

House Substitute for SENATE BILL No. 158

By Committee on Federal and State Affairs

3-31

1 AN ACT concerning health and healthcare; enacting the Kansas medical
2 marijuana regulation act; relating to medical cannabis; licensure and
3 regulation of the manufacture, transportation and sale of medical
4 cannabis; crimes, punishment and criminal procedure; creating the
5 ~~crime~~ **crimes** of unlawful transport **and unlawful storage** of medical
6 marijuana; exceptions from the unlawful manufacture and possession
7 of a controlled substance; prescribing powers, duties and functions of
8 the secretary of health and environment, secretary of revenue, board of
9 healing arts and board of pharmacy; rules and regulations; providing
10 certain fines and penalties for violations; establishing the medical
11 marijuana registration fund, ~~medical marijuana cultivation regulation~~
12 ~~fund~~ and the medical marijuana business entity regulation fund;
13 **allowing counties to prohibit retail dispensaries {licensed facilities}**;
14 amending K.S.A. ~~44-1009, 44-1015, 65-28b08, 65-4107, 79-5201 and~~
15 ~~79-5210 and K.S.A. 2020 Supp. 19-101a, 21-5703, 21-5705, 21-5706,~~
16 **21-5706, as amended by section ~~67~~ {66} of this act, 21-5707, 21-**
17 **5709, 21-5710, 23-3201, 38-2269, 44-501, 44-706 ~~and, 65-1120 and~~**
18 **65-4105 and sections 2, 3, 4, 17, 18, ~~30~~ {29} and ~~39~~ {38} of this act,**
19 and repealing the existing sections.

20

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

22 New Section 1. The provisions of sections 1 through ~~52-47~~ {46}, and
23 amendments thereto, shall be known and may be cited as the Kansas
24 medical marijuana regulation act.

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

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

29 (b) "Associated employee" means an owner or prospective owner,
30 officer or board member or prospective board member of an entity seeking
31 a retail dispensary license.

32 (c) "Board of healing arts" means the state board of healing arts.

33 (d) **"Cannabinoid" means any of the diverse chemical compounds**
34 **that can act on cannabinoid receptors in cells and alter**

1 **neurotransmitter release in the brain, including phytocannabinoids**
2 **that are produced naturally by marijuana and some other plants.**

3 (e) "Caregiver" means an individual registered pursuant to section 8,
4 and amendments thereto, who may purchase and possess medical
5 marijuana in accordance with section 11, and amendments thereto.

6 ~~(e)~~(f) **"Cultivate" means the same as defined in K.S.A. 65-4101,**
7 **and amendments thereto.**

8 (g) "Cultivator" means a person issued a license pursuant to section
9 ~~21~~ 26, and amendments thereto, who may grow and sell medical marijuana
10 in accordance with section ~~22~~ 21, and amendments thereto.

11 ~~(h)~~(h) "Distributor" means a person issued a license pursuant to
12 section ~~31~~ 26, and amendments thereto, who may purchase and sell
13 medical marijuana in accordance with section ~~33~~ 28, and amendments
14 thereto.

15 ~~(i)~~(i) "Electronic cigarette" means the same as defined in K.S.A. 79-
16 3301, and amendments thereto.

17 ~~(j)~~(j) "Key employee" means a manager or other person responsible
18 for the daily operation of a licensed retail dispensary.

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

21 ~~(l)~~(l) "Medical marijuana" means marijuana that is cultivated,
22 processed, tested, dispensed, possessed or used for a medical purpose.

23 ~~(m)~~(m) **"Medical marijuana product" means a product that**
24 **contains cannabinoids that have been extracted from plant material or**
25 **the resin therefrom by physical or chemical means and is intended for**
26 **administration to a registered patient.**

27 (n) "Medical marijuana waste" means:

28 (1) **Unused, surplus, returned or out-of-date marijuana;**

29 (2) **recalled marijuana;**

30 (3) **plant debris of the plant of the genus cannabis, including dead**
31 **plants and all unused plant parts and roots; and**

32 (4) **any wastewater generated during growing and processing.**

33 (o) "Owned and controlled" means ownership of at least 51% of the
34 business, including corporate stock if a corporation, control over the
35 management and day-to-day operations of the business and an interest in
36 the capital, assets and profits and losses of the business proportionate to
37 such owner's percentage of ownership.

38 ~~(p)~~(p) "Patient" means an individual registered pursuant to section 8,
39 and amendments thereto, who may purchase and possess medical
40 marijuana in accordance with section 10, and amendments thereto.

41 ~~(q)~~(q) **"Person" means any natural person, corporation,**
42 **partnership, trust or association.**

43 (r) **"Plant material" means the leaves, stems, buds and flowers of**

1 **the marijuana plant and does not include seedlings, seeds, clones,**
2 **stalks or roots of the plant or the weight of any non-marijuana**
3 **ingredients combined with marijuana.**

4 (s) "Postsecondary educational institution" means the same as defined
5 in K.S.A. 74-3201b, and amendments thereto.

6 ~~(h)~~(t) "Processor" means a person issued a license pursuant to section
7 ~~31~~ {30}, and amendments thereto, who may purchase, process and sell
8 medical marijuana in accordance with section ~~32~~ 27, and amendments
9 thereto.

10 ~~(g)~~(u) "Physician" means an individual licensed to practice medicine
11 and surgery in this state and who is certified by the board of healing arts to
12 recommend treatment with medical marijuana pursuant to section 17, and
13 amendments thereto.

14 ~~(p)~~(v) "Physician's designee" means:

15 (1) A registered nurse, licensed practical nurse, respiratory therapist,
16 emergency medical responder, paramedic, dental hygienist, pharmacy
17 technician or pharmacy intern who has registered for access to the program
18 database as an agent of a practitioner or pharmacist to request program
19 data on behalf of the practitioner or pharmacist;

20 (2) a death investigator who has registered for limited access to the
21 program database as an agent of a medical examiner, coroner or another
22 person authorized under law to investigate or determine causes of death; or

23 (3) an individual authorized by rules and regulations adopted by the
24 board of healing arts to access the prescription monitoring program
25 database by the board of healing arts in rules and regulations.

26 ~~(q)~~(w) "Qualifying medical condition" means any of the following:

27 (1) Acquired immune deficiency syndrome;

28 (2) Alzheimer's disease;

29 (3) amyotrophic lateral sclerosis;

30 (4) cancer;

31 (5) chronic traumatic encephalopathy;

32 (6) Crohn's disease;

33 (7) epilepsy or another seizure disorder;

34 (8) fibromyalgia;

35 (9) glaucoma;

36 (10) hepatitis C;

37 (11) inflammatory bowel disease;

38 (12) {lupus};

39 {(13)} multiple sclerosis;

40 ~~(13)~~{(14)} Parkinson's disease;

41 ~~(14)~~{(15)} positive status for human immunodeficiency virus;

42 ~~(15)~~{(16)} post-traumatic stress disorder;

43 ~~(16)~~{(17)} sickle cell anemia;

1 ~~(17)~~**(18)** spinal cord disease or injury;

2 ~~(18)~~**(19)** Tourette's syndrome;

3 ~~(19)~~**(20)** traumatic brain injury;

4 ~~(20)~~**(21)** ulcerative colitis;

5 ~~(21)~~**(22)** ~~a chronic medical condition that:~~

6 ~~(A) Causes severe, persistent pain or persistent muscle spasms; or~~

7 ~~(B) is normally treated with a prescription medication that could lead~~
8 ~~to physical or psychological dependence if a licensed physician determines~~
9 ~~that treatment for such condition with medical marijuana would be~~
10 ~~effective and would serve as a safer alternative;~~

11 ~~(22) a debilitating psychiatric disorder that is diagnosed by a~~
12 ~~physician licensed in this state who is board-certified in the practice of~~
13 ~~psychiatry, as determined by the board of healing arts; or~~

14 ~~(23) any other chronic, debilitating or terminal condition that, in the~~
15 ~~professional judgment of a physician licensed by in this state, would be a~~
16 ~~detriment to the patient's mental or physical health if left untreated pain~~
17 ~~that is either chronic and severe or intractable; or~~

18 ~~(22)~~**(23)** any other disease or condition adopted by the secretary
19 of health and environment upon petition recommended for approval
20 by the medical marijuana advisory ~~committee~~ {committee} pursuant to
21 section 5, and amendments thereto.

22 ~~(x)~~**(x)** "Retail dispensary" means a person issued a license pursuant to
23 section ~~34~~ 26, and amendments thereto, who may purchase and sell
24 medical marijuana in accordance with section ~~35~~ ~~30~~ {29}, and amendments
25 thereto.

26 ~~(y)~~**(y)** "Smoking" means the use of a lighted cigarette, cigar or pipe or
27 otherwise burning marijuana in any other form for the purpose of
28 consuming such marijuana.

29 ~~(z)~~**(z)** "Support employee" means an individual employed by a
30 licensed retail dispensary who does not have authority to make operational
31 decisions.

32 ~~(aa)~~**(aa)** "Tetrahydrocannabinol" means the primary psychoactive
33 cannabinoid in marijuana formed by decarboxylation of naturally
34 occurring tetrahydrocannabinolic acid that generally takes place by
35 heating.

36 ~~(bb)~~**(bb)** "Tetrahydrocannabinolic acid" means the dominant
37 cannabinoid that occurs naturally in most varieties of marijuana.

38 ~~(cc)~~**(cc)** "Tetrahydrocannabinol content" means the sum of the
39 amount of tetrahydrocannabinol and 87.7% of the amount of
40 tetrahydrocannabinolic acid present in the product or plant material.

41 ~~(dd)~~**(dd)** "Vaporization" means the use of an electronic cigarette for the
42 purpose of consuming medical marijuana in which such medical marijuana
43 comes into direct contact with a heating element.

1 ~~(v)~~(ee) "Veteran" means a person who:

2 (1) Has served in the army, navy, marine corps, air force, coast guard,
3 space force, any state air or army national guard or any branch of the
4 military reserves of the United States; and

5 (2) has been separated from the branch of service in which the person
6 was honorably discharged or received a general discharge under honorable
7 conditions.

8 New Sec. 3. (a) No person shall grow, harvest, process, sell, barter,
9 transport, deliver, furnish or otherwise possess any form of marijuana,
10 except as specifically provided in the Kansas medical marijuana regulation
11 act or the commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et
12 seq., and amendments thereto.

13 (b) Nothing in the Kansas medical marijuana regulation act shall be
14 construed to:

15 (1) Require a physician to recommend that a patient use medical
16 marijuana to treat a qualifying medical condition;

17 (2) permit the use, possession or administration of medical marijuana
18 other than as authorized by this act;

19 (3) permit the use, possession or administration of medical marijuana
20 on federal land located in this state;

21 (4) require any public place to accommodate a registered patient's use
22 of medical marijuana;

23 (5) prohibit any public place from accommodating a registered
24 patient's use of medical marijuana;

25 (6) authorize any limitation on the number of any licenses awarded
26 under this act to otherwise qualified applicants or authorize any state
27 agency through rules and regulations to effectively limit the number of
28 licenses available to otherwise qualified applicants for any type of license
29 awarded under this act; or

30 (7) restrict research related to marijuana conducted at a postsecondary
31 educational institution, academic medical center or private research and
32 development organization as part of a research protocol approved by an
33 institutional review board or equivalent entity.

