the cannabis compliance agency, and the agency website.

19 Positions that require training, or an equivalent resume, are:

20 (a) Medical cannabis cultivation facility workers;

21 (b) processors;

22 (c) cultivating caregivers

23 (d) manufacturers;

24 (e) compassion center staff; and

25 (f) medical care medical provider training is considered separate from
26 cannabis industry positions and is covered under section 4, and
27 amendments thereto.

28 Sec. 12. Public policy and public safety. The purpose of this rule is to
29 establish guidelines regarding the standards and regulations pertaining to
30 public use of medical cannabis, prevention of impaired driving, establish
31 employer, registered qualifying patient employees and business owner
32 rights and the rights of students who are registered qualifying patients.

33 (a) The Kansas safe access act shall not permit any person to do any
34 of the following, nor shall it prevent the imposition of any civil, criminal
35 or other penalties for undertaking any task while impaired.

36 (b) Nothing in the Kansas safe access act shall be construed to
37 require: Any person or establishment in lawful possession of a commercial
38 business property to allow a guest, client, customer or other visitor to
39 smoke cannabis on or in that property. The Kansas safe access act shall not
40 limit a person or entity in lawful possession of a commercial business
41 property, or an agent of such person or entity, from expelling a person who
42 smokes cannabis without permission from such property owner.

43 (c) The Kansas safe access act does not prevent any employer from

1 setting their own policies regarding the accommodation of an employee's
2 medical need to use cannabis in any workplace space or disciplining any
3 employee working while impaired, except that, a qualifying patient shall
4 not be considered to be impaired solely because of the presence of
5 metabolites or components of cannabis.

6 (d) Unless an employer establishes by a preponderance of the
7 evidence that the lawful use of medical cannabis has impaired the
8 employee's ability to perform the employee's job responsibilities, it shall
9 be unlawful to take any adverse employment action against an employee
10 who is an identification card-carrying patient using medical cannabis
11 consistent with the provisions of the Kansas safe access act based on
12 either:

13 (1) The employee's status as a registry identification cardholder; or

14 (2) the employee's positive drug test for cannabis components or
15 metabolites.

16 (e) For the purposes of this section, an employer may consider an
17 employee's ability to perform the employee's job responsibilities to be
18 impaired when the employee manifests specific articulable symptoms of
19 impairment while working that decrease or lessen the employee's
20 performance of the duties or tasks of the employee's job position. If an
21 employer has a drug testing policy and an employee or job applicant tests
22 positive for cannabis, the employer shall offer the employee or job
23 applicant an opportunity to present a legitimate medical explanation for
24 the positive test result and shall provide to the employee or job applicant a
25 written notice of the right to explain. Within 3 working days after
26 receiving notice, the employee or job applicant may submit information to
27 the employer to explain the positive test result. As part of an employee's or
28 job applicant's explanation for the positive test result, the employee or job
29 applicant may present a doctor's recommendation for medical cannabis or
30 their patient identification card, or both.

31 (f) Nothing in this section shall restrict an employer's ability to
32 prohibit or take adverse employment action for being impaired during
33 work hours, or require an employer to commit any act that would cause the
34 employer to be in violation of federal law or that would result in the loss of
35 a federal contract or federal funding.

36 (g) Impaired drivers are not protected by the Kansas safe access act
37 while operating, navigating or being in actual physical control of any
38 motor vehicle, school bus, public transport, aircraft or motorboat. The
39 following caveats apply:

40 (1) The presence of metabolites does not automatically denote
41 impairment. Registered qualifying patients who medicate daily may have a
42 high metabolite level, and yet also have a higher tolerance to psychoactive
43 effects.

1 (2) Current technologies, even those that can measure metabolite
2 levels, cannot accurately gauge impairment.

3 (3) Roadside testing for impairment remains the best method to
4 evaluate drivers.

5 (4) A registered qualifying patient's various disabilities may also
6 impact roadside test results, and an effort should be made by law
7 enforcement to set guidelines that include this consideration.

8 (h) Educational outreach to prevent driving while impaired will be
9 posted on the cannabis compliance agency website via printable
10 information and instructional videos, and educational materials will be
11 available made available by the agency to compassion centers.

12 (i) No registered qualifying patient may smoke medical cannabis on
13 the grounds of any preschool, primary, secondary or post-secondary
14 school.

15 (1) Juvenile registered qualifying patients receiving medication via
16 the school nurse, parent or caregiver can receive medication on school
17 grounds.

18 (2) Post-secondary registered qualifying patients shall not be impeded
19 from medicating per their medical providers recommendation whether
20 individually or by the facilitation of their primary caregiver, if they have
21 one, on school grounds, if the delivery method is allowed.

22 (3) Juvenile and post-secondary registered qualifying patients shall
23 not be impeded from participation in any extracurricular activities, or
24 regular school activities, simply because they are a registered qualifying
25 patient.

26 (j) No patient may smoke cannabis in or on any form of public
27 transportation.

28 Sec. 13. (a) Cannabis resource commission. This act shall establish
29 the cannabis resource commission. The cannabis resource commission will
30 be responsible for: Guiding policy on behalf of patients, medical providers
31 and the public, with focus on continuous process improvement to better
32 serve the needs of all; and facilitating research, work with researchers,
33 liaison with other Kansas agencies and organizations, liaison with law
34 enforcement, the Kansas legislature and the cannabis compliance agency.

35 (b) There is established a cannabis resource commission.

36 (1) The commission shall consist of 5 volunteer members appointed
37 by the governor. The governor, insofar as possible, shall appoint persons
38 from different geographical areas and persons who represent various
39 economic regions, preferably with experience in the healthcare field, social
40 work field, not-for-profit patient care sector, the field of cannabis research,
41 industry, advocacy, or cannabis medicine.

42 (2) If a vacancy occurs on the commission, the governor shall appoint
43 a person to fill the vacant position for the unexpired term, if any, within a

1 period of no more than 60 business days.

2 (3) Members of the commission shall be appointed for renewable
3 three-year terms.

4 (4) The volunteer members will meet quarterly, whether in person or
5 by teleconference, to:

6 (A) Review reports pertaining to the administration of the Kansas
7 safe access act from the cannabis compliance agency, including appeals
8 and complaints;

9 (B) review reports pertaining to the administration of the Kansas safe
10 access act from the department of health and environment;

11 (C) review reports pertaining to the administration of the Kansas safe
12 access act from Kansas law enforcement; and

13 (D) review any other reports pertaining to the administration of the
14 Kansas safe access act from any other agency, public or private.

15 (5) The commission shall advise the governor, the cannabis
16 compliance agency, the Kansas legislature and the secretary of the
17 department of health and environment about the administration of the
18 Kansas safe access act.

19 (6) The commission will act as a liaison between patients, agencies
20 and research entities.

