

HOUSE BILL No. 2348

By Committee on Health and Human Services

2-10

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 25, and amendments thereto, shall
 37 be known and may be cited as the Kansas safe 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 the
 40 health of its citizens, which 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. As used in the Kansas safe access act, unless the context
 43 requires otherwise:

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

6 (b) "Cannabis" means all parts of all varieties of the plant cannabis
7 whether growing or not, the seeds thereof, the resin extracted from any
8 part of the plant and every compound, manufacture, salt, derivative,
9 mixture or preparation of the plant, its seeds or resin. It does not include
10 the mature stalks of the plant, fiber produced from the stalks, oil or cake
11 made from the seeds of the plant, any other compound, manufacture, salt,
12 derivative, mixture or preparation of the mature stalks, except the resin
13 extracted therefrom, fiber, oil, cake or the sterilized seed of the plant,
14 which is incapable of germination.

15 (c) "Cannabis compliance agency" means the agency created under
16 section 21, and amendments thereto. The cannabis compliance agency
17 oversees all components of licensing, compliance and regulation
18 enforcement, is not a resource for the growing process and does not have
19 to give information pertaining to the growing process to patients or
20 caregivers as part of this act. The agency works in consultation with the
21 compassion board and is established as a division under the department of
22 health and environment.

23 (d) "cannabis-infused products" means products infused with medical
24 cannabis.

25 (e) "Child-resistant" means special packaging that is designed or
26 constructed to be significantly difficult for children under five years of age
27 to open, and not difficult for normal adults to use properly as defined by
28 16 C.F.R. 1700.20 (1995) and ASTM classification standard D3475-13.

29 (f) "Compassion board" means the board created under section 13,
30 and amendments thereto. The compassion board will: Report to the
31 department of health and environment; be responsible for guiding policy
32 on behalf of patients, medical providers and the public, with focus on
33 continuous process improvement to better serve the needs of all; facilitate
34 research and work with researchers; liaison with other Kansas agencies
35 and organizations; and liaison with law enforcement and the cannabis
36 compliance agency.

37 (g) "Compassion center" means a local, government-regulated
38 physical location in which a person can purchase medical cannabis and
39 medical cannabis products for therapeutic use. A patient receives cannabis
40 medication as allowed per the patient's medical provider's
41 recommendation.

42 (h) "Compassion center employee" means a principal officer, board
43 member, employee, volunteer or agent of a compassion center who has

1 been issued and possesses a valid identification card.

2 (i) "Cultivation caregiver" means the individual or entity designated
3 by a registered qualifying patient with an identification card, or primary
4 caregiver with an identification card, able to cultivate a patient's
5 recommended amount of medical cannabis on their behalf. Cultivating
6 caregivers shall not exceed a limit of five patients without purchasing and
7 implementing a seed to sale tracking system and following ecologically
8 sustainable guidelines.

9 (j) "Cultivation facility" means an entity licensed to cultivate, prepare
10 and package medical cannabis and sell to compassion centers and medical
11 cannabis product manufacturers but not to consumers.

12 (k) "Cultivation facilities" means any location where medical
13 cannabis is grown for multiple patients, such as medical cannabis
14 cultivation facilities, registered qualifying patient sites or cultivating
15 caregiver sites.

16 (l) "Department" means the department of health and environment.

17 (m) "Distillation process material" means food grade alcohol and
18 CO₂, a liquid that has a flashpoint below 100 degrees fahrenheit.

19 (n) "Ecologically sustainable pesticides" means pesticides approved
20 for organic agriculture under EPA, WSDA organic program, CDFA organic
21 input material program, OMRI or other USDA accredited materials review
22 programs. Banned pesticides include, but are not limited to, myclobutanil,
23 imidacloprid, avermectin, bifenazate, etoxazole and azadirachtin.

24 (o) "Extract" means the final product, derived by various methods, of
25 separating plant material from chemical compounds.

26 (p) "Harvest batch lot" means a specifically identified quantity of
27 processed medical cannabis that is uniform in strain, cultivated using the
28 same ecologically sustainable herbicides, pesticides and fungicides and
29 harvested at the same time.

30 (q) "Identification card" means a document issued by the department
31 that identifies a person as a registered qualifying patient, registered
32 designated primary caregiver or a registered principal officer, board
33 member, employee, volunteer or agent of a registered compassion center.

34 (r) "Identity statement and standardized graphic symbol" or "identity
35 statement" means the name or logo of the business as it is commonly
36 known and used in market positioning. A licensee may elect to have its
37 identity statement also serve as its standardized graphic symbol for
38 purposes of complying with this act. The licensee shall maintain a record
39 of its identity statement and standardized graphic symbol and make such
40 information available to the cannabis compliance agency upon request.

41 (s) "Licensee" means any person or entity holding a license to operate
42 a compassion center, medical cannabis cultivation facility or manufacture
43 medical cannabis products.

1 (t) "Medical cannabis concentrate" means a medical cannabis
2 concentrated form manufactured by extraction, decoction or distillation,
3 available for purchase at compassion centers.

4 (u) "Medical cannabis products manufacturing facility" means any
5 site that manufactures medical cannabis-infused products.

6 (v) "Medical condition" means either a temporary disability or illness,
7 due to injury or surgery, or a permanent disability or illness that:

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

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

13 (w) "Medical provider" means a physician who holds a license to
14 practice medicine and surgery issued by the state board of healing arts or
15 an advanced practice registered nurse who holds a license to practice as an
16 advanced practice registered nurse from the state board of nursing and who
17 has taken responsibility for an aspect of the medical care, treatment,
18 diagnosis, counseling or referral of a patient and who has conducted a
19 medical examination of that patient before recording in the patient's
20 medical record the physician's or advanced practice registered nurse's
21 assessment of whether the patient has a medical condition where the
22 medical use of cannabis is appropriate.

23 (x) "Occupational licensee" means an individual trained in various
24 aspects of cannabis compliance or cannabis product manufacturing
25 compliance.

26 (y) "Optional premises" means a site for cultivation or manufacturing
27 other than the primary business site of a licensee.

28 (z) "Patient," "qualifying patient" or "registered qualifying patient"
29 means a person who has been diagnosed by a medical provider as having a
30 debilitating medical condition and, as such, have qualified for coverage
31 under the Kansas safe access act, whether a temporary disability or illness,
32 due to injury or surgery, or a permanent disability or illness which
33 substantially limits the ability of the person to conduct one or more major
34 life activities, as defined in the Americans with disabilities act of 1990
35 (ADA) (public law 101-336), or if not alleviated, may cause serious harm
36 to the patient's safety or physical or mental health.

37 (aa) "Patient owned collective" means an organization that merely
38 facilitates the collaborative efforts of patient and caregiver members,
39 including the allocation of costs and revenues. As such, a collective is not
40 a statutory entity, but might have to organize as some form of business to
41 carry out its activities. The collective should not purchase medical
42 cannabis from, or sell to, non-members, instead, it may only provide a
43 means for facilitating or coordinating transactions between members. Not

1 every member of a collective has to participate in cultivation. Cities are
2 prohibited from using nuisance abatement ordinances to impose a blanket
3 ban on collectives, if the collective cultivates on-site.

4 (bb) "Philanthropic equity investors" means enterprise level investors
5 seeking to provide nonprofits with the capital they need to scale impact
6 and that is intended to subsidize organizations until they reach a point
7 when their activities are fully sustained by donors.

8 (cc) "Primary caregiver" means the individual or entity, designated by
9 a registered qualifying patient who has consistently assumed responsibility
10 for the housing, health or safety of that patient or person, and may include
11 a licensed clinic, a licensed state government institution clinic, a licensed
12 health care facility, a licensed residential care facility for persons with
13 chronic life-threatening illness, a licensed residential care facility for the
14 elderly, a hospice or a licensed home health agency, the owner or operator
15 and any trained employee of a licensed clinic, facility, hospice or home
16 health agency or an individual group home, halfway house or an individual
17 if designated as a primary caregiver by a registered qualifying patient.

18 (1) A primary caregiver shall be at least 18 years of age, unless the
19 primary caregiver is the parent of a minor child who is a registered
20 qualifying patient, or a person otherwise entitled to make medical
21 decisions under state law, or it can be proven to the cannabis compliance
22 agency to full satisfaction that no other viable option for a caregiver is
23 available.

24 (2) Primary caregiver entities shall utilize an in-house patient
25 medication tracking system when the caregiver is not growing but only
26 dispensing. If these entities become cultivating caregivers, they are bound
27 by regulations adopted pursuant to section 10, and amendments thereto.

28 (dd) "Production batch lots" means a group of medical cannabis-
29 infused products created from the same production run.

30 (ee) "Seed to sale tracking system" means a technology platform
31 designed specifically for governments and regulatory agencies that will
32 collect and monitor the critical data needed to track compliance with
33 jurisdictional rules, laws and rules and regulations governing cannabis-
34 related businesses that includes a software tracking system used to track
35 the production, transportation, destruction and sales of legal cannabis in a
36 system, allowing regulatory and law enforcement agencies to view reports
37 in real time, allowing medical cannabis businesses to utilize the
38 commercial system as a business platform that supports them in remaining
39 fully compliant when tracking all aspects of their day-to-day operations.

40 (ff) "Shipping container" means any container or wrapping used
41 solely for the transport of medical cannabis or medical cannabis-infused
42 product in bulk, or in a quantity for other medical cannabis business.

43 (gg) "Third-party certification agencies" means third-party

1 certification agencies offering certification for producers of ecologically
2 sustainable grown cannabis products to a private standard that is similar to
3 internationally accepted organic standards.

4 (hh) "Verification system" means a secure, password-protected, web-
5 based system that is operational 24 hours each day that law enforcement
6 personnel and compassion center employees shall use to verify
7 identification cards and that shall be established and maintained by the
8 cannabis compliance agency pursuant this act.

9 (ii) "Visiting qualifying patient" means a patient with a debilitating
10 medical condition who is not a resident of Kansas or who has been a
11 resident of Kansas for less than 30 days.

12 (jj) "Written documentation" means accurate reproductions of those
13 portions of a patient's medical records that have been created by the
14 attending medical provider that contain the information that the patient
15 may submit to the cannabis compliance agency or its designee as part of an
16 application for an identification card.

17 Sec. 3. (a) The purpose of this act is to:

18 (1) Provide legal protections to persons with medical conditions who
19 medicate with cannabis to alleviate the symptoms of such medical
20 conditions under the supervision of a medical provider and deem the laws
21 relating to the unlawful possession or cultivation of cannabis in applicable
22 to a patient's primary caregiver who possesses or cultivates cannabis for
23 the medical purposes of the patient upon the written recommendation of
24 their medical provider;

25 (2) allow for the regulated cultivation, processing, manufacture,
26 delivery, distribution, possession and use of cannabis as permitted by this
27 act;

28 (3) Notwithstanding any other provision of law, make illegal the
29 property seizure and forfeiture of the homes of qualifying patients who use
30 cannabis as a medical treatment, family members, the personal caregivers
31 who may assist those patients, the physicians and healthcare professionals
32 who certify patients as qualifying for medical use, or the individuals who
33 provide medical cannabis to qualified patients or otherwise participate in
34 accordance with state law and regulations in the medical cannabis
35 program;

36 (4) establish that neither the presence of cannabinoid components or
37 metabolites in a person's bodily fluids, nor conduct related to the medical
38 use of cannabis by a custodial or noncustodial parent, grandparent,
39 pregnant woman, breastfeeding mother, legal guardian or other person
40 charged with the well being of a child, or infant, shall form the sole or
41 primary basis for any action or proceeding by a child welfare agency,
42 family or juvenile court, because their child or ward, is a medical cannabis
43 patient, or a newborn, or child of breastfeeding mother has presence of

1 cannabinoids, because the mother is a medical cannabis patient. This
2 subsection shall apply only to conduct in compliance with the Kansas safe
3 access act;

4 (5) establish patient protection for the purposes of medical care,
5 including organ transplants, and that a qualifying patient's medical use of
6 cannabis does not constitute the use of an illicit substance or otherwise
7 disqualify a registered qualifying patient from medical care, nor be used to
8 violate a registered qualifying patient on probation or parole;

9 (6) establish protection for patients and caregivers that, unless
10 required by federal law or required to obtain federal funding, no landlord
11 may refuse to rent a dwelling unit to a person or take action against a
12 tenant solely on the basis of an individual's status as a qualifying patient or
13 identification cardholder under this act;

14 (7) ensure that patient and caregiver insurance coverage as any type
15 shall not be endangered because of a person's status as a medical cannabis
16 patient;

17 (8) guarantee that medicine availability to any patient shall not be
18 restricted and that it shall be available to all medical cannabis patients in
19 any environment where other medications are allowed;

20 (9) establish that a patient or caregiver may assert the medical
21 purpose for using cannabis as a defense, or appeal, to any prosecution or
22 conviction of an offense involving cannabis intended for the patient's
23 medical use, and that this defense shall be presumed valid where the
24 evidence shows that:

25 (A) A medical provider has stated that, in the medical provider's
26 professional opinion, after having completed a full assessment of the
27 patient's medical history and current medical condition, the patient is likely
28 to receive, or would have received, therapeutic or palliative benefit from
29 the medical use of cannabis to treat or alleviate the patient's medical
30 condition or symptoms associated with the patient's medical condition;

31 (B) the patient and the patient's designated primary caregiver, or
32 cultivating caregiver, if any, were collectively in possession of a quantity
33 of cannabis that was not more than reasonably necessary to ensure the
34 uninterrupted availability of cannabis for the purpose of treating or
35 alleviating the patient's medical condition or symptoms associated with the
36 patient's medical condition; and

37 (C) the registered qualifying patient, cultivating caregiver or
38 designated primary caregiver was engaged in the acquisition, possession,
39 cultivation, manufacture, use or transportation of cannabis or
40 paraphernalia, or both, relating to the administration of cannabis solely to
41 treat or alleviate the patient's medical condition or symptoms associated
42 with the patient's medical condition.

43 The person may assert the medical purpose for using cannabis in a

1 motion to dismiss, and the charges shall be dismissed following an
2 evidentiary hearing where the person shows the elements listed in
3 paragraphs (A), (B) and (C); and if a patient demonstrates the patient's
4 medical purpose for using cannabis pursuant to this section, the patient and
5 the patient's designated caregiver, or cultivating caregiver, shall not be
6 subject to the following for the registered qualifying patient's use of
7 cannabis for medical purposes:

8 (i) Disciplinary action by an occupational or professional licensing
9 board or bureau; or

10 (ii) forfeiture of any interest in or right to property.

11 (10) recognize established federal protection for native American
12 growers, collectives and compassion centers. Kansas shall in no way
13 impede the rights of indigenous peoples;

14 (11) recognize that workers compensation should cover medical
15 cannabis as it would all other medications;

16 (12) guarantee that medical cannabis patients shall fully retain all
17 rights, including their second amendment rights;

18 (13) establish that medical cannabis patients will be protected from
19 warrantless drug enforcement administration's medical record searches;
20 and

21 (14) remove cannabis, and all places listed as medical cannabis, and
22 all parts of all varieties of the plant cannabis whether growing or not, the
23 seeds thereof, the resin extracted from any part of the plant, and every
24 compound, manufacture, salt, derivative, mixture or preparation of the
25 plant, its seeds or resin. It does not include the mature stalks of the plant,
26 fiber produced from the stalks, oil or cake made from the seeds of the
27 plant, any other compound, manufacture, salt, derivative, mixture or
28 preparation of the mature stalks, the resin extracted therefrom, fiber, oil, or
29 cake or the sterilized seed of the plant, which is incapable of germination,
30 chapter 65 article 41 of the Kansas Statutes Annotated, and amendments
31 thereto, as listed in K.S.A. 65-4105(d)(16), 65-4101(o), 65-4107, 65-4109,
32 65-4111 and 65-4113, and amendments thereto.

33 (b) The Kansas safe access act shall not prevent the seizure or
34 forfeiture of cannabis exceeding the amounts allowed under this act and
35 not meeting exceptions listed in section 8, and amendments thereto.

36 (c) Any cannabis, cannabis paraphernalia, illicit property or interest
37 in illicit property that is possessed, owned or used in connection with the
38 medical use of cannabis as allowed under the Kansas safe access act, or
39 acts incidental to such use, shall not be seized or forfeited.

40 (d) A person shall not be subject to arrest, prosecution or penalty in
41 any manner or be denied any right or privilege, including, but not limited
42 to, civil penalty or disciplinary action by a court or occupational or
43 professional licensing board or bureau, simply for being in the presence or

1 vicinity of the medical use of cannabis as allowed under the Kansas safe
2 access act or for assisting a patient with using or administering cannabis. A
3 person shall not be subject to arrest, prosecution or penalty in any manner,
4 or be denied any right or privilege, including, but not limited to, civil
5 penalty or disciplinary action by a court or occupational or professional
6 licensing board or bureau for providing a registered qualifying patient, a
7 registered designated primary caregiver or cultivating caregiver with
8 cannabis paraphernalia for purposes of a registered patient's medical use of
9 cannabis.

10 (e) Fraudulent representation to a law enforcement official of any fact
11 or circumstance relating to the medical use of cannabis to avoid arrest or
12 prosecution shall be punishable by a fine of \$500, which shall be in
13 addition to any other penalties that may apply for making a false statement
14 or for the use of cannabis other than use undertaken pursuant to the Kansas
15 safe access act.

16 (f) Any identification cardholder who sells cannabis to a person who
17 may not possess cannabis for medical purposes under the Kansas safe
18 access act shall result in the cardholder's identification card being revoked
19 and such identification cardholder's shall be subject to other penalties for
20 the unauthorized sale of cannabis.

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

31 (h) The act also protects card holding-non resident patients traveling
32 through the state of Kansas.

33 (i) If the department fails to adopt temporary rules and regulations to
34 implement the Kansas safe access act within 180 days of the effective date
35 of the Kansas safe access act, a patient, prospective board member or
36 prospective principal officer of a compassion center may commence an
37 action in a court of competent jurisdiction to compel the department to
38 perform the actions mandated pursuant to the provisions of the Kansas safe
39 access act.

40 (j) If the cannabis compliance agency fails to issue a valid
41 identification card in response to a valid application or renewal submitted
42 pursuant to the Kansas safe access act within 20 days of its submission, the
43 identification card shall be deemed granted and a copy of the identification

1 application, copy of renewal application, receipt from application
2 submittal or receipt from application renewal shall be deemed a valid
3 identification card.

4 (k) If, at any time after the 180 days following the effective date of
5 the Kansas safe access act, the department is not accepting applications,
6 including if it has not created rules and regulations allowing patients to
7 submit applications, a notarized statement by a patient containing the
8 information required in an application, pursuant to section 5, and
9 amendments thereto, together with a written certification from their
10 medical provider, shall be deemed a valid identification card.

11 (l) An interim process shall be developed by the cannabis compliance
12 agency allowing approved patients to legally purchase medical cannabis
13 and medical cannabis products from legal states until such products are
14 made fully available in Kansas.

15 (m) The provisions of law making the possession, therapeutic use,
16 manufacture, cultivation of cannabis unlawful shall not apply to a
17 registered qualifying patient or to a registered qualifying patient's primary
18 caregiver or cultivating caregiver who possesses or cultivates cannabis for
19 the personal medical purposes of the patient upon the written or oral
20 recommendation or approval of a medical provider.

21 (n) Nothing in this act shall be construed as granting to the cannabis
22 compliance agency, the compassion board or the Kansas department of
23 health and environment the power to fix prices for medical cannabis, but
24 such entities shall monitor pricing to prevent price gouging and protect the
25 interests of patients. No price caps may be instituted without the
26 consultation of the compassion board.

27 (o) Patient-owned collectives may grow, distribute or sell, or both
28 distribute and sell, medical cannabis and medical cannabis products on a
29 non-profit basis to their members.

30 (p) Duly designated primary caregivers, and cultivating caregivers,
31 who consistently attend to registered qualifying patients' needs, may
32 charge for their labor and services in providing medical cannabis.

33 (q) Nothing in this act shall be construed as interfering with a Kansas
34 citizen's right to purchase hemp-based products as otherwise authorized by
35 law.

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

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

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

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

24 (e) 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 encouraged 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 (f) Seminars on Kansas safe access act compliance shall be made
30 available by the cannabis compliance agency in every county for all
31 medical providers and first responders, either in person or by
32 teleconference.

33 (g) All medical provider educational and seminar information shall be
34 provided on the cannabis compliance agency webpages.

35 (h) Medical providers must reevaluate registered qualifying patients
36 annually and provide the registered qualifying patient with an updated
37 recommendation.

38 (i) Recommendations shall not be for any specific total weight or
39 amount of end product, but shall be for targeted therapeutic levels and
40 actionable metrics of cannabinoids.