34 New Sec. 4. (a) There is hereby established a Kansas medical
35 marijuana regulation program.

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

40 (c) The board of healing arts shall administer the program in
41 accordance with the provisions of this act and provide for the certification
42 authorizing physicians to recommend medical marijuana.

43 (d) The board of pharmacy shall administer the program in

1 accordance with the provisions of this act and provide for the registration
2 of pharmacist consultants and the reporting to the prescription monitoring
3 program database.

4 (e) The director of alcoholic beverage control shall administer the
5 program in accordance with the provisions of this act and provide for the
6 licensure of cultivators, laboratories that test medical marijuana,
7 processors, distributors and retail dispensaries.

8 New Sec. 5. (a) The medical marijuana advisory committee is hereby
9 created in the department of health and environment. The committee shall
10 consist of the following:

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

12 (A) Two members who are practicing pharmacists, at least one of
13 whom supports the use of medical marijuana and at least one of whom is a
14 member of the state board of pharmacy;

15 (B) two members who are practicing physicians, at least one of whom
16 supports the use of medical marijuana and at least one of whom is a
17 member of the board of healing arts;

18 (C) one member who represents employers;

19 (D) one member who represents agriculture;

20 (E) one member who represents persons involved in the treatment of
21 alcohol and drug addiction; and

22 (F) one member who engages in academic research on the use or
23 regulation of medical marijuana;

24 (2) two members appointed by the president of the senate as follows:

25 (A) One member who represents law enforcement; and

26 (B) one member who represents caregivers;

27 (3) one member, who is a nurse, appointed by the minority leader of
28 the senate;

29 (4) two members appointed by the speaker of the house of
30 representatives as follows:

31 (A) One member who represents persons involved in mental health
32 treatment; and

33 (B) one member who represents patients;

34 (5) one member, who represents employees, appointed by the
35 minority leader of the house of representatives; and

36 (6) the secretary of health and environment, who shall serve as
37 chairperson.

38 (b) The initial appointments to the committee shall be made on or
39 before July 31, 2021.

40 (c) Except for the secretary of health and environment, each member
41 of the committee shall serve **for a period of two years** from the date of
42 appointment ~~until the committee ceases to exist~~, except that members shall
43 serve at the pleasure of the appointing authority. A vacancy shall be filled

1 within 21 days of such vacancy in the same manner as the original
2 appointment.

3 (d) Each member of the committee shall be paid compensation,
4 subsistence allowances, mileage and other expenses as provided in K.S.A.
5 75-3223(e), and amendments thereto.

6 (e) The committee shall hold its initial meeting not later than 30 days
7 after the last member of the committee is appointed. The committee may
8 develop and submit to the secretary of health and environment and the
9 director of alcoholic beverage control any recommendations related to the
10 Kansas medical marijuana regulation program and the implementation and
11 enforcement of this act.

12 (f) The medical marijuana advisory committee shall make
13 recommendations to the secretary of health and environment and the
14 director of alcoholic beverage control regarding those offenses that would
15 disqualify an applicant from registration or licensure by the respective
16 state agency. The committee shall annually review such offenses and make
17 any subsequent recommendations the committee deems necessary.

18 (g) **(1) {(A)} Any person may submit a petition to the medical
19 marijuana advisory committee requesting that a disease or
20 condition{;}**

21 **{(i)} Be added as a qualifying medical condition for the purposes of
22 this act{;or}**

23 **{(ii) that was previously recommended for approval by the
24 committee and adopted by the secretary of health and environment
25 through rules and regulations be removed as a qualifying medical
26 condition for the purposes of this act}.**

27 **{(B)} The petition shall be submitted in such form and manner as
28 prescribed by the secretary of health and environment. A petition shall
29 not seek to add {or remove} a broad category of diseases or conditions
30 but shall be limited to one disease or condition and include a
31 description of such disease or condition.**

32 **(2) Upon receipt of a petition, the committee shall review such
33 petition to determine whether to recommend the approval or denial of
34 the disease or condition described in the petition as an addition to {or
35 removal from} the list of qualifying medical conditions. The committee
36 may consolidate the review of petitions for the same or similar diseases
37 or conditions. In making its determination, the committee shall:**

38 **(A) Consult with one or more experts who specialize in the study
39 of the disease or condition;**

40 **(B) review any relevant medical or scientific evidence pertaining
41 to the disease or condition;**

42 **(C) consider whether conventional medical therapies are
43 insufficient to treat or alleviate the disease or condition;**

1 (D) review evidence supporting the use of medical marijuana to
2 treat or alleviate the disease or condition; and

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

6 (3) Upon completion of its review, the committee shall make a
7 recommendation to the secretary of health and environment whether
8 to approve or deny the addition {or removal} of the disease or
9 condition to the list of qualifying medical conditions. The secretary
10 shall adopt rules and regulations in accordance with the
11 recommendation of the committee.

12 {(4) Prior to July 1, 2024, and every three years thereafter, the
13 committee shall review all diseases or conditions that have been
14 recommended for approval by the committee and adopted by the
15 secretary of health and environment through rules and regulations to
16 determine if the inclusion of any such diseases or conditions are no
17 longer supported by scientific evidence. The inclusion of any such
18 disease or condition that the committee determines is no longer
19 supported by scientific evidence shall be recommended by the
20 committee to the secretary of health and environment for removal
21 from the list of qualifying medical conditions.}

22 (h) Prior to January 31 of each year, the medical marijuana advisory
23 committee shall provide a report to the legislature detailing any concerns
24 or recommended changes that the committee has for the medical marijuana
25 regulation act.

26 ~~(h)~~(i) The provisions of this section shall expire on July 1, 2026.

27 New Sec. 6. (a) Except as permitted under subsection (c), the
28 following individuals shall not solicit or accept, directly or indirectly, any
29 gift, gratuity, emolument or employment from any person who is an
30 applicant for any license or is a licensee under the provisions of the Kansas
31 medical marijuana regulation act or any officer, agent or employee thereof,
32 or solicit requests from or recommend, directly or indirectly, to any such
33 person, the appointment of any individual to any place or position:

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

36 (2) the secretary of revenue, the director of alcoholic beverage control
37 or any officer, employee or agent of the division of alcoholic beverage
38 control;

39 (3) any member of the board of pharmacy; or

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

41 (b) Except as permitted under subsection (c), an applicant for a
42 license or a licensee under the provisions of the Kansas medical marijuana
43 regulation act shall not offer any gift, gratuity, emolument or employment

1 to any of the following:

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

4 (2) the secretary of revenue, the director of alcoholic beverage control
5 or any officer, employee or agent of the division of alcoholic beverage
6 control;

7 (3) any member of the board of pharmacy; or

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

9 (c) The board of healing arts, the board of pharmacy, the secretary of
10 health and environment and the secretary of revenue may adopt rules and
11 regulations for their respective agencies allowing the acceptance of official
12 hospitality by members of the board of healing arts, the board of pharmacy
13 or the respective secretary and employees of each such respective agency,
14 subject to any limits as prescribed by such rules and regulations.

15 (d) If any member of the board of healing arts, the board of
16 pharmacy, the secretary of health and environment, the secretary of
17 revenue or any employee of each such respective agency violates any
18 provision of this section, such person shall be removed from such person's
19 office or employment.

20 (e) Violation of any provision of this section is a misdemeanor
21 punishable by a fine of not to exceed \$500 or imprisonment of not less
22 than 60 days nor more than six months, or both such fine and
23 imprisonment.

24 (f) Nothing in this section shall be construed to prohibit the
25 prosecution and punishment of any person for bribery as defined in the
26 Kansas criminal code.

27 New Sec. 7. All actions taken by the board of healing arts, the board
28 of pharmacy, the secretary of health and environment or the director of
29 alcoholic beverage control under the Kansas medical marijuana regulation
30 act shall be in accordance with the Kansas administrative procedure act
31 and reviewable in accordance with the Kansas judicial review act.

32 New Sec. 8. (a) A patient seeking to use medical marijuana or a
33 caregiver seeking to assist a patient in the use or administration of medical
34 marijuana shall apply to the department of health and environment for
35 registration. The physician who is treating the patient, or such physician's
36 designee, shall submit the application on the patient's or caregiver's behalf
37 in such form and manner as prescribed by the secretary of health and
38 environment.

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

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

41 (A) A bona fide physician-patient relationship exists between the
42 physician and patient;

43 (B) the patient has been diagnosed with a qualifying medical

1 condition;

2 (C) the physician, or such physician's designee, has requested from
3 the prescription monitoring program database a report of information
4 related to the patient that covers at least the 12 months immediately
5 preceding the date of the report;

6 (D) the physician has informed the patient of the risks and benefits of
7 medical marijuana as it pertains to the patient's qualifying medical
8 condition and medical history; and

9 (E) the physician has informed the patient that it is the physician's
10 opinion that the benefits of medical marijuana outweigh its risks;

11 (2) in the case of an application submitted on behalf of a patient, the
12 name or names of one or more caregivers, if any, who will assist the
13 patient in the use or administration of medical marijuana;

14 (3) in the case of an application submitted on behalf of a caregiver,
15 the name of the patient or patients whom the caregiver seeks to assist in
16 the use or administration of medical marijuana; and

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

20 (c) If the application is complete and meets the requirements of this
21 act and rules and regulations adopted thereunder and the patient or
22 caregiver has paid the required fee, the secretary of health and
23 environment shall register the patient or caregiver and issue to the patient
24 or caregiver an identification card.

25 (d) (1) A registered caregiver must be at least 21 years of age, except
26 that, if the caregiver is the parent or legal guardian of a patient who is a
27 minor, then the registered caregiver must be at least 18 years of age.

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

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

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

36 (e) Any information collected by the department of health and
37 environment pursuant to this section is confidential and not a public
38 record. The department may share information identifying a specific
39 patient with a licensed retail dispensary or any law enforcement agency for
40 the purpose of confirming that such patient has a valid registration.
41 Information that does not identify a person may be released in summary,
42 statistical or aggregate form. The provisions of this subsection shall expire
43 on July 1, 2026, unless the legislature reviews and reenacts such

1 provisions in accordance with K.S.A. 45-229, and amendments thereto,
2 prior to July 1, 2026.

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

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

7 (2) \$25 for a patient registration if the patient is indigent or is a
8 veteran; and

9 (3) \$25 for a caregiver registration.

10 (g) A registration shall be valid for a period of one year from the date
11 the identification card is issued and may be renewed by submitting a
12 registration renewal application and paying the required fee.

13 New Sec. 9. The department of health and environment shall assign a
14 unique 24-character identification number to each registered patient and
15 caregiver when issuing an **electronically scannable** identification card.
16 **Upon scanning such identification card or entering such identification**
17 **number**, licensed retail dispensaries ~~may request~~ **shall obtain** verification
18 by the department that a patient or caregiver has a valid registration.

19 New Sec. 10. (a) A patient registered pursuant to section 8, and
20 amendments thereto, who obtains medical marijuana from a licensed retail
21 dispensary may:

22 (1) Use medical marijuana;

23 (2) subject to subsection (b), possess medical marijuana; and

24 (3) possess any paraphernalia or accessories used to administer
25 medical marijuana.

26 (b) A registered patient may possess medical marijuana in an amount
27 not to exceed a 30-day supply.