21 (7) Members of the commission cannot be excluded for any offense
22 consisting of conduct for which the Kansas safe access act would likely
23 have prevented a conviction, but the conduct either occurred prior to the
24 enactment of the Kansas safe access act or was prosecuted by an authority
25 other than the state of Kansas, whether as a patient or caregiver.
26 Candidates who can prove their past convictions would have been negated
27 by the Kansas safe access act by providing to the cannabis compliance
28 agency medical records from the time of the conviction for the patient, or
29 records that the patient was receiving care from a caregiver, cannot be
30 excluded from consideration.

31 Sec. 14. Cannabis tax fund and revenue policies. This act shall
32 establish a cannabis tax fund.

33 (a) The cannabis tax fund is hereby established.

34 (b) Medical cannabis patients will be taxed at a flat 6% rate at
35 compassion center points of purchase for medical cannabis and medical
36 cannabis products only.

37 (c) Funds will be deposited into the cannabis tax fund and after
38 meeting costs of the Kansas safe access act. Infrastructure expenses will be
39 spent for medical cannabis research, public health, mental health,
40 substance abuse, K-12 school health, K-12 school substance abuse
41 prevention and K-12 school mental health programs exclusively.

42 (d) As the cannabis industry is often forced to a cash only business
43 model:

1 (1) Compassion centers and cooperatives must be allowed to pay
2 taxes by cash, cashier's checks and money orders at their local revenue
3 office;

4 (2) compassion centers and cooperatives will need to be able to pay
5 these taxes on a daily or weekly basis, so they are not accumulating large
6 amounts of cash and being placed at a higher risk for crime; and

7 (3) patients, compassion centers and cooperatives will not be assessed
8 any further excise tax or any further sales tax for any medical cannabis or
9 medical cannabis product beyond the established flat tax within this act.

10 (e) Any county, city, township, or jurisdiction which opts out of
11 participation in the Kansas safe access act will then be excluded from any
12 tax benefit, other than what is derived from state benefit from the Kansas
13 safe access act.

14 (f) Sales tax can be levied on any product, item or device in a
15 compassion center that is not medical cannabis or a medical cannabis
16 product.

17 (g) Medical cannabis edible products qualify as medicine and shall
18 not be taxed under the Kansas food sales tax.

19 (h) Kansas safe access act fee schedule:

20 (1) Qualifying patient identification card	\$10.00
21 (2) Cultivating caregiver identification card	\$10.00
22 (3) Primary caregiver identification card	\$10.00
23 (4) Compassion center employee identification card	\$25.00
24 (5) Medical cannabis cultivation facility employee	
25 identification card	\$25.00
26 (6) Medical cannabis product manufacturing employee	
27 identification card	\$25.00
28 (7) Medical cannabis testing facility employee identification	
29 card	\$25.00
30 (8) Compassion center license, may not exceed	\$1,000.00
31 (9) Compassion center license renewal, may not exceed	\$1,000.00
32 (10) Compassion center application fee	\$500.00
33 (11) Compassion center license renewal fee	\$50.00

34 (i) (1) An applicant or licensee may pay the license fee and renewal
35 fee in full or the first half of the license fee plus the entire renewal fee plus
36 the second half of the license fee + 10% due in 1 year.

37 (2) License renewal shall be required every two years.

38 (j) Medical cultivation facilities license fees, renewal fees, and
39 application fees shall be in accordance with the following parameters:

40 (1) 1-25 pounds a month	\$200.00 license fee
41 (A) License renewal fees may not exceed	\$200.00
42 (B) Application fee	\$100.00
43 (2) 26-100 pounds a month	\$500.00 license fee

- 1 (A) License renewal fees may not exceed \$500.00
- 2 (B) Application fee \$250.00
- 3 (3) 101-500 pounds a month..... \$1,000.00 license fee
- 4 (A) License renewal fees may not exceed \$1,000.00
- 5 (B) Application fee \$500.00
- 6 (4) 501-1,000 pounds a month \$2,000.00 license fee
- 7 (A) License renewal fees may not exceed \$2,000.00
- 8 (B) Application fee \$1,000.00
- 9 (5) 1,001-5,000 pounds a month \$3,500.00 license fee
- 10 (A) License renewal fees may not exceed \$3,500.00
- 11 (B) Application fee \$1,250.00
- 12 (6) 5,001-10,000 pounds a month \$7,000.00 license fee
- 13 (A) License renewal fees may not exceed \$7,000.00
- 14 (B) Application fee \$3,500.00
- 15 (7) 10,001-15,000 pounds a month \$10,000.00 license fee
- 16 (A) License renewal fees may not exceed \$10,000.00
- 17 (B) Application fee \$5,000.00
- 18 (k) (1) An applicant or licensee may pay the license fee and renewal
- 19 fee in full or the first half of the license fee plus the entire renewal fee plus
- 20 the second half of the license fee + 10% due in 1 year.
- 21 (2) License renewal shall be required every two years.
- 22 (l) (1) Medical cannabis manufacturing license fees, renewal fees,
- 23 and application fees shall be in accordance with the following parameters:
- 24 (A) Medical cannabis product manufacturing license fees may not
- 25 exceed \$2,200.00;
- 26 (B) medical cannabis product manufacturing license renewal fees
- 27 may not exceed \$2,200.00;
- 28 (C) medical cannabis product manufacturing application fee shall be
- 29 \$1,100.00; and
- 30 (D) medical cannabis product manufacturing license renewal fee shall
- 31 be \$50.00
- 32 (2) An applicant or licensee may pay the license fee and renewal fee
- 33 in full or the first half of the license fee plus the entire renewal fee plus the
- 34 second half of the license fee + 10% due in 1 year.
- 35 (3) License renewal shall be required every two years.
- 36 (m) (1) Medical cannabis infused product manufacturing license fees,
- 37 renewal fees, and application fees shall be in accordance with the
- 38 following parameters:
- 39 (A) Medical cannabis infused product manufacturing license fees
- 40 may not exceed \$2,200.00;
- 41 (B) medical cannabis infused product manufacturing license renewal
- 42 fees may not exceed \$2,200.00;
- 43 (C) medical cannabis infused product manufacturing application fees

1 shall be \$1,100.00; and

2 (D) medical cannabis infused product manufacturing license renewal
3 fees shall be \$50.00.

4 (2) An applicant or licensee may pay the license fee and renewal fee
5 in full or the first half of the license fee plus the entire renewal fee plus the
6 second half of the license fee + 10% due in 1 year.

7 (3) License renewal shall be required every two years.

8 (n) (1) Medical cannabis testing facility license fees, renewal fees,
9 and application fees shall be in accordance with the following parameters:

10 (A) Medical cannabis testing facility license fees may not exceed
11 \$2,200.00;

12 (B) Medical cannabis testing facility license renewal fees may not
13 exceed \$2,200.00;

14 (C) Medical cannabis testing facility application fee shall be
15 \$1,100.00; and

16 (D) Medical cannabis testing facility license renewal fee shall be
17 \$50.00.