41 Sec. 5. (a) The purpose of this section is to set forth general standards
42 and requirements for the issuance of medical cannabis patient and
43 caregiver identification cards. This section provides unimpeded and legal

- 1 access to medical cannabis patients, and prevents the diversion of medical
 2 cannabis to the black market.
- 3 (b) The department shall establish and maintain a program under the
 4 cannabis compliance agency for the issuance of identification cards to
 5 registered qualified patients or primary caregivers who submit the
 6 following in accordance with the cannabis compliance agency's rules and
 7 regulations:
- 8 (1) A written certification;
 - 9 (2) an application with a \$10 fee or \$10 renewal fee;
 - 10 (3) the name, address and date of birth of the qualifying patient,
 11 except that if the applicant is homeless, no address is required;
 - 12 (4) the name, address and telephone number of the qualifying
 13 patient's medical provider;
 - 14 (5) the name, address and date of birth of the designated primary
 15 caregiver, if any, by the qualifying patient;
 - 16 (6) a statement signed by the registered qualifying patient, pledging
 17 not to divert cannabis to anyone who may not possess cannabis pursuant to
 18 the Kansas safe access act; and
 - 19 (7) a signed statement from the designated primary caregiver, if any, a
 20 statement signed by the cultivating caregiver, if any, agreeing to be
 21 designated as the patient's designated primary caregiver or cultivating
 22 caregiver and pledging not to divert cannabis to anyone who may not
 23 possess cannabis pursuant to the Kansas safe access act.
- 24 (c) The cannabis compliance agency shall not issue an identification
 25 card to a qualifying patient who is younger than 18 years of age unless:
- 26 (1) The qualifying patient's medical provider has explained the
 27 potential risks and benefits of the medical use of cannabis to the custodial
 28 parent or legal guardian with responsibility for health care decisions for
 29 the qualifying patient; and
 - 30 (2) the custodial parent or legal guardian with responsibility for
 31 health care decisions for the qualifying patient consents in writing to:
 - 32 (A) Allow the qualifying patient's medical use of cannabis;
 - 33 (B) serve as the qualifying patient's designated primary caregiver; and
 - 34 (C) control the acquisition of the cannabis, the dosage and the
 35 frequency of the medical use of cannabis by the qualifying patient.
 - 36 (3) the qualifying patient is an emancipated minor and has been held
 37 by the courts to be capable of conducting one's own affairs, including
 38 medical care.
 - 39 (d) An identification card, or its equivalent, that is issued under the
 40 laws of another state, district, territory, commonwealth or insular
 41 possession of the United States that allows, in the jurisdiction of issuance,
 42 a visiting qualifying patient to possess cannabis for medical purposes shall
 43 have the same force and effect as an identification card issued by the

1 cannabis compliance agency.

2 (1) Upon verification by the state of origin verification system, or
3 documents sent by the state of origin governing medical cannabis to the
4 cannabis compliance agency, out-of-state patients can purchase medicine,
5 per the recommendation of their home state provider, or per home state
6 regulations.

7 (2) A copy of their card and all other information will be entered into
8 the compassion center patient database and also kept in hard copy.

9 (3) All files must be retained for as long as the compassion center is
10 operational.

11 (4) If the compassion center should close, the cannabis compliance
12 agency and the compassion board are to have a process in place within 180
13 days of the effective date of this act for either secure destruction or storage
14 of registered qualifying patient files.

15 (e) The cannabis compliance agency shall verify the information
16 contained in an application or renewal submitted pursuant to this section
17 and shall approve or deny an application or renewal within 15 days of
18 receipt.

19 (1) The cannabis compliance agency may not deny an application or
20 renewal only if the applicant did not provide the information required
21 pursuant to this section, but the application must be returned and the
22 missing information provided. The application information will not be
23 entered into the system and will be considered as a non-submittal.

24 (2) The cannabis compliance agency may deny an application if the
25 applicant previously had an identification card revoked for violating the
26 Kansas safe access act or if the cannabis compliance agency determines
27 that the information provided was falsified.

28 (3) Applicants may appeal first rejections to the compassion board for
29 review. Rejection of an application or renewal by the compassion board is
30 considered a final department action subject to judicial review. All
31 administrative proceedings are subject to the Kansas administrative
32 procedure act and in accordance with the judicial review act.

33 (f) The cannabis compliance agency shall issue an identification card
34 to the designated caregiver, if any, who is named in a qualifying patient's
35 approved application, provided that the designated primary caregiver
36 meets the requirements of section 5, and amendments thereto.

37 (1) The cannabis compliance agency shall notify the qualifying
38 patient who has designated someone to serve as the patient's primary
39 caregiver, if an identification card will not be issued to the designated
40 primary caregiver.

41 (2) A designated primary caregiver shall be issued an identification
42 card each time the designated primary caregiver is designated by a
43 qualifying patient.

1 (g) The cannabis compliance agency shall issue temporary
2 identification cards to qualifying patients and to designated primary
3 caregivers at the time of approval and upon payment of a \$10 fee, and
4 permanent cards within 30 days of approving an application or renewal.

5 (h) Each identification card shall expire one year after the date of
6 issuance, unless the medical provider states in the written certification that
7 the medical provider believes the qualifying patient would only benefit
8 from medical cannabis until a specified earlier or later date, then the
9 identification card shall expire on that date.

10 (i) Identification cards shall contain all of the following:

11 (1) The name, address and date of birth of the qualifying patient;

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

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

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

18 (5) if the cardholder is a designated primary caregiver, the random
19 identification number of the registered qualifying patient the designated
20 caregiver is assisting;

21 (6) a photograph;

22 (7) a barcode for scanning; and

23 (8) a holographic seal.

24 (j) The following notifications and cannabis compliance agency
25 responses are required:

26 (1) A registered qualifying patient shall notify the cannabis
27 compliance agency of any change of name, address or designated primary
28 caregiver, or if the registered qualifying patient ceases to have a
29 debilitating medical condition, within 30 days of such change by the web
30 pages or customer service phone number. A registered qualifying patient
31 who fails to notify the cannabis compliance agency of any of these
32 changes may be subject to a civil penalty of no more than \$150 levied by
33 the department;

34 (2) any registered designated primary caregiver, cultivating caregiver
35 or compassion center employee must notify the cannabis compliance
36 agency of any change in name or address within 30 days of such change. A
37 registered designated primary caregiver, cultivating caregiver or
38 compassion center employee who fails to notify the cannabis compliance
39 agency of any of these changes may be subject to a civil penalty of no
40 more than \$150 levied by the cannabis compliance agency;

41 (3) when a cardholder notifies the cannabis compliance agency of any
42 changes listed in this subsection, the cannabis compliance agency shall
43 issue the cardholder a new identification card within 10 days of receiving

1 the updated information and a \$10 fee. If the person notifying the cannabis
2 compliance agency is a registered qualifying patient, the cannabis
3 compliance agency shall also issue the patient's registered designated
4 caregiver, if any, a new identification card within 10 days of receiving the
5 updated information;

6 (4) when a registered qualifying patient ceases to be a registered
7 qualifying patient or changes the registered designated primary caregiver,
8 or cultivating caregiver, the cannabis compliance agency shall notify the
9 designated primary caregiver, or cultivating caregiver, within 10 days. The
10 registered designated primary caregiver's or cultivating caregiver's
11 protections under the Kansas safe access act as to that qualifying patient
12 shall expire 10 days after notification by the cannabis compliance agency;
13 and

14 (5) if a cardholder loses the identification card, the cardholder shall
15 notify the cannabis compliance agency within 10 days of losing the
16 identification card and submit a \$10 fee within 30 days of losing the card.
17 Within five days after such notification, the cannabis compliance agency
18 shall issue a new identification card.

19 (k) Mere possession of, or application for, an identification card shall
20 not constitute probable cause or reasonable suspicion, nor shall it be used
21 to support the search of the person or property of the person possessing or
22 applying for the identification card. The possession of, or application for,
23 an identification card shall not preclude the existence of probable cause if
24 probable cause exists on other grounds.

25 (l) The following confidentiality rules shall apply, and all the health
26 insurance portability and accountability act of 1996 (HIPAA; pub.l. 104–
27 191, 110 stat. 1936, enacted August 21, 1996) guidelines shall be in force:

28 (1) Applications and supporting information submitted by the
29 qualifying patient's designated primary caregivers, and including
30 information regarding their designated primary caregivers and medical
31 providers, are confidential;

32 (2) applications and supporting information submitted by compassion
33 centers, and compassion center personnel operating in compliance with the
34 Kansas safe access act, including the physical addresses of compassion
35 centers, are confidential; and

36 (3) the cannabis compliance agency shall maintain a confidential list
37 of the persons to whom the cannabis compliance agency has issued
38 identification cards. Individual names and other identifying information on
39 the list shall be confidential, exempt from the Kansas open records act, and
40 not subject to disclosure, except to authorize employees of the cannabis
41 compliance agency as necessary to perform official duties of the cannabis
42 compliance agency.

43 (m) The verification system must include the following data security

1 features:

2 (1) Any time an authorized user enters five invalid registry
3 identification numbers within five minutes, that user cannot log in to the
4 system again for 10 minutes;

5 (2) the server must reject any log-in request that is not over an
6 encrypted connection; and

7 (3) any hard drive containing cardholder information must be
8 destroyed once it is no longer in use, and the department shall retain a
9 signed statement from a department employee confirming the destruction.

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

16 (o) Medical providers must reevaluate a registered qualifying patient
17 annually and provide the registered qualifying patient with an updated
18 recommendation. The registered qualifying patient must provide the
19 updated recommendation to the cannabis compliance agency for
20 identification card renewal 30 days prior to expiration of the current
21 identification card. Failure to register an updated recommendation with the
22 cannabis compliance agency may result in suspended benefits.

23 (p) The cannabis compliance agency may make exceptions, at its
24 discretion, based on hardship circumstances of registered qualifying
25 patients or other considerations.

26 (q) The cannabis compliance agency may establish a sliding scale of
27 patient application and renewal fees based upon a qualifying patient's
28 family income and the department may accept donations from private
29 sources in order to reduce the application and renewal fees.

30 Sec. 6. The purpose of this section is to set forth general standards
31 and requirements for the licensing and regulation of compassion centers.
32 This section is intended to provide safe and regulated access to medical
33 cannabis and protect the health of patients by implementing and enforcing
34 congruent standard operating procedures for all licensed compassion
35 centers. The following provisions govern the registration of compassion
36 centers:

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

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

42 (A) An application or renewal fee;

43 (B) the legal name of the compassion center; and

1 (C) the physical address of the compassion center and the physical
2 address of one additional location, if any, where cannabis will be
3 cultivated, neither of which may be within 1,000 feet of real property
4 comprising a public or private elementary, vocational or secondary school
5 or a public or private college, junior college or university, or a playground
6 or housing facility owned by a public housing authority, or within 100 feet
7 of a public or private youth center, public swimming pool, drug treatment
8 facility, commercial daycare or video arcade facility;

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

11 (E) the name, address and date of birth of any person who is an agent
12 of or employed by the compassion center;

13 (F) operating regulations that include procedures for the oversight of
14 the compassion center, procedures to ensure accurate record-keeping,
15 patient database security, security of patient paper files, and security
16 measures to deter and prevent unauthorized entrance into areas containing
17 cannabis and the theft of cannabis, and proof of compliance with any other
18 oversight rules and regulations issued by the cannabis compliance agency
19 under subsection (b);

20 (G) if the city or county in which the compassion center would be
21 located has enacted reasonable zoning restrictions, a sworn and truthful
22 statement that the registered compassion center would be in compliance
23 with those restrictions;

24 (H) issuing the compassion center a registration would not be in
25 violation of a reasonable limitation on the number of registered
26 compassion centers that can operate in the jurisdiction in which it would
27 operate; and

28 (I) principal officers and board members will be elected to office by
29 patient and caregiver members of the collective and will be subject to a
30 background check at the time of nomination.

31 (2) Principal officer and board member candidates cannot be
32 excluded for any offense consisting of conduct for which the Kansas safe
33 access act would likely have prevented a conviction, but the conduct either
34 occurred prior to the enactment of the Kansas safe access act or was
35 prosecuted by an authority other than the state of Kansas, whether as a
36 patient or caregiver. Candidates who can prove their past convictions
37 would have been negated by the Kansas safe access act by providing to the
38 cannabis compliance agency medical records from the time of the
39 conviction for the patient, or records that the patient was receiving care
40 from a caregiver, cannot be excluded from consideration. None of the
41 prospective principal officers or board members may serve as a principal
42 officer or board member if they have served as a principal officer or board
43 members for a registered compassion center that had its registration

1 certificate revoked. None of the principal officers or board members may
2 be younger than 21 years of age.

3 (3) The compassion center has been approved for registration by the
4 cannabis compliance agency.

5 (4) Not later than 180 days after the effective date of the Kansas safe
6 access act the cannabis compliance agency, in consultation with the
7 compassion board, shall adopt any further rules and regulations
8 establishing application and renewal fees for registry identification cards
9 and compassion center registration certificates, including reasonable rules
10 and regulations governing:

11 (A) The form and content of compassion center registration and
12 renewal applications;

13 (B) the minimum oversight requirements for registered compassion
14 centers;

15 (C) the minimum record-keeping requirements for registered
16 compassion centers;

17 (D) the minimum security requirements for registered compassion
18 centers; and

19 (E) the procedures for suspending or terminating the registration of a
20 registered compassion center that violates the provisions of the Kansas
21 safe access act or the rules and regulations promulgated pursuant to this
22 section.

23 (b) The cannabis compliance agency, in consultation with the
24 compassion board, shall design rules and regulations with the goal of
25 protecting against diversion and theft without imposing an undue burden
26 on the registered compassion centers or compromising the confidentiality
27 of registered qualifying patients and their registered designated primary
28 caregivers.

29 (c) Any dispensation record that a registered compassion center is
30 required to keep shall track transactions according to the registered
31 qualifying patient's registered designated primary caregivers' and
32 registered compassion centers' registry identification numbers, rather than
33 their names, to protect their confidentiality.

34 (d) A registered compassion center shall not be subject to prosecution
35 or search, except by the cannabis compliance agency pursuant to section 7,
36 and amendments thereto, seizure or penalty in any manner or be denied
37 any right or privilege, including, but not limited to, civil penalty or
38 disciplinary action by a court or business licensing board or entity, solely
39 for acting in accordance with the Kansas safe access act and cannabis
40 compliance agency rules and regulations to acquire, possess, cultivate,
41 manufacture, deliver, transfer, transport, supply or dispense cannabis,
42 cannabis-based products or related supplies and educational materials to
43 registered qualifying patients, to registered designated primary caregivers

1 on behalf of registered qualifying patients or to other registered
2 compassion centers.

3 (e) A registered compassion center may not dispense, deliver or
4 otherwise transfer cannabis to a person other than another registered
5 compassion center, an identification card-carrying patient or an
6 identification card-carrying patient's registered designated primary
7 caregiver.

8 (f) A compassion center shall implement security measures to deter
9 and prevent entry into and theft from restricted access areas containing
10 cannabis or currency.

11 (g) A compassion center shall submit changes to the floor plan or
12 security plan to the cannabis compliance agency for pre-approval.

13 (h) The compassion center shall implement security measures to
14 protect the premises, registered qualifying patients, designated caregivers
15 and compassion center agents including, but not limited to the following:

16 (A) Establish a locked door or barrier between the facility's entrance
17 and the limited access area. The limited access area shall only be
18 accessible to registered qualifying patients, designated caregivers,
19 principal officers and agents, service professionals conducting business
20 with the compassion center, and persons authorized by the act;

21 (B) prevent individuals from remaining on the premises if they are
22 not engaging in activity permitted by the act;

23 (C) develop a policy that addresses the maximum capacity and patient
24 flow in the waiting rooms and patient care areas;

25 (D) dispose of cannabis in accordance of this act;

26 (E) during hours of operation, store all cannabis in an established
27 restricted access area accessible only to specifically authorized agents. The
28 minimum number of compassion center agents essential for efficient
29 operations shall be in the restricted access areas;

30 (F) when the compassion center is closed, store all cannabis and
31 currency in a secure locked safe or vault and in a manner as to prevent
32 diversion, theft or loss;

33 (G) keep all safes, vaults and any other equipment or cannabis
34 storage areas securely locked and protected from unauthorized entry;

35 (H) keep an electronic daily log of compassion center agents with
36 access to the safe or vault and knowledge of the access code or
37 combination;

38 (I) keep all locks and security equipment in good working order and
39 operational at all times;

40 (J) prohibit keys, if applicable, from being left in the locks, or stored
41 or placed in a location accessible to persons other than specifically
42 authorized personnel;

43 (K) prohibit accessibility of security measures, including combination

1 numbers, passwords or electronic or biometric security systems to persons
2 other than specifically authorized agents;

3 (L) ensure that the outside perimeter of the compassion center
4 premises is sufficiently lit to facilitate surveillance;

5 (M) ensure that trees, bushes and other foliage within direct
6 proximity of the compassion center premises do not grow in abundance, so
7 as to deter a person or persons from concealing themselves from sight;

8 (N) develop emergency policies and procedures for securing all
9 product and currency following any instance of diversion, theft, or loss of
10 cannabis, and conduct an assessment to determine whether additional
11 safeguards are necessary; and

12 (O) develop sufficient additional safeguards in response to any
13 special security concerns, or as required by the cannabis compliance
14 agency.

15 (i) The cannabis compliance agency may request or approve
16 alternative security provisions that it determines are an adequate substitute
17 for a security requirement specified in this act. Any additional protections
18 may be considered by the cannabis compliance agency in evaluating
19 overall security measures.

20 (j) A compassion center shall provide additional security as needed
21 and in a manner appropriate for the community where it operates.

22 (k) Restricted access areas:

23 (1) All restricted access areas must be identified by the posting of a
24 sign that shall be a minimum of 12" x 12" and that states "Do not enter –
25 restricted access area – access restricted to authorized personnel only" in
26 lettering no smaller than one inch in height.

27 (2) All restricted access areas shall be clearly described in the floor
28 plan of the registered premises, in the form and manner determined by the
29 cannabis compliance agency, reflecting walls, partitions, counters and all
30 areas of entry and exit. The floor plan shall show all storage, disposal and
31 retail sales areas.

32 (3) All restricted access areas must be secure, with locking devices
33 that prevent access from the limited access areas.

34 (4) All service professionals conducting business with the
35 compassion center and visitors must obtain a numbered visitor
36 identification badge prior to entering a restricted access area, and shall be
37 escorted at all times by a compassion center agent authorized to enter the
38 restricted access area. All visitors must be logged in and out, and that log
39 shall be maintained for five years on-site and available for inspection by
40 the cannabis compliance agency at all times. All visitor identification
41 badges shall be returned upon exit.

42 (l) Security and alarm systems:

43 (1) A compassion center shall have an adequate security plan and

1 security system to prevent and detect diversion, theft or loss of cannabis,
2 currency or unauthorized intrusion using commercial-grade equipment
3 installed by a Kansas licensed private alarm contractor or private alarm
4 contractor agency that shall, at a minimum, include:

5 (A) A perimeter alarm on all entry points and perimeter windows;

6 (B) a failure notification system that provides an audible, text or
7 visual notification of any failure in the surveillance system. The failure
8 notification system shall provide an alert to designated compassion center
9 agents within five minutes after the failure, either by telephone, email or
10 text message;

11 (C) a duress alarm, panic button and alarm, holdup alarm or after
12 hours intrusion detection alarm that by design and purpose will directly or
13 indirectly notify, by the most efficient means, the public safety answering
14 point (PSAP) for the law enforcement agency having primary jurisdiction;

15 (D) unobstructed video surveillance of all enclosed compassion
16 center areas, unless prohibited by law, including all points of entry and exit
17 that shall be appropriate for the normal lighting conditions of the area
18 under surveillance. The cameras shall be directed so all areas are captured,
19 including, but not limited to, safes, vaults, sales areas and areas where
20 cannabis is stored, handled, dispensed or destroyed. Cameras shall be
21 angled to allow for facial recognition, the capture of clear and certain
22 identification of any person entering or exiting the compassion center area
23 and in lighting sufficient during all times of night or day;

24 (E) unobstructed video surveillance of outside areas, the storefront
25 and the parking lot, that shall be appropriate for the normal lighting
26 conditions of the area under surveillance. Cameras shall be angled so as to
27 allow for the capture of facial recognition, clear and certain identification
28 of any person entering or exiting the compassion center, the immediate
29 surrounding area and license plates of vehicles in the parking lot;

30 (F) twenty-four hour recordings from all video cameras available for
31 immediate viewing by the cannabis compliance agency upon request.
32 Recordings shall not be destroyed or altered and retained for at least 90
33 days. Recordings shall be retained as long as necessary if the compassion
34 center is aware of the loss or theft of cannabis or a pending criminal, civil
35 or administrative investigation or legal proceeding for which the recording
36 may contain relevant information;

37 (G) the ability to immediately produce a clear, color still photo from
38 the surveillance video, either live or recorded;

39 (H) a date and time stamp embedded on all video surveillance
40 recordings. The date and time shall be synchronized and set correctly and
41 shall not significantly obscure the picture;

42 (I) the ability to remain operational during a power outage and ensure
43 all access doors are not solely controlled by an electronic access panel to

1 ensure that locks are not released during a power outage;

2 (J) all video surveillance equipment shall allow for the exporting of
3 still images in an industry standard image format, including .jpg, .bmp and
4 .gif. Exported video shall have the ability to be archived in a proprietary
5 format that ensures authentication of the video and guarantees that no
6 alteration of the recorded image has taken place. Exported video shall also
7 have the ability to be saved in an industry standard file format that can be
8 played on a standard computer operating system. All recordings shall be
9 erased or destroyed prior to disposal;

10 (K) all security system equipment and recordings shall be maintained
11 in good working order, in a secure location so as to prevent theft, loss,
12 destruction or alterations;

13 (L) access to rooms where surveillance monitoring recording
14 equipment resides shall be limited to persons that are essential to
15 surveillance operations, law enforcement authorities acting within their
16 jurisdiction, security system service personnel and the cannabis
17 compliance agency. A current list of authorized compassion center agents
18 and service personnel that have access to the surveillance room must be
19 available to the cannabis compliance agency upon request;

20 (M) all security equipment shall be inspected and tested at regular
21 intervals, not to exceed 30 calendar days from the previous inspection and
22 test to ensure the systems remain functional;

23 (N) the security system shall provide protection against theft and
24 diversion that is facilitated or hidden by tampering with computers or
25 electronic records; and

26 (O) to monitor the facility and prevent unauthorized access to medical
27 cannabis at the compassion center, the compassion center shall incorporate
28 the following:

29 (i) Security equipment to deter and prevent unauthorized entrance
30 into restricted access areas that includes devices or a series of devices to
31 detect unauthorized intrusion that may include a signal system
32 interconnected with a radio frequency method, cellular, private radio
33 signals or other mechanical or electronic device;

34 (ii) electronic monitoring including:

35 (I) A video printer capable of immediately producing a clear still
36 photo from any video camera image;

37 (II) video cameras recording all points of entry and exit from the
38 compassion center, the limited access areas, the restricted access areas and
39 that are capable of identifying activity occurring adjacent to the building,
40 with a recording resolution that shall be sufficient to distinctly view the
41 entire area under surveillance;

42 (III) a video camera or cameras recording at each point-of-sale
43 location allowing for the identification of the compassion center agent

1 distributing the cannabis and any qualifying patient or designated
2 caregiver purchasing medical cannabis. The camera or cameras shall
3 capture the sale, the individuals and the computer monitors used for the
4 sale;

5 (IV) a failure notification system that provides an audible and visual
6 notification of any failure in the electronic monitoring system;

7 (V) sufficient battery backup for video cameras and recording
8 equipment to support recording in the event of a power outage; and

9 (VI) all electronic video monitoring must be made available, within a
10 reasonable timeframe, to the cannabis compliance agency upon its request.