28 (c) Nothing in this section shall be construed to authorize a registered
29 patient to operate a motor vehicle, watercraft or aircraft while under the
30 influence of medical marijuana.

31 New Sec. 11. (a) A caregiver registered pursuant to section 8, and
32 amendments thereto, who obtains medical marijuana from a licensed retail
33 dispensary may:

34 (1) Subject to subsection (b), possess medical marijuana on behalf of
35 a registered patient under the caregiver's care;

36 (2) assist a registered patient under the caregiver's care in the use or
37 administration of medical marijuana; and

38 (3) possess any paraphernalia or accessories used to administer
39 medical marijuana.

40 (b) A registered caregiver may possess medical marijuana on behalf
41 of a registered patient in an amount not to exceed a 30-day supply. If a
42 caregiver provides care to more than one registered patient, the caregiver
43 shall maintain separate inventories of medical marijuana for each patient.

1 (c) Nothing in this section shall be construed to permit a registered
2 caregiver to personally use medical marijuana unless the caregiver is also a
3 registered patient.

4 New Sec. 12. (a) In addition to or in lieu of any other civil or criminal
5 penalty as provided by law, the secretary of health and environment may
6 impose a civil penalty or suspend or revoke a registration upon a finding
7 that the patient or caregiver committed a violation ~~as provided in this~~
8 section {of this act}.

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

12 (c) Upon a finding that a registrant has submitted fraudulent
13 information or otherwise falsified or misrepresented information required
14 to be submitted by such registrant, the secretary may impose a civil fine of
15 not to exceed \$500 for a first offense and may suspend or revoke the
16 individual's registration for a second or subsequent offense.

17 (d) If the secretary suspends, revokes or refuses to renew any
18 registration issued pursuant to this act and determines that there is clear
19 and convincing evidence of a danger of immediate and serious harm to any
20 person, the secretary may place under seal all medical marijuana owned by
21 or in the possession, custody or control of the affected registrant. Except as
22 provided in this section, the secretary shall not dispose of the sealed
23 medical marijuana until a final order is issued authorizing such disposition.
24 During the pendency of an appeal from any order issued by the secretary, a
25 court may order the secretary to sell medical marijuana that is perishable,
26 and the proceeds of any such sale shall be deposited with the court.

27 New Sec. 13. (a) There is hereby established the medical marijuana
28 registration fund in the state treasury. The secretary of health and
29 environment shall administer the medical marijuana registration fund and
30 shall remit all moneys collected from the payment of all fees and fines
31 imposed by the secretary pursuant to the Kansas medical marijuana
32 regulation act and any other moneys received by or on behalf of the
33 secretary pursuant to such act to the state treasurer in accordance with the
34 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
35 each such remittance, the state treasurer shall deposit the entire amount in
36 the state treasury to the credit of the medical marijuana registration fund.
37 Moneys credited to the medical marijuana registration fund shall only be
38 expended or transferred as provided in this section. Expenditures from
39 such fund shall be made in accordance with appropriation acts upon
40 warrants of the director of accounts and reports issued pursuant to
41 vouchers approved by the secretary or the secretary's designee.

42 (b) Moneys in the medical marijuana registration fund shall be used
43 for the payment or reimbursement of costs related to the regulation and

1 enforcement of the possession and use of medical marijuana by the
2 secretary.

3 New Sec. 14. (a) On or before July 1, ~~2022~~ **2023**, the secretary of
4 health and environment shall, after consulting with the medical marijuana
5 advisory committee, adopt rules and regulations to administer the Kansas
6 medical marijuana regulation program and implement and enforce the
7 provisions of the Kansas medical marijuana regulation act. Such rules and
8 regulations shall:

9 (1) Establish procedures for registration of patients and caregivers
10 and eligibility requirements for registration;

11 (2) establish procedures for the issuance of patient or caregiver
12 identification cards;

13 (3) establish a renewal schedule, renewal procedures and renewal
14 fees for registrations;

15 (4) subject to the provisions of subsection (b), specify, by form and
16 tetrahydrocannabinol content, a maximum 30-day supply of medical
17 marijuana that may be possessed;

18 (5) specify the forms or methods of using medical marijuana that are
19 attractive to children; **and**

20 ~~(6) establish procedures for reviewing, approving and denying~~
21 ~~petitions for approval of new forms or methods of using medical~~
22 ~~marijuana; and~~

23 ~~(7)~~ establish a program to assist patients who are indigent or who are
24 veterans in obtaining medical marijuana.

25 (b) Any maximum supply of medical marijuana that may be
26 purchased or possessed by a patient or caregiver shall allow at least three
27 ounces of dried, unprocessed medical marijuana or its equivalent as a 30-
28 day supply and allow for exceptions from any such limitation upon
29 submission of a written certification from two independent physicians that
30 there are compelling reasons for the patient or caregiver to purchase and
31 possess greater quantities of medical marijuana.

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

35 New Sec. 15. On or before July 1, ~~2022~~ **2023**, the department of
36 health and environment shall make a website available for the public to
37 access information regarding patient and caregiver registration under the
38 Kansas medical marijuana regulation act.

39 New Sec. 16. A medical marijuana registry identification card, or its
40 equivalent, that is issued under the laws of another state, district, territory,
41 commonwealth or insular possession of the United States that is verifiable
42 by the jurisdiction of issuance and allows a nonresident patient to possess
43 medical marijuana for medical purposes shall have the same force and

1 effect as an identification card issued by the secretary pursuant to this act
2 if the nonresident patient has not been residing in this state for more than
3 180 days.

4 New Sec. 17. (a) Except as provided in subsection (j), a physician
5 seeking to recommend treatment with medical marijuana shall apply to the
6 board of healing arts for a certificate authorizing such physician to
7 recommend treatment with medical marijuana. The application shall be
8 submitted in such form and manner as prescribed by the board. The board
9 shall grant a certificate to recommend if the following conditions are
10 satisfied:

11 (1) The application is complete and meets the requirements
12 established in rules and regulations adopted by the board of healing arts;
13 and

14 (2) the applicant demonstrates that the applicant does not have an
15 ownership or investment interest in or compensation arrangement with an
16 entity licensed by the department of health and environment or the director
17 of alcoholic beverage control under this act or an applicant for such
18 licensure.

19 (b) Pursuant to rules and regulations adopted by the board of healing
20 arts, a certificate to recommend shall:

21 (A) Expire annually unless renewed in the manner prescribed by the
22 board; and

23 (B) be accompanied by an annual fee in an amount not to exceed
24 \$175.

25 (2) Renewal of a certificate to recommend shall be conditioned upon
26 the holder's certification of having met the requirements in subsection (a)
27 and having completed at least two hours of continuing medical education
28 in medical marijuana annually in accordance with subsection (g).

29 (c) A physician licensed in this state who holds a certificate to
30 recommend treatment with medical marijuana may recommend that a
31 patient be treated with medical marijuana if:

32 (1) The patient has been diagnosed with a qualifying medical
33 condition;

34 (2) an ongoing physician-patient relationship has ~~been established by~~
35 ~~an initial office visit~~ **existed for a minimum of six months, or as**
36 **specified by rules and regulations adopted by the board, unless the**
37 **patient:**

38 (A) **Has recently moved from out-of-state and:**

39 (i) **Previously had medical marijuana recommended by a**
40 **physician in another state; and**

41 (ii) **the patient's previous physician contacts the new physician to**
42 **share the patient's medical history and verify that the patient has a**
43 **qualifying medical condition;**

1 **(B) currently has a recommendation for medical marijuana**
2 **pursuant to this act and the:**

3 **(i) Patient no longer has a relationship with the recommending**
4 **physician, and the patient's previous physician contacts the new**
5 **physician to share the patient's medical history and verify that the**
6 **patient has a qualifying medical condition; or**

7 **(ii) recommending physician is deceased; or**

8 **(C) is a veteran and has not previously received a**
9 **recommendation for medical marijuana;**

10 (3) a review of all old medical records, particularly relating to the
11 medical indication for the tetrahydrocannabinol recommendation, and a
12 physical exam have been performed;

13 (4) the recommending physician has a certification to recommend
14 pursuant to section 18, and amendments thereto;

15 (5) the recommending physician, or physician's designee, reports all
16 medical marijuana recommendations for all patients to the prescription
17 monitoring program in accordance with K.S.A. 65-1683, and amendments
18 thereto; and

19 (6) for a patient who has previously had medical marijuana
20 recommended for use by another physician, the patient:

21 (A) Has maintained a physician-patient relationship with the new
22 recommending physician for at least six months with either inpatient visits
23 or via telephonic or electronic means; or

24 (B) no longer has the previous physician-patient relationship on
25 account of death or discontinuance of care by the physician.

26 (d) In the case of a patient who is a minor, the physician may
27 recommend treatment with medical marijuana only after obtaining the
28 consent of the patient's parent or other person responsible for providing
29 consent to treatment.

30 (e) When issuing a written recommendation to a patient, the
31 physician shall specify any information required by rules and regulations
32 adopted by the board of healing arts. A written recommendation issued to a
33 patient under this section is valid for a period of not more than 90 days.
34 The physician may renew the recommendation for not more than three
35 additional periods of not more than 90 days each. Thereafter, the physician
36 may issue another recommendation to the patient only upon a physical
37 examination of the patient.

38 (f) Each year a physician holding a certificate to recommend
39 treatment with medical marijuana shall submit to the board of healing arts
40 a report that describes the physician's observations regarding the
41 effectiveness of medical marijuana in treating the physician's patients
42 during the year covered by the report. When submitting reports, a
43 physician shall not include any information that identifies or would tend to

1 identify any specific patient.

2 (g) Annually, each physician who holds a certificate to recommend
3 treatment with medical marijuana shall complete at least two hours of
4 continuing medical education in the treatment with and use of medical
5 marijuana as approved by the board of healing arts.

6 (h) A physician shall not issue a recommendation for treatment with
7 medical marijuana for a family member or the physician's self, or
8 personally furnish or otherwise dispense medical marijuana.

9 (i) A physician who holds a certificate to recommend treatment with
10 medical marijuana shall be immune from civil liability, shall not be subject
11 to professional disciplinary action by the board of healing arts and shall
12 not be subject to criminal prosecution for any of the following actions:

13 (1) Advising a patient, patient representative or caregiver about the
14 benefits and risks of medical marijuana to treat a qualifying medical
15 condition;

16 (2) recommending that a patient use medical marijuana to treat or
17 alleviate a qualifying medical condition; and

18 (3) monitoring a patient's treatment with medical marijuana.

19 (j) This section shall not apply to a physician who recommends
20 treatment with marijuana or a drug derived from marijuana under any of
21 the following that is approved by an institutional review board or
22 equivalent entity, the United States food and drug administration or the
23 national institutes of health or one of its cooperative groups or centers
24 under the United States department of health and human services:

25 (1) A research protocol;

26 (2) a clinical trial;

27 (3) an investigational new drug application; or

28 (4) an expanded access submission.