18 (2) An applicant or licensee may pay the license fee and renewal fee
19 in full or the first half of the license fee plus the entire renewal fee plus the
20 second half of the license fee + 10% due in 1 year.

21 (o) Administrative service fees:

22 (1) Criminal history investigations\$150.00

23 (2) Modification of license premises \$120.00

24 (3) Duplicate business license \$40.00

25 (4) Duplicate occupational license \$10.00

26 (5) Duplicate vendor registration \$40.00

27 (6) Off premise storage permit \$500.00

28 (7) Subpoena fee \$200.00

29 (8) Change of location applicant fee - same local jurisdiction
30 only \$150.00

31 (9) Change of trade name \$50.00

32 (10) Change of corporation of structure per person \$25.00

33 Sec. 15. Packaging and labeling. This purpose of this rule is to
34 establish guidelines and standards for packaging and labeling for medical
35 cannabis and medical cannabis products to ensure all the necessary and
36 relevant information to be enforced by the cannabis compliance agency is
37 included. While there are slight differences in the labeling requirements for
38 each category of medical cannabis product, all include identical
39 parameters that mandate the type of packaging for medical cannabis
40 products. The Kansas safe access act requires that each package or
41 container of medical cannabis, medical cannabis product and medical
42 cannabis concentrate includes necessary and relevant information for
43 consumers, does not include health and physical benefits claims, is easily

1 accessible to consumers and is clear, easy to read and noticeable. The
2 cannabis compliance agency will develop a standardized label template
3 and will develop a standardized list of information be included on labels,
4 not limited to, but including, the following:

5 (a) Every medical cannabis product sold must leave the store in a
6 package or container that is child-resistant.

7 (b) If the medical cannabis product packaging is not child-resistant,
8 the compassion center must place that container within an exit package
9 that is child resistant.

10 (c) Each package or container shall be opaque so that the product
11 cannot be seen from outside the packaging, except for colored glass and
12 sublingual syringes.

13 (d) Identification and consumer warning labels must be affixed to
14 every individual container of medical cannabis, medical cannabis product
15 or medical cannabis edible.

16 (e) Every compassion center must ensure the following information is
17 affixed to every container holding a medical cannabis product:

18 (1) The license number of the medical cannabis cultivation facility
19 where the medical cannabis used to produce the product was grown;

20 (2) the license number of the medical cannabis product's
21 manufacturing facility;

22 (3) the license number of the compassion center that sold the medical
23 cannabis product to the registered qualified patient;

24 (4) the identity statement and standardized graphic symbol of the
25 compassion center that sold the product to the registered qualified patient;

26 (5) the production batch lots number assigned to the medical cannabis
27 concentrate used to produce the product;

28 (6) the production batch lots number assigned to the medical cannabis
29 product;

30 (7) the date of sale to the consumer;

31 (8) the following warning statements:

32 (A) Body mass, age, metabolism, gender and body chemistry at time
33 of consumption all vary in the effectiveness and effect of the medicine;

34 (B) the intoxicating effects of this product may be delayed by two or
35 more hours;

36 (C) do not operate a vehicle or machinery, especially when first
37 beginning the use of this medicine;

38 (D) the product may cause dizziness or drowsiness, and alcohol may
39 intensify this effect. Avoid mixing the product with alcohol;

40 (E) keep out of reach of children and animals, in bold print;

41 (F) please consult a medical provider when taken with other
42 medications;

43 (G) the product is for medical use only, to be consumed by registered

- 1 qualifying patient only;
- 2 (9) the universal symbol, indicating that the container holds medical
3 cannabis, which must be no smaller than $\frac{1}{4}$ of an inch by $\frac{1}{4}$ of an inch to
4 be set forth by the cannabis compliance agency;
- 5 (10) a clear set of instructions for proper usage;
- 6 (11) packaging design must not have cartoons, or in any way attract
7 interest from children;
- 8 (12) packaging must prominently display the following in clear and
9 legible font:
- 10 (A) Display or inspection seal;
- 11 (B) patient name and patient ID number;
- 12 (C) a potency profile expressed in milligrams and the number of
13 tetrahydrocannabinol servings within the container; and
- 14 (D) a recommended use by or expiration date for medical cannabis
15 products; and
- 16 (13) packages containing only dried flower must record the weight of
17 medical cannabis.
- 18 Sec. 16. Medical cannabis edible product labeling. The purpose of
19 this rule is to establish guidelines and standards for packaging and labeling
20 for medical cannabis edible products to ensure all the necessary and
21 relevant information to be enforced by the cannabis compliance agency is
22 included. While there are slight differences in the labeling requirements for
23 each category of medical cannabis edible product, all include identical
24 parameters that mandate the type of packaging for medical cannabis edible
25 products. The Kansas safe access act requires that each package or
26 container of medical cannabis edible products includes necessary and
27 relevant information for consumers, does not include health and physical
28 benefits claims, is easily accessible to consumers and is clear, easy to read
29 and noticeable. The cannabis compliance agency will develop a
30 standardized label template and will develop a standardized list of
31 information be included on label, not limited to, but including the
32 information listed below. Edible medical cannabis products must include
33 the following information, in addition to the information required by the
34 guidelines of section 15, and amendments thereto;
- 35 (a) "The intoxicating effects of this product may be delayed three to
36 six hours."
- 37 (b) An ingredient list including all ingredients used to manufacture
38 the edible medical cannabis product.
- 39 (c) A statement regarding required refrigeration if the medical
40 cannabis product is perishable.
- 41 (d) The standardized serving size for this product includes no more
42 than ten milligrams of active tetrahydrocannabinol, and a list of the
43 package total of pharmacologically active ingredients.

1 (e) If the product uses nuts or another known allergen, a suitable
2 warning.

3 (f) Bundled single-serving edible medical cannabis products that are
4 individually packaged in child-resistant packaging and labeled can be
5 placed into a larger package, that also needs to be child-resistant and
6 include a list of the package total of pharmacologically active ingredients
7 contained within the bundled package, including tetrahydrocannabinol that
8 does not exceed 100 milligrams.

9 (g) Single-serving size medical cannabis products must list the
10 package total of pharmacologically active ingredients including, but not
11 limited to, tetrahydrocannabinol and cannabidiol, not to exceed 10
12 milligrams of tetrahydrocannabinol per single serving.

13 (h) Statement of expiration date.

14 (i) A dietary restriction label and nutritional fact panel.

15 (j) Potency test results for all medical cannabis edible products.

16 (k) Only generic food names that describe edible medical cannabis
17 products.

18 (l) A recommended use by or expiration date for medical cannabis
19 products.

20 (m) Must denote if liquid edible contains more than one standardized
21 serving.

22 (n) Each product must be packaged in a child-resistant container that
23 maintains its child-resistant effectiveness for multiple openings.