11 (m) The compassion center shall maintain policies and procedures
12 that include:

13 (1) Security plan with protocols for patient, caregiver and agent
14 safety, and management and security of cannabis and currency;

15 (2) restricted access to the areas in the compassion center that contain
16 cannabis that are allowed only to authorized agents;

17 (3) identification of authorized agents;

18 (4) controlled access and prevention of loitering both inside and
19 outside the facility;

20 (5) conducting electronic monitoring; and

21 (6) use of a panic button.

22 Sec. 7. The purpose of this section is to set forth general standards
23 and requirements for the certification and regulation of compassion center
24 employment. This section is intended to provide safe and regulated access
25 to medical cannabis and protect the health of patients by implementing
26 and enforcing congruent standard operating procedures for all licensed
27 compassion center employee members. The following provisions govern
28 the registration of compassion center employees.

29 (a) Except as provided in section 7(b)(1), and amendments thereto,
30 the cannabis compliance agency shall issue each compassion center
31 employee an identification card and login information for the verification
32 system within 10 days of receipt of the person's name, address, date of
33 birth and a fee in an amount established by the department. Each card shall
34 specify that the cardholder is a principal officer, board member, agent,
35 volunteer or employee of a registered compassion center and shall contain
36 the following:

37 (1) The legal name of the registered compassion center with which
38 the compassion center employee is affiliated;

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

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

42 (4) a photograph;

43 (5) a barcode for scanning;

1 (6) a holographic seal; and

2 (7) a statement signed by the prospective principal officer, board
3 member, agent, volunteer or employee pledging not to divert cannabis to
4 anyone who may not possess cannabis pursuant to the Kansas safe access
5 act.

6 (b) The cannabis compliance agency shall issue temporary
7 identification cards to qualifying compassion center employees at the time
8 of approval, and upon payment of a \$25 fee, and permanent cards within
9 30 days of approving an application or renewal.

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

21 (2) The board of the compassion center will conduct a background
22 check of each compassion center employee in order to carry out this
23 provision.

24 (3) The board may exclude compassion centers employees for any
25 conviction that may pose a safety or security threat to patients of the
26 collective.

27 (4) The cannabis compliance agency shall notify the registered
28 compassion center in writing of the reason for denying an identification
29 card to any employee.

30 (c) The cannabis compliance agency shall issue identification cards in
31 the following manner:

32 (1) It shall not issue an identification card to any principal officer,
33 board member, agent, volunteer or employee of a registered compassion
34 center who is younger than 21 years of age;

35 (2) the cannabis compliance agency may refuse to issue an
36 identification card to a compassion center employee who has had a card
37 revoked for violating the Kansas safe access act;

38 (3) a registered compassion center's registration certificate and the
39 identification card for each compassion center employee shall expire one
40 year after the date of issuance;

41 (4) the cannabis compliance agency shall issue a renewal compassion
42 center registration certificate within 10 days to any registered compassion
43 center that submits a renewal fee, so long as its registration is not

1 suspended and has not been revoked;

2 (5) The cannabis compliance agency shall issue a renewal
3 identification card within 10 days to any compassion center employee who
4 submits a \$25 renewal fee, except as provided by section 7(c)(2); and

5 (6) an identification card of a compassion center employee shall
6 expire and the person's login information to the verification system shall
7 be deactivated upon notification by a registered compassion center that
8 such person ceased to work at the registered compassion center.

9 (A) A registered compassion center shall notify the cannabis
10 compliance agency immediately, at the exact time of a compassion center
11 employee termination, or when a compassion center employee voluntarily
12 ceases to work at the registered compassion center.

13 (B) A registered compassion center shall notify the cannabis
14 compliance agency in writing of the name, address and date of birth of any
15 new compassion center employee and shall submit a fee in an amount of
16 \$25 before a new compassion center employee begins working at the
17 registered compassion center.

18 (C) The cannabis compliance agency shall issue temporary
19 identification cards to qualifying compassion center employees at the time
20 of approval, and permanent cards within 30 days of approving an
21 application or renewal.

22 (d) Registered compassion centers are subject to reasonable
23 inspection by the cannabis compliance agency.

24 (e) A registered compassion center shall be operated on a not-for-
25 profit basis for the mutual benefit of its members and patrons.

26 (1) The bylaws of a registered compassion center or its contracts with
27 patrons shall contain such provisions relative to the disposition of revenues
28 and receipts as may be necessary and appropriate to establish and maintain
29 its nonprofit character.

30 (2) A registered compassion center need not be recognized as tax
31 exempt by the internal revenue service to qualify as a not-for-profit entity.

32 (3) If the entity makes a profit during any period, this excess must be
33 returned to members by way of health support services, income-based
34 pricing, sliding scale product pricing, free medicine for hospice patients,
35 donated into the broader community or put back into the organization,
36 based on the will of the members and board of directors expressed by vote.

37 (4) As long as wages of management and officers of a compassion
38 center remain reasonable they can be increased by a vote of the
39 compassion center board. Compassion centers must document the rationale
40 for any raises and bonuses given, and must be in agreement with local
41 ordinances.

42 (f) A registered compassion center is prohibited from acquiring,
43 possessing, cultivating, manufacturing, delivering, transferring,

1 transporting, supplying or dispensing cannabis for any purpose except to
2 assist registered qualifying patients with the medical use of cannabis
3 directly or through the qualifying patient's designated primary caregivers.
4 All principal officers and board members of a registered compassion
5 center must be residents of the state of Kansas.

6 (g) All cultivation of cannabis must take place in a secured location
7 or facility that can only be accessed by principal officers, board members,
8 agents, volunteers or employees of the registered compassion center who
9 are identification card-holders. Security should include, but not be limited to,
10 to, cameras, security employees and secured doors.

11 (h) County and city governments may enact reasonable limits, taking
12 into consideration the needs of their seriously ill residents and the
13 community on the number of registered compassion centers that can
14 operate in their jurisdictions and may enact zoning regulations that
15 reasonably limit registered compassion centers to certain areas of their
16 jurisdictions, after public hearings on the subject.

17 (i) Before cannabis may be dispensed to a designated primary
18 caregiver or a registered qualifying patient, a compassion center employee
19 must scan the identification card of the registered qualifying patient, or if
20 applicable, the identification card of the designated primary caregiver
21 transporting the cannabis to the patient, and must verify each of the
22 following:

23 (1) That the identification card presented to the registered compassion
24 center is valid;

25 (2) that the person presenting the card is the person identified on the
26 identification card presented to the compassion center employee; and

27 (3) that the amount to be dispensed would not cause the registered
28 qualifying patient to exceed such person's limit of obtaining the amount of
29 cannabis recommended by the medical provider for any 30-day period.

30 (j) After verifying the information in section 7(i), and amendments
31 thereto, but before dispensing cannabis to a registered qualifying patient or
32 a registered designated primary caregiver on a registered qualifying
33 patient's behalf, a compassion center employee must make an entry in the
34 verification system:

35 (1) Specifying how much cannabis is being dispensed to the
36 registered qualifying patient;

37 (2) whether it was dispensed directly to the registered qualifying
38 patient or to the registered qualifying patient's registered designated
39 caregiver:

40 (A) The entry must include the date and time the cannabis was
41 dispensed;

42 (B) the batch number and harvest batch lot number;

43 (C) the strain names; and

1 (D) the dosage guidelines from their medical provider
2 recommendation.

3 (3) upon first visit, the employee must also scan a copy of the
4 patient's recommendation document, given by the patient's medical
5 provider, into the compassion center patient data base, and keep a copy in
6 a hard copy patient file. These must be updated every time a patient's
7 recommended dosages are modified by the patient's medical provider;

8 (4) all electronic patient files must be backed up and kept within a
9 secure server;

10 (5) all patient files will be given federal health insurance portability
11 and accountability act protections under the health insurance portability
12 and accountability act of 1996 (HIPAA; pub.l. 104–191, 110 Stat. 1936,
13 enacted August 21, 1996); and

14 (6) if a patient wishes the employee of the compassion center to
15 communicate with their medical provider, then release-of-information
16 forms will need to be signed for both parties.

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

28 (l) All employees of a compassion center shall be residents of Kansas
29 upon the date of their identification card application.

30 (m) A licensed compassion center may not sell medical cannabis over
31 the internet but can allow registered qualifying patients to arrange delivery
32 through the internet.

33 (n) The premises of a compassion center is the only place where an
34 automatic dispensing machine that contains medical cannabis may be
35 located. It must comply with all rules and regulations promulgated by the
36 cannabis compliance agency for its use, including, but not limited to, real-
37 time updates into the compassion center tracking system, registered
38 qualifying patient cards must be scanned by kiosk at the beginning of a
39 transaction. If the kiosk cannot read the card, or the card does not read as
40 valid, the kiosk shall reject the transaction and a notify compassion center
41 employee.

42 (o) Medical cannabis and medical cannabis products may not be
43 consumed on the premises of the compassion center.

1 (p) Compassion centers selling clones and seedlings to compassion
2 centers, researchers, patients, primary caregivers or cultivating caregivers
3 are exempt from K.S.A. 2-2113 and 2-2120, and amendments thereto, and
4 any other statutes.

5 (q) Potency quantifications for medical cannabis and medical
6 cannabis products shall be accessible to compassion center patients in
7 three ways:

8 (1) Labels in display cases;

9 (2) labels on products; and

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

13 (r) When medical cannabis is received from medical cannabis
14 cultivation facilities, registered qualifying patient or cultivating caregivers
15 for purchase, storage or donation consideration by the collective
16 compassion center, and the medical cannabis has not already been tested at
17 a certified testing facility, it must be subjected to an initial contaminants
18 inspection before being sent out to a certified testing facility, or in the case
19 of stored patient overages, be sent to storage:

20 (1) Certified and licensed product intake processors shall utilize a
21 minimum 30X microscope for a first screening that analyzes and detects
22 contamination of:

23 (A) Pathogenic molds;

24 (B) rot; and

25 (C) spider mites and other insects.

26 (2) In the event that the screening results indicate the presence of
27 quantities of any substance determined to be injurious to health, such
28 products shall be immediately quarantined and immediate notification
29 made to the cannabis compliance agency shall be made, and the
30 adulterated product shall be documented and properly destroyed.

31 (3) Food handling procedures must be followed by all processors.

32 (s) A compassion center shall establish written policies and
33 procedures addressing inventory controls. The compassion center shall
34 submit these written policies and procedures, including any updates, to the
35 cannabis compliance agency prior to implementation.

36 Sec. 8. (a) The purpose of this section is to establish guidelines
37 regarding the supply and allowances of cannabis for registered qualifying
38 patients. It sets forth general standards and requirements for supply,
39 storing, donations, damages, overages and emergency supply. This section
40 is intended to help maintain an uninterrupted supply of medical cannabis
41 and prevent any diversion to the black market.

42 (b) An identification card-carrying patient shall not directly, through a
43 designated primary caregiver or through a compassion center, obtain more

1 than their medical-provider-recommended dosage of cannabis from
2 registered compassion centers in any 30-day period. The exceptions to the
3 30-day supply are:

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

6 (2) allowance for patient growers to store overages for out-of-season
7 use, or donate to compassion center for indigent members free medicine
8 program.

9 (A) Overages will be stored in rented lock boxes within compassion
10 centers.

11 (B) Compassion centers will enter submissions into tracking database
12 and generate receipts for patients.

13 (C) Patients will be able to withdraw from lock boxes per their 30-
14 day supply.

15 (D) Patients must notify the compassion center of expected overages
16 at least 30 days after harvesting and upon completion of the curing process
17 and file an electronic overage form.

18 (E) The form will list the patient identification number, name and
19 contact information, vehicle information, including license plate
20 information, estimate of expected overage amount, estimated date of
21 harvest and the estimated date the overage amount is expected to arrive at
22 the compassion center.

23 (F) The form will be filed at the compassion center and the
24 compassion center will send a copy to the cannabis compliance agency.
25 The compassion center will note all form information into the patient
26 database file accessible to law enforcement.

27 (G) The cannabis overage stock, once fully cured, must be stored in a
28 sealed glass jar.

29 (H) The cannabis overage stock should be examined under a 30X
30 microscope upon receipt at the compassion center. Any stock contaminated
31 by mold, mites or pests must be disposed of per section 22. Patients can
32 request the same testing upon receiving their overage stock out of storage.

33 (3) Patients do not have to take a full 30-day supply at any one visit.

34 (4) To guarantee a constant and uninterrupted supply, plants are
35 allowed in all five stages of growth: Germinating, seedling, vegetative,
36 flowering and curing.

37 (5) Crop failure or damage will be reported to the cannabis
38 compliance agency within 24 hours by electronic form with accompanying
39 pictures and supporting documentation. The cannabis compliance agency
40 may require an onsite inspection. Upon verification, affected patient or
41 patients of the primary caregiver, or cultivating caregiver, will be directed
42 to the closest compassion center for any emergency medicine replacement
43 needs.

1 (6) A registered compassion center may not obtain cannabis from
2 outside the state of Kansas, except when collective medical cannabis
3 cultivation facilities may negotiate for the use of proprietary strains from
4 other states by seeds and cuttings.

5 (7) If the medical provider feels it is necessary for the patient to have
6 an amount over their normal allotment, the exception will be granted, and:

7 (A) The medical provider will provide written documentation to the
8 patient.

9 (B) The medical provider will provide written documentation to the
10 cannabis compliance agency.

11 (C) The written documentation will be noted in the registry file.

12 (D) A copy of the written documentation will be kept in the registered
13 qualifying patient file at the compassion center, if applicable, and posted at
14 the registered qualifying patient grow site, or cultivating caregiver grow
15 site, if applicable.

16 (E) A copy shall be on file in the home of the registered qualifying
17 patient.

18 (F) A copy shall be on the person of the registered qualifying patient
19 during transport.

20 Sec. 9. The purpose of this section is to establish guidelines regarding
21 the cultivation of cannabis for general supply by a collective medical
22 cannabis cultivation facility. It sets forth general standards and
23 requirements for cultivation, best practices, security, workforce education
24 and health and safety standards. This section is intended to help maintain
25 an uninterrupted supply of pharmaceutical-grade medical cannabis,
26 establish standard operating procedures and safety standards, promote
27 sustainable agricultural practices and prevent any diversion to the black
28 market.

29 (a) To qualify to label any product as "grown by ecologically
30 sustainable standards" the medical cannabis cultivation facility must
31 follow guidelines in subsection (b) and (c).

32 (b) The United States department of agriculture (USDA) will not
33 inspect medical cannabis growing operations. Instead, cultivating
34 caregivers with more than five patients and a medical cannabis cultivation
35 facility must work with third-party certification agencies that offer
36 certification for producers of ecologically sustainable cannabis products to
37 a private standard that is similar to internationally accepted organic
38 standards like the USDA organic standards and the EU organic standards.

39 (1) All medical cannabis crops must be inspected by a third-party
40 ecologically sustainable certification agency inspector and earn their seal
41 of approval to be sold in compassion centers.

42 (2) All agricultural products used must be materials that have been
43 approved for use in organic farming or gardening by the EPA, WSDA

1 organic program, the CDFA organic input material program and other
2 USDA accredited materials review programs.

3 (3) A medical cannabis cultivation facility must be ready to provide
4 the following information to third-party inspectors:

5 (A) A detailed description of the operation to be certified;

6 (B) a history of substances applied to the land during the previous
7 three years;

8 (C) the ecologically sustainable products grown, raised or processed;
9 and

10 (D) a written ecologically sustainable system plan describing the
11 practices and substances to be used.

12 (c) Environmentally protective practices shall be utilized to reduce
13 the carbon footprint and environmental impact of any medical cannabis
14 cultivation facility. Medical cannabis cultivation facilities must employ
15 ecologically sustainable development practices. Such an inspection and
16 rating program should be developed through the cannabis compliance
17 agency.

18 (1) During growing season, outdoor gardens can be grown to reduce
19 environmental impact. During out-of-growing season, medical cannabis
20 cultivation facilities must use energy efficient greenhouses considering:

21 (A) The effects of glazing materials on heat loss and light
22 transmission, ways to reduce infiltration and nighttime heating losses;

23 (B) using greenhouse heating units;

24 (C) the effect of heat distribution on heating costs;

25 (D) planning ways to maximize space utilization;

26 (E) using efficient circulation, basket and ventilation fans;

27 (F) using supplemental lighting to reduce energy requirements;

28 (G) using high efficiency condensing heaters;

29 (H) using control systems;

30 (I) implementing energy audits to reduce consumption;

31 (J) using curtain systems;

32 (K) using ventilating windows; and

33 (L) using ventilating roofs and open panel systems.

34 (2) LED lighting shall be the preferred method of medical cannabis
35 cultivation facility lighting.

36 (3) Double-ended high intensity discharge bulbs (HID bulbs) are
37 allowed in medical cannabis cultivation facility use, with all recycling
38 costs to be incurred by the facility. Double-ended HID bulbs are allowed
39 for cultivating caregivers.

40 (4) Solar, wind and other renewable energy sources shall be the main
41 methods of power supply. No onsite fossil fuel generators may be used,
42 except as backup emergency power, never as a main supply. Grid power is
43 also allowed as backup energy source.

- 1 (5) Only 5, 4 and 2 hydro-safe resins may be used in aquaponics and
2 hydroponic systems.
- 3 (6) Polystyrene beads shall not be used in hydroponic systems.
- 4 (7) Methods that are not allowed and may be subject to fines by the
5 Kansas department of agriculture – water resources board are listed in the
6 Kansas water appropriation act, K.S.A. 82a-701 et seq., and amendments
7 thereto, and K.S.A. 42-303 and 42-313, and amendments thereto. The
8 forgoing statutes should be consulted and followed regarding:
- 9 (A) Unpermitted grading, road construction and culvert crossings;
10 (B) illegal stream diversions and streams drying up;
11 (C) discharge of sediments, pollutants and human waste or trash;
12 (D) erosion or soil deposition;
13 (E) water contamination from pesticides, rodenticides, fungicides,
14 fertilizers and fuels;
15 (F) capturing rain runoff from buildings, storing and filtering for
16 watering which use is mandated and implemented pursuant to the
17 guidelines in K.S.A. 42-313, and amendments thereto;
18 (G) greywater recycling and filtering which is mandated and
19 implemented pursuant to all standards outlined in rules and regulations
20 adopted by the cannabis compliance agency; and
21 (H) cisterns which are recommended.
- 22 (d) All collective medical cannabis cultivation facilities should be
23 clearly marked with signs on all sides denoting the site as a medical
24 growing operation in compliance with this statute.
- 25 (1) All cultivation facilities will utilize a seed-to-sale tracking system.
- 26 (2) All grows will be lot controlled. If specific strains are for a
27 specific patient, or group of patients:
- 28 (A) Their member numbers will also be listed in the tracking system
29 and the harvest batch lot associated with it;
- 30 (B) food-handling standards also apply to medical cannabis
31 cultivation facility grows; and
32 (C) the site must be monitored 24 hours a day, utilizing:
33 (i) Cameras;
34 (ii) security employees;
35 (iii) alarms;
36 (iv) key card entry doors and gates;
37 (v) fencing at a six foot minimum, with concertina wire at the top;
38 and
39 (vi) optional biometric security technology.
- 40 (e) Food handling standards must apply to medical cannabis
41 cultivation facility trim rooms and bagging rooms.
- 42 (f) All collective medical cannabis cultivation facilities will be placed
43 in rural, low-population areas and may supply compassion centers located

1 in other areas.

2 (g) Medical cannabis cultivation facilities may sell the stalks and
3 vegetation (leaves) of male or female plants to farmers for use as livestock
4 feed, following all process requirements, to be defined by the cannabis
5 compliance agency.

6 (h) Medical cannabis cultivation facilities must comply with all laws
7 on environmental audits in K.S.A. 60-3332, 60-3334 and 60-3338, and
8 amendments thereto.

9 (i) Crops must be a minimum of six feet away from surrounding
10 fence.

11 (j) Medical cannabis cultivation facilities may supply, but not limited
12 be to, research programs, compassion centers and medical cannabis
13 product manufacturers.

14 (k) Medical cannabis cultivation facilities must obtain and carry
15 appropriate insurance and cannabis-crop-specific insurance, when
16 available.

17 (l) Medical cannabis cultivation facilities selling clones and seedlings
18 to compassion centers, researchers, patients, primary caregivers or
19 cultivating caregivers are exempt from K.S.A. 2-2113 and K.S.A. 2-2120,
20 and amendments thereto.

21 (m) Medical cannabis cultivation facilities may not obtain cannabis
22 from outside the state of Kansas, except when collective medical cannabis
23 cultivation facilities may negotiate for the use of proprietary strains from
24 other states through seeds and cuttings.

25 (n) The medical cannabis cultivation facility's water supply shall be
26 tested annually for contaminants and demonstrate results below the EPA
27 maximum contaminant levels for organic and inorganic contaminants. If a
28 water treatment system is needed, the department may require more
29 frequent testing.

30 (o) Soil used to cultivate cannabis shall be tested annually and must
31 meet the United States agency for toxic substance and disease registry's
32 environmental media evaluation guidelines for residential soil levels.

33 (p) For each batch that water or soil fails to meet the standards, the
34 cultivation facility shall perform and document both a root-cause analysis
35 and any corrective action taken.

36 (q) The cultivation facility shall maintain the results of all testing for
37 no less than five years.