29 New Sec. 18. (a) On or before July 1, 2022, the board of healing arts
30 shall adopt rules and regulations to implement and enforce the provisions
31 of section 17, and amendments thereto. Such rules and regulations shall
32 include:

33 (1) The procedures and fees for applying for a certificate to
34 recommend treatment with medical marijuana;

35 (2) the conditions for eligibility for a certificate to recommend
36 treatment with medical marijuana;

37 (3) the schedule, fees and procedures for renewing such a certificate;

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

39 (5) the standards under which a certificate suspension may be lifted;

40 and

41 (6) the minimum standards of care when recommending treatment
42 with medical marijuana; **and}**

43 **{(7) signage requirements for retail dispensaries to properly warn**

1 **pregnant women and anyone with psychiatric or emotional disorders**
2 **of the adverse effects of marijuana}.**

3 (b) The board of healing arts shall approve one or more continuing
4 medical education courses of study that assist physicians holding
5 certificates to recommend treatment with medical marijuana in diagnosing
6 and treating qualifying medical conditions with medical marijuana.

7 New Sec. 19. (a) There shall be no direct or indirect cooperative
8 advertising between or among two or more cultivators, dispensaries or
9 physicians, or any combination thereof, where such advertising has the
10 purpose or effect of steering or influencing patient or caregiver choice with
11 regard to their selection of a physician, retail dispensary or medical
12 marijuana.

13 (b) No advertisement may be disseminated if the submitter of the
14 advertisement has received information that has not been widely
15 publicized in medical literature that the use of the medical marijuana
16 product may cause fatalities or serious harm.

17 (c) All advertisements for medical marijuana or medical marijuana
18 products that make a statement relating to side effects, contraindications
19 and effectiveness shall present a true statement of such information. When
20 applicable, advertisements broadcast through media such as radio,
21 television or other electronic media, **or displayed in print or on any sign**
22 **or billboard**, shall include such information in the audio or audio and
23 visual parts of the presentation. False or misleading information in any
24 part of the advertisement shall not be corrected by the inclusion of a true
25 statement in another, distinct part of the advertisement.

26 (d) An advertisement is false or otherwise misleading if such
27 advertisement:

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

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

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

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

42 (5) uses data favorable to a medical marijuana product derived from
43 patients treated with a product or dosages different from those approved in

1 this state;

2 (6) contains favorable information or conclusions from a study that is
3 inadequate in design, scope or conduct to furnish significant support for
4 such information or conclusions; or

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

9 (e) An advertisement for medical marijuana or medical marijuana
10 products shall not contain any:

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

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

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

15 (A) Is obscene or indecent;

16 (B) encourages or represents the recreational use of marijuana or the
17 use of medical marijuana for a condition other than a qualifying medical
18 condition;

19 (C) relates to the safety or efficacy of medical marijuana unless
20 supported by substantial evidence or substantial clinical data; or

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

24 (4) offer of a prize or award to a registered patient, caregiver or
25 physician related to the purchase of medical marijuana; or

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

30 (f) (1) Any advertisement for medical marijuana shall be submitted to
31 the secretary of health and environment at the same time as, or prior to, the
32 dissemination of the advertisement and shall include the following
33 additional information:

34 (A) A cover letter that provides:

35 (i) A subject line stating: "Medical marijuana advertisement review
36 package for a proposed advertisement for [brand name].";

37 (ii) a brief description of the format and expected distribution of the
38 proposed advertisement; and

39 (iii) the submitter's name, title, address, telephone number, fax
40 number and email address;

41 (B) an annotated summary of the proposed advertisement showing
42 every claim being made in the advertisement and the references that
43 support each claim that includes disease or epidemiology information;

1 (C) verification that a person identified in an advertisement as a
2 registered patient or healthcare practitioner is an actual registered patient
3 or healthcare practitioner and not a model or actor;

4 (D) verification that an official translation of a foreign language
5 advertisement is accurate; and

6 (E) a final copy of the advertisement, including a video where
7 applicable, in an acceptable format.

8 (2) Any incomplete advertising packages, or packages that fail to
9 follow the specific details for submissions, shall be considered incomplete.
10 If the secretary receives an incomplete package, the secretary shall notify
11 the submitter.

12 **(3) Within 21 days of receiving a complete advertising package,**
13 **the secretary shall either approve such advertisement or notify the**
14 **submitter of any necessary disclosures or changes. If the secretary**
15 **does not take any action on the advertising package within 21 days,**
16 **the advertisement shall be deemed to be approved.**

17 (g) The secretary may:

18 (1) Require a specific disclosure be made in the advertisement in a
19 clear and conspicuous manner, if the secretary determines that the
20 advertisement would be false or misleading without such a disclosure; or

21 (2) make recommendations with respect to changes that are:

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

23 (B) consistent with dispensing information for the product under
24 review.

25 (h) A retail dispensary shall:

26 ~~(1) Restrict external signage to a single sign not larger than 16 inches~~
27 ~~by 18 inches;~~

28 ~~(2) not illuminate a dispensary sign advertising a medical marijuana~~
29 ~~product at any time;~~

30 ~~(3) not advertise medical marijuana brand names or utilize graphics~~
31 ~~related to marijuana or paraphernalia on the exterior of the dispensary or~~
32 ~~the building in which the dispensary is located; and~~

33 ~~(4) not or display any medical marijuana or paraphernalia so as to be~~
34 ~~clearly visible from the exterior of the dispensary.~~

35 (i) **The price of** medical marijuana shall not be advertised:

36 (1) ~~For sale.~~ By a cultivator, processor or distributor, except that such
37 entities may make a price list available to a dispensary; and

38 (2) on any billboard that is located along ~~a~~ **any interstate highway,**
39 **federal highway or state highway.**

40 **(j) Medical marijuana shall not be advertised on a billboard or**
41 **similar advertising device that is located on any interstate highway,**
42 **federal highway or state highway that crosses the Kansas border**
43 **within 10 miles where such highway crosses the state line.**

1 New Sec. 20. (a) All licenses issued pursuant to the medical
2 marijuana regulation act shall:

3 (1) Not be issued to a person:

4 (A) Who is not a citizen of the United States;

5 (B) who has been convicted of a felony under the laws of this state,
6 any other state or the United States;

7 (C) who has had a license revoked for cause under the provisions of
8 the act or who has had any license issued under the medical marijuana
9 laws of any state revoked for cause, except that a license may be issued to
10 a person whose license was revoked for the conviction of a misdemeanor
11 at any time after the lapse of 10 years following the date of the revocation;

12 (D) who has been convicted of being the keeper of or is keeping any
13 property, whether real or personal, where sexual relations are being sold or
14 offered for sale by a person who is 18 years of age or older or has forfeited
15 bond to appear in court to answer charges of being a keeper of any
16 property, whether real or personal, where sexual relations are being sold or
17 offered for sale by a person who is 18 years of age or older;

18 (E) who has been convicted of being a proprietor of a gambling
19 house, pandering or any other crime opposed to decency and morality or
20 has forfeited bond to appear in court to answer charges for any of those
21 crimes;

22 (F) who is not at least 18 years of age;

23 (G) who, other than as a member of the governing body of a city or
24 county, appoints or supervises any law enforcement officer, who is a law
25 enforcement officer or who is an employee of the director of alcoholic
26 beverage control;

27 (H) who intends to carry on the business authorized by the license as
28 an agent of another;

29 (I) who at the time of application for renewal of any license issued
30 under this act would not be eligible for the license upon a first application,
31 except as provided by subparagraph (L);

32 (J) who is the holder of a valid and existing license issued under this
33 act unless the person agrees to and does surrender the license to the officer
34 issuing the same;

35 (K) who does not own the premises for which a license is sought or
36 does not, at the time of application, have a written lease thereon;

37 (L) whose spouse would be ineligible to receive a license under this
38 act for any reason other than citizenship, residence requirements or age,
39 except that this paragraph shall not apply in determining eligibility for a
40 renewal license;

41 (M) whose spouse has been convicted of a felony or other crime that
42 would disqualify a person from licensure under this section if such felony
43 or other crime was committed during the time that the spouse held a

1 license under this act;

2 (N) who has not been a resident of this state for at least four years
3 immediately preceding the date of application. A license shall be forfeited
4 if an individual licensee ceases to be a resident of this state at any time
5 after the license is granted;

6 (O) who does not provide any data or information required by the
7 director under this act; or

8 (P) who, after a hearing before the director, has been found to have
9 held an undisclosed beneficial interest in any license issued pursuant to
10 this act that was obtained by means of fraud or any false statement made
11 on the application for such license;

12 (2) not be issued to a corporation, **limited liability company, limited**
13 **partnership or limited liability partnership** if less than 75% of the total
14 equity or similar ownership interest in such ~~corporation~~ **entity** is owned by
15 individuals who have been residents of this state for at least ~~two~~ **four** years
16 immediately preceding the date of the application. A license shall be
17 forfeited if, for more than 90 consecutive days, less than 75% of the total
18 equity or similar ownership interest in such ~~corporation~~ **entity** is owned by
19 individuals who are residents of this state at any time after the license is
20 granted; and

21 (3) require that any:

22 (A) Transfer of a license shall be reported to and approved by the
23 director. The director shall not approve any transfer of a license to any
24 individual or entity that does not satisfy the requirements of this section at
25 the time of the transfer;

26 (B) change in ownership of a corporation, **limited liability company,**
27 **limited partnership or limited liability partnership** shall be reported to
28 the director within 30 days after such change occurs. If such change would
29 result in less than 75% of the total equity or similar ownership interest in
30 such ~~corporation~~ **entity** being owned by individuals who have been
31 residents of this state for at least ~~two~~ **four** years, then such entity shall
32 have 90 days to ensure that 75% or greater of such equity or ownership
33 interest is held by individuals who are residents in Kansas or the license of
34 such entity shall be forfeited to the director;

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

43 (i) Includes any distribution that is made by individuals or other

1 entities to one or more out-of-state individuals holding an equity or similar
2 ownership interest in the entity if such distribution is greater than 25% of
3 the total distributed amount; and

4 (ii) does not include payments of fixed amounts that are determined
5 prior to the commencement of applicable services or payments of variable
6 amounts based on verifiable quantities multiplied by a predetermined and
7 reasonably fixed rate.

8 (b) No retail dispensary license shall be issued to:

9 (1) A person who:

10 (A) Has not been a resident of this state for at least four years
11 immediately preceding the date of application; or

12 (B) has a beneficial interest in any other dispensary licensed under
13 this act, except that the spouse of a licensee may own and hold a license
14 for another dispensary;

15 (2) a copartnership, unless all of the copartners are qualified to obtain
16 a license;

17 (3) a corporation, **limited liability company, limited partnership or**
18 **limited liability partnership**; or

19 (4) a trust, if any grantor, beneficiary or trustee would be ineligible to
20 receive a license under this act for any reason, except that the provisions of
21 subsection ~~(a)(6)~~ **(a)(1)(F)** shall not apply in determining whether a
22 beneficiary would be eligible for a license.

23 (c) No cultivator's license shall be issued to:

24 (1) A corporation, **limited liability company, limited partnership or**
25 **limited liability partnership**, if any officer or director thereof, or any
26 stockholder owning in the aggregate more than 25% of the stock of ~~the~~
27 ~~corporation~~ **such entity** would be ineligible to receive a cultivator's
28 license;

29 (2) a copartnership, unless all of the copartners shall have been
30 residents of this state for at least ~~five~~ **four** years immediately preceding the
31 date of application and unless all the members of the copartnership would
32 be eligible to receive a cultivator's license under this act;

33 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to
34 receive a license under this act for any reason, except that the provisions of
35 subsection ~~(a)(6)~~ **(a)(1)(F)** shall not apply in determining whether a
36 beneficiary would be eligible for a license; or

37 (4) an individual who has not been a resident of this state for at least
38 ~~five~~ **four** years immediately preceding the date of application.