24 (o) All containers for liquids shall clearly demark each standardized
25 serving of liquid edible in a way that enables a reasonable person to
26 intuitively determine how much of the product constitutes a single serving
27 of active tetrahydrocannabinol. The portion of the container that clearly
28 demarks each standardized serving of liquid edible medical cannabis need
29 not be opaque.

30 (p) Liquid edible containers that include a dropper or measuring
31 device shall assure the device allows a reasonable person to intuitively
32 measure and serve a single serving of active tetrahydrocannabinol.

33 Sec. 17. Packaging and labeling of medical cannabis by a medical
34 cannabis cultivation facility or a medical cannabis products manufacturing
35 facility. The purpose of this rule is to ensure that every medical cannabis
36 cultivation facility and medical cannabis products manufacturing facility
37 label each shipping container and container of medical cannabis with all
38 the necessary and relevant information for the receiving medical cannabis
39 establishment. In addition, this rule clarifies basic shipping container
40 requirements. The cannabis compliance agency wants to ensure the
41 regulated community employs proper labeling techniques for all medical
42 cannabis.

43 (a) Every medical cannabis cultivation facility and medical cannabis

1 products manufacturing facility must ensure that all medical cannabis is
2 placed within a sealed, tamper-evident shipping container that has no more
3 than one pound of medical cannabis within it prior to transport or transfer
4 of any medical cannabis to another medical cannabis establishment.

5 (b) Labeling of medical cannabis shipping containers by a medical
6 cannabis cultivation facility or a medical cannabis products manufacturing
7 facility. Every medical cannabis cultivation facility or medical cannabis
8 products manufacturing facility must ensure that a label is affixed to every
9 shipping container holding medical cannabis that includes all the
10 information required by this rule prior to transport or transfer to another
11 medical cannabis establishment.

12 (c) Every medical cannabis cultivation facility or medical cannabis
13 products manufacturing facility must ensure the following information is
14 affixed to every shipping container holding medical cannabis:

15 (1) The license number of the medical cannabis cultivation facility
16 where the medical cannabis was grown;

17 (2) the harvest batch lot number assigned to the medical cannabis;

18 (3) the net weight, using a standard of measure compatible with the
19 state standardized seed-to-sale tracking system, of the medical cannabis
20 prior to its placement in the shipping container;

21 (4) a complete list of all ecologically sustainable pesticides,
22 fungicides, and herbicides used during the cultivation of the medical
23 cannabis; and

24 (5) a required statement for tests performed. Medical cannabis testing
25 facilities must conducted a test on a harvest batch lot, and every medical
26 cannabis cultivation facility and medical cannabis products manufacturing
27 facility must ensure that a label is affixed to a shipping container holding
28 any medical cannabis from that harvest batch lot with the results of that
29 test. The type of information that must be labeled shall be limited to the
30 following:

31 (A) A cannabinoid potency profile expressed as a range of
32 percentages that extends from the lowest percentage to highest percentage
33 of concentration for each cannabinoid listed in section 19, and
34 amendments thereto, and any others required by the cannabis compliance
35 agency.

36 (B) Every test conducted on that cultivar of medical cannabis
37 cultivated by the same medical cannabis cultivation facility within the last
38 three months.

39 (C) A statement that the product was tested for contaminants,
40 provided that tests for contaminants were conducted according to section
41 19, and amendments thereto, and any other requirements made by the
42 cannabis compliance agency.

43 (d) Labeling of medical cannabis containers by a medical cannabis

1 cultivation facility or a medical cannabis products manufacturing facility.
2 If a medical cannabis cultivation facility or a medical cannabis products
3 manufacturing facility packages medical cannabis within a container that
4 is then placed within a shipping container, each container must be affixed
5 with a label containing all the information required by section 19, and
6 amendments thereto, and any other requirements made by the cannabis
7 compliance agency.

8 Sec. 18. Packaging and labeling of medical cannabis concentrates by
9 a medical cannabis cultivation facility or a medical cannabis products
10 manufacturing facility. The purpose of this rule is to ensure that every
11 medical cannabis cultivation facility and medical cannabis products
12 manufacturing facility labels each shipping container and container of
13 medical cannabis concentrates with all the necessary and relevant
14 information for the receiving medical cannabis establishment. In addition,
15 this rule clarifies basic shipping container requirements. The cannabis
16 compliance agency wants to ensure the regulated community employs
17 proper labeling techniques for all medical cannabis concentrates.

18 (a) Every medical cannabis cultivation facility and medical cannabis
19 products manufacturing facility must ensure that all medical cannabis
20 concentrates are placed within a sealed, tamper-evident shipping container
21 that has no more than one pound of medical cannabis concentrate within it
22 prior to transport or transfer to another medical cannabis facility or
23 compassion center.

24 (b) Every medical cannabis cultivation facility or medical cannabis
25 products manufacturing facility must ensure that a label is affixed to every
26 shipping container holding a medical cannabis concentrate that includes all
27 the information required by section 19, and amendments thereto, and any
28 other requirements made by the cannabis compliance agency, prior to
29 transport.

30 (c) Every medical cannabis cultivation facility or medical cannabis
31 products manufacturing facility must ensure the following information is
32 affixed to every shipping container holding a medical cannabis
33 concentrate:

34 (1) The license number of the medical cannabis cultivation facility
35 where the medical cannabis used to produce the medical cannabis
36 concentrate was grown;

37 (2) the license number of the medical cannabis products
38 manufacturing facility that produced the medical cannabis concentrate;

39 (3) the production batch lot number assigned to the medical cannabis
40 concentrate contained within the shipping container;

41 (4) the net weight, using a standard of measure compatible with the
42 seed-to-sale tracking system, of the medical cannabis concentrate prior to
43 its placement in the shipping container;

1 (5) a complete list of all ecologically sustainable pesticides,
2 fungicides, and herbicides used during the cultivation of the medical
3 cannabis used to produce the medical cannabis concentrate contained; and

4 (6) a complete list of solvents and chemicals used to create the
5 medical cannabis concentrate.

6 (d) Required statement when contaminant tests are performed. Every
7 medical cannabis cultivation facility or medical cannabis products
8 manufacturing facility must ensure that a label is affixed to a shipping
9 container in which a medical cannabis concentrate is placed that contains a
10 statement asserting that the medical cannabis concentrate within was tested
11 per section 19, and amendments thereto, any other requirements made by
12 the cannabis compliance agency; and the following:

13 (1) A medical cannabis testing facility tested every harvest batch lot
14 used to produce the medical cannabis concentrate for:

15 (A) Molds, mildew and filth;

16 (B) microbials; and

17 (C) herbicides, pesticides and fungicides, and any harmful chemicals;
18 and

19 (2) a medical cannabis testing facility tested the production batch lots
20 of the medical cannabis concentrate for residual solvents, poisons or
21 toxins.