38 (r) The cannabis compliance agency reserves the right to require
39 additional testing. Copies of the results of such testing shall be sent to the
40 cannabis compliance agency. The agency reserves the right to order recalls
41 or destruction.

42 (s) All greenhouse infrastructure, hardware, and all other applicable
43 structures or systems must be UL listed.

1 (t) All indoor cultivation facilities are bound by sustainability
2 guidelines and must follow any cannabis compliance agency guidelines to
3 reduce indoor pollution.

4 (u) Synthetic nutrients must be food grade and comply with
5 guidelines in this section.

6 Sec. 10. (a) The purpose of this section is to establish guidelines
7 regarding the cultivation of cannabis by cultivating caregivers and patient
8 growers. It sets forth general standards and requirements for cultivation
9 best practices, security, workforce education, and health and safety
10 standards. This section is intended to help maintain an uninterrupted
11 supply of pharmaceutical grade medical cannabis, establish standard
12 operating procedures and safety standards, promote sustainable
13 agricultural practices and prevent any diversion to the black market.

14 (b) All patient and caregiver cultivation sites should be clearly
15 marked with signs on all sides denoting the site as a medical growing
16 operation in compliance with this act.

17 (c) Patient growers may cultivate only as much as required for the
18 patient's own medical use within the confines of the recommendation of
19 their medical provider or the exceptions in section 8, and amendments
20 thereto, taking into consideration the patient's chosen delivery method.

21 (d) Depending on the number of kinds of oils or plants the patient
22 may need, and the patient dosing regimen, they may grow as many strains
23 in various levels of growth to keep a continuous oil supply based on the
24 recommendation of their medical provider or the exceptions defined in
25 section 8, and amendments thereto.

26 (e) A copy of the provider's recommendations should be kept at the
27 registered qualifying patient's home and the cultivating caregiver's home
28 or at the cultivation site, if different from the cultivating caregiver's home.

29 (f) Caregiver cultivation must meet ecological standards set forth in
30 section 9, and amendments thereto.

31 (g) Cultivating caregivers that exceed the five-patient limit must also
32 adhere to the standards in section 9, and amendments thereto, and are
33 subject to process inspections by the cannabis compliance agency for
34 standard compliance.

35 (h) Cultivating caregivers that exceed 10 registered qualifying
36 patients must apply for licensure as a cultivating facility, and if approved,
37 will be bound by all the requirements set forth in section 9, and
38 amendments thereto. If not approved, cultivating caregivers can appeal to
39 the cannabis compliance agency. The cannabis compliance agency will
40 consider the needs of patients served by the cultivating caregiver such as:

- 41 (1) Geographic hardship of patients;
- 42 (2) if the strain exclusivity dictates need of this cultivating caregiver;
- 43 (3) cultivating caregiver is excluded for qualifying as cultivation

1 facility because they cannot meet all requirements of section 9, and
2 amendments thereto, and to do so would induce an undue financial
3 hardship; and

4 (4) any other considerations deemed pertinent by the cannabis
5 compliance agency.

6 If an appeal is denied, cultivating caregivers must conform to a patient-
7 count limit of less than 10.

8 (i) Clean grow room standards and food handling standards also
9 apply to cultivating caregiver growing operations.

10 (j) Cultivating caregivers must obtain and carry appropriate
11 insurance, and cannabis crop specific insurance, when available.

12 (k) Cultivating caregivers cannot be denied a license for any offense
13 consisting of conduct for which the Kansas safe access act would likely
14 have prevented a conviction, but the conduct either occurred prior to the
15 enactment of the Kansas safe access act or was prosecuted by an authority
16 other than the state of Kansas, whether as a patient or caregiver.
17 Candidates who can prove their past convictions would have been negated
18 by the Kansas safe access act by providing to the cannabis compliance
19 agency medical records from the time of the conviction for the patient, or
20 records that the patient was receiving care from a caregiver, cannot be
21 excluded from consideration.

22 Sec. 11. (a) Workforce education is mandatory for all cannabis
23 industry positions. Required training information will be available through
24 the cannabis compliance agency and the agency's webpages.

25 (b) Positions that require training, or an equivalent resume, are:

- 26 (1) Designated primary caregivers;
27 (2) medical cannabis cultivation facility workers;
28 (3) processors;
29 (4) cultivating caregivers;
30 (5) manufacturers; and
31 (6) compassion center employees.

32 (c) Medical care medical provider training is considered separate
33 from cannabis industry positions, and is covered under section 4, and
34 amendments thereto.

35 Sec. 12. (a) The purpose of this section is to establish guidelines
36 regarding the standards and regulations pertaining to public use of medical
37 cannabis, prevention of impaired driving, establish employer, registered
38 qualifying patient employees, business owner rights and the rights of
39 students who are registered qualifying patients. Kansas safe access act
40 shall not permit any person to do any of the following, nor shall it prevent
41 the imposition of any civil, criminal or other penalties for any such
42 actions:

- 43 (1) Undertake any task while impaired.

1 (2) Nothing in the Kansas safe access act shall be construed to require
2 any person or establishment in lawful possession of a commercial business
3 property to allow a guest, client, customer or other visitor to consume
4 cannabis on or in that property. The Kansas safe access act shall not limit a
5 person, or entity in lawful possession of a commercial business property,
6 or an agent of such person or entity, from expelling a person who
7 consumes cannabis without permission from such property owner.

8 (3) The Kansas safe access act does not prevent any employer from
9 setting their own policies regarding the accommodation of employee's
10 medical need to use cannabis in any workplace, or disciplining any
11 employee working while impaired, so long as, a qualifying patient shall
12 not be considered to be impaired solely because of the presence of
13 metabolites or components of cannabis.

14 (4) Unless an employer establishes by a preponderance of the
15 evidence that the lawful use of medical cannabis has impaired the
16 employee's ability to perform the employee's job responsibilities, it shall
17 be unlawful to take any adverse employment action against an employee
18 who is an identification card-carrying patient using medical cannabis
19 consistent with the provisions of the Kansas safe access act based on
20 either:

21 (A) The employee's status as a registry identification cardholder; or

22 (B) the employee's positive drug test for cannabis components or
23 metabolites.

24 (5) For the purposes of this section, an employer may consider an
25 employee's ability to perform the employee's job responsibilities to be
26 impaired when the employee manifests specific articulable symptoms of
27 impairment while working that decreases or lessens the employee's
28 performance of the duties or tasks of the employee's job position. If an
29 employer has a drug testing policy and an employee or job applicant tests
30 positive for cannabis, the employer shall offer the employee or job
31 applicant an opportunity to present a legitimate medical explanation for
32 the positive test result and shall provide written notice of the right to
33 explain to the employee or job applicant. Within three working days after
34 receiving notice the employee or job applicant may submit information to
35 the employer to explain the positive test result. As part of an employee's or
36 job applicant's explanation for the positive test result, the employee or job
37 applicant may present a doctor's recommendation for medical cannabis or
38 their patient identification card, or both.

39 (6) Nothing in this section shall restrict an employer's ability to
40 prohibit or take adverse employment action for being impaired during
41 work hours, or require an employer to commit any act that would cause the
42 employer to be in violation of federal law or that would result in the loss of
43 a federal contract or federal funding.

1 (7) Impaired drivers are not protected by the Kansas safe access act
2 while operating, navigating or being in actual physical control of any
3 motor vehicle, school bus, public transport, aircraft or motorboat. The
4 following caveats apply:

5 (A) The presence of metabolites does not automatically denote
6 impairment. Registered qualifying patients who medicate daily may have a
7 high metabolite level and yet also have a higher tolerance to psychoactive
8 effects.

9 (B) Current technologies, even those that can measure metabolite
10 levels, cannot accurately gauge impairment.

11 (C) Roadside testing for impairment remains the best method to
12 evaluate drivers.

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

16 (8) Educational outreach to prevent driving while impaired will be
17 posted on the cannabis compliance agency webpages via printable
18 information and instructional videos, and educational materials will be
19 available at each compassion center via posters and informational sheets.

20 (9) No registered qualifying patient may consumes medical cannabis
21 on the grounds of any preschool, primary, secondary or post-secondary
22 school.

23 (A) Juvenile registered qualifying patients receiving medication from
24 the school nurse, parent or caregiver may receive medication on school
25 grounds.

26 (B) Post-secondary registered qualifying patients shall not be
27 impeded from medicating per their medical provider's recommendation,
28 either individually or by the facilitation of their primary caregiver, if they
29 have one, on school grounds as long as the delivery method does not
30 violate section 12, and amendments thereto.

31 (C) Juvenile and post-secondary registered qualifying patients shall
32 not be impeded from participation in any extracurricular activities, or
33 regular school activities, simply because they are a registered qualifying
34 patient.

35 (b) No patient may conumes cannabis in or on any form of public
36 transportation.

37 Sec. 13. (a) This act establishes the compassion board, a volunteer
38 advisory board. The compassion board will be responsible for guiding
39 policy on behalf of patients, medical providers and the public, with focus
40 on continuous process improvement to better serve the needs of all to
41 facilitate research, work with researchers, liaison with other Kansas
42 agencies and organizations, liaison with law enforcement and the cannabis
43 compliance agency.

1 (b) There is hereby established a compassion board:

2 (1) The board shall consist of 11 members appointed by the secretary
3 of health and environment, after a nomination and application process. The
4 secretary, insofar as possible, shall appoint persons from different
5 geographical areas and persons who represent various economic regions,
6 preferably with experience in the health care field, social work field, not-
7 for-profit patient care sector, the field of cannabis research, industry,
8 advocacy or cannabis medicine.

9 (2) If a vacancy occurs on the board, the secretary shall appoint a
10 person to fill the vacant position for the unexpired term, if any, within a
11 period of not more than 30 days.

12 (3) Members of the board shall be appointed for renewable three-year
13 terms.

14 (4) The public shall have an open communication path to comment
15 on board member rulings and performance, as well as an appeals process
16 established so that appeals of rulings can be heard.

17 (5) The board shall advise the secretary about the administration of
18 the Kansas safe access act and shall perform such duties as are required by
19 the act.

20 (6) Members of the board attending meetings of the board, or
21 attending a subcommittee meeting thereof authorized by the board, shall
22 be reimbursed amounts provided in K.S.A. 75-3223(e), and amendments
23 thereto, from moneys appropriated to the department of revenue from the
24 Kansas safe access act taxes from the cannabis tax fund established by
25 section 14, and amendments thereto.

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

36 Sec. 14. (a) This section establishes a cannabis tax fund under the
37 Kansas department of revenue. The Kansas department of revenue shall
38 work in conjunction with the cannabis compliance agency and the
39 compassion board to implement fair tax policies established under this act.

40 (b) The cannabis tax fund is hereby established within the Kansas
41 department of revenue.

42 (c) Medical cannabis patients will be taxed at a flat 6% rate at
43 compassion center point of purchase for medical cannabis and medical

1 cannabis products only. All other products, such as delivery items, tools
2 for use of medicine, storage containers and similar products may be
3 subject to sales tax.

4 (d) Funds will be deposited into the cannabis tax fund managed by
5 the Kansas department of revenue and distributed by the same at a
6 distribution of 2% to the state, 2% to the county and 2% to the city. Funds
7 from the cannabis tax fund, after meeting costs of Kansas safe access act
8 infrastructure expenses, will be expended for medical cannabis research,
9 public health, mental health, substance abuse, school health, school
10 substance abuse and school mental health programs exclusively.

11 (e) As the cannabis industry is often forced to a cash only business
12 model:

13 (1) Compassion centers and collectives may pay taxes by cash,
14 cashier's checks and money orders at their local revenue office;

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

18 (3) patients, compassion centers and collectives will not be assessed
19 any excise tax or any sales tax and shall not be subject to K.S.A. 79-5210,
20 and amendments thereto, for any medical cannabis, or medical cannabis
21 product;

22 (4) any county, city, township or jurisdiction that opts out of
23 participation in the Kansas safe access act will be excluded from any tax
24 benefit, other than what is derived from state benefit from the Kansas safe
25 access act;

26 (5) sales tax can be levied on any product, item or device in a
27 compassion center that is not medical cannabis or a medical cannabis
28 product; and

29 (6) medical cannabis edible products qualify as medicine, and shall
30 not be taxed under the Kansas food sales tax K.S.A. 79-3633 through 79-
31 3639, and amendments thereto.

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

1 develop a standardized package and label template and shall develop a
2 standardized list of information to be included on labels, including, but not
3 limited to, the following;

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

6 (2) If the medical cannabis product packaging is not child-resistant,
7 the compassion center must place that container within an exit package
8 that is child resistant and opaque so that the product cannot be seen from
9 outside the packaging, with the exception of brown glass and sublingual
10 syringes.

11 (3) Identification and consumer warning labels must be affixed to
12 every individual container of medical cannabis, medical cannabis-infused
13 product or medical cannabis edible.

14 (b) Every compassion center must ensure the following information is
15 affixed to every container holding a medical cannabis product:

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

18 (2) the license number of the medical cannabis product's
19 manufacturing facility;

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

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

24 (5) the production batch lot number assigned to the medical cannabis
25 concentrate used to produce the product;

26 (6) the production batch lot number assigned to the medical cannabis
27 product;

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

29 (8) the following warning statements:

30 (A) Body mass, age, metabolism, gender and body chemistry at time
31 of consumption vary in the effectiveness of the medicine;

32 (B) the intoxicating effects of this medicine may be delayed by two or
33 more hours;

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

36 (D) may cause dizziness or drowsiness, and alcohol may intensify
37 this effect. Avoid mixing with alcohol;

38 (E) keep out of reach of children and animals. Such statement shall be
39 in bold print;

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

42 (G) for medical use only, to be consumed by registered qualifying
43 patient only; and

1 (H) if you are pregnant, plan on becoming pregnant or are nursing,
2 you should consult with your medical provider before using medical
3 cannabis;

4 (9) The universal symbol, indicating that the container holds medical
5 cannabis, which must be no smaller than $\frac{1}{4}$ of an inch by $\frac{1}{4}$ of an inch to
6 be set forth by the cannabis compliance agency;

7 (10) a clear set of instructions for proper usage;

8 (11) packaging design must not have cartoons, or in any way attract
9 interest from children;

10 (12) packaging must prominently display the following in clear and
11 legible font:

12 (A) Display or inspection seal;

13 (B) patient name and patient ID number;

14 (C) a potency profile expressed in milligrams and the number of
15 tetrahydrocannabinol servings within the container; and

16 (D) a recommended use by or expiration date for medical cannabis
17 products;

18 (13) packages containing only dried flower must record the weight of
19 medical cannabis.

20 Sec. 16. The purpose of this section is to establish guidelines and
21 standards for packaging and labeling for medical cannabis edible products
22 to ensure all of the necessary and relevant information to be enforced by
23 the cannabis compliance agency is included. While there are slight
24 differences in the labeling requirements for each category of medical
25 cannabis edible products, all include identical parameters that mandate the
26 type of packaging for medical cannabis edible products. The Kansas safe
27 access act requires that each package or container of medical cannabis
28 edible products includes necessary and relevant information for
29 consumers, does not include health and physical benefit claims, is easily
30 accessible to consumers, and is clear, easy to read and noticeable. The
31 cannabis compliance agency shall develop a standardized label template or
32 templates and shall develop a standardized list of information to be
33 included on labels. Edible medical cannabis products must include the
34 following information, in addition to the information required by the
35 guidelines of section 15, and amendments thereto:

36 (1) This wording: "The intoxicating effects of this product may be
37 delayed three to six hours.";

38 (2) an ingredient list including all ingredients used to manufacture the
39 edible medical cannabis product;

40 (3) a statement regarding required refrigeration if the medical
41 cannabis product is perishable

42 (4) that the standardized serving size for this product includes no
43 more than 10 milligrams of active tetrahydrocannabinol and a list on the

- 1 package of all pharmacologically active ingredients; and
- 2 (5) if the product uses nuts or another known allergen, a suitable
3 warning.
- 4 (b) Bundled, single-serving edible medical cannabis products that are
5 individually packaged in child-resistant packaging and labeled can be
6 placed into a larger package that also needs to be child resistant, and
7 include a list on the package of all pharmacologically active ingredients
8 contained within the bundled package, including tetrahydrocannabinol that
9 does not exceed 100 milligrams.
- 10 (c) Single-serving-size medical cannabis products must list the
11 following:
- 12 (1) The total amount of pharmacologically active ingredients in the
13 package including, but not limited to, tetrahydrocannabinol and
14 cannabidiol.
- 15 (2) the expiration date;
- 16 (3) dietary restriction label and nutritional fact panel;
- 17 (4) potency tests results for all medical cannabis edible products;
- 18 (5) only generic food names that describe edible medical cannabis
19 products;
- 20 (6) recommended use by or expiration date for medical cannabis
21 products; and
- 22 (7) if liquid edible medical cannabis products contains more than one
23 standardized serving;
- 24 (d) Each product must be packaged in a child-resistant container that
25 maintains its child-resistant effectiveness after multiple openings.
- 26 (e) All containers for liquids shall clearly demark each standardized
27 serving of liquid edible in a way that enables a reasonable person to
28 intuitively determine how much of the product constitutes a single serving
29 of active tetrahydrocannabinol. The portion of the container that clearly
30 demarks each standardized serving of liquid edible medical cannabis shall
31 not be opaque.
- 32 (f) Liquid edible containers that include a dropper or measuring
33 device shall ensure that the device allows a reasonable person to intuitively
34 measure and serve a single serving of active tetrahydrocannabinol.
- 35 Sec. 17. The purpose of this section is to ensure that every medical
36 cannabis cultivation facility and medical cannabis products manufacturing
37 facility label each shipping container and container of medical cannabis
38 with all of the necessary and relevant information for the receiving
39 medical cannabis establishment. In addition, this section clarifies basic
40 shipping container requirements. The purpose is to ensure the regulated
41 community applies proper labeling techniques on all medical cannabis
42 products.
- 43 (b) 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 contains no
3 more than one pound of medical cannabis prior to transport or transfer of
4 any medical cannabis products to another medical cannabis establishment.

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

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

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

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

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

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

22 (5) that the results of the test that a medical cannabis testing facility
23 has conducted on a harvest batch lot, the type of information that must be
24 labeled shall be limited to the following:

25 (A) A cannabinoid potency profile expressed as a range of
26 percentages that extends from the lowest percentage to the highest
27 percentage of concentration for each cannabinoid listed in section 19, and
28 amendments thereto, and any required by the cannabis compliance agency;

29 (B) every test conducted on that strain of medical cannabis cultivated
30 by the same medical cannabis cultivation facility within the last three
31 months; and

32 (C) a statement that the product was tested for contaminants, if tests
33 for contaminants were conducted according to section 19, and
34 amendments thereto, and any requirements made by the cannabis
35 compliance agency.

36 (e) If a medical cannabis cultivation facility or a medical cannabis
37 products manufacturing facility packages medical cannabis within a
38 container that is placed within a shipping container, each container must be
39 affixed with a label containing all of the information required by section
40 19, and amendments thereto, and any requirements made by the cannabis
41 compliance agency.

42 Sec. 18. (a) The purpose of this section is to ensure that every
43 medical cannabis cultivation facility and medical cannabis products

1 manufacturing facility labels each shipping container and container of
2 medical cannabis concentrates with all of the necessary and relevant
3 information for the receiving medical cannabis establishment. In addition,
4 this section clarifies basic shipping container requirements. The cannabis
5 compliance agency shall ensure every medical cannabis cultivation facility
6 and medical cannabis products manufacturing facility applies proper
7 labeling techniques to all medical cannabis concentrates.

8 (b) Every medical cannabis cultivation facility and medical cannabis
9 products manufacturing facility shall ensure that all medical cannabis
10 concentrates are placed within a sealed, tamper-evident shipping container
11 that has no more than one pound of medical cannabis concentrate within it
12 prior to transport or transfer to another medical cannabis facility or
13 compassion center.

14 (c) Every medical cannabis cultivation facility or medical cannabis
15 products manufacturing facility shall ensure that a label is affixed to every
16 shipping container holding a medical cannabis concentrate that includes all
17 of the information required by section 19, and amendments thereto, and
18 any requirements made by the cannabis compliance agency, prior to
19 transport or transfer to another medical cannabis establishment.

20 (d) Every medical cannabis cultivation facility or medical cannabis
21 products manufacturing facility shall ensure that the following information
22 is affixed to every shipping container holding a medical cannabis
23 concentrate:

24 (1) The license number of the medical cannabis cultivation facility
25 where the medical cannabis used to produce the medical cannabis
26 concentrate was grown;

27 (2) the license number of the medical cannabis cultivation facility or
28 medical cannabis products manufacturing facility that produced the
29 medical cannabis concentrate;

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

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

35 (5) a complete list of all ecologically sustainable pesticides,
36 fungicides and herbicides used during the cultivation of the medical
37 cannabis used to produce the medical cannabis concentrate; and

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

40 (e) Every medical cannabis cultivation facility or medical cannabis
41 products manufacturing facility shall affix a label to a shipping container
42 in which a medical cannabis concentrate is placed. The label shall contain
43 a statement asserting that the medical cannabis concentrate was tested

1 pursuant to section 19, and amendments thereto, and any requirements
2 made by the cannabis compliance agency.

3 (f) A medical cannabis testing facility shall test every harvest batch
4 lot used to produce the medical cannabis concentrate for molds, mildew,
5 filth, microbials, herbicides, pesticides, fungicides, harmful chemicals and
6 residual solvents, poisons or toxins.

7 (g) When a medical cannabis testing facility tests the production
8 batch lots of the medical cannabis concentrate within a shipping container
9 for potency, every medical cannabis cultivation facility or medical
10 cannabis products manufacturing facility shall ensure that a label is affixed
11 to the shipping container with a cannabinoid potency profile expressed as a
12 percentage.

13 (h) When a medical cannabis cultivation facility or a medical
14 cannabis products manufacturing facility packages a medical cannabis
15 concentrate within a container that is then placed within a shipping
16 container, each container shall be affixed with a label containing all of the
17 information required by section 19, and amendments thereto, and any
18 requirements made by the cannabis compliance agency.