39 (d) No distributor's license shall be issued to:

40 (1) A corporation, **limited liability company, limited partnership or**
41 **limited liability partnership**, if any officer, director or stockholder of ~~the~~
42 ~~corporation~~ **such entity** would be ineligible to receive a distributor's
43 license for any reason. It shall be unlawful for any stockholder of ~~a~~

1 ~~corporation~~ **an entity** licensed as a distributor to transfer any stock in ~~the~~
2 ~~corporation~~ **such entity** to any person who would be ineligible to receive a
3 distributor's license for any reason, and any such transfer shall be null and
4 void, except that if:

5 (A) Any stockholder owning stock in ~~the corporation~~ **such entity** dies
6 and an heir or devisee to whom stock of ~~the corporation~~ **such entity**
7 transfers by descent and distribution or by will is ineligible to receive a
8 distributor's license, the legal representatives of the deceased stockholder's
9 estate and the ineligible heir or devisee shall have 14 months from the date
10 of the death of the stockholder within which to sell the stock to a person
11 eligible to receive a distributor's license. Any such sale by a legal
12 representative shall be made in accordance with the provisions of the
13 probate code; or

14 (B) the stock in any such ~~corporation~~ **entity** is the subject of any trust
15 and any trustee or beneficiary of the trust who is 18 years of age or older is
16 ineligible to receive a distributor's license, the trustee, within 14 months
17 after the effective date of the trust, shall sell the stock to a person eligible
18 to receive a distributor's license and hold and disburse the proceeds in
19 accordance with the terms of the trust. If any legal representatives, heirs,
20 devisees or trustees fail, refuse or neglect to sell any stock as required by
21 this subparagraph, the stock shall revert to and become the property of ~~the~~
22 ~~corporation~~ **such entity**, and ~~the corporation~~ **such entity** shall pay to the
23 legal representatives, heirs, devisees or trustees the book value of the
24 stock. During the period of 14 months prescribed by this paragraph, ~~the~~
25 ~~corporation~~ **such entity** shall not be denied a distributor's license or have
26 its distributor's license revoked if ~~the corporation~~ **such entity** meets all of
27 the other requirements necessary to have a distributor's license;

28 (2) a copartnership, unless all of the copartners are eligible to receive
29 a distributor's license; or

30 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to
31 receive a license under this act for any reason, except that the provisions of
32 subsection ~~(a)(6)~~ **(a)(1)(F)** shall not apply in determining whether a
33 beneficiary would be eligible for a license.

34 (e) No processor's license shall be issued to a:

35 (1) Copartnership, unless all of the copartners are qualified to obtain a
36 license;

37 (2) corporation, **limited liability company, limited partnership or**
38 **limited liability partnership**, unless stockholders owning in the aggregate
39 ~~50%~~ **75%** or more of the stock of ~~the corporation~~ **such entity** would be
40 eligible to receive such license and all other stockholders would be eligible
41 to receive such license except for reason of citizenship or residency; or

42 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to
43 receive a license under this act for any reason, except that the provisions of

1 subsection ~~(a)(6)~~ **(a)(1)(F)** shall not apply in determining whether a
2 beneficiary would be eligible for a license.

3 ~~New Sec. 21. (a) Any entity that seeks to cultivate medical marijuana~~
4 ~~or to conduct laboratory testing of medical marijuana shall submit an~~
5 ~~application for the appropriate license to the director of alcoholic beverage~~
6 ~~control in such form and manner as prescribed by the director. A separate~~
7 ~~license application shall be submitted for each location to be operated by~~
8 ~~the licensee.~~

9 ~~(b) The director shall issue a license to an applicant if:~~

10 ~~(1) The criminal history record check conducted pursuant to section~~
11 ~~48, and amendments thereto, with respect to the applicant demonstrates~~
12 ~~that the applicant is not disqualified from holding a license pursuant to~~
13 ~~section 20, and amendments thereto;~~

14 ~~(2) the applicant is not applying for a laboratory license and~~
15 ~~demonstrates that it does not have an ownership or investment interest in~~
16 ~~or compensation arrangement with a laboratory licensed under this section~~
17 ~~or an applicant for such license;~~

18 ~~(3) the applicant is not applying for a laboratory license and~~
19 ~~demonstrates that it does not share any corporate officers or employees~~
20 ~~with a laboratory licensed under this section or an applicant for such~~
21 ~~license;~~

22 ~~(4) the applicant demonstrates that it will not violate the provisions of~~
23 ~~section 47, and amendments thereto;~~

24 ~~(5) the applicant has submitted a tax clearance certificate issued by~~
25 ~~the department of revenue; and~~

26 ~~(6) the applicant meets all other licensure eligibility conditions~~
27 ~~established in rules and regulations adopted by the secretary of revenue~~
28 ~~and has paid all required fees;~~

29 ~~(c) The director shall issue not less than 15% of cultivator and~~
30 ~~laboratory licenses to entities that are owned and controlled by United~~
31 ~~States citizens who are residents of this state and are members of one of~~
32 ~~the following economically disadvantaged groups: Blacks or African~~
33 ~~Americans, American Indians, Hispanics or Latinos and Asians. If no~~
34 ~~applications or an insufficient number of applications are submitted by~~
35 ~~such entities that meet the conditions set forth in subsection (b), licenses~~
36 ~~shall be issued in accordance with subsections (a) and (b);~~

37 ~~(d) A license shall be valid for a period of one year from the date such~~
38 ~~license is issued and may be renewed by submitting a license renewal~~
39 ~~application and paying the required fee.~~

40 ~~New Sec. 22. 21.~~ **(a)** A cultivator licensee ~~may~~ **shall** cultivate medical
41 marijuana in an area ~~either on open farmland or~~ in a building ~~and that is~~
42 designated by the licensee. A licensee may deliver or sell medical
43 marijuana to one or more licensed processors, distributors or dispensaries.

1 (b) A licensee may submit an application to the director of alcoholic
2 beverage control for approval of an expansion of such licensee's
3 cultivation area. Expansion approval applications shall be submitted in
4 such form and manner as prescribed by the director and shall include an
5 expansion plan that shall include the following:

6 (1) Specifications for the expansion or alteration that demonstrate
7 compliance with all applicable zoning ordinances, building codes and any
8 other state and local laws and rules and regulations adopted thereunder;

9 (2) a proposed timeline for completion of the expansion that, if
10 approved, will become a mandatory condition; and

11 (3) a history of compliance with the Kansas medical marijuana
12 regulation act and all rules and regulations adopted thereunder, including a
13 history of enforcement actions and sanctions issued by the department or
14 any law enforcement agency against the licensee.

15 (c) (1) Unless authorized by this act, a cultivator shall not transfer or
16 sell medical marijuana and a processor shall not transfer, sell or process
17 into a concentrate or product any medical marijuana, medical marijuana
18 concentrate or medical marijuana product unless samples from each
19 harvest batch or production batch from which that medical marijuana,
20 medical marijuana concentrate or medical marijuana product was derived
21 has been tested by a licensed laboratory for contaminants and has passed
22 all contaminant tests required by this act.

23 (2) A licensed cultivator may transfer medical marijuana that has
24 failed testing for quality control to a licensed processor only for the
25 purposes of decontamination or remediation and only in accordance with
26 the provisions of this act.

27 (d) A licensed cultivator shall not cultivate medical marijuana for
28 personal, family or household use or on any public land.

29 **New Sec. ~~23~~ 22. (a) {(1) Within 45 days of the effective date of**
30 **this act, the director of alcoholic beverage control shall establish a**
31 **medical marijuana pilot program and select a company for the**
32 **purpose of cultivating, testing, processing, distributing and**
33 **researching medical marijuana. Such company shall operate the pilot**
34 **program by entering into a public-private partnership with the**
35 **university of Kansas, Kansas state university and Pittsburg state**
36 **university. Such public-private partnership shall develop and provide**
37 **the director with recommended best practices for all aspects of the**
38 **cultivation, processing, dispensing and research and development of**
39 **medical marijuana.**

40 (2) Notwithstanding any provision of this act to the contrary, the
41 director shall issue such company one cultivator license, one
42 laboratory license, one processor license, one distributor license and
43 three retail dispensary licenses that shall be valid for the duration of

1 **the public-private partnership.}**

2 ~~{(b)}~~ **(1)** Prior to January 1, ~~2022~~ **2023**, the director of alcoholic
3 beverage control shall contract with an operational private laboratory for
4 the purpose of conducting compliance and quality assurance testing of
5 medical marijuana laboratories, processors and cultivators licensed in this
6 state in an effort to provide public safety and ensure quality medical
7 marijuana product is available to registered patients.

8 ~~{(2)}~~ Any laboratory under contract with the director for
9 compliance and quality assurance testing shall:

10 ~~{(A)}~~ Be prohibited from conducting any other commercial
11 medical marijuana testing in this state;

12 ~~{(B)}~~ have a minimum of one year of medical marijuana testing
13 licensure in another state and have contracted for quality assurance testing
14 with another state;

15 ~~{(C)}~~ not employ, or be owned by any individual:

16 ~~{(i)}~~ That has a direct or indirect financial interest in any licensee
17 in this state;

18 ~~{(ii)}~~ whose spouse, parent, child, spouse of a child, sibling or
19 spouse of a sibling has an active application for a license from the director;
20 or

21 ~~{(iii)}~~ that is a member of the board of directors of a licensee.

22 ~~{(3)}~~ The laboratory under contract with the director for
23 compliance and quality assurance shall be accessible and utilized for any
24 medical marijuana testing needs by any regulatory agency within the state,
25 including, but not limited to, the department of health and environment,
26 the Kansas bureau of investigation and the state fire marshal.