22 (e) Required statement when potency testing is performed. If a
23 medical cannabis testing facility tested the production batch lots of the
24 medical cannabis concentrate within a shipping container for potency, then
25 every medical cannabis cultivation facility or medical cannabis products
26 manufacturing facility must ensure that a label is affixed to the shipping
27 container with a cannabinoid potency profile expressed as a percentage.

28 (f) Labeling of medical cannabis concentrate containers by a medical
29 cannabis cultivation facility or a medical cannabis products manufacturing
30 facility. If a medical cannabis cultivation facility or a medical cannabis
31 products manufacturing facility packages a medical cannabis concentrate
32 within a container that is then placed within a shipping container, each
33 container must be affixed with a label containing all the information
34 required by section 19, and amendments thereto, and any other
35 requirements made by the cannabis compliance agency.

36 Sec. 19. Testing and lab requirements. The purpose of this rule is to
37 establish guidelines of independent testing and certification testing facility
38 program for medical cannabis and medical cannabis products. The
39 cannabis compliance agency will require licensees to test medical cannabis
40 to ensure, at a minimum, that products sold for human consumption do not
41 contain contaminants, and to ensure correct labeling.

42 (a) No independent testing facility may handle, test or analyze
43 cannabis or cannabis products unless the independent testing facility:

- 1 (1) Has been registered by the cannabis compliance agency;
- 2 (2) is independent from all other persons and entities involved in the
3 medical cannabis industry;
- 4 (3) ensures that no board member, officer, manager, owner, partner,
5 principal stakeholder or member of a registered organization shall have an
6 interest or voting rights in the testing facility performing medical cannabis
7 testing;
- 8 (4) Has established standard operating procedures that provide for
9 adequate chain of custody controls for samples transferred to the
10 independent testing facility for testing and that comply to all guidelines
11 established by the cannabis compliance agency; and
- 12 (5) is registered with a third party accrediting bodies and associations
13 approved by the cannabis compliance agency.
- 14 (b) The cannabis compliance agency will set guidelines for testing
15 and oversight of lab performance.
- 16 (1) All testing facilities must pass rigorous and regular proficiency
17 testing programs to be carried out by a third party chosen by the cannabis
18 compliance agency.
- 19 (2) Testing facilities must be managed by a full-time on-site chemist
20 with at least four years of experience specific to analytical
21 chromatography.
- 22 (3) The testing facility shall notify the cannabis compliance agency
23 within one business day after the testing facility obtains notice of any kind
24 that its accreditation has been denied, suspended or revoked.
- 25 (c) A medical cannabis cultivation facility shall:
 - 26 (1) Collect a random, homogenous sample for testing by segregating
27 harvest batch lots of individual cultivars of flowers, then selecting a
28 random sample from various locations from within each harvest batch lot,
29 in an amount required by the cannabis compliance agency, and no less than
30 2.5 grams; and
 - 31 (2) designate an individual responsible for collecting each sample
32 who shall:
 - 33 (A) Prepare a signed statement showing that each sample has been
34 randomly selected for testing;
 - 35 (B) provide the signed statement to the medical cannabis testing
36 facility; and
 - 37 (C) maintain a copy as a business record; and
 - 38 (3) transport the sample to the medical cannabis testing facility's
39 licensed premises in compliance with section 19, and amendments thereto,
40 and any other requirements made by the cannabis compliance agency.
 - 41 (d) A medical cannabis cultivation facility shall segregate the entire
42 harvest batch lot from which the testing sample was selected until the
43 medical cannabis testing facility reports the results from its tests.

1 (1) During this period of segregation, the medical cannabis
2 cultivation facility that provided the sample shall maintain the harvest
3 batch lot in a secure, cool and dry location to prevent the medical cannabis
4 from becoming contaminated or losing its efficacy.

5 (2) The facility that provided the sample may not sell or transport any
6 medical cannabis from the segregated batch lot until the medical cannabis
7 testing facility has completed its testing and provided those results, in
8 writing, to the medical cannabis cultivation facility that provided the
9 sample and the cannabis compliance agency.

10 (3) The medical cannabis cultivation facility shall maintain the testing
11 results as part of its business books and records.

12 (e) A licensed testing facility shall issue a certificate of analysis for
13 each harvest batch lot, with supporting data, to report both of the
14 following:

15 (1) The chemical profile, including, but not limited to, all of the
16 following:

17 (A) Tetrahydrocannabinol (THC);

18 (B) tetrahydrocannabinolic Acid (THCA);

19 (C) cannabidiol (CBD);

20 (D) cannabidiolic acid (CBDA);

21 (E) terpenes;

22 (F) cannabigerol (CBG);

23 (G) cannabinol (CBN); and

24 (H) any other compounds required by the cannabis compliance
25 agency; and

26 (2) that the presence of contaminants does not exceed the levels set
27 by the cannabis compliance agency. For purposes of this paragraph,
28 contaminants include, but are not limited to, all of the following:

29 (A) Residual solvent or processing chemicals;

30 (B) foreign material, including, but not limited to, hair, insects or
31 similar or related adulterants;

32 (C) microbiological impurity, including total aerobic microbial count,
33 total yeast mold count, *P. aeruginosa*, *aspergillus* spp., *s. aureus*, aflatoxin
34 B1, B2, G1 or G2 or ochratoxin A;

35 (D) whether the batch is within specification for odor and appearance;

36 (E) residual levels of volatile organic compounds shall be below the
37 lesser of either the specifications set by the cannabis compliance agency;

38 (F) methods, including:

39 (i) High-performance liquid chromatography in tandem with triple-
40 quadrupole mass spectrometry (HPLC-MS/MS) to identify and quantify
41 trace pesticide, fungicide and PGR residues;

42 (ii) real-time polymerase chain-reaction (qPCR) technology;

43 (iii) gas chromatography with flame ionized detection (FID) to test

1 for terpenes; and

2 (iv) utilizing a combination of gas chromatograph with flame ionized
3 detection (FID), head-space analysis and mass spectrometry for residual
4 solvent testing.

5 (f) The cannabis compliance agency requires that a test batch be
6 submitted to a specific medical cannabis testing facility for testing to
7 verify compliance, perform investigations, compile data or address a
8 public health and safety concern via test batch samples.

9 (1) Standard minimum weight of medical cannabis and medical
10 cannabis concentrate that must be included in a test batch for every type of
11 test that it conducts must be 2.5 grams.

12 (2) The cannabis compliance agency must establish a standard
13 number of finished product it requires to be included in each test batch of
14 medical cannabis infused-product for every type of test required by this
15 act, or by further guidelines set by the cannabis compliance agency.

16 (3) A medical cannabis testing facility may not accept a test batch that
17 is smaller than the standard minimum amount.

18 (4) A medical cannabis testing facility may not accept a test batch or
19 sample that was not taken in accordance with these rules or any additional
20 cannabis compliance agency sampling procedures or was not collected by
21 qualified personnel.