19 Sec. 19. (a) The purpose of this section is to establish guidelines of
20 independent testing and certification testing facilities for medical cannabis
21 and medical cannabis products. The cannabis compliance agency shall
22 require licensees to test medical cannabis to ensure, at a minimum, that
23 products sold for human consumption do not contain contaminants that are
24 injurious to health and to ensure correct labeling.

25 (b) No independent testing facility may handle, test or analyze
26 cannabis or cannabis products unless the independent testing facility:

27 (1) Has been registered by the cannabis compliance agency;

28 (2) is independent from all other persons and entities involved in the
29 medical cannabis industry, such that no board member, officer, manager,
30 owner, partner, principal stakeholder or member of a registered
31 organization has an interest or voting right in the testing facility
32 performing medical cannabis testing;

33 (3) has a provisional registration from the cannabis compliance
34 agency;

35 (4) has established standard operating procedures that provide for
36 adequate chain of custody controls for samples transferred to the
37 independent testing facility for testing; and

38 (5) is registered with a third-party accrediting body, such as the
39 American association for laboratory accreditation (A2LA) or the ANSI-
40 ASQ national accreditation board (ACLASS), and the assessment and
41 accreditation process was carried out by a third-party accreditation body
42 that is itself accredited to the ISO 17011 standard, certified under the
43 clinical laboratory improvement act (CLIA) and participates in inter-

1 laboratory comparison proficiency testing (ILC/PT) and in association of
2 commercial cannabis laboratories (ACCL).

3 (c) All testing facilities shall include all of their methods that have
4 public health implications on their scope of accreditation. This includes, at
5 a minimum, cannabinoids, pesticides, microbiology, residual solvents and
6 water activity per the standards outlined in the American herbal
7 pharmacopoeia cannabis inflorescence and leaf monograph, which shall be
8 the standard for all testing facilities:

9 (A) Testing facilities shall pass rigorous and regular proficiency
10 testing programs, covering all methods on the accreditation scope that
11 carry public health implications. Proficiency testing must be administered
12 by a body that is accredited to the ISO 17043 standard.

13 (B) Testing facilities shall be managed by a full-time onsite chemist,
14 with a doctoral degree in a relevant field or at least four years of
15 experience specific to analytical chromatography.

16 (C) Testing facilities shall notify the cannabis compliance agency
17 within one business day after the testing facility obtains notice of any kind
18 that the facility's accreditation has been denied, suspended or revoked.

19 (c) A medical cannabis cultivation facility shall:

20 (1) Collect a random, homogenous sample for testing by segregating
21 harvest batch lots of individual strains of flowers and then selecting a
22 random sample from various locations from within each harvest batch lot
23 in an amount required by the medical cannabis testing facility and no less
24 than 2.5 grams;

25 (2) designate an individual responsible for collecting each sample,
26 and that individual shall:

27 (A) Prepare a signed statement showing that each sample has been
28 randomly selected for testing;

29 (B) provide the signed statement to the medical cannabis testing
30 facility; and

31 (C) maintain a copy as a business record;

32 (3) transport the sample to the medical cannabis testing facility's
33 licensed premises in compliance with this section, and any requirements
34 made by the cannabis compliance agency;

35 (d) A medical cannabis cultivation facility shall segregate the entire
36 harvest batch lot from which the testing sample was selected until the
37 medical cannabis testing facility reports the results from its tests:

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

42 (2) the facility that provided the sample may not sell or transport any
43 medical cannabis from the segregated batch lot until the medical cannabis

1 testing facility has completed its testing and provided those results in
2 writing to the medical cannabis cultivation facility that provided the
3 sample; and

4 (3) shall maintain the test results as a business record.

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

7 (1) Listing the chemical profile, including, but not limited to, all of
8 the following:

9 (A) Tetrahydrocannabinol (THC);

10 (B) tetrahydrocannabinolic acid (THCA);

11 (C) cannabidiol (CBD);

12 (D) cannabidiolic acid (CBDA);

13 (E) the terpenes described in the most current version of the cannabis
14 inflorescence monograph published by the American herbal
15 pharmacopoeia;

16 (F) cannabigerol (CBG);

17 (G) cannabinol (CBN); and

18 (H) any other compounds required by the cannabis compliance
19 agency.

20 (2) That the presence of contaminants does not exceed the levels that
21 are the lesser of either the most current version of the American herbal
22 pharmacopoeia monograph or the cannabis compliance agency's standards.
23 For purposes of this paragraph, contaminants includes, but is not limited to,
24 all of the following:

25 (A) Residual solvent or processing chemicals;

26 (B) foreign material, including, but not limited to, hair, insects or
27 similar or related adulterant;

28 (C) microbiological impurity, including total aerobic microbial count,
29 total yeast mold count, *P. aeruginosa*, *aspergillus* spp., *S. aureus*, aflatoxin
30 B1, B2, G1 or G2 or ochratoxin A;

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

32 (E) residual levels of volatile organic compounds shall be below the
33 lesser of either the specifications set by the United States pharmacopoeia
34 (U.S.P. chapter 467) or those set by the cannabis compliance agency; and

35 (F) methods:

36 (i) High performance liquid chromatography in tandem with triple-
37 quadruple mass spectrometry (HPLC-MS/MS) to identify and quantify
38 trace pesticide, fungicide and PGR residues;

39 (ii) 3M petrifilm and real-time polymerase chain-reaction (qPCR)
40 technology, gas chromatography with flame ionized detection (FID) to test
41 over 35 commonly found terpenes; and

42 (iii) utilizing a combination of gas chromatography/FID, headspace
43 analysis and mass spectrometry for residual solvent testing.

1 (f) The cannabis compliance agency shall require that a test batch be
2 submitted to a specific medical cannabis testing facility for testing to
3 verify compliance, perform investigations, compile data or address a
4 public health and safety concern through test batch samples:

5 (1) A medical cannabis testing facility shall establish a standard
6 minimum weight of medical cannabis and medical cannabis concentrate
7 that must be included in a test batch for every type of test that it conducts,
8 but must be at least 2.5 grams;

9 (2) a medical cannabis testing facility must establish a standard
10 number of finished product it requires to be included in each test batch of
11 medical cannabis-infused product for every type of test that it conducts;

12 (3) a medical cannabis testing facility may not accept a test batch that
13 is smaller than its standard minimum amount; and

14 (4) a medical cannabis testing facility may not accept a test batch or
15 sample that it knows was not taken in accordance with the Kansas safe
16 access act or any additional cannabis compliance agency sampling
17 procedures or was not collected by qualified personnel.

18 (g) If medical cannabis, medical cannabis concentrate or medical
19 cannabis-infused product fails a contaminant test, then the medical
20 cannabis testing facility shall immediately notify the medical cannabis
21 cultivation facility or medical cannabis product manufacturer that
22 submitted the sample for testing and report the failure in accordance with
23 all cannabis compliance agency procedures.

24 (h) If medical cannabis, medical cannabis concentrate or medical
25 cannabis-infused product is found to have a contaminant in levels
26 exceeding those established as permissible under this section, then it shall
27 be considered to have failed contaminant testing. Notwithstanding the
28 permissible levels established in this section, the cannabis compliance
29 agency may determine, upon good cause and reasonable grounds, that a
30 particular test batch presents a risk to the public health or safety and
31 therefore shall be considered to have failed a contaminant test.

32 (i) For purposes of the microbiological test a CO2 and solvent-based
33 extracts sample shall be deemed to have passed if it satisfies the
34 recommended microbial and fungal limits for cannabis products in colony
35 forming units per gram (CFU/g) set out in the American herbal
36 pharmacopoeia monograph as follows:

37 Total viable aerobic bacteria.....104
38 Total yeast and mold.....103
39 Total coliforms bile-tolerant gram-negative bacteria.....102
40 E. coli (pathogenic strains) and salmonella spp.....not detected in 1 gram

41 (j) Unprocessed materials include minimally processed crude
42 cannabis preparations such as inflorescences, accumulated resin glands
43 (kief) and compressed resin glands (hashish).

1 (k) Processed materials include various solid or liquid-infused edible
2 preparations, oils, topical preparations and water-processed resin glands
3 (bubble hash).

4 (l) For purposes of the mycotoxin test, a cannabis sample shall be
5 deemed to have passed if it meets the following standards for tests and
6 specifications:

7 Aflatoxin B1.....	<20 µg/kg of substance
8 Aflatoxin B2.....	<20 µg/kg of substance
9 Aflatoxin G2.....	<20 µg/kg of substance
10 Ochratoxin A.....	<20 µg/kg of substance

11 (m) Testing facilities shall contact the cannabis compliance agency
12 when STEC and salmonella are detected beyond the acceptable limits.

13 (n) These named solvents and pesticides are not permitted for use
14 under this act, but must be tested for as contaminants. Testing shall be for
15 specific pesticides listed in section 19, and amendments thereto, any and
16 all solvents, permitted or not permitted, under section 20, and amendments
17 thereto:

- 18 (A) Butanes;
- 19 (B) heptanes;
- 20 (C) benzene;
- 21 (D) toluene;
- 22 (E) hexane;
- 23 (F) total xylenes (m,p, o-xylenes);
- 24 (G) azadirachtin;
- 25 (H) myclobutanil;
- 26 (I) imidacloprid;
- 27 (J) avermectin;
- 28 (K) bifenazate; and
- 29 (L) etoxazole; and
- 30 (M) metals substance:

31 Arsenic max limit.....	<10 PPM
32 Cadmium max limit.....	<4.1 PPM
33 Lead max limit.....	<10 PPM
34 Mercury max limit.....	<2.0 PPM

35 (o) A medical cannabis testing facility shall notify the cannabis
36 compliance agency if a test batch lot is found to contain levels of a
37 contaminant not listed within this section that could be injurious to human
38 health if consumed.

39 Sec. 20. (a) A medical cannabis testing facility shall test and report
40 results for any cannabinoid, provided the test is conducted in accordance
41 with the cannabis compliance agency's medical cannabis testing facility
42 certification policy statement.

43 (b) For potency tests:

1 (1) Conducted on medical cannabis and medical cannabis
2 concentrate, results must be reported by listing a single percentage
3 concentration for each cannabinoid that represents an average of all
4 samples within the test batch lot;

5 (2) conducted on medical cannabis-infused product results, results
6 must be reported by listing the total number of milligrams contained
7 within a single medical cannabis-infused product unit for sale for each
8 cannabinoid and affirming the tetrahydrocannabinol content is
9 homogeneous; and

10 (3) conducted on medical cannabis, testing must occur on dried and
11 cured medical cannabis that is ready for sale.

12 (c) If the tetrahydrocannabinol content of a medical cannabis-infused
13 product is determined through testing not to be homogeneous then it shall
14 be considered to have failed potency testing.

15 (d) A medical cannabis-infused product shall be considered not to be
16 homogeneous if 10% of the infused portion of the medical cannabis-
17 infused product contains more than 20% of the total tetrahydrocannabinol
18 contained within the entire medical cannabis-infused product.

19 (e) Potency levels of edibles must meet standards set forth in section
20 19, and amendments thereto.

21 (f) A potency variance for cannabis-infused products and edibles of
22 no more than plus or minus 5% is allowed.

23 (g) The cannabis compliance agency shall determine procedures to
24 address potency misrepresentations.

25 (h) (1) If the sample failed the testing, the entire batch lot from which
26 the sample was taken, the sample shall, if applicable, be recalled as
27 provided for by standards set forth by the cannabis compliance agency,
28 and disposed of in accordance with section 22, and amendments thereto;

29 (2) if the sample failed any test other than pesticides and metals, the
30 batch lot may be used to make a CO₂ or solvent-based extract. After
31 processing, the CO₂ or solvent-based extract must still pass all required
32 tests.

33 (i) The testing facility shall file with the cannabis compliance agency
34 an electronic copy of each testing facility test result for any test batch that
35 does not pass the microbiological, mycotoxin, metals or pesticide chemical
36 residue test at the same time that it transmits those results to the cultivation
37 center.

38 (j) In addition, the testing facility shall maintain the test results for at
39 least five years and make them available at the cannabis compliance
40 agency's request.

41 (k) A medical cannabis manufacturer must develop and implement a
42 written quality assurance program that assesses the chemical and
43 microbiological composition of medical cannabis.

1 (l) Assessment includes a profile of the active ingredients, including
2 shelf life, and the presence of inactive ingredients and contaminants. A
3 medical cannabis manufacturer shall use these testing results to determine
4 appropriate storage conditions and expiration dates.

5 (m) The testing facilities shall develop procedures and the
6 manufacturer must follow written procedures for sampling medical
7 cannabis that require the manufacturer to:

8 (1) Conduct sample collection in a manner that provides analytically
9 sound and representative samples;

10 (2) document every sampling event and provide this documentation
11 to the cannabis compliance agency upon request;

12 (3) describe all sampling and testing plans in written procedures that
13 include the sampling method and the number of units per batch to be
14 tested;

15 (4) ensure that random samples from each batch:

16 (A) Are taken in an amount necessary to conduct the applicable test;

17 (B) are labeled with the batch unique identifier;

18 (C) are submitted for testing;

19 (D) have their results retained for at least five years;

20 (E) are rejected, if a medical cannabis batch fails to meet established
21 standards, specifications, and any other relevant quality control criteria;

22 (F) follow the cannabis compliance agency guidelines for responding
23 to results indicating contamination, and determining the source of
24 contamination; and

25 (G) have the documentation of test results, assessments and
26 destruction of medical cannabis retained for at least five years; and

27 (5) the quality assurance program must include procedures for
28 performing stability testing of each product type produced to determine
29 product shelf life that addresses:

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

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

33 (C) reliable and specific test methods; and

34 (6) stability studies must include:

35 (A) Medical cannabis testing at appropriate intervals;

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

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

41 (n) If shelf-life studies have not been completed before the
42 implementation of this act, a medical cannabis manufacturer may assign a
43 tentative expiration date, based on any available stability information. The

1 manufacturer must concurrently conduct stability studies to determine the
2 actual product expiration date.

3 (o) After the manufacturer verifies the tentative expiration date or
4 determines the appropriate expiration date, the medical cannabis
5 manufacturer must include that expiration date on each batch of medical
6 cannabis products, and provide supporting documentation to the cannabis
7 compliance agency. Stability testing must be repeated if the manufacturing
8 process or the product's chemical composition is changed.

9 (p) A medical cannabis manufacturer must retain a uniquely labeled
10 reserve sample that represents each batch of medical cannabis and store it
11 under conditions consistent with product labeling. The reserve sample
12 must be stored in the same immediate container-closure system in which
13 the medical cannabis is marketed, or in one that has similar characteristics.
14 The reserve sample must consist of at least twice the quantity necessary to
15 perform all the required tests. A medical cannabis manufacturer must
16 retain the reserve for at least one year following the batch's expiration date.

17 (q) If the cannabis compliance agency deems that public health may
18 be at risk, the cannabis compliance agency may require the manufacturer
19 to retest any sample of plant material or medical cannabis product.

20 (r) A cultivation facility shall not be required to sample and test
21 cannabis, if the batch was previously sampled, and the sample was tested
22 by another cultivation facility and determined to have passed the testing
23 requirements of this section and can provide such documentation to the
24 cannabis compliance agency.

25 (s) If a sample does not pass testing, the producer shall determine
26 whether remediation is appropriate, and test another sample from the batch
27 at issue or identify processes that will render the dried cannabis or
28 cannabis-derived product safe and retest in accordance with the
29 requirements of this section. If the batch cannot be remediated to where it
30 meets the testing requirements of this section, the cultivation facility shall
31 notify the cannabis compliance agency within 24 hours, and confirm the
32 destruction and disposal of the dried cannabis or concentrated cannabis-
33 derived product per the guidelines laid out in section 22, and amendments
34 thereto.

35 (t) A testing facility must submit its quality control manual to the
36 cannabis compliance agency.

37 (1) The manual may be mailed to the cannabis compliance agency or
38 may be sent electronically via the cannabis compliance agency's website.

39 (2) The cannabis compliance agency shall create a list of laboratories
40 that have submitted a quality control manual by the deadline assigned by
41 the cannabis compliance agency and post the list on the cannabis
42 compliance agency's website.

43 (3) A compassion center may only accept test results from a testing

1 facility listed on the cannabis compliance agency's website.

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

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

11 (u) The cannabis compliance agency may conduct audit testing of a
12 medical cannabis cultivation facility or medical cannabis product
13 manufacturer to access whether they are operating within the guidelines of
14 this act.

15 (v) The testing facility shall require each testing facility employee to
16 complete and execute an application for employment on a form provided
17 by the the cannabis compliance agency:

18 (1) The testing facility shall establish and follow written procedures
19 for verifying the experience and education of testing facility employees;

20 (2) the testing facility shall submit the registration information for
21 each testing facility employee within 15 days after the date the testing
22 facility employee was hired; and

23 (3) upon termination of the association of the registered independent
24 testing facility employee with the testing facility, the independent testing
25 facility shall:

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

28 (B) ensure the terminated testing facility employee no longer has
29 access to the testing facility premises; and

30 (C) within one business day of the termination of the testing facility
31 employee, the independent testing facility notifies the cannabis compliance
32 agency of the termination.

33 (w) Candidates for testing and laboratory personnel positions shall
34 not be excluded for any conviction for an offense consisting of conduct
35 that would not have been considered an offensive subsequent to the
36 conduct of the Kansas safe access act or was prosecuted as a patient or
37 caregiver by an authority other than the state of Kansas. Candidates who
38 can demonstrate that their past convictions would have been negated by
39 the Kansas safe access act may provide the cannabis compliance agency
40 medical records from the time of the conviction sharing that such
41 candidate was a patient receiving care from a caregiver and shall not be
42 excluded from consideration.

43 Sec. 21. (a) The purpose of this section is to establish guidelines

1 regarding the manufacture of medical cannabis products, to ensure that
2 such products do not contain harmful contaminants and to protect public
3 safety through the use of best practices.

4 (b) The following methods of oil, tincture and extract production
5 prohibited are:

- 6 (1) Butane;
- 7 (2) alcohol cook methods over open flame; and
- 8 (3) propane.

9 (c) Solvents banned for all products sold or purchased by compassion
10 centers include all petroleum based products. Compassion centers shall not
11 purchase or sell solvents, including petroleum-based products.

12 (d) The following extract methods are allowed:

- 13 (1) Tabletop infusing machines;
- 14 (2) slow cooker;
- 15 (3) rosin heat press and machines;
- 16 (4) ice water;
- 17 (5) food-grade glycerin;
- 18 (6) grain alcohol methods;
- 19 (7) supercritical closed loop CO₂ extraction machines, including
20 tabletop machines;
- 21 (8) dry ice; and
- 22 (9) all other non-explosive, non-toxic solvents and new technologies
23 or methods as long as such methods comply with the requirements of this
24 act.

25 Sec. 22. (a) The cannabis compliance agency is hereby established as
26 a division of the department of health and environment. The cannabis
27 compliance agency shall oversee licensing, compliance and enforcement.
28 The agency shall work in consultation with the compassion board.

29 (b) All license applicants shall be residents of Kansas for at least two
30 years upon the date of their license application.

31 (c) The cannabis compliance agency shall submit an annual report to
32 the legislature that includes all of the following information:

- 33 (1) The number of applications and renewals filed for identification
34 cards;
- 35 (2) the number of qualifying patients and designated primary
36 caregivers approved in each county;
- 37 (3) the nature of the medical conditions of the qualifying patients;
- 38 (4) the number of identification cards revoked;
- 39 (5) the number of medical providers providing written certifications
40 for qualifying patients;
- 41 (6) the number of registered compassion centers; and
- 42 (7) the number of compassion center employees.
- 43 (e) Such report shall not contain any personally identifiable

1 information.

2 (e) It shall be a class B misdemeanor for any person, including an
 3 employee or official of the cannabis compliance agency or other state
 4 agency or local governmental agency, to breach the confidentiality of
 5 information obtained pursuant to section 7(j), and amendments thereto.
 6 This section shall not prevent the following notifications:

7 (1) Cannabis compliance agency employees may notify law
 8 enforcement about falsified or fraudulent information submitted to the
 9 cannabis compliance agency, so long as the employee who suspects that
 10 falsified or fraudulent information has been submitted confers with such
 11 employee's supervisor and both agree that circumstances exist that warrant
 12 reporting;

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

18 (3) compassion center employees may notify the cannabis compliance
 19 agency of a suspected violation or attempted violation of the Kansas safe
 20 access act or the rules and regulations adopted hereunder, if the employee
 21 who suspects the offense confers with such employee's supervisor and
 22 both agree that circumstances exist that warrant reporting.