27 New Sec. ~~24~~. **23**. (a) A laboratory licensee shall:

28 (1) Not be owned by a person who is a direct or indirect beneficial
29 owner of a retail dispensary, cultivator, processor or distributor;

30 (2) comply with all applicable local ordinances, including but not
31 limited to zoning, occupancy, licensing and building codes;

32 (3) obtain a separate license for each laboratory;

33 (4) comply with the application requirements of this section and
34 submit any information required by the director of alcoholic beverage
35 control;

36 (5) establish policies to prevent the existence of or appearance of
37 undue commercial, financial or other influences that diminish, or have the
38 effect of diminishing the public confidence in, the competency,
39 impartiality and integrity of the testing processes or results of such
40 laboratory. Such policies shall prohibit employees, owners or agents of a
41 laboratory who participate in any aspect of the analysis and results of a
42 sample from improperly influencing the testing process, manipulating data
43 or benefiting from any ongoing financial, employment, personal or

- 1 business relationship with the licensee that submitted the sample for
2 testing;
- 3 (6) not test samples for any licensee in which an owner, employee or
4 agent of the laboratory has any form of ownership or financial interest in
5 the licensee that submitted the sample for testing;
- 6 (7) promptly provide the director access to:
- 7 (A) A report of a test and any underlying data that is conducted on a
8 sample at the request of a licensee or registered patient; and
- 9 (B) laboratory premises and to any material or information requested
10 by the director to determine compliance with the requirements of this
11 section;
- 12 (8) retain all results of laboratory tests conducted on medical
13 marijuana or **medical** marijuana products for a period of at least two years
14 and shall make them available to the director upon request;
- 15 (9) establish standards, policies and procedures for laboratory testing
16 procedures in accordance with **rules and regulations adopted under**
17 **section ~~23~~ 24**, and amendments thereto;
- 18 (10) (A) test samples from each harvest batch or product batch, as
19 appropriate, of medical marijuana, medical marijuana concentrate and
20 medical marijuana product for each of the following categories of testing,
21 consistent with standards developed by the director:
- 22 (i) Microbials;
- 23 (ii) mycotoxins;
- 24 (iii) residual solvents;
- 25 (iv) pesticides;
- 26 (v) tetrahydrocannabinol and other cannabinoid potency;
- 27 (vi) terpenoid potency type and concentration;
- 28 (vii) moisture content;
- 29 (viii) homogeneity; and
- 30 (ix) heavy metals; and
- 31 (B) only accept a test batch of usable medical marijuana or **medical**
32 **marijuana** product for testing purposes from a:
- 33 (i) Cultivator that has separated each harvest lot of usable marijuana
34 into harvest batches containing no more than 10 pounds, except harvest
35 batches of fresh, uncured medical marijuana or fresh or frozen medical
36 marijuana to be sold to a processor in order to make a concentrate may be
37 separated into batches containing no more than 20 pounds; and
- 38 (ii) processor that has separated each medical marijuana production
39 lot into production batches containing no more than 10 pounds.
- 40 (b) A laboratory licensee may:
- 41 (1) Accept samples of medical marijuana, medical marijuana
42 concentrate or medical marijuana product from:
- 43 (A) A licensee or any entity designated in section ~~50-45~~ {44}, and

1 amendments thereto, for testing and research purposes only, including the
2 provision of testing services for samples submitted by a licensee for
3 product development. A laboratory shall not be prohibited from obtaining a
4 license under this section due to such laboratory performing testing and
5 research on medical marijuana and medical marijuana products for any
6 entity designated in section ~~50-45~~ {44}, and amendments thereto; or

7 (B) an individual person for testing if such person is a:

8 (i) Registered patient or caregiver under this act and such person
9 provides the laboratory with the individual's registration identification and
10 a valid photo identification; or

11 (ii) participant in an approved clinical or observational study
12 conducted by a research facility;

13 (2) transfer samples to another licensed laboratory for testing. All
14 laboratory reports provided to or by a licensee or to a patient or caregiver
15 shall identify the laboratory that performed the testing of the sample that is
16 submitted; and

17 (3) utilize a licensed distributor to transport samples of medical
18 marijuana, medical marijuana concentrates and medical marijuana product
19 for testing, in accordance with this act, between the original licensee
20 requesting testing services and the destination licensed laboratory
21 performing testing services.

22 New Sec. ~~25~~ 24. (a) In consultation with the compliance and quality
23 assurance testing laboratory contracted with pursuant to section ~~23~~ 22, and
24 amendments thereto, the director of alcoholic beverage control shall
25 propose rules and regulations as necessary to develop acceptable testing
26 and research practices in consultation with the contracted compliance and
27 quality assurance testing laboratory, including, but not limited to, testing,
28 standards, quality control analysis, equipment certification and calibration
29 and chemical identification and substances used in bona fide research
30 methods. After the hearing on a proposed rule and regulation has been held
31 as required by law, the director shall submit any such proposed rule and
32 regulation to the secretary of revenue who, if the secretary approves it,
33 shall adopt the rule and regulation.

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

36 (1) The cleanliness and orderliness of the premises of a licensed
37 laboratory and the establishing of licensed laboratories in secured
38 locations;

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

41 (3) testing procedures and standards for cannabinoid and terpenoid
42 potency and safe levels of contaminants and appropriate remediation and
43 validation procedures;

1 (4) controlled access areas for storage of medical marijuana and
2 medical marijuana product test samples, **medical marijuana** waste and
3 reference standards;

4 (5) records to be retained and computer systems to be utilized by the
5 laboratory;

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

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

9 (8) the transport and disposal of unused **medical** marijuana, **medical**
10 marijuana products and **medical marijuana** waste;

11 (9) the mandatory use by a laboratory of an inventory tracking system
12 to ensure all test harvest and production batches or samples containing
13 medical marijuana, medical marijuana concentrate or medical marijuana
14 products are identified and tracked from the point they are transferred from
15 a licensee or a registered patient or caregiver through the point of transfer,
16 destruction or disposal. The inventory tracking system reporting shall
17 include the results of any tests that are conducted;

18 (10) the employment of laboratory personnel;

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

21 (12) the successful participation in a proficiency testing program
22 approved by the director for conducting each testing required by section ~~24~~
23 **23**, and amendments thereto, in order to obtain and maintain certification;

24 (13) the establishment of and adherence to a quality assurance and
25 quality control program to ensure sufficient monitoring of laboratory
26 processes and the quality of results reported;

27 (14) the immediate recall of medical marijuana or medical marijuana
28 products that test above allowable thresholds or are otherwise determined
29 to be unsafe;

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

32 (16) the establishment by the laboratory of a system to retain and
33 maintain all required records, including business records, and processes to
34 ensure results are reported in a timely and accurate manner; and

35 (17) any other aspect of laboratory testing of medical marijuana or
36 medical marijuana product deemed necessary by the director.

37 ~~New Sec. 26.~~ **25.** (a) A laboratory licensee may:

38 (1) Obtain medical marijuana from one or more licensed cultivators,
39 processors or retail dispensaries; and

40 (2) conduct medical marijuana testing in accordance with the
41 requirements of section ~~24~~ **23**, and amendments thereto, and rules and
42 regulations adopted by the secretary of revenue.

43 (b) (1) Licensure of laboratories shall be contingent upon the

1 successful onsite inspection, participation in proficiency testing and
2 ongoing compliance with the requirements of this act.

3 (2) A laboratory shall be inspected prior to initial licensure and up to
4 six times annually by an inspector approved by the director of alcoholic
5 beverage control. The director may enter the licensed premises of a
6 laboratory to conduct investigations and additional inspections when the
7 director believes an investigation or additional inspection is necessary due
8 to a possible violation of this act.

9 (3) After January 1, 2022, accreditation by the national environmental
10 laboratory accreditation program, ANSI/ASQ national accreditation board
11 or another accrediting body approved by the director shall be required for
12 licensure and renewal of licensure of laboratories.

13 ~~New Sec. 27. (a) The fees for a cultivator license shall be set by rules
14 and regulations adopted by the secretary of revenue in an amount not to
15 exceed an annual fee of:~~

16 ~~(1) \$5,000 for the license application; and~~

17 ~~(2) \$20 per plant at the time of licensing and each subsequent renewal
18 for the maximum number of flowering medical marijuana plants, based
19 upon a declaration by the applicant, that are cultivated by the licensee in
20 the facility at any given time.~~

21 ~~(b) The fees for a laboratory license shall be set by rules and
22 regulations adopted by the secretary of revenue in an amount not to
23 exceed:~~

24 ~~(1) \$2,000 for a laboratory license application;~~

25 ~~(2) \$18,000 for a laboratory license; and~~

26 ~~(3) \$20,000 for a renewal of a laboratory license.~~

27 ~~New Sec. 28. The director of alcoholic beverage control may refuse
28 to issue or renew a license, or may revoke or suspend a license for any of
29 the following reasons:~~

30 ~~(a) The applicant has failed to comply with any provision of the
31 Kansas medical marijuana regulation act or any rules and regulations
32 adopted thereunder;~~

33 ~~(b) the applicant has falsified or misrepresented any information
34 submitted to the director in order to obtain a license;~~

35 ~~(c) the applicant has failed to adhere to any acknowledgment,
36 verification or other representation made to the director when applying for
37 a license;~~

38 ~~(d) the applicant has failed to submit or disclose information
39 requested by the director; or~~

40 ~~(e) the applicant has failed to demonstrate that the person, limited
41 liability company or corporation whose ownership on the date of issuance
42 consists of at least 50% residents of Kansas.~~

43 ~~New Sec. 29. (a) In addition to or in lieu of any other civil or criminal~~

1 ~~penalty as provided by law, the director of alcoholic beverage control may~~
2 ~~impose a civil penalty or suspend or revoke a license upon a finding that~~
3 ~~the licensee committed a violation as provided in this section.~~

4 ~~(b) (1) Upon a finding that a licensee has submitted fraudulent~~
5 ~~information or otherwise falsified or misrepresented information required~~
6 ~~to be submitted by such licensee, the director may impose a civil fine not~~
7 ~~to exceed \$5,000 for a first offense and may suspend or revoke such~~
8 ~~licensee's license for a second or subsequent offense.~~

9 ~~(2) Upon a finding that a licensee has sold, transferred or otherwise~~
10 ~~distributed medical marijuana in violation of this act, the director may~~
11 ~~impose a civil fine not to exceed \$5,000 for a first offense and may~~
12 ~~suspend or revoke such licensee's license for a second or subsequent~~
13 ~~offense.~~

14 ~~(c) If the director suspends, revokes or refuses to renew any license~~
15 ~~issued pursuant to this act and determines that there is clear and~~
16 ~~convincing evidence of a danger of immediate and serious harm to any~~
17 ~~person, the director may place under seal all medical marijuana owned by~~
18 ~~or in the possession, custody or control of the affected license holder.~~
19 ~~Except as provided in this section, the director shall not dispose of the~~
20 ~~sealed medical marijuana until a final order is issued authorizing such~~
21 ~~disposition. During the pendency of an appeal from any order by the~~
22 ~~director, a court may order the director to sell medical marijuana that is~~
23 ~~perishable, and the proceeds of any such sale shall be deposited with the~~
24 ~~court.~~

25 ~~New Sec. 30. (a) There is hereby established the medical marijuana~~
26 ~~cultivation regulation fund in the state treasury. The director of alcoholic~~
27 ~~beverage control shall administer the medical marijuana cultivation~~
28 ~~regulation fund and shall remit all moneys collected from the payment by~~
29 ~~cultivators and laboratories of all fees and fines imposed by the director~~
30 ~~pursuant to the Kansas medical marijuana regulation act and any other~~
31 ~~moneys received by or on behalf of the director pursuant to such act to the~~
32 ~~state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
33 ~~amendments thereto. Upon receipt of each such remittance, the state~~
34 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~
35 ~~of the medical marijuana cultivation regulation fund. Moneys credited to~~
36 ~~the medical marijuana cultivation regulation fund shall only be expended~~
37 ~~or transferred as provided in this section. Expenditures from such fund~~
38 ~~shall be made in accordance with appropriation acts upon warrants of the~~
39 ~~director of accounts and reports issued pursuant to vouchers approved by~~
40 ~~the director or the director's designee.~~

41 ~~(b) Moneys in the medical marijuana cultivation regulation fund shall~~
42 ~~be used for the payment or reimbursement of costs related to the regulation~~
43 ~~and enforcement of the cultivation, possession, testing and sale of medical~~

1 ~~marijuana by the division of alcoholic beverage control.~~

2 New Sec. ~~31~~ 26. (a) (1) An application for the appropriate
3 license shall be submitted to the director of alcoholic beverage control
4 in such form and manner as prescribed by the director by any person
5 or entity that seeks to:

6 (A) Cultivate medical marijuana;

7 (B) conduct laboratory testing of medical marijuana;

8 (C) process or distribute medical marijuana ~~shall submit an~~
9 ~~application for the appropriate license to the director of alcoholic beverage~~
10 ~~control in such form and manner as prescribed by the director;~~

11 (D) dispense medical marijuana at retail; or

12 (E) be an associated employee, key employee or support
13 employee.