22 (g) If medical cannabis, medical cannabis concentrate or medical
23 cannabis infused-product failed a contaminant test, then the medical
24 cannabis testing facility must immediately notify the medical cannabis
25 cultivation facility or medical cannabis product manufacturer that
26 submitted the sample for testing and report the failure in accordance with
27 all cannabis compliance agency procedures.

28 (h) If medical cannabis, medical cannabis concentrate or medical
29 cannabis infused-product is found to have a contaminant in levels
30 exceeding those established as permissible under this rule, then it shall be
31 considered to have failed contaminant testing. Notwithstanding the
32 permissible levels established in this rule, the cannabis compliance agency
33 reserves the right to determine that a test batch presents a risk to the public
34 health or safety and therefore shall be considered to have failed a
35 contaminant test.

36 (i) For purposes of the microbiological test, a CO₂ and solvent-based
37 extracts sample shall be deemed to have passed if it satisfies the
38 recommended microbial and fungal limits for cannabis products in colony
39 forming units per gram (CFU/g):

40 (1) Total viable aerobic bacteria 10⁴;

41 (2) total yeast and mold 10³;

42 (3) total coliforms bile-tolerant gram-negative bacteria 10²; and

43 (4) E. coli (pathogenic strains) and Salmonella spp. not detected in 1

1 g.

2 (j) Unprocessed materials include minimally processed crude
3 cannabis preparations such as inflorescences, accumulated resin glands
4 (kief) and compressed resin glands (hashish). Processed materials include
5 various solid or liquid-infused edible preparations, oils, topical
6 preparations and water-processed resin glands (bubble hash).

7 (k) Mycotoxin test: For purposes of the mycotoxin test, a cannabis
8 sample shall be deemed to have passed if it meets the following standards
9 for tests and specifications:

10 (1) Aflatoxin B1, <20 µg/kg of substance;

11 (2) aflatoxin B2, <20 µg/kg of substance;

12 (3) aflatoxin G2, <20 µg/kg of substance; and

13 (4) ochratoxin A, <20 µg/kg of substance.

14 (5) Testing facilities should contact the cannabis compliance agency
15 when shiga toxin producing escherichia coli (STEC) and salmonella are
16 detected beyond the acceptable limits.

17 (l) These named solvents and pesticides are not permitted for use
18 under this act, but must be tested for as contaminants. Testing must be for
19 specific pesticides listed in (h) (5) (i)(8)(9)(10)(11)(12)(13), any and all
20 solvents, permitted and not permitted, under section 20, and amendments
21 thereto:

22 (1) Butanes;

23 (2) heptanes;

24 (3) benzene**;

25 (4) toluene**;

26 (5) hexane**;

27 (6) total xylenes (m,p, o-xylenes)**;

28 (7) any solvent not listed above;

29 (8) azadirachtin;

30 (9) myclobutinil;

31 (10) imidacloprid;

32 (11) avermectin;

33 (12) bifentazate;

34 (13) etoxazole;

35 (14) chlorpyrifos (EPA registration number: 829-292);

36 (15) disulfoton (EPA registration number: 264-734);

37 (16) imidacloprid (EPA registration number: 264-755);

38 (17) azatrol hydro botanical insecticide (EPA registration number:
39 2217-836);

40 (18) Gordon's professional turf & ornamental products azatrol EC
41 insecticide (EPA registration number: 2217-836); and

42 (19) azadirachtin. (EPA registration number: 2217-836) (some trade
43 names for products containing azadirachtin include align, azatin and

1 turplex).

2 (m) Metals substance maximum limits:

3 (1) Arsenic, max limit: <10 PPM;

4 (2) cadmium, max limit: <4.1 PPM;

5 (3) lead, max limit: <10 PPM; and

6 (4) mercury, max limit: <2.0 PPM.

7 (n) A medical cannabis testing facility must notify the cannabis
8 compliance agency if a test batch lot is found to contain levels of a known
9 contaminant not listed within this section.

10 (o) Potency testing cannabinoids potency profiles. A medical
11 cannabis testing facility will test and report results for all cannabinoids
12 required by the cannabis compliance agency.

13 (1) For potency tests on medical cannabis and medical cannabis
14 concentrate, results must be reported by listing a single percentage
15 concentration for each cannabinoid that represents an average of all
16 samples within the test batch lot.

17 (2) For potency tests conducted on medical cannabis infused-product,
18 results must be reported by listing the total number of milligrams
19 contained within a single medical cannabis-infused product unit for sale
20 for each cannabinoid and affirming the tetrahydrocannabinol content is
21 homogeneous.

22 (3) All potency tests conducted on medical cannabis must occur on
23 dried and cured medical cannabis that is ready for sale.

24 (4) If the tetrahydrocannabinol content of a medical cannabis infused-
25 product is determined through testing not to be homogeneous, then it shall
26 be considered to have failed potency testing.

27 (5) A medical cannabis infused-product shall be considered not to be
28 homogeneous if 10% of the infused portion of the medical cannabis
29 infused-product contains more than 20% of the total tetrahydrocannabinol
30 contained within the entire medical cannabis infused-product.

31 (6) Potency levels of edibles must meet standards set forth in section
32 16, and amendments thereto.

33 (7) A potency variance for cannabis infused products and edibles of
34 no more than plus or minus 5% is allowed.

35 (8) The cannabis compliance agency shall determine procedures to
36 address purposeful misrepresentation of medical cannabis or medical
37 cannabis products potency profiles.

38 (p) If the sample failed testing, the entire batch lot from which the
39 sample was taken shall, if applicable, be recalled as provided for by
40 standards set forth by the cannabis compliance agency, and disposed of in
41 accordance with guidelines set forth by the agency.

42 (1) If the sample failed any test other than pesticides and metals, the
43 batch lot may be used to make a CO2 or solvent-based extract. After

1 processing, the CO2 or solvent-based extract must still pass all required
2 tests.

3 (2) The testing facility shall file with the cannabis compliance agency
4 an electronic copy of each testing facility test result for any test batch that
5 does not pass the microbiological, mycotoxin, metals or pesticide chemical
6 residue test, at the same time that it transmits those results to the
7 cultivation center.

8 (3) In addition, the testing facility shall maintain the test results for at
9 least five years and make them available at the cannabis compliance
10 agency's request.

11 (q) The cannabis compliance agency will develop and implement a
12 written quality assurance program that assesses the chemical and
13 microbiological composition of medical cannabis. Assessment includes a
14 profile of the active ingredients, including shelf life, and the presence of
15 inactive ingredients and contaminants. A medical cannabis manufacturer
16 must use these testing results to determine appropriate storage conditions
17 and expiration dates.