23 (g) (1) The cannabis compliance agency shall maintain a website
 24 which shall include the following information:

25 (A) The full text of the act;

26 (B) information on application processes and regulations for:

27 (i) Registered qualified patients;

28 (ii) compassion center licenses;

29 (iii) primary caregivers;

30 (iv) cultivating caregivers;

31 (v) cultivation facility licenses;

32 (vi) manufacturing facility licenses;

33 (vii) testing facility certification; and

34 (viii) workforce education;

35 (C) information for law enforcement, including:

36 (i) Information on a verification system; and

37 (ii) all pertinent contacts to provide support;

38 (D) information and contacts for health inspections, environmental
 39 inspections, compliance inspections and third party ecological
 40 sustainability inspections;

41 (E) food handling guidelines;

42 (F) information on the ecologically sustainable certification process,
 43 regulations and contact information;

- 1 (G) educational outreach and incentive program information, videos
2 and printable information sheets for the driving under the influence of
3 alcohol or drugs outreach program and information directing patients who
4 are pregnant, planning on becoming pregnant or nursing to consult their
5 medical provider before use;
- 6 (H) information for medical providers and first responders on training
7 seminars, research materials and continuing education unit courses;
- 8 (I) information on workforce education and online courses for
9 compassion center employees, growers, processors, trimmers, primary
10 caregivers, cultivating caregivers and registered qualifying patient
11 growers;
- 12 (J) contact information for all related agencies;
- 13 (K) registered qualifying patient section with a:
- 14 (i) medical provider search;
- 15 (ii) caregiver search;
- 16 (iii) compassion center or collective search;
- 17 (iv) information on ecologically sustainable and sustainable growing
18 practices and products;
- 19 (v) customer service phone number and email address;
- 20 (vi) information and contacts for the appeals process; and
- 21 (vii) links for ancillary businesses.
- 22 (2) The cannabis compliance agency shall establish an edibles
23 educational outreach and incentive program that shall include:
- 24 (A) Printable guidelines and instructional videos on the cannabis
25 compliance agency webpages;
- 26 (B) materials at compassion centers, including posters and
27 instructional sheets; and
- 28 (C) lockbox storage for medical cannabis products offered at cost
29 through the compassion centers, including:
- 30 (i) purchase will qualify patients for discounts on renewal fees; and
- 31 (ii) compassion centers that meet cannabis compliance agency goals
32 of lockbox sales to edible sales target ratios can qualify for discounts on
33 renewal fees.
- 34 (h) The agency shall establish an educational outreach on safe extract
35 production methods. Such outreach shall include printable guidelines and
36 instructional videos on the cannabis compliance agency website, materials
37 at compassion centers, including posters and instructional sheets and
38 information and forms to report any and all changes from patients,
39 caregivers or compassion centers.
- 40 (i) A process shall be implemented for customer service to register
41 and track questions and complaints with a clearly outlined procedure to
42 escalate questions and complaints.
- 43 (j) The agency shall establish rules and regulations or the storage and

1 transportation of medical cannabis and medical cannabis products. The
2 agency shall also develop a universal symbol indicating the package
3 contains medical cannabis.

4 (k) (1) The agency may refuse or deny a license issuance, renewal or
5 reinstatement for good cause. As used in this subsection, "good cause"
6 means:

7 (A) The licensee or applicant has violated, does not meet or has failed
8 to comply with any of the terms, conditions or provisions of this act, any
9 rules and regulations adopted hereunder;

10 (B) the licensee or applicant has failed to comply with any special
11 terms or conditions that were placed on its license pursuant to an order of
12 the cannabis compliance agency; or

13 (C) the licensed premises has operated in a manner that adversely
14 affects the public health or the safety of the immediate neighborhood in
15 which the premises is located.

16 (2) If the cannabis compliance agency denies a license pursuant to
17 this subsection, the applicant shall be entitled to proceedings conducted in
18 accordance with the Kansas administrative procedure act. The cannabis
19 compliance agency shall provide written notice of the grounds for denial to
20 the applicant and to the local jurisdiction at least 15 days prior to the
21 hearing.

22 (l) The cannabis compliance agency shall not issue a license to any
23 person unless such person's character, record and reputation are
24 satisfactory to the agency. The cannabis compliance agency shall consider
25 if the applicant has provided a false application, committed a fraudulent
26 act or a criminal history record not covered by exemptions listed in
27 sections 6, 7, 10 and 13, and amendments thereto. This act does not
28 preclude applicants convicted of a felony or other offenses involving moral
29 turpitude from applying for and receiving a license. The fact that such
30 applicant has been convicted of a felony or other offense involving moral
31 turpitude and pertinent circumstances connected with such conviction shall
32 be given consideration in determining whether the applicant is of good
33 moral character. Consideration shall be given based upon the ability of the
34 applicant to show:

35 (1) Rehabilitation;

36 (2) educational achievements;

37 (3) financial solvency;

38 (4) good community standing;

39 (5) lack of arrest or conviction;

40 (6) lack of parole violation;

41 (7) current payment on taxes;

42 (8) lack of other statutory violations; and

43 (9) residency in Kansas for at least two years prior to the date of

1 application.

2 (m) In investigating the qualifications of an applicant or a licensee,
3 the cannabis compliance agency may have access to criminal history
4 record information furnished by a criminal justice agency subject to any
5 restrictions imposed by such agency. In the event the cannabis compliance
6 agency considers the applicant's criminal history, the cannabis compliance
7 agency shall also consider any information provided by the applicant
8 regarding such criminal history record, including, but not limited to,
9 evidence of rehabilitation, character references and educational
10 achievements, especially those items pertaining to the time between the
11 applicant's last criminal conviction and the application date.

12 (n) At the time of filing an application for a state medical cannabis
13 establishment license, applicants shall submit a set of fingerprints and
14 personal information history on forms prepared by the cannabis
15 compliance agency. The cannabis compliance agency shall submit the
16 fingerprints to the Kansas bureau of investigation for the purpose of
17 conducting fingerprint-based criminal history record checks. An applicant
18 who has previously submitted fingerprints for state licensing purposes may
19 request the cannabis compliance agency use the fingerprints on file. The
20 cannabis compliance agency shall use the information resulting from the
21 criminal history record check to investigate and determine whether an
22 applicant is qualified to hold a state license pursuant to guidelines outlined
23 in this section:

24 (1) The cannabis compliance agency may verify any of the
25 information an applicant is required to submit;

26 (2) the cannabis compliance agency shall not approve an application
27 for the issuance of a state license:

28 (A) If the application for the license concerns a particular location
29 that is the same as a location for which, within two year immediately
30 preceding the date of the application, the cannabis compliance agency
31 denied; or

32 (B) until it is established that the applicant is, or will be entitled to
33 possession of the premises for which the application is made under a lease,
34 rental agreement, or other arrangement for possession of the premises.

35 (o) A state license granted under the provisions of this act are not
36 transferable except as provided in this section, but this section does not
37 prevent a change of location:

38 (1) For a transfer of ownership, a license holder shall apply to the
39 cannabis compliance agency or a transfer of ownership a license holder
40 shall apply to the cannabis compliance agency on forms prepared and
41 furnished by the cannabis compliance agency, the cannabis compliance
42 agency shall consider only the requirements of this act and any rules and
43 regulations promulgated by the cannabis compliance agency and any other

1 local restrictions.

2 (2) The new owner applicant must pass a fingerprint based criminal
3 history check as required by the cannabis compliance agency and obtain
4 the required identification prior to owning the operation.

5 (3) Each license issued under this act is separate and distinct. It is
6 unlawful for a person to exercise any privileges granted under a license
7 other than the license that the person holds or for a licensee to allow any
8 other person to exercise the privileges granted under the licensee's license.
9 A separate license shall be required for each specific business or business
10 entity and each geographical location.

11 (4) At all times a licensee shall possess and maintain possession of
12 the premises for which the license is issued by ownership, lease, rental or
13 other arrangement for possession of the premises.

14 (5) The licenses issued pursuant to this act must specify the date of
15 issuance, the period of licensure, the name of the licensee and the premises
16 licensed. The licensee shall conspicuously place the license at all times on
17 the licensed premises.

18 (6) A licensee may move the permanent location to any other place in
19 Kansas once permission to do so is granted by the state and local
20 jurisdiction provided for in this act. Upon receipt of an application for
21 change of location, the cannabis compliance agency shall within seven
22 days, submit a copy of the application to the local jurisdiction to determine
23 whether the transfer complies with all local restrictions on change of
24 location.

25 (7) In permitting a change of location, the local jurisdiction shall
26 consider all reasonable restrictions that are or may be placed upon the
27 location by the governing board of the municipality, city and county, and
28 any such change in location shall be in accordance with all requirements of
29 this act and rules and regulations promulgated pursuant to this act.

30 (8) Ninety days prior to the expiration date of an existing license, the
31 cannabis compliance agency shall notify the licensee of the expiration date
32 by first class mail at the licensee's address of record with the cannabis
33 compliance agency. A licensee may apply for the renewal of an existing
34 license to the state licensing authority not less than 30 days prior to the
35 date of expiration. Upon receipt of an application for renewal of an
36 existing license, and any applicable fees, the state cannabis compliance
37 agency shall, within seven days, submit a copy of the application to the
38 local jurisdiction to determine whether the application complies with all
39 local restrictions on renewal of license. The cannabis compliance agency
40 shall not accept an application for renewal after the date of expiration
41 except as provided in this section.

42 (9) The cannabis compliance agency may extend the expiration date
43 of the license application and accept a late application for renewal of a

1 license. The cannabis compliance agency, in its discretion, subject to the
2 requirements of this subsection and based upon reasonable grounds, may
3 waive the 30-day time requirement set forth in this subsection, for a
4 licensee whose license has been expired for not more than 90 days may
5 file a late renewal application upon the payment of a non refundable late
6 application fee of \$200. If a licensee completes a late renewal application
7 and pays the requisite fees, they may continue to operate until the cannabis
8 compliance agency takes final action to approve or deny the licensee's late
9 renewal unless the cannabis compliance agency summarily suspends the
10 license pursuant to this section and rules and regulations promulgated
11 pursuant to this act. The cannabis compliance agency may administratively
12 continue the license and accept a later application for renewal of a license
13 at the discretion of the cannabis compliance agency.

14 (10) The cannabis compliance agency, in its discretion, may revoke or
15 elect not to renew any license if it determines that the licensed premises
16 have been inactive, without good cause, for at least one year.

17 (11) The cannabis compliance agency shall require a complete
18 disclosure of all persons having a direct or indirect financial interest, and
19 the extent of such interest, in each license issued under this section.

20 (12) This section is intended to prohibit and prevent the control of the
21 outlets for the sale of medical cannabis or medical cannabis products by a
22 person or party other than the persons licensed pursuant to the provisions
23 of this section.

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

30 (A) Compassion center license;

31 (B) medical cannabis cultivation facility license;

32 (C) medical cannabis products manufacturing license;

33 (D) medical cannabis testing facility license; and

34 (E) occupational licenses and registrations for owners, managers,
35 operators, employees, contractors, and other support employees employed
36 by, working in, or having access to restricted areas of the licensed
37 premises, as determined by the cannabis compliance agency.

38 (14) A licensee may operate a licensed medical cannabis center, an
39 optional cultivation facility, a medical cannabis-infused products
40 manufacturing facility, and any medical cannabis establishment at the
41 same location if the local jurisdiction permits a dual operation.

42 (15) A compassion center:

43 (A) license shall be issued only to a person selling medical cannabis

1 or medical cannabis products pursuant to the terms and conditions of this
2 section;

3 (B) may cultivate its own medical cannabis if it obtains a medical
4 cannabis cultivation facility license or it may purchase medical cannabis
5 from a licensed medical cannabis cultivation facility;

6 (C) may purchase not more than 30% of its total on-hand inventory of
7 medical cannabis from another licensed medical cannabis establishment
8 not owned by the compassion center or another medical cannabis
9 cultivation facility; and

10 (D) may sell no more than 30% of its total on-hand inventory to
11 another Kansas licensed medical cannabis establishment.

12 (p) The cannabis compliance agency may grant a temporary waiver to
13 a compassion center or applicant if the compassion center or applicant
14 suffers a catastrophic event related to its inventory or to a new compassion
15 center licensee for a period not to exceed 90 days so the new licensee can
16 cultivate the necessary medical cannabis to comply with this subsection.

17 (q) The cannabis compliance agency shall work with the office of the
18 state bank commissioner of Kansas, the Kansas department of revenue and
19 any other pertaining departments or offices, to establish a list of all state-
20 chartered banks, trust companies, mortgage businesses, supervised lenders,
21 credit service organizations and money transmitters that do business in the
22 state of Kansas and are willing to establish methods of transactions and
23 commerce streams for the compassion centers, medical cannabis
24 cultivation facilities and medical cannabis product manufacturers.

25 (r) The cannabis compliance agency shall keep record of and
26 establish guidelines for security employees for compassion centers,
27 cultivation facilities, cannabis product manufacturers and transport crews,
28 including:

29 (1) Security professional positions shall be given preference to
30 verified veterans of the armed services;

31 (2) the minimum age for employees shall be 25 years, but exceptions
32 may be made for outstanding service record or other distinguishing
33 factors;

34 (3) all training documents, qualifications, experience and personal
35 resumes should be turned over or made available to cannabis compliance
36 agency, as well as employing entities;

37 (4) employees shall be Kansas residents, or stationed in Kansas;

38 (5) equipment shall be in minimum serviceable condition without
39 defects;

40 (6) established methods and protocols for:

41 (A) Supervision of construction; or

42 (B) law enforcement liaison;

43 (C) procuring all equipment;

- 1 (D) scheduling training and records of training received;
- 2 (E) logistics of training;
- 3 (F) personnel scheduling;
- 4 (G) alarm monitoring;
- 5 (H) complete hiring process, including oral boards and background
- 6 checks including social media platform reviews;
- 7 (I) employee surveillance or investigations;
- 8 (J) procuring proper insurance;
- 9 (K) twenty-four-hour response to any issues with either facility and
- 10 personal security of any employees if needed;
- 11 (L) visual monitoring, utilizing:
 - 12 (i) Grow monitoring;
 - 13 (ii) remote check-in;
 - 14 (iii) IP video, including full high-definition resolution;
 - 15 (iv) wide dynamic range;
 - 16 (v) protective housing; and
 - 17 (vi) NVR or video management software.
- 18 (7) location and site security characteristics;
- 19 (8) secured employee parking;
- 20 (9) around the clock coverage;
- 21 (10) security systems;
- 22 (11) maintenance of security systems;
- 23 (12) access control, including ingress and egress;
- 24 (13) perimeter security;
- 25 (14) product security;
- 26 (15) security threats and contingency planning;
- 27 (16) transnational security;
- 28 (17) delivery security;
- 29 (18) human resource policies;
- 30 (19) employee security training;
- 31 (20) inventory control;
- 32 (21) guest, media and visitor procedures;
- 33 (22) neighborhood involvement;
- 34 (23) emergency response;
- 35 (24) loss prevention; or
- 36 (25) employee theft.
- 37 (s) The cannabis compliance agency is authorized to develop all
- 38 parameters and qualifications for philanthropic equity investors seeking to
- 39 supply collective nonprofits with development capital.
- 40 (t) The cannabis compliance agency website shall list travel
- 41 information, including:
 - 42 (1) Medicine not allowed on federal lands or sites; and
 - 43 (2) travel by air, boat, train and bus may each have their own

1 guidelines, and fall under federal jurisdiction.

2 (u) Compassion center license fees, renewal fees and application fees
3 shall be in accordance with the following parameters:

- 4 Compassion center license fees may not exceed\$1,000
- 5 Compassion center license renewal fees may not exceed.....\$1,000
- 6 Compassion center application fee.....\$500
- 7 Compassion center license renewal fee.....\$50

8 (1) Payment may be made as follows:

9 (A) In full; or

10 (B) one half of the license fee plus the entire renewal fee, with the
11 second half of the license fee and an additional 10% of the license fee due
12 one year later.

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

14 (v) Medical cultivation facilities license fees, renewal fees and
15 application fees shall be in accordance with the following parameters:

- 16 1-25 pounds per month\$200 license fee
- 17 License renewal feesmay not exceed \$200
- 18 Application fee\$100
- 19 6-100 pounds per month\$500 license fee
- 20 License renewal feesmay not exceed \$500
- 21 Application fee.....\$250
- 22 101-500 pounds per month.....\$1,000 license fee
- 23 License renewal fees.....may not exceed \$1,000
- 24 Application fee.....\$500
- 25 501-1,000 pounds per month.....\$2,000 license fee
- 26 License renewal fees.....may not exceed \$2,000
- 27 Application fee.....\$1,000
- 28 1,001-5,000 pounds per month.....\$3,500 license fee
- 29 License renewal fees.....may not exceed \$3,500
- 30 Application fee.....\$1,250
- 31 5,001-10,000 pounds per month.....\$7,000 license fee
- 32 License renewal fees.....may not exceed \$7,000
- 33 Application fee.....\$3,500
- 34 10,001-15,000 pounds per month.....\$10,000 license fee
- 35 License renewal fees.....may not exceed \$10,000
- 36 Application fee.....\$5,000

37 (1) Payment may be made as follows:

38 (A) In full; or

39 (B) one half of the license fee plus the entire renewal fee, with the
40 second half of the license fee and an additional 10% of the license fee due
41 one year later.

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

43 (w) Medical cannabis manufacturing license fees, renewal fees and

- 1 application fees shall be in accordance with the following parameters:
- 2 Medical cannabis product manufacturing license fees..... may not
- 3 exceed \$2,200
- 4 Medical cannabis product manufacturing license renewal fees.....may not
- 5 exceed \$2,200
- 6 Medical cannabis product manufacturing application fee.....\$1,100
- 7 Medical cannabis product manufacturing license renewal fee.....\$50
- 8 (1) Payment may be made as follows:
- 9 (A) In full; or
- 10 (B) one half of the license fee plus the entire renewal fee, with the
- 11 second half of the license fee and an additional 10% of the license fee due
- 12 one year later.
- 13 (2) License renewal shall be required every two years.
- 14 (x) Medical cannabis-infused product manufacturing license fees,
- 15 renewal fees and application fees shall be in accordance with the following
- 16 parameters:
- 17 Manufacturing license feesmay not exceed \$2,200
- 18 Manufacturing license renewal fee.....may not exceed \$2,200
- 19 Manufacturing application fee.....\$1,100
- 20 Manufacturing license renewal fee.....\$50
- 21 (1) Payment may be made as follows:
- 22 (A) In full; or
- 23 (B) one half of the license fee plus the entire renewal fee, with the
- 24 second half of the license fee and an additional 10% of the license fee due
- 25 one year later.
- 26 (2) License renewal shall be required every two years.
- 27 (y) Medical cannabis testing facility license fees, renewal fees and
- 28 application fees shall be in accordance with the following parameters:
- 29 License fees.....may not exceed \$2,200
- 30 License renewal fees.....may not exceed \$2,200
- 31 Application fee.....\$1,100
- 32 License renewal fee.....\$50
- 33 (1) Payment may be made as follows:
- 34 (A) In full; or
- 35 (B) one half of the license fee plus the entire renewal fee, with the
- 36 second half of the license fee and an additional 10% of the license fee due
- 37 one year later.
- 38 (2) License renewal shall be required every two years.
- 39 (z) Administrative service fees shall be in accordance with the
- 40 following parameters:
- 41 Background investigations.....\$150
- 42 Modification of license premises.....\$120
- 43 Duplicate business license.....\$40

1 Duplicate occupational license.....\$10
 2 Duplicate vendor registration.....\$40
 3 Off-premise-storage permit.....\$500
 4 Subpoena fee.....\$200
 5 Change of location applicant fee – same local jurisdiction only.....\$150
 6 Change of trade name.....\$50
 7 Change of corporation of structure per person.....\$25

8 (aa) The cannabis compliance agency shall issue a statement of
 9 understanding outlining guidelines and responsibilities to compassion
 10 centers, cultivators and manufacturers.

11 Sec. 23. (a) Medical cannabis and medical cannabis-infused product
 12 waste shall be stored, secured and managed in accordance with all
 13 applicable state and local statutes, rules and regulations, ordinances or
 14 other requirements.

15 (b) Liquid waste from medical cannabis businesses shall be disposed
 16 of in compliance all applicable federal, state and local laws, rules and
 17 regulations and other requirements.

18 (c) Disposal of chemical, dangerous or hazardous waste shall be
 19 conducted in a manner consistent with federal, state and local laws, rules
 20 and regulations or other requirements.

21 (d) Medical cannabis and medical cannabis-infused product waste
 22 shall be made unusable and unrecognizable prior to leaving the licensed
 23 premises.

24 (e) Medical cannabis and medical cannabis-infused product waste
 25 shall be rendered unusable and unrecognizable through one grinding and
 26 incorporating the medical cannabis waste with non-consumable, solid
 27 wastes listed below such that the resulting mixture is at least 50% non-
 28 cannabis waste:

- 29 (1) Paper waste;
- 30 (2) plastic waste;
- 31 (3) cardboard waste;
- 32 (4) food waste;
- 33 (5) grease or other compostable oil waste;
- 34 (6) bokashi or other compost activators;
- 35 (7) other wastes approved by the cannabis compliance agency that
 36 will render the medical cannabis and medical cannabis-infused product
 37 waste unusable and unrecognizable as cannabis; or
- 38 (8) soil.

39 (f) After the medical cannabis and medical cannabis-infused product
 40 waste is made unusable and unrecognizable, the rendered waste shall be:

- 41 (1) Disposed of at a solid waste site and disposal facility that has a
 42 certificate of designation from the local governing body;
- 43 (2) deposited at a compost facility that has a certificate of designation

1 from the department of health and environment; or

2 (3) composted on-site at a facility owned by the generator of the
3 waste and operated in compliance with the regulations pertaining to solid
4 waste under the department of health and environment.

5 (g) A licensee shall not dispose of medical cannabis and medical
6 cannabis-infused product waste in an unsecured waste receptacle not in
7 possession and control of the licensee.

8 (h) Inventory tracking requirements:

9 (1) In addition to all other tracking requirements set forth in these act,
10 a licensee shall utilize the tracking system to ensure its post-harvest waste
11 materials are identified, weighed and tracked while on the licensed
12 premises until disposed of.

13 (2) All medical cannabis waste shall be weighed before leaving any
14 medical cannabis business. A scale used to weigh medical cannabis waste
15 prior to entry into the tracking system shall be certified;

16 (3) A medical cannabis cultivation facility shall be required to
17 maintain accurate and comprehensive records regarding waste material
18 that accounts for, reconciles and evidences all waste activity related to the
19 disposal of cannabis.

20 (4) Medical cannabis cultivation facilities shall be required to
21 maintain accurate and comprehensive records regarding any waste
22 material produced through the trimming or pruning of a medical cannabis
23 plant prior to harvest, including weighing and documenting all waste.
24 Records of waste produced prior to harvest shall be maintained on the
25 licensed premises. All waste, whether produced prior or subsequent to
26 harvest, shall be disposed of in accordance with this section and be made
27 unusable and unrecognizable.