14 (2) A separate license application shall be submitted for each location
15 to be operated by the licensee.

16 (b) {~~Except as provided in subsection (e),~~} the director shall issue a
17 license to an applicant if:

18 (1) The criminal history record check conducted pursuant to section
19 ~~48-43~~ {42}, and amendments thereto, with respect to the applicant
20 demonstrates that the applicant is not disqualified from holding a license
21 pursuant to section 20, and amendments thereto;

22 (2) the applicant is not applying for a laboratory license and
23 demonstrates that it does not:

24 (A) Have an ownership or investment interest in or compensation
25 arrangement with a licensed laboratory ~~licensed under section 21, and~~
26 ~~amendments thereto,~~ or an applicant for such license; or

27 ~~(3) the applicant demonstrates that it does not~~

28 (B) share any corporate officers or employees with a licensed
29 laboratory ~~licensed under section 21, and amendments thereto,~~ or an
30 applicant for such license;

31 ~~(4)~~(3) the applicant demonstrates that it will not violate the provisions
32 of section ~~47-42~~ {41}, and amendments thereto;

33 ~~(5)~~(4) the applicant has submitted a tax clearance certificate issued by
34 the department of revenue; ~~and~~

35 (5) the applicant is applying for a cultivator license and
36 demonstrates the ability to grow medical marijuana in a secure indoor
37 facility and maintain adequate control against the diversion, theft and
38 loss of all medical marijuana to be grown by the applicant;

39 (6) the applicant seeking licensure has submitted an attestation to
40 the director under penalty of perjury, in a form and manner
41 prescribed by the director, that confirms or denies the existence of any
42 foreign financial interests associated with the entity applying for such
43 license and discloses the identity of such ownership, if applicable; and

1 ~~(6)~~(7) the applicant meets all other licensure eligibility conditions
2 established in rules and regulations adopted by the secretary of revenue
3 and has paid all required fees.

4 (c) The director shall issue not less than 15% of **cultivator,**
5 **laboratory, processor**~~and~~, distributor **and retail dispensary** licenses to
6 entities that are owned and controlled by United States citizens who are
7 residents of this state and are members of one of the following
8 economically disadvantaged groups: Blacks or African Americans,
9 American Indians, Hispanics or Latinos and Asians. If no applications or
10 an insufficient number of applications are submitted by such entities that
11 meet the conditions set forth in subsection (b), licenses shall be issued in
12 accordance with subsections (a) and (b).

13 (d) (1) A license shall be valid for a period of:

14 (A) One year from the date such license is issued,~~and~~ to a **cultivator,**
15 **laboratory, processor and distributor; and**

16 (B) **two years from the date such license is issued to a retail**
17 **dispensary or any associated employee, key employee or support**
18 **employee.**

19 (2) **Any license** may be renewed by submitting a license renewal
20 application and paying the required fee.

21 **{(e) The board of county commissioners of any county may**
22 **prohibit a licensee from establishing a facility licensed under this act**
23 **in such county by adoption of a resolution prohibiting the**
24 **establishment of any facility licensed under this act in such county.**
25 **Any licensee that is lawfully operating at the time such resolution is**
26 **adopted shall be permitted to continue operating in such county and**
27 **shall not be denied renewal of any license based upon the adoption of**
28 **such resolution.}**

29 New Sec. ~~32~~ 27. (a) A processor licensee may:

30 (1) Obtain medical marijuana from one or more licensed cultivators
31 or processors;

32 (2) subject to subsection (b), process medical marijuana obtained
33 from one or more licensed cultivators into a form described in section ~~36~~
34 ~~31~~ {30}, and amendments thereto; and

35 (3) deliver or sell processed medical marijuana to one or more
36 licensed processors, distributors or retail dispensaries.

37 (b) When packaging medical marijuana for final retail sale, a licensed
38 processor shall:

39 (1) Package the medical marijuana in accordance with child-resistant
40 effectiveness standards described in 16 C.F.R. § 1700.15(b) in effect on
41 July 1, 2021;

42 (2) label the medical marijuana packaging with the product's
43 tetrahydrocannabinol and cannabidiol content; and

1 (3) comply with any packaging or labeling requirements established
2 by rules and regulations adopted by the secretary of revenue.

3 New Sec. ~~33~~ **28**. (a) A distributor licensee may:

4 (1) Purchase at wholesale medical marijuana from one or more
5 licensed processors and cultivators;

6 (2) store medical marijuana obtained from one or more licensed
7 processors in a form described in section ~~36-31~~ **{30}**, and amendments
8 thereto; and

9 (3) deliver, package for finale sale or sell processed medical
10 marijuana to one or more licensed retail dispensaries.

11 (b) When storing or selling medical marijuana, a licensed distributor
12 shall ensure that such medical marijuana meets the packaging and labeling
13 requirements established by rules and regulations adopted by the secretary
14 of revenue.

15 ~~New Sec. 34. 29. (a) Any entity that seeks to dispense at retail~~
16 ~~medical marijuana shall submit an application for a retail dispensary~~
17 ~~license in such form and manner as prescribed by the director of alcoholic~~
18 ~~beverage control. A separate license application shall be submitted for each~~
19 ~~location to be operated by the licensee.~~

20 ~~(b) The director shall issue a license to an applicant if:~~

21 ~~(1) The criminal history record check conducted pursuant to section~~
22 ~~48, and amendments thereto, with respect to the applicant demonstrates~~
23 ~~that the applicant is not disqualified from holding a license pursuant to~~
24 ~~section 20, and amendments thereto;~~

25 ~~(2) the applicant demonstrates that it does not have an ownership or~~
26 ~~investment interest in or compensation arrangement with a laboratory~~
27 ~~licensed under section 21, and amendments thereto, or an applicant for~~
28 ~~such license;~~

29 ~~(3) the applicant demonstrates that it does not share any corporate~~
30 ~~officers or employees with a laboratory licensed under section 21, and~~
31 ~~amendments thereto, or an applicant for such license;~~

32 ~~(4) the applicant demonstrates that it will not violate the provisions of~~
33 ~~section 47, and amendments thereto;~~

34 ~~(5) the applicant has submitted a tax clearance certificate issued by~~
35 ~~the department of revenue; and~~

36 ~~(6) the applicant meets all other licensure eligibility conditions~~
37 ~~established in rules and regulations adopted by the secretary and has paid~~
38 ~~all required fees.~~

39 ~~(c) The director shall issue not less than 15% of retail dispensary~~
40 ~~licenses to entities that are owned and controlled by United States citizens~~
41 ~~who are residents of this state and are members of one of the following~~
42 ~~economically disadvantaged groups: Blacks or African Americans,~~
43 ~~American Indians, Hispanics or Latinos and Asians. If no application or an~~

1 ~~insufficient number of applications are submitted by such entities that meet~~
2 ~~the conditions set forth in subsection (b), licenses shall be issued in~~
3 ~~accordance with subsections (a) and (b).~~

4 ~~(d) Each associated, key and support employee of a licensed retail~~
5 ~~dispensary shall submit an application for an employee license for such~~
6 ~~employee in such form and manner as prescribed by the director. A~~
7 ~~separate license application shall be submitted for each employee. The~~
8 ~~director shall issue a license to an applicant if all of the following~~
9 ~~conditions are met:~~

10 ~~(1) The criminal history record check conducted pursuant to section~~
11 ~~48-43, and amendments thereto, with respect to the applicant demonstrates~~
12 ~~that the applicant is not disqualified from holding a license pursuant to~~
13 ~~section 20, and amendments thereto; and~~

14 ~~(2) the applicant meets all other licensure eligibility conditions~~
15 ~~established in rules and regulations adopted by the secretary of revenue~~
16 ~~and has paid all required fees.~~

17 ~~(e)(b) A license shall be valid for a period of two years from the date~~
18 ~~such license is issued and may be renewed by submitting a license renewal~~
19 ~~application and paying the required fee.~~

20 New Sec. ~~35-30, {29.}~~ (a) A retail dispensary licensee may:

21 (1) Obtain medical marijuana from one or more licensed cultivators,
22 processors or distributors; and

23 (2) ~~unless prohibited pursuant to subsection (f),~~ dispense or sell
24 medical marijuana in accordance with subsection (b).

25 (b) When dispensing or selling medical marijuana, a retail dispensary
26 shall:

27 (1) Dispense or sell medical marijuana only to a person who ~~shows~~
28 **provides the dispensary with** a current, valid identification card and only
29 in accordance with a written recommendation issued by a physician;

30 (2) report to the prescription monitoring program database the
31 information required by K.S.A. 65-1683, and amendments thereto, and
32 rules and regulations adopted by the board of pharmacy pursuant to section
33 ~~43-38 {37}~~, and amendments thereto;

34 (3) ensure that the package containing medical marijuana is labeled
35 with the following information:

36 (A) The name and address of the licensed processor that produced the
37 product and the retail dispensary;

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

39 (C) the name of the physician who recommended treatment with
40 medical marijuana;

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

42 (E) a health warning as specified in rules and regulations adopted by
43 the secretary of health and environment;

1 (F) the date on which the medical marijuana was dispensed; and
2 (G) the quantity, strength, kind or form of medical marijuana
3 contained in the package;

4 (4) package the medical marijuana in accordance with child-resistant
5 effectiveness standards described in 16 C.F.R. § 1700.15(b), as in effect on
6 July 1, 2021; and

7 (5) dispense or sell medical marijuana in an official tamper-proof
8 Kansas specific package that is clearly marked and approved by the
9 director.

10 (c) A retail dispensary shall employ only those individuals who hold a
11 current, valid employee license issued pursuant to section ~~34~~ 26, and
12 amendments thereto, and who have completed the training requirements
13 established by rules and regulations **recommended by the director of**
14 **alcoholic beverage control and** adopted by the secretary of revenue.

15 (d) **{(1) Each associated, key and support employee of a licensed**
16 **retail dispensary shall submit an application for an employee license**
17 **for such employee in such form and manner as prescribed by the**
18 **director. A separate license application shall be submitted for each**
19 **employee. The director shall issue a license to an applicant if all of the**
20 **following conditions are met:**

21 (A) **The criminal history record check conducted pursuant to**
22 **section 42, and amendments thereto, with respect to the applicant**
23 **demonstrates that the applicant is not disqualified from holding a**
24 **license pursuant to section 20, and amendments thereto; and**

25 (B) **the applicant meets all other licensure eligibility conditions**
26 **established in rules and regulations adopted by the secretary of**
27 **revenue and has paid all required fees.**

28 (2) **A license shall be valid for a period of two years from the date**
29 **such license is issued and may be renewed by submitting a license**
30 **renewal application and paying the required fee.}**

31 **{(e)}** A retail dispensary shall designate a pharmacist consultant who is
32 a pharmacist licensed in this state and registered pursuant to section ~~44~~ ~~39~~
33 ~~{38}~~, and amendments thereto.