18 (1) The cannabis compliance agency will develop procedures that
19 require:

20 (A) Sample collection;

21 (B) sample collection documentation;

22 (C) all sampling and testing plans to be described in written
23 procedures that include the sampling method and the number of units per
24 batch to be tested;

25 (D) that random samples from each batch are:

26 (i) Taken in an amount necessary to conduct the applicable test;

27 (ii) labeled with the harvest batch lot number;

28 (iii) submitted for testing; and

29 (iv) retain the results from the random samples for at least five years;

30 (E) rejecting a medical cannabis batch that fails to meet established
31 standards, specifications and any other relevant quality-control criteria set
32 by the cannabis compliance agency;

33 (F) following the cannabis compliance agency guidelines for
34 responding to results indicating contamination, and determining the source
35 of contamination; and

36 (G) retaining documentation of test results, assessment and
37 destruction of medical cannabis for at least five years.

38 (2) The quality assurance program must include procedures for
39 performing stability testing of each product type produced to determine
40 product shelf life that addresses:

41 (A) Sample size and test intervals based on statistical criteria for each
42 attribute examined to ensure valid stability estimates;

43 (B) storage conditions for samples retained for testing; and

1 (C) reliable and specific test methods.

2 (3) Stability studies must include:

3 (A) Medical cannabis testing at appropriate intervals;

4 (B) medical cannabis testing in the same container-closure system in
5 which the product is marketed; and

6 (C) testing medical cannabis for reconstitution at the time of
7 dispensing, as directed in the labeling, and after the samples are
8 reconstituted.

9 (4) If shelf-life studies have not been completed before the
10 implementation of this act, a medical cannabis manufacturer may assign a
11 tentative expiration date, based on any available stability information. The
12 manufacturer must concurrently conduct stability studies to determine the
13 actual product expiration date.

14 (5) After the manufacturer verifies the tentative expiration date, or
15 determines the appropriate expiration date, the medical cannabis
16 manufacturer must include that expiration date on each batch of medical
17 cannabis products and provide supporting documentation to the cannabis
18 compliance agency.

19 (6) Stability testing must be repeated if the manufacturing process or
20 the product's chemical composition is changed.

21 (r) A medical cannabis manufacturer must retain a uniquely labeled
22 reserve sample that represents each batch of medical cannabis and store it
23 under conditions consistent with product labeling. The reserve sample
24 must be stored in the same immediate container-closure system in which
25 the medical cannabis is marketed. The reserve sample must consist of at
26 least twice the quantity necessary to perform all the required tests. A
27 medical cannabis manufacturer must retain the reserve for at least one year
28 following the batch's expiration date.

29 (s) If the cannabis compliance agency deems that public health may
30 be at risk, the cannabis compliance agency may require the manufacturer
31 to retest any sample of plant material or medical cannabis product.

32 (t) A cultivation facility shall not be required to sample and test
33 cannabis if the batch was previously sampled, the sample was tested by
34 another cultivation facility and determined to have passed the testing
35 requirements of the cannabis compliance agency, and the facility can
36 provide such documentation to the cannabis compliance agency.

37 (u) If a sample does not pass testing, the producer shall determine
38 whether the sample would meet guidelines for remediation established by
39 the cannabis compliance agency and test another sample from the batch at
40 issue, or identify processes that will render the dried medical cannabis or
41 medical cannabis product safe and retest in accordance with the
42 requirements of this section.

43 (v) If the batch cannot be remediated to where it meets the testing

1 requirements of this section, the cultivation facility shall notify the
2 cannabis compliance agency within 24 hours, and confirm the destruction
3 and disposal of the dried cannabis or concentrated cannabis-derived
4 product per the guidelines to be established by the agency.

5 (w) A medical cannabis testing facility must submit its quality control
6 manual to the cannabis compliance agency for review and approval.

7 (1) The manual may be mailed to the cannabis compliance agency or
8 may be sent electronically.

9 (2) The cannabis compliance agency will create a list of laboratories
10 that have submitted a quality control manual by the deadline assigned by
11 the cannabis compliance agency and post the list on cannabis compliance
12 agency's website.

13 (3) A compassion center may only accept test results from a testing
14 facility listed with the cannabis compliance agency.

15 (4) A manual must be signed by an directing official of the testing
16 facility with an attestation that the results are accurate and that testing was
17 done using valid testing methodologies and a quality system as required in
18 this section.

19 (5) If the cannabis compliance agency determines that a testing
20 facility is not using valid testing methodologies, does not have a quality
21 system or is not producing test result reports in accordance with this
22 section, the cannabis compliance agency may remove the name of the
23 testing facility from the list on the cannabis compliance agency's website.

24 (x) The cannabis compliance agency may do audit testing of a
25 medical cannabis cultivation facility or medical cannabis product
26 manufacturer to access whether they are operating within the guidelines of
27 this act.

28 (1) The medical cannabis testing facility shall establish and follow
29 cannabis compliance agency procedures for verifying the experience and
30 education of testing facility employees.

31 (2) The medical cannabis testing facility shall submit the required
32 information for employee identification cards within 15 working days after
33 the date the testing facility employee was hired.

34 (3) Upon termination of the employment of the medical cannabis
35 testing facility employee with the testing facility, the facility shall:

36 (A) Obtain any keys or other entry devices from the terminated
37 testing facility employee;

38 (B) ensure the terminated facility employee can no longer gain access
39 to the facility premises; and

40 (C) within one business day of the termination of facility employee,
41 notify the cannabis compliance agency of the termination.

42 (y) Testing and laboratory personnel cannot be excluded for any
43 offense consisting of conduct for which the Kansas safe access act would

1 likely have prevented a conviction, but the conduct either occurred prior to
2 the enactment of the Kansas safe access act or was prosecuted by an
3 authority other than the state of Kansas, whether as a patient or caregiver.
4 Candidates who can prove their past convictions would have been negated
5 by the Kansas safe access act by providing to the cannabis compliance
6 agency medical records from the time of the conviction for the patient, or
7 records that the patient was receiving care from a caregiver, cannot be
8 excluded from consideration.

9 Sec. 20. Methods of medical extract manufacturing. The purpose of
10 this rule is to establish guidelines regarding the manufacturing of medical
11 cannabis products, to ensure, at a minimum, that products sold for human
12 consumption do not contain contaminants that are injurious to health and
13 to ensure public safety using best practices.

14 (a) Methods of oil, tincture and extract production banned under the
15 Kansas safe access act are:

- 16 (1) Butane;
- 17 (2) alcohol cook methods over open flame; and
- 18 (3) propane.

19 (b) Solvents banned under the Kansas safe access act for all products
20 sold or purchased by compassion centers include all petroleum-based
21 products.

22 (c) Extract methods allowed under the Kansas safe access act are:

- 23 (1) Tabletop infusing machines;
- 24 (2) slow cooker methods;
- 25 (3) rosin heat press methods and machines;
- 26 (4) ice water methods;
- 27 (5) food grade glycerin methods;
- 28 (6) grain alcohol methods;
- 29 (7) supercritical closed loop carbon dioxide extraction machines,
30 including tabletop machines;
- 31 (8) dry ice method; and
- 32 (9) all other non-explosive, non-toxic solvents, and new technologies
33 or methods that may develop, that adhere to Kansas safe access act
34 guidelines and any further guidelines established by the cannabis
35 compliance agency.