28 Sec. 24. (a) The purpose of this section is to establish minimum
29 health and safety regulation for compassion centers. It sets forth general
30 standards and basic sanitary requirements for compassion centers. It
31 covers the physical premises where the products are made as well as the
32 individuals handling the products. This section also authorizes the
33 cannabis compliance agency to require an independent consultant conduct
34 a health, and sanitary audit of a compassion center. This section explains
35 when an independent health and sanitary audit may be deemed necessary
36 and sets forth possible consequences of a medical cannabis business'
37 refusal to cooperate, or pay for the audit. The cannabis compliance agency
38 modeled this section after those adopted by the department of health and
39 environment. This section is intended to help maintain the integrity of
40 Kansas compassion centers.

41 (b) Health and safety regulations, compassion center, local safety
42 inspections or licensees may be subject to inspection of the compassion
43 center by the local fire department, building inspector or code enforcement

1 officer to confirm that no health or safety concerns are present. The
2 inspection may result in additional specific standards to meet local
3 jurisdiction restrictions related to medical cannabis. An annual fire safety
4 inspection may result in the required installation of fire suppression
5 devices or other means necessary for adequate fire safety.

6 (c) The licensee shall take all reasonable measures and precautions to
7 ensure that:

8 (1) Any person who, by medical examination or supervisory
9 observation, is shown to have, or appears to have, an illness, open lesion,
10 including boils, sores, or infected wounds, or any other abnormal source of
11 microbial contamination for whom there is a reasonable possibility of
12 contact with medical cannabis and medical cannabis-infused product shall
13 be excluded from any operations that may be expected to result in
14 contamination until the condition is corrected;

15 (2) hand-washing facilities shall be adequate and convenient and be
16 furnished with running water at a suitable temperature. Hand-washing
17 facilities shall be located in the licensed premises and where good sanitary
18 practices require employees to wash or sanitize their hands, and provide
19 effective hand-cleaning and sanitizing preparations and sanitary towel
20 service or suitable drying devices; and

21 (3) all persons working in direct contact with medical cannabis and
22 medical cannabis-infused product shall conform to hygienic practices
23 while on duty, including, but not limited to:

24 (A) Maintaining adequate personal cleanliness;

25 (B) washing hands thoroughly in an adequate hand-washing area
26 before starting work and at any other time when the hands may have
27 become soiled or contaminated;

28 (C) refraining from having direct contact with medical cannabis and
29 medical cannabis-infused product if the person has or may have an illness,
30 open lesion, including boils, sores, or infected wounds, or any other
31 abnormal source of microbial contamination, until such condition is
32 corrected;

33 (D) that litter and waste are properly removed and the operating
34 systems for waste disposal are maintained in an adequate manner so that
35 they do not constitute a source of contamination in areas where medical
36 cannabis and medical cannabis-infused product are exposed;

37 (E) that floors, walls and ceilings are constructed in such a manner
38 that they may be adequately cleaned and each is kept clean and in good
39 repair;

40 (F) that there is adequate lighting in all areas where medical cannabis
41 and medical cannabis-infused product are stored or sold and where
42 equipment or utensils are cleaned;

43 (G) that the licensee provides adequate screening or other protection

1 against the entry of pests. Rubbish shall be disposed of so as to minimize
2 the development of odor and minimize the potential for the waste
3 becoming an attractant, harborage or breeding place for pests;

4 (H) that any buildings, fixtures and other facilities are maintained in a
5 sanitary condition;

6 (I) that toxic cleaning compounds, sanitizing agents and other
7 chemicals shall be identified, held, stored and disposed of in a manner that
8 protects against contamination of medical cannabis or medical cannabis-
9 infused product and in a manner that is in accordance with any applicable
10 local, state or federal law, rules and regulations or ordinance;

11 (J) that all operations in the receiving, inspecting, transporting,
12 segregating, preparing, manufacturing, packaging and storing of medical
13 cannabis or medical cannabis-infused product shall be conducted in
14 accordance with adequate sanitation principles;

15 (K) that each compassion center provides its employees with
16 adequate and readily accessible toilet facilities that are maintained in a
17 sanitary condition and good repair; and

18 (L) that medical cannabis and medical cannabis-infused product that
19 can support the rapid growth of undesirable microorganisms are held in a
20 manner that prevents the growth of these microorganisms.

21 (d) When the cannabis compliance agency determines a health and
22 sanitary audit by an independent consultant is necessary, the agency may
23 require a compassion center to undergo such an audit. The scope of the
24 audit may include, but shall not be limited to, whether the compassion
25 center is in compliance with the requirements set forth in this section and
26 other applicable health, sanitary or food handling laws or rules and
27 regulations:

28 (1) In such instances, the cannabis compliance agency may attempt to
29 mutually agree upon the selection of the independent consultant with a
30 compassion center. However, the cannabis compliance agency shall always
31 retain the authority to select the independent consultant regardless of
32 whether mutual agreement can be reached; and

33 (2) the compassion center shall be responsible for all costs associated
34 with the independent health and sanitary audit.

35 (e) The cannabis compliance agency shall determine when an audit
36 by an independent consultant is necessary. The following is a non-
37 exhaustive list of examples that may justify an independent audit:

38 (1) The cannabis compliance agency has reasonable grounds to
39 believe that the compassion center is in violation of one or more of the
40 requirements set forth in this section or other applicable public health or
41 sanitary laws, rules or regulations; and

42 (2) the cannabis compliance agency has reasonable grounds to
43 believe that the compassion center was the cause or source of

1 contamination of medical cannabis, medical cannabis concentrate, or
2 medical cannabis-infused product;

3 (f) A compassion center must pay for and timely cooperate with the
4 cannabis compliance agency's requirement that it undergo an independent
5 health and sanitary audit in accordance with this section, and the cost of
6 audit must be comparable to audit fees across industries.

7 (g) If the cannabis compliance agency has objective and reasonable
8 grounds to believe, and finds upon reasonable ascertainment of the
9 underlying facts, that the public health, safety, or welfare, imperatively
10 requires emergency action, and incorporates such findings into its order, it
11 may order summary suspension of the compassion center's license. Prior to
12 or immediately following the issuance of such an order, the compassion
13 center may attempt to come to a mutual agreement with the cannabis
14 compliance agency to suspend its operations until the completion of the
15 independent audit and the implementation of any required remedial
16 measures.

17 (h) If an agreement cannot be reached or the cannabis compliance
18 agency, in its sole discretion, determines that such an agreement is not in
19 the best interests of the public health, safety or welfare, then the cannabis
20 compliance agency will promptly institute license suspension or
21 revocation procedures.

22 (i) If an agreement to suspend operations is reached, then the
23 compassion center may continue to care for its inventory, and conduct any
24 necessary internal business operations, but it may not sell any medical
25 cannabis, medical cannabis concentrate, or medical cannabis-infused
26 product, to a patient or other medical cannabis business, during the period
27 of time specified in the agreement.

28 Sec. 25. (a) Failure to comply with this section may constitute a
29 license violation affecting public safety. The purpose of this section is to
30 establish minimum health and safety regulation for optional premises
31 cultivation operations. The section prohibits an optional premises
32 cultivation operation from treating, or otherwise adulterating medical
33 cannabis with any chemical, or other compound whatsoever to alter its
34 color, appearance, weight or smell. The cannabis compliance agency may
35 require an independent consultant conduct an independent health and
36 sanitary audit of an optional premises cultivation operation. This section
37 explains when an independent health and sanitary audit may be deemed
38 necessary and sets forth possible consequences of a medical cannabis
39 business' refusal to cooperate or pay for the audit. The cannabis
40 compliance agency intends this section to help maintain the integrity of
41 Kansas' medical cannabis businesses.

42 (b) An optional premises cultivation operation may be subject to
43 inspection of its licensed premises by the local fire department, building

1 inspector or code enforcement officer to confirm that no health or safety
2 concerns are present. The inspection may result in additional specific
3 standards to meet local licensing authority restrictions related to medical
4 cannabis or other local businesses. An annual fire safety inspection may
5 result in the required installation of fire suppression devices or other
6 means necessary for adequate fire safety.

7 (c) General sanitary requirements. An optional premises cultivation
8 operation shall take all reasonable measures and precautions to ensure the
9 following:

10 (1) That any person who, by medical examination or supervisory
11 observation, is shown to have, or appears to have, an illness, open lesion,
12 including boils, sores, or infected wounds or any other abnormal source of
13 microbial contamination for whom there is a reasonable possibility of
14 contact with medical cannabis shall be excluded from any operations
15 which may be expected to result in such contamination until the condition
16 is corrected;

17 (2) that all persons working in direct contact with medical cannabis
18 shall conform to hygienic practices while on duty, including, but not
19 limited to:

20 (A) Maintaining adequate personal cleanliness;

21 (B) washing hands thoroughly in an adequate hand-washing area
22 before starting work and at any other time when the hands may have
23 become soiled or contaminated;

24 (C) hand-washing facilities shall be adequate and convenient and be
25 furnished with running water at a suitable temperature. Hand-washing
26 facilities shall be located in the licensed premises and where good sanitary
27 practices require employees to wash or sanitize their hands, and provide
28 effective hand-cleaning and sanitizing preparations and sanitary towel
29 service or suitable drying devices; and

30 (D) refraining from having direct contact with medical cannabis if the
31 person has or may have an illness, open lesion, including boils, sores, or
32 infected wounds, or any other abnormal source of microbial
33 contamination, until such condition is corrected;

34 (3) that litter and waste are properly removed and the operating
35 systems for waste disposal are maintained in an adequate manner so that
36 they do not constitute a source of contamination in areas where medical
37 cannabis is exposed;

38 (4) that floors, walls and ceilings are constructed in such a manner
39 that they may be adequately cleaned and kept clean and kept in good
40 repair;

41 (5) that there is adequate lighting in all areas where medical cannabis
42 is stored and where equipment or utensils are cleaned;

43 (6) that the licensee provides adequate screening or other protection

1 against the entry of pests. Rubbish shall be disposed of so as to minimize
2 the development of odor and minimize the potential for the waste
3 becoming an attractant, harborage, or breeding place for pests;

4 (7) that any buildings, fixtures and other facilities are maintained in a
5 sanitary condition;

6 (8) that toxic cleaning compounds, sanitizing agents and distillation
7 process materials shall be identified, held, stored and disposed of in a
8 manner that protects against contamination of medical cannabis or medical
9 cannabis concentrate, and in a manner that is in accordance with any
10 applicable local, state or federal law, rules and regulations or ordinances.
11 All ecologically sustainable pesticide must be stored and disposed of in
12 accordance with the information provided on the product's label;

13 (9) that all contact surfaces, including utensils and equipment used
14 for the preparation of medical cannabis or medical cannabis concentrate
15 shall be cleaned and sanitized as frequently as necessary to protect against
16 contamination. Equipment and utensils shall be so designed and of such
17 material and workmanship as to be adequately cleanable, and shall be
18 properly maintained. Only sanitizers and disinfectants registered with the
19 environmental protection agency shall be used in an optional premises
20 cultivation operation and used in accordance with labeled instructions;

21 (10) that the water supply shall be sufficient for the operations
22 intended and shall be derived from a source that is a regulated water
23 system. Private water supplies shall be derived from a water source that is
24 capable of providing a safe, and adequate supply of water to meet the
25 licensed premises needs;

26 (11) that plumbing shall be of adequate size and design and
27 adequately installed and maintained to carry sufficient quantities of water
28 to required locations throughout the plant, and shall properly convey
29 sewage and liquid disposable waste from the licensed premises. There
30 shall be no cross connections between the potable and wastewater lines;

31 (12) that all operations in the receiving, inspecting, transporting,
32 segregating, preparing, manufacturing, packaging and storing of medical
33 cannabis or medical cannabis-infused product shall be conducted in
34 accordance with adequate sanitation principles;

35 (13) that each optional premises cultivation operation shall provide its
36 employees with adequate and readily accessible toilet facilities that are
37 maintained in a sanitary condition and good repair; and

38 (14) that medical cannabis that can support the rapid growth of
39 undesirable microorganisms shall be held in a manner that prevents the
40 growth of these microorganisms.

41 (d) (1) An optional premises cultivation operation shall establish
42 written standard operating procedures for the cultivation of medical
43 cannabis. The standard operating procedures shall at least include when,

1 and the manner in which, all ecologically sustainable pesticide and other
2 sustainable agricultural chemicals are to be applied during its cultivation
3 process. A copy of all standard operating procedures shall be maintained
4 on the licensed premises of the optional premises cultivation operation.

5 (2) If an optional premises cultivation operation makes a material
6 change to its cultivation procedures, it shall document the change and
7 revise its standard operating procedures accordingly. Records detailing the
8 material change shall be maintained on the relevant licensed premises.

9 (3) An optional premises cultivation operation shall obtain a material
10 safety data sheet for any ecologically sustainable pesticide or other
11 sustainable agricultural chemicals used or stored on its licensed premises.
12 An optional premises cultivation operation shall maintain a current copy of
13 the material safety data sheet for any ecologically sustainable pesticide or
14 other sustainable agricultural chemicals on the licensed premises where the
15 product is used or stored.

16 (4) An optional premises cultivation operation shall have the original
17 label or a copy thereof at its licensed premises for all ecologically
18 sustainable pesticide and other sustainable agricultural chemicals used
19 during its cultivation process.

20 (5) An optional premises cultivation operation that applies any
21 ecologically sustainable pesticide or other sustainable agricultural
22 chemical to any portion of a medical cannabis plant, water or feed used
23 during cultivation or generally within the licensed premises shall
24 document, and maintain a record on its licensed premises, of the following
25 information:

26 (A) The name, signature and occupational license number of the
27 individual who applied the ecologically sustainable pesticide or other
28 sustainable agricultural chemical;

29 (B) the applicator certification number, if the applicator is licensed
30 through the department of agriculture;

31 (C) the date and time of the application;

32 (D) the United States environmental protection agency registration
33 number of the ecologically sustainable pesticide or CAS number of any
34 other sustainable agricultural chemical applied;

35 (E) any of the active ingredients of the ecologically sustainable
36 pesticide or other sustainable agricultural chemical applied;

37 (F) the brand name and product name of the ecologically sustainable
38 pesticide or other sustainable agricultural chemical applied;

39 (G) the restricted entry interval from the product label of any
40 ecologically sustainable pesticide or other sustainable agricultural
41 chemical applied; and

42 (H) the RFID tag number of the medical cannabis plant that the
43 ecologically sustainable pesticide or other sustainable agricultural

1 chemical was applied to or if applied to all plants throughout the licensed
2 premises, a statement to that effect.

3 (e) The total amount of each ecologically sustainable pesticide or
4 other sustainable agricultural chemical applied.

5 (f) The chemicals shall described in sections 9 and 19, and
6 amendments thereto, shall not be used in medical cannabis cultivation.
7 Possession of chemicals and containers from prohibited chemicals upon
8 the licensed premises shall be a violation of this section.

9 (g) An optional premises cultivation operation shall not treat or
10 otherwise adulterate medical cannabis with any chemical or other
11 compound whatsoever to alter its color, appearance, weight or smell.

12 (h) Independent health and sanitary audit for cultivation facilities,
13 cannabis compliance agency may require a health and sanitary audit.
14 When the cannabis compliance agency determines a health and sanitary
15 audit by an independent consultant is necessary, it may require an optional
16 premises cultivation operation to undergo such an audit.

17 (1) The scope of the audit may include, but shall not be limited to,
18 whether the optional premises cultivation operation is in compliance with
19 the requirements set forth in this section and other applicable public health
20 or sanitary laws and rules and regulations:

21 (A) In such instances, the cannabis compliance agency may attempt
22 to mutually agree upon the selection of the independent consultant with an
23 optional premises cultivation operation. However, the cannabis compliance
24 agency always retains the authority to select the independent consultant
25 regardless of whether mutual agreement can be reached; and

26 (B) the optional premises cultivation operation will be responsible for
27 all costs associated with the independent health and sanitary audit.

28 (2) The cannabis compliance agency has discretion to determine
29 when an audit by an independent consultant is necessary. The following is
30 a non-exhaustive list of examples that may justify an independent audit:

31 (A) An optional premises cultivation operation does not provide
32 requested records related to the use of ecologically sustainable pesticide or
33 other sustainable agricultural chemicals during in the cultivation process;

34 (B) the cannabis compliance agency has reasonable grounds to
35 believe that the optional premises cultivation operation is in violation of
36 one or more of the requirements set forth in this section or other applicable
37 public health or sanitary laws, rules or regulations;

38 (C) the cannabis compliance agency has reasonable grounds to
39 believe that the optional premises cultivation operation was the cause or
40 source of contamination of medical cannabis or medical cannabis
41 concentrate; or

42 (D) multiple harvest batch lots or production batch lots produced by
43 the optional premises cultivation operation failed contaminant testing.

1 (3) An optional premises cultivation operation must pay for and
2 timely cooperate with the cannabis compliance agency's requirement that it
3 undergo an independent health and sanitary audit in accordance with this
4 section, and the cost of audit must be comparable to audit fees across
5 industries.

6 (i) (1) If the cannabis compliance agency has objective, and
7 reasonable grounds to believe, and finds upon reasonable ascertainment of
8 the underlying facts that the public health, safety, or welfare imperatively
9 requires emergency action, and incorporates such findings into its order, it
10 may order summary suspension of the optional premises cultivation
11 operation's license.

12 (2) Prior to or following the issuance of such an order, optional
13 premises cultivation operation may attempt to come to a mutual agreement
14 with the cannabis compliance agency to suspend its operations until the
15 completion of the independent audit and the implementation of any
16 required remedial measures.

17 (3) If an agreement cannot be reached or the cannabis compliance
18 agency, in its sole discretion, determines that such an agreement is not in
19 the best interests of the public health, safety or welfare, then the cannabis
20 compliance agency will promptly institute license suspension or
21 revocation procedures.

22 (4) If an agreement to suspend operations is reached, then the
23 optional premises cultivation operation may continue to care for its
24 inventory and conduct any necessary internal business operations but it
25 may not sell, transfer or wholesale medical cannabis or medical cannabis
26 concentrate to other medical cannabis business during the period of time
27 specified in the agreement.

28 (j) Violation affecting public safety. Failure to comply with this
29 section may constitute a license violation affecting public safety.

30 Sec. 26. (a) The purpose of this section is to establish the categories
31 of medical cannabis concentrate that may be produced at an optional
32 premises cultivation operation and standards for the production of those
33 concentrate.

34 (b) An optional premises cultivation operation may produce medical
35 cannabis concentrate on its licensed premises and only in an area clearly
36 designated for concentrate production on the current diagram of the
37 licensed premises. All production must be in compliance with sections 15,
38 16, 17, 18 and 19, and amendments thereto, and any requirements made by
39 the cannabis compliancy agency. No other method of production or
40 extraction for medical cannabis concentrate may be conducted within the
41 licensed premise, or an optional premises cultivation operation, unless the
42 owner of the optional premises cultivation operation also has a valid
43 medical cannabis-infused products manufacturer license, and the room in

1 which medical cannabis concentrate is to be produced is physically
2 separated from all cultivation areas and has clear signage identifying the
3 room.

4 (c) If an optional premises cultivation operation produces medical
5 cannabis concentrate, then all areas in which those concentrate are
6 produced and all owners and occupational licensees engaged in the
7 production of those concentrate shall be subject to all of requirements
8 imposed upon a medical cannabis-infused products manufacturer that
9 produces medical cannabis concentrate, including general requirements.

10 (d) It shall be considered a violation of this section if an optional
11 premises cultivation operation possess a medical cannabis concentrate
12 other than a compliant form of medical cannabis concentrate on its
13 licensed premises, unless the owner of the optional premises cultivation
14 operation also has a valid medical cannabis-infused products manufacturer
15 license.

16 Sec. 27. (a) The purpose of this section is to establish minimum
17 health and safety regulations for medical cannabis-infused products
18 manufacturers. It requires all owners and occupational licensees to attend a
19 food handler training course prior to manufacturing any edible medical
20 cannabis product. This section also authorizes the cannabis compliance
21 agency to require that an independent consultant conduct an independent
22 food safety audit of a medical cannabis products manufacturing facility.
23 This section explains when an independent food safety audit may be
24 deemed necessary and sets forth possible consequences of a medical
25 cannabis-infused products manufacturers' refusal to cooperate, or pay for
26 the audit. It sets forth general standards and basic sanitary requirements for
27 medical cannabis-infused products manufacturers. It covers the physical
28 premises where the products are made as well as the individuals handling
29 the products. The cannabis compliance agency modeled this section after
30 those adopted by the department of health and environment. The cannabis
31 compliance agency intends this section to help maintain the integrity of
32 Kansas's medical cannabis businesses and the safety of the public training.