36 Sec. 21. This act shall establish the cannabis compliance agency, a
37 division under the department of health and environment. The cannabis
38 compliance agency oversees all components of licensing, compliance and
39 regulation enforcement and is not a resource for the growing process and
40 does not have to give information pertaining to the growing process to
41 patients or caregivers as part of this act. The agency works in consultation
42 with the compassion board and is established as an agency under the
43 department of health and environment.

1 (a) The cannabis compliance agency will work in consultation with
2 the compassion board, and report directly to the department of health and
3 environment.

4 (b) The purpose of the cannabis compliance agency will be to enforce
5 compliance to all sections of the Kansas safe access act and to issue all
6 pertaining licenses.

7 All license applicants shall be residents of Kansas for one year, or a
8 returning former Kansan who has re-established residency by the date of
9 their license application.

10 (c) The cannabis compliance agency shall submit to the legislature an
11 annual report that does not disclose any identifying information about
12 identification cardholders, compassion centers or medical providers, but
13 does contain, at a minimum, all of the following information:

14 (1) The number of applications and renewals filed for identification
15 cards;

16 (2) the number of qualifying patients and designated primary
17 caregivers approved in each county;

18 (3) the nature of the medical conditions of the qualifying patients;

19 (4) the number of identification cards revoked;

20 (5) the number of medical providers providing written certifications
21 for qualifying patients;

22 (6) the number of registered compassion centers; and

23 (7) the number of compassion center staffers.

24 (d) It shall be a class B misdemeanor for any person, including an
25 employee or official of the cannabis compliance agency or another state
26 agency or local government, to breach the confidentiality of information
27 obtained pursuant to section 7, and amendments thereto.

28 (e) Notwithstanding the provisions of this section, this section shall
29 not prevent the following notifications:

30 (1) The cannabis compliance agency employees may notify law
31 enforcement about falsified or fraudulent information submitted to the
32 cannabis compliance agency, so long as the employee who suspects that
33 falsified or fraudulent information has been submitted confers with such
34 employee's supervisor and both agree that circumstances exist that warrant
35 reporting;

36 (2) the cannabis compliance agency may notify state or local law
37 enforcement about apparent criminal violations of the Kansas safe access
38 act, if the employee who suspects the offense confers with such
39 employee's supervisor and both agree that circumstances exist that warrant
40 reporting; or

41 (3) compassion center staffers may notify the cannabis compliance
42 agency of a suspected violation or attempted violation of the Kansas safe
43 access act or the rules and regulations adopted pursuant thereto, if the

1 employee who suspects the offense confers with such employee's
2 supervisor and both agree that circumstances exist that warrant reporting.

3 (f) (1) The cannabis compliance agency shall maintain a website:

4 (A) To house information for the public on the act; and

5 (B) to facilitate implementation of the act.

6 (2) Information to be included, either by text or link, may include, but
7 shall not be limited to:

8 (A) Medical provider search;

9 (B) cultivating caregiver search;

10 (C) compassion center or cooperative search;

11 (D) customer service phone number and email;

12 (E) information and contacts for the appeals process;

13 (F) electronic application forms;

14 (G) electronic crop damage report form;

15 (H) a portal to upload documents and pictures; and

16 (I) all electronic forms for medical cannabis cultivation facilities,
17 cannabis product manufacturers, compassion centers, cultivating
18 caregivers, medical cannabis testing facilities, cannabis transport and
19 security companies, and any other forms as required by the cannabis
20 compliance agency.

21 (g) The agency shall establish regulation of the storage of,
22 warehouses for and transportation of medical cannabis and medical
23 cannabis products.

24 (h) The agency shall develop a universal symbol indicating the
25 package contains medical cannabis.

26 (i) The agency shall establish rules for the safe and lawful transport
27 of medical cannabis and medical cannabis products between the licensed
28 business and testing labs.

29 (j) The cannabis compliance agency may refuse or deny a license
30 renewal, reinstatement or initial license issuance for good cause. For
31 purposes of this subsection, good cause means:

32 (1) The licensee or applicant has violated, does not meet or has failed
33 to comply with any of the terms, conditions or provisions of this act, any
34 rules promulgated pursuant to this act, or any supplemental local law, rules
35 or regulations.

36 (2) The licensee or applicant has failed to comply with any special
37 terms or conditions that were placed on its license pursuant to an order of
38 the cannabis compliance agency.

39 (3) The licensed premises have been operated in a manner that
40 adversely affects the public health or the safety of the immediate
41 neighborhood in which the establishment is located.

42 (4) The licensee or applicant has provided a false application or
43 committed a fraudulent act to a member of law enforcement, prosecutor,

1 officer or employee of the cannabis compliance agency, or member of
2 local or state government.

3 (k) If the cannabis compliance agency denies a state license pursuant
4 to this subsection, the applicant shall be entitled to a hearing and judicial
5 review. The cannabis compliance agency shall provide written notice of
6 the grounds for denial to the applicant and to the local jurisdiction at least
7 30 calendar days prior to the hearing.

8 (l) The cannabis compliance agency shall require a complete
9 disclosure of all persons having a direct or indirect financial interest, and
10 the extent of such interest, in each license issued under this act.

11 (m) For the purpose of regulating the cultivation, manufacture,
12 distribution, sale and testing of medical cannabis and medical cannabis
13 products, the cannabis compliance agency in its discretion, upon receipt of
14 an application in the prescribed form, may issue and grant to the applicant
15 a license from any of the following classes, subject to the provisions and
16 restrictions provided by this act:

17 (1) Compassion center license;

18 (2) medical cannabis cultivation facility license;

19 (3) medical cannabis products manufacturing license;

20 (4) medical cannabis testing facility license; and

21 (5) occupational licenses and registrations for owners, managers,
22 operators, employees, contractors and other support staff employed by,
23 working in or having access to restricted areas of the licensed premises, as
24 determined by the cannabis compliance agency.

25 (n) A licensee may operate a compassion center, a medical cannabis
26 cultivation facility and a medical cannabis products manufacturing facility
27 at the same location.

28 (o) The cannabis compliance agency will establish a seed-to-sale
29 tracking system to be utilized by compassion centers, medical cannabis
30 product manufacturers, medical cannabis testing facilities and cultivating
31 caregivers with over 10 patients.

32 Sec. 22. Any provision or section of this act being held invalid as to
33 any person or circumstances shall not affect the application of any other
34 provision or section of this act that can be given full effect without the
35 invalid provision or section or application, and to this end, the provisions
36 of this act are severable.

37 Sec. 23. This act shall take effect and be in force from and after its
38 publication in the statute book.