33 (b) Prior to engaging in the manufacture of any edible medical
34 cannabis-infused product each owner or occupational licensee must:

35 (1) Have a currently valid food establishment license obtained
36 through the successful completion of an online assessment or print exam;
37 or

38 (2) take a food safety course that includes basic food handling
39 training by county public health agencies, and must maintain a status of
40 good standing in accordance with the course requirements, including
41 attending any additional classes if necessary. Any course taken pursuant to
42 this section must last at least two hours and cover the following subjects:

43 (A) Causes of foodborne illness, highly susceptible populations and

- 1 worker illness;
- 2 (B) personal hygiene and food handling practices;
- 3 (C) approved sources of food;
- 4 (D) potentially hazardous foods and food temperatures;
- 5 (E) sanitization and chemical use;
- 6 (F) emergency procedures, including fire, flood or sewer backup;
- 7 (G) a medical cannabis-infused products manufacturer must obtain
- 8 documentation evidencing that each owner or occupational licensee has
- 9 successfully completed the examination or course required by this section
- 10 and is in good standing. A copy of the documentation must be kept on file
- 11 at any licensed premises where that owner, or occupational licensee is
- 12 engaged in the manufacturing of an edible medical cannabis-infused
- 13 product; and
- 14 (H) general standards.
- 15 (c) A medical cannabis-infused products manufacturer may be subject
- 16 to inspection by the local fire department, building inspector or code
- 17 enforcement officer to confirm that no health or safety concerns are
- 18 present. The inspection could result in additional specific standards to
- 19 meet local jurisdiction restrictions related to medical cannabis. An annual
- 20 fire safety inspection may result in the required installation of fire
- 21 suppression devices or other means necessary for adequate fire safety.
- 22 (d) A medical cannabis-infused products manufacturer that
- 23 manufacturers edible medical cannabis-infused product shall comply with
- 24 all kitchen-related health and safety standards of the relevant local
- 25 licensing authority and, to the extent applicable, with all department of
- 26 health and environment health and safety regulations applicable to retail
- 27 food establishments. The licensee shall take all reasonable measures and
- 28 precautions to ensure the following:
- 29 (1) Any person who, by medical examination or supervisory
- 30 observation, is shown to have, or appears to have, an illness, open lesion,
- 31 including boils, sores, or infected wounds, or any other abnormal source of
- 32 microbial contamination for whom there is a reasonable possibility of
- 33 contact with preparation surfaces for medical cannabis or medical
- 34 cannabis-infused product shall be excluded from any operations which
- 35 may be expected to result in such contamination until the condition is
- 36 corrected;
- 37 (2) hand-washing facilities shall be adequate and convenient and be
- 38 furnished with running water at a suitable temperature. Hand-washing
- 39 facilities shall be located in the licensed premises and/or in medical
- 40 cannabis-infused product preparation areas and where good sanitary
- 41 practices require employees to wash and/or sanitize their hands, and
- 42 provide effective hand-cleaning and sanitizing preparations and sanitary
- 43 towel service or suitable drying devices;

1 (3) all persons working in direct contact with preparation of medical
2 cannabis or medical cannabis-infused product shall conform to hygienic
3 practices while on duty, including, but not limited to:

4 (A) Maintaining adequate personal cleanliness;

5 (B) washing hands thoroughly in an adequate hand-washing area
6 before starting work, prior to engaging in the production of a medical
7 cannabis concentrate or manufacture of a medical cannabis-infused
8 product and at any other time when the hands may have become soiled or
9 contaminated; and

10 (C) refraining from having direct contact with preparation of medical
11 cannabis or medical cannabis-infused product if the person has or may
12 have an illness, open lesion, including 27 boils, sores, or infected wounds,
13 or any other abnormal source of microbial contamination, until such
14 condition is corrected;

15 (4) there is sufficient space for placement of equipment and storage
16 of materials as is necessary for the maintenance of sanitary operations for
17 production of medical cannabis or medical cannabis-infused product;

18 (5) litter and waste are properly removed and the operating systems
19 for waste disposal are maintained in an adequate manner so that they do
20 not constitute a source of contamination in areas where medical cannabis
21 or medical cannabis-infused product are exposed;

22 (6) floors, walls and ceilings are constructed in such a manner that
23 they may be adequately cleaned and kept clean and kept in good repair;

24 (7) there is adequate safety-type lighting in all areas where medical
25 cannabis or medical cannabis-infused product are processed or stored and
26 where equipment or utensils are cleaned;

27 (8) the licensed premises provides adequate screening or other
28 protection against the entry of pests. Rubbish shall be disposed of so as to
29 minimize the development of odor and minimize the potential for the
30 waste becoming an attractant, harborage or breeding place for pests;

31 (9) any buildings, fixtures and other facilities are maintained in a
32 sanitary condition;

33 (10) all contact surfaces, including utensils and equipment used for
34 the preparation of medical cannabis, medical cannabis concentrate or
35 medical cannabis-infused product, shall be cleaned and sanitized as
36 frequently as necessary to protect against contamination. Equipment and
37 utensils shall be so designed and of such material and workmanship as to
38 be adequately cleanable, and shall be properly maintained. Only sanitizers
39 and disinfectants registered with the environmental protection agency shall
40 be used in a medical cannabis-infused products manufacturer and used in
41 accordance with labeled instructions;

42 (11) toxic cleaning compounds, sanitizing agents, distillation process
43 materials used in the production of medical cannabis concentrate and other

1 chemicals shall be identified, held, stored and disposed of in a manner that
2 protects against contamination of medical cannabis, medical cannabis
3 concentrate or medical cannabis-infused product, and in a manner that is in
4 accordance with any applicable local, state, or federal law, rule and
5 regulation or ordinance;

6 (12) the water supply shall be sufficient for the operations intended
7 and shall be derived from a source that is a regulated water system. Private
8 water supplies shall be derived from a water source that is capable of
9 providing a safe, potable, and adequate supply of water to meet the
10 licensed premises needs;

11 (13) plumbing shall be of adequate size and design and adequately
12 installed and maintained to carry sufficient quantities of water to required
13 locations throughout the plant and that shall properly convey sewage and
14 liquid disposable waste from the licensed premises. There shall be no cross
15 connections between the potable and wastewater lines;

16 (14) each medical cannabis-infused products manufacturer shall
17 provide its employees with adequate and readily accessible toilet facilities
18 that are maintained in a sanitary condition and good repair;

19 (15) all operations in the receiving, inspecting, transporting,
20 segregating, preparing, manufacturing, packaging and storing of medical
21 cannabis or medical cannabis-infused product shall be conducted in
22 accordance with adequate sanitation principles;

23 (16) medical cannabis or medical cannabis-infused product that can
24 support the rapid growth of undesirable microorganisms shall be held in a
25 manner that prevents the growth of these microorganisms; and

26 (17) storage and transport of finished medical cannabis-infused
27 product shall be under conditions that will protect products against
28 physical, chemical, and microbial contamination as well as against
29 deterioration of any container.

30 (e) A medical cannabis-infused products manufacturer shall have
31 written standard operating procedures for each category of medical
32 cannabis concentrate and type of medical cannabis-infused product that it
33 produces.

34 (f) All standard operating procedures for the production of a medical
35 cannabis concentrate shall follow the following requirements:

36 (1) A copy of all standard operating procedures shall be maintained
37 on the licensed premises of the medical cannabis-infused products
38 manufacturer; and

39 (2) if a medical cannabis-infused products manufacturer makes a
40 material change to its standard medical cannabis concentrate or medical
41 cannabis-infused product production process, it shall document the change
42 and revise its standard operating procedures accordingly. Records detailing
43 the material change must be maintained on the relevant licensed premises.

1 Sec. 28. (a) The cannabis compliance agency may require an
2 independent health and sanitary audit.

3 (b) When the cannabis compliance agency determines a health and
4 sanitary audit by an independent consultant is necessary, it may require a
5 medical cannabis-infused products manufacturer to undergo such an audit.
6 The scope of the audit may include, but shall not be limited to, whether the
7 medical cannabis-infused products manufacturer is in compliance with the
8 requirements set forth in this section or other applicable food handling
9 laws and rules and regulations and in compliance with the concentrate
10 production rules and regulations or other applicable laws or rules and
11 regulations:

12 (1) In such instances, the cannabis compliance agency may attempt to
13 mutually agree upon the selection of the independent consultant with a
14 medical cannabis-infused products manufacturer. However, the cannabis
15 compliance agency shall retain the authority to select the independent
16 consultant regardless of whether mutual agreement can be reached.

17 (2) The medical cannabis-infused products manufacturer will be
18 responsible for all direct costs associated with the independent health and
19 sanitary audit.

20 (3) The cannabis compliance agency has discretion to determine
21 when an audit by an independent consultant is necessary. The following is
22 a non-exhaustive list of examples that may justify an independent audit:

23 (A) A medical cannabis-infused products manufacturer does not
24 provide requested records related to the food handling training required for
25 owners and occupational licensees engaged in the production of edible
26 medical cannabis-infused products to the cannabis compliance agency;

27 (B) a medical cannabis-infused products manufacturer does not
28 provide requested records related to the production of medical cannabis
29 concentrate, including but not limited to, certification of its licensed
30 premises, equipment or standard operating procedures, training of owners
31 or employees, or production batch lots specific records;

32 (C) the cannabis compliance agency has reasonable grounds to
33 believe that the medical cannabis-infused products manufacturer is in
34 violation of one or more of the requirements set forth in this section; or

35 (D) the cannabis compliance agency has reasonable grounds to
36 believe that the medical cannabis-infused products manufacturer was the
37 cause or source of contamination of medical cannabis, medical cannabis
38 concentrate or medical cannabis-infused product; or

39 (E) multiple production batch lots of medical cannabis concentrate or
40 medical cannabis-infused product produced by the medical cannabis-
41 infused products manufacturer failed contaminant testing.

42 (c) A medical cannabis-infused products manufacturer shall pay for
43 and timely cooperate with the cannabis compliance agency's requirement

1 that it undergo an independent health and sanitary audit in accordance with
2 this section.

3 (d) If the cannabis compliance agency has objective and reasonable
4 grounds to believe and finds upon reasonable ascertainment of the
5 underlying facts that the public health, safety or welfare imperatively
6 requires emergency action and incorporates such findings into its order, it
7 may order summary suspension of the medical cannabis-infused products
8 manufacturer's license.

9 (e) Prior to or following the issuance of such an order, the medical
10 cannabis-infused products manufacturer may attempt to come to a mutual
11 agreement with the cannabis compliance agency to suspend its operations
12 until the completion of the independent audit and the implementation of
13 any required remedial measures:

14 (1) If an agreement cannot be reached or the cannabis compliance
15 agency, in its sole discretion, determines that such an agreement is not in
16 the best interests of the public health, safety or welfare, then the cannabis
17 compliance agency will promptly institute license suspension or
18 revocation procedures.

19 (2) If an agreement to suspend operations is reached, then the medical
20 cannabis-infused product manufacturer may continue to care for its
21 inventory and conduct any necessary internal business operations but it
22 may not sell, transfer or wholesale medical cannabis, medical cannabis
23 concentrate or medical cannabis-infused product to another medical
24 cannabis business during the period of time specified in the agreement.
25 Depending on the condition of the licensed premises and required remedial
26 measures, the cannabis compliance agency may permit a medical
27 cannabis-infused products manufacturer to produce medical cannabis
28 concentrate or manufacture medical cannabis-infused product while
29 operations have been suspended.

30 Sec. 29. (a) Failure to comply with this section may constitute a
31 license violation affecting public safety. The purpose of this section is to
32 establish the categories of medical cannabis concentrate that may be
33 produced at a medical cannabis-infused products manufacturer and
34 establish standards for the production of those concentrate.

35 (b) Permitted categories of medical cannabis concentrate production.

36 (1) A medical cannabis-infused products manufacturer may produce
37 medical cannabis concentrate and food-based medical cannabis
38 concentrate.

39 (2) A medical cannabis-infused products manufacturer that engages
40 in the production of medical cannabis concentrate, regardless of the
41 method of extraction or category of concentrate being produced, must:

42 (A) Ensure that the space in which any medical cannabis concentrate
43 is to be produced is a fully enclosed room and clearly designated on the

1 current diagram of the licensed premises;

2 (B) ensure that all applicable sanitary rules and regulations are
3 followed;

4 (C) ensure that the standard operating procedure for each method
5 used to produce a medical cannabis concentrate on its licensed premise
6 includes, but need not be limited to, step-by-step instructions on how to
7 safely and appropriately:

8 (i) Conduct all necessary safety checks prior to commencing
9 production;

10 (ii) prepare medical cannabis for processing;

11 (iii) extract cannabinoids and other essential components of medical
12 cannabis;

13 (iv) purge any distillation process material or other unwanted
14 components from a medical cannabis concentrate,

15 (v) clean all equipment, counters and surfaces thoroughly; and

16 (vi) dispose of any waste produced during the processing of medical
17 cannabis in accordance with all applicable local, state and federal laws or
18 rules and regulations;

19 (D) establish written and documentable quality control procedures
20 designed to maximize safety for owners and occupational licensees and
21 minimize potential product contamination;

22 (E) establish written emergency procedures to be followed by owners
23 or occupational licensees in case of a fire, chemical spill or other
24 emergency;

25 (F) have a comprehensive training manual that provides step-by-step
26 instructions for each method used to produce a medical cannabis
27 concentrate on its licensed premises. The training manual must include,
28 but need not be limited to, the following topics:

29 (i) All standard operating procedures for each method of concentrate
30 production used at that licensed premises;

31 (ii) the medical cannabis-infused products manufacturer's quality
32 control procedures;

33 (iii) the emergency procedures for that licensed premises;

34 (iv) the appropriate use of any necessary safety or sanitary
35 equipment;

36 (v) the hazards presented by all distillation process materials used
37 within the licensed premises as described in the material safety data sheet
38 for each distillation process material;

39 (vi) clear instructions on the safe use of all equipment involved in
40 each process and in accordance with manufacturer's instructions, where
41 applicable; and

42 (vii) any additional periodic cleaning required to comply with all
43 applicable sanitary rules and regulations;

1 (G) provide adequate training to every owner or occupational licensee
2 prior that to that individual undertaking any step in the process of
3 producing a medical cannabis concentrate:

4 (i) Adequate training must include, but need not be limited to,
5 providing a copy of the training manual for that licensed premises and live,
6 in-person instruction detailing at least all of the topics required to be
7 included in the training manual; and

8 (ii) the individual training an owner or occupational licensee must
9 sign and date a document attesting that all required aspects of training
10 were conducted and that he or she is confident that the owner or
11 occupational licensee can safely produce a medical cannabis concentrate;
12 and

13 (iv) The owner or occupational licensee that received the training
14 must sign and date a document attesting that he or she can safely
15 implement all standard operating procedures, quality control procedures,
16 and emergency procedures, operate all closed loop extraction systems, use
17 all safety, sanitary and other equipment and understands all hazards
18 presented by the distillation process materials to be used within the
19 licensed premises and any additional period cleaning required to maintain
20 compliance with all applicable sanitary rules and regulations.

21 (H) maintain clear and comprehensive records of the name, signature,
22 and owner or occupational license number of every individual who
23 engaged in any step related to the creation of a production batch lots of
24 medical cannabis concentrate and the step that individual performed.

25 (c) Medical cannabis concentrate, food-based medical cannabis
26 concentrate and medical cannabis-infused products manufacturer that
27 engages in the production of a water-based medical cannabis concentrate
28 or a food-based medical cannabis concentrate shall:

29 (1) Ensure that all equipment, counters and surfaces used in the
30 production of a water-based medical cannabis concentrate or a food-based
31 medical cannabis concentrate is food-grade including ensuring that all
32 counters and surface areas were constructed in such a manner that it
33 reduces the potential for the development of microbials, molds and fungi
34 and can be easily cleaned;

35 (2) ensure that all equipment, counters, and surfaces used in the
36 production of a water-based medical cannabis concentrate or a food-based
37 medical cannabis concentrate are thoroughly cleaned after the completion
38 of each production batch lots;

39 (3) ensure that any room in which dry ice is stored or used in the
40 processing medical cannabis into a medical cannabis concentrate is well
41 ventilated to prevent against the accumulation of dangerous levels of CO₂;

42 (4) ensure that the appropriate safety or sanitary equipment, including
43 personal protective equipment, is provided to, and appropriately used by,

1 each owner or occupational licensee engaged in the production of a water-
2 based medical cannabis concentrate or food-based medical cannabis
3 concentrate;

4 (5) ensure that only finished drinking water and ice made from
5 finished drinking water is used in the production of a medical cannabis
6 concentrate;

7 (6) ensure that if glycerin is used in the production of a food-based
8 medical cannabis concentrate, then the glycerin to be used is food-grade;
9 and

10 (7) follow all of the rules and regulations related to the production of
11 a medical cannabis concentrate if a pressurized system is used in the
12 production of a medical cannabis concentrate or a food-based medical
13 cannabis concentrate.

14 (d) A medical cannabis-infused products manufacturer that engages
15 in the production of medical cannabis concentrate using food grade
16 alcohol, or CO2 extraction shall:

17 (1) Obtain a report from a certified industrial hygienist or a
18 professional engineer that certifies that the equipment, licensed premises
19 and standard operating procedures comply with these sections and all
20 applicable local and state building codes, fire codes, electrical codes and
21 other laws. If a local jurisdiction has not adopted a local building code or
22 fire code or if local regulations do not address a specific issue, then the
23 certified industrial hygienist or professional engineer shall certify
24 compliance with the international building code of 2012, the international
25 fire code of 2012 or the national electric code of 2014, as appropriate. The
26 cannabis compliance agency shall maintain a copy of each code, and shall
27 make a copy of each code available to the public;

28 (2) if food-grade alcohol or CO2 is to be used in the processing of
29 medical cannabis into a medical cannabis concentrate, then the certified
30 industrial hygienist or professional engineer shall:

31 (A) Establish a maximum amount of distillation process material
32 materials that may be stored within that licensed premises in accordance
33 with applicable laws, rules and regulations;

34 (B) determine what type of electrical equipment, which may include
35 but need not be limited to outlets, lights, junction boxes, must be installed
36 within the room in which medical cannabis concentrate are to be produced,
37 or distillation process material materials are to be stored in accordance
38 with applicable laws, rules and regulations;

39 (C) determine whether a gas monitoring system must be installed
40 within the room in which medical cannabis concentrate are to be produced
41 or distillation process material materials are to be stored, and if required
42 the system's specifications, in accordance with applicable laws, rules and
43 regulations; and

1 (D) determine whether fire suppression system must be installed
2 within the room in which medical cannabis concentrate are to be produced,
3 or distillation process material materials are to be stored, and if required
4 the system's specifications, in accordance with applicable laws, rules and
5 regulations;

6 (3) if CO₂ is used at the licensed premises, then the certified industrial
7 hygienist or professional engineer shall determine whether a CO₂ gas
8 monitoring system must be installed within the room in which medical
9 cannabis concentrate are to be produced or CO₂ is stored, and if required
10 the system's specifications, in accordance with applicable laws and rules
11 and regulations:

12 (A) Exhaust system determination. The certified industrial hygienist
13 or professional engineer must determine whether a fume vent hood or
14 exhaust system must be installed within the room in which medical
15 cannabis concentrate are to be produced, and if required the system's
16 specifications, in accordance with applicable laws, rules and regulations;

17 (B) material change. If a medical cannabis-infused products
18 manufacturer makes a material change to its licensed premises, equipment
19 or a concentrate production procedure, in addition to all other
20 requirements, it must obtain a report from a certified industrial hygienist,
21 or professional engineer re-certifying its standard operating procedures
22 and, if changed, its licensed premises and equipment as well;

23 (C) manufacturer's instructions. The certified industrial hygienist or
24 professional engineer may review and consider any information provided
25 to the medical cannabis-infused products manufacturer by the designer or
26 manufacturer of any equipment used in the processing of medical cannabis
27 into a medical cannabis concentrate; and

28 (D) records retention. A medical cannabis-infused products
29 manufacturer must maintain copy of all reports received from a certified
30 industrial hygienist and professional engineer on its licensed premises.
31 Notwithstanding any other law, section or regulation, compliance with this
32 section is not satisfied by storing these reports outside of the licensed
33 premises. Instead the reports must be maintained on the licensed premises
34 until the licensee ceases production of medical cannabis concentrate on the
35 licensed premises;

36 (4) ensure that all equipment, counters and surfaces used in the
37 production of a medical cannabis concentrate must be food-grade and must
38 not react adversely with any of the distillation process materials to be used
39 in the licensed premises. Additionally, all counters and surface areas must
40 be constructed in a manner that reduces the potential development of
41 microbials, molds and fungi and can be easily cleaned;

42 (5) ensure that the room in which medical cannabis concentrate shall
43 be produced must contain an emergency eye-wash station;

1 (6) ensure that a professional grade, closed-loop extraction system
2 capable of recovering the food grade alcohol used to produce CO2 medical
3 cannabis concentrate:

4 (A) UL or ETL Listing;

5 (B) if the system is UL or ETL listed, then a medical cannabis-
6 infused products manufacturer may use the system in accordance with the
7 manufacturer's instructions; and

8 (C) if the system is not UL or ETL listed, then there must a designer
9 of record. If the designer of record is not a professional engineer, then the
10 system must be peer reviewed by a professional engineer. In reviewing the
11 system, the professional engineer shall review and consider any
12 information provided by the system's designer or manufacturer;

13 (7) Ensure that all materials used in the extraction process are food-
14 grade or at least 99% pure:

15 (A) A medical cannabis-infused products manufacturer must obtain a
16 material safety data sheet for each distillation process material used or
17 stored on the licensed premises. A medical cannabis-infused products
18 manufacturer must maintain a current copy of the material safety data
19 sheet and a receipt of purchase for all distillation process materials used or
20 to be used in an extraction process; and

21 (B) a medical cannabis-infused products manufacturer is prohibited
22 from using denatured alcohol to produce a medical cannabis concentrate;

23 (8) ensure that all distillation process material distillation process
24 materials or other distillation process material materials, chemicals and
25 waste are stored in accordance with all applicable laws, rules and
26 regulations. At no time may a medical cannabis-infused products
27 manufacturer store more distillation process material on its licensed
28 premises than the maximum amount established for that licensed premises
29 by the certified industrial hygienist or professional engineer;

30 (9) ensure that the appropriate safety and sanitary equipment,
31 including personal protective equipment, is provided to, and appropriately
32 used by, each owner or occupational licensee engaged in the production of
33 a distillation process medical cannabis concentrate; and

34 (10) ensure that an occupational licensee is present at all times during
35 the production of a distillation process material based medical cannabis
36 concentrate whenever an extraction process requires the use of pressurized
37 equipment.

38 (e) Ethanol and isopropanol. If a medical cannabis-infused products
39 manufacturer only produces distillation process material based medical
40 cannabis concentrate using ethanol or isopropanol at its licensed premises
41 and no other distillation process material, then it shall be considered
42 exempt from the requirements in paragraph 4 of this section and instead
43 must follow the requirements in paragraph 3 of this rule. Regardless of

1 which section is followed, the ethanol or isopropanol must be food grade
2 or at least 99% pure and denatured alcohol cannot be used.

3 (f) Violation affecting public safety. Failure to comply with this
4 section may constitute a license violation affecting public safety.

5 Sec. 30. Any provision or section of this act being held invalid as to
6 any person or circumstances shall not affect the application of any other
7 provision or section of this act that can be given full effect without the
8 invalid provision or section or application, and to this end, the provisions
9 of this act are severable.

10 Sec. 31. This act shall take effect and be in force from and after its
11 publication in the statute book.