34 ~~{(f)}~~ A retail dispensary shall ~~{:}~~

35 **{(1) Maintain a 9" by 18" sign that is prominently displayed near**
36 **the check-out counter and the primary door of entry and exit that**
37 **includes a warning in accordance with rules and regulations adopted**
38 **by the board of healing arts that warns pregnant women and anyone**
39 **with psychiatric or emotional disorders that marijuana of any type**
40 **can be dangerous to your health; and}**

41 **{(2)}** not make public any information it collects that identifies or
42 would tend to identify any specific patient.

43 ~~(f) The board of county commissioners of any county may~~

1 ~~prohibit establishing a dispensary in such county by adoption of a~~
2 ~~resolution prohibiting the establishment of a dispensary in such~~
3 ~~county. Any retail dispensary that is lawfully operating at the time~~
4 ~~such resolution is adopted shall be permitted to continue operating in~~
5 ~~such county and shall not be denied renewal of any license based upon~~
6 ~~the adoption of such resolution.~~

7 New Sec. ~~36. 31.~~ {30.} (a) Only the following forms of medical
8 marijuana may be dispensed under the Kansas medical marijuana
9 regulation act:

- 10 (1) Oils;
11 (2) tinctures;
12 (3) plant material;
13 (4) edibles;
14 (5) patches; or
15 (6) any other form approved by the secretary of revenue under section
16 ~~37-32~~ {31}, and amendments thereto.

17 (b) The smoking, combustion or vaporization of medical marijuana is
18 prohibited.

19 (c) Any form or method of using medical marijuana that is considered
20 attractive to children is prohibited.

21 (d) Plant material shall have a tetrahydrocannabinol content of not
22 more than 35% in its final, dispensed form.

23 (e) Extracts shall have a tetrahydrocannabinol content of not more
24 than 70% in their final, dispensed form.

25 (f) No form of medical marijuana shall be dispensed from a vending
26 machine or through electronic commerce.

27 New Sec. ~~37. 32.~~ {31.} (a) Any person may submit a petition to the
28 director of alcoholic beverage control requesting that a form or method of
29 using medical marijuana be approved for the purposes of section ~~36-31~~
30 {30}, and amendments thereto. The petition shall be submitted in such
31 form and manner as prescribed by the director.

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

42 (c) Any petition that is ~~recommended for denial~~ **denied** by the
43 ~~director~~ **secretary** shall not be resubmitted until 12 months have elapsed

1 since the petition was ~~submitted~~ **denied**.

2 New Sec. ~~38-33~~ {32.} (a) **The fees for a cultivator license shall be:**

3 **(1) \$5,000 for the nonrefundable license application; and**

4 **(2) \$20 per plant, for a minimum of 1,000 flowering plants, to be**
5 **assessed at the time of licensing and each subsequent renewal for the**
6 **maximum number of flowering medical marijuana plants, based upon**
7 **a declaration by the applicant, that are cultivated by the licensee in**
8 **the facility at any given time.**

9 **(b) The fees for a laboratory license shall be:**

10 **(1) \$2,000 for the nonrefundable laboratory license application;**

11 **(2) \$18,000 for a laboratory license; and**

12 **(3) \$20,000 for a renewal of a laboratory license.**

13 **(c) The fees for a processor license shall be ~~set by rules and~~**
14 **~~regulations adopted by the secretary of revenue in an amount not to~~**
15 **~~exceed:~~**

16 **(1) \$5,000 for ~~a~~ the nonrefundable processor license application;**
17 **and**

18 **(2) \$40,000 for a processor license and any renewal thereof.**

19 **~~(b)(d) The fees for a distributor license shall be ~~set by rules and~~~~**
20 **~~regulations adopted by the secretary of revenue in an amount not to~~**
21 **~~exceed:~~**

22 **(1) \$5,000 for ~~a~~ the nonrefundable distributor license application;**
23 **and**

24 **(2) \$40,000 for a distributor license and any renewal thereof.**

25 **~~(e)(e) The fees for a retail dispensary license shall be ~~set by rules and~~~~**
26 **~~regulations adopted by the secretary of revenue in an amount not to~~**
27 **~~exceed:~~**

28 **(1) \$5,000 for ~~a~~ the nonrefundable retail dispensary license**
29 **application;**

30 **(2) \$40,000 for a retail dispensary license and any renewal thereof;**

31 **(3) \$500 for each associated employee license application;**

32 **(4) \$250 for each key employee license application; and**

33 **(5) \$100 for each support employee license application.**

34 New Sec. ~~39-34~~ {33.} **The director of alcoholic beverage control**
35 **may refuse to issue or renew a license, or may revoke or suspend a license**
36 **if the applicant has:**

37 **(a) Failed to comply with any provision of the Kansas medical**
38 **marijuana regulation act or any rules and regulations adopted thereunder;**

39 **(b) falsified or misrepresented any information submitted to the**
40 **director in order to obtain a license;**

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

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

1 New Sec. ~~40-35.~~ {34.} (a) In addition to or in lieu of any other civil
2 or criminal penalty as provided by law, the director of alcoholic beverage
3 control may impose a civil penalty or suspend or revoke a license upon a
4 finding that the licensee committed a violation as provided in this section.

5 (b) (1) Upon a finding that a licensee has submitted fraudulent
6 information or otherwise falsified or misrepresented information required
7 to be submitted by such licensee, the director may impose a civil fine not
8 to exceed \$5,000 for a first offense and may suspend or revoke such
9 licensee's license for a second or subsequent offense.

10 (2) (A) Except as provided in paragraph (B), upon a finding that a
11 licensee has **cultivated, tested, processed,** sold, transferred or otherwise
12 distributed medical marijuana in violation of this act, the director may
13 impose a civil fine not to exceed \$5,000 for a first offense and may
14 suspend or revoke such licensee's license for a second or subsequent
15 offense.

16 (B) Upon a finding that a retail dispensary licensee has knowingly
17 disclosed patient information to any individual, the director shall impose a
18 civil fine of \$5,000 and revoke such licensee's license.

19 (c) The director may require any licensee to submit a sample of
20 medical marijuana, medical marijuana concentrate or medical marijuana
21 product to a laboratory upon demand.

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

33 New Sec. ~~41-36.~~ {35.} (a) There is hereby established the medical
34 marijuana business entity regulation fund in the state treasury. The director
35 of alcoholic beverage control shall administer the medical marijuana
36 business entity regulation fund and shall remit all moneys collected from
37 the payment by **licensed cultivator, laboratories,** processors, distributors
38 ~~and,~~ retail dispensaries, **associated employees, key employees and**
39 **support employees** of all fees and fines imposed by the director pursuant
40 to the Kansas medical marijuana regulation act and any other moneys
41 received by or on behalf of the director pursuant to such act to the state
42 treasurer in accordance with the provisions of K.S.A. 75-4215, and
43 amendments thereto. Upon receipt of each such remittance, the state

1 treasurer shall deposit the entire amount in the state treasury to the credit
2 of the medical marijuana business entity regulation fund. Moneys credited
3 to the medical marijuana business entity regulation fund shall only be
4 expended or transferred as provided in this section. Expenditures from
5 such fund shall be made in accordance with appropriation acts upon
6 warrants of the director of accounts and reports issued pursuant to
7 vouchers approved by the director or the director's designee.

8 (b) Moneys in the medical marijuana business entity regulation fund
9 shall be used for the payment or reimbursement of costs related to the
10 regulation and enforcement of the **cultivation, testing, distributing,**
11 possession, processing and sale of medical marijuana by the division of
12 alcoholic beverage control.

13 New Sec. ~~42-37~~; **{36.}** (a) On or before July 1, ~~2022~~ **2023**, the
14 **director of alcoholic beverage control shall propose rules and**
15 **regulations to administer the Kansas medical marijuana regulation**
16 **act, and the** secretary of revenue shall, after consulting with the medical
17 marijuana advisory committee, adopt rules and regulations to administer
18 the Kansas medical marijuana regulation program and implement and
19 enforce the provisions of ~~the Kansas medical marijuana regulation~~ **this act**.
20 Such rules and regulations shall:

21 (1) Establish application procedures and fees for licenses issued
22 under ~~sections 21, section 26, 31 and 34~~, and amendments thereto;

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

24 (3) establish a license renewal schedule; **{and}** renewal procedures
25 ~~and renewal fees~~;

26 (4) establish standards and procedures for the testing of medical
27 marijuana by a licensed laboratory;

28 (5) establish official packaging requirements that designate the
29 package as Kansas medical marijuana and ensure the packaging is tamper-
30 proof; ~~and~~

31 **(6) establish requirements for a cultivator to grow medical**
32 **marijuana in a secure indoor facility and maintain adequate control**
33 **against the diversion, theft and loss of all medical marijuana to be**
34 **grown by the applicant; and**

35 (7) establish training requirements for employees of retail
36 dispensaries.

37 (b) The director of alcoholic beverage control shall propose such
38 rules and regulations as necessary to carry out the intent and purposes of
39 this act. After the hearing on a proposed rule and regulation has been held
40 as required by law, the director shall submit the proposed rule and
41 regulation to the secretary of revenue who, if the secretary approves it,
42 shall adopt the rule and regulation.

43 (c) When adopting rules and regulations under this section, the

1 secretary shall consider standards and procedures that have been found to
2 be best practices relative to the use and regulation of medical marijuana.

3 New Sec. ~~43-38.~~ {37.} (a) On or before July 1, 2022, the board of
4 pharmacy shall adopt rules and regulations establishing the requirements
5 for a:

6 (1) Retail dispensary to report to the prescription monitoring program
7 database, including, but not limited to, the:

8 (A) Methods of transmission;

9 (B) nationally recognized telecommunications format to be used;

10 (C) frequency of such reports; and

11 (D) procedures for the maintenance of information submitted to or
12 received from the prescription monitoring program database to ensure such
13 information is treated as confidential and is subject to the requirements of
14 K.S.A. 65-1685 and 65-1687, and amendments thereto; and

15 (2) pharmacist to register as a pharmacist consultant for a retail
16 dispensary.

17 (b) Every September 15, December 15, March 15 and June 15, the
18 board of pharmacy shall certify to the director of accounts and reports the
19 amount of moneys expended for operation and maintenance of the Kansas
20 prescription drug monitoring program that is attributable to this act. Upon
21 receipt of each such certification, or as soon thereafter as moneys are
22 available, the director of accounts and reports shall transfer the amount
23 certified from the medical marijuana business entity regulation fund to the
24 state board of pharmacy fee fund.

25 New Sec. ~~44-39.~~ {38.} (a) Any pharmacist that seeks to operate as a
26 pharmacist consultant for a retail dispensary shall register with the board
27 of pharmacy in accordance with rules and regulations adopted by the
28 board.

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

31 (1) Not charge a fee for the pharmacist's services that exceeds 1% of
32 the gross receipts of the retail dispensary;

33 (2) audit each recommendation for use of medical marijuana and
34 ensure that each such recommendation is reported to the prescription
35 monitoring system in accordance with K.S.A. 65-1683, and amendments
36 thereto, and rules and regulations adopted by the board of pharmacy;

37 (3) develop and provide training to other retail dispensary employees
38 at least once every 12 months that:

39 (A) Establishes guidelines for providing information to registered
40 patients related to risks, benefits and side effects associated with medical
41 marijuana;

42 (B) explains how to identify the signs and symptoms of substance
43 abuse;

1 (C) establishes guidelines for refusing to provide medical marijuana
2 to an individual who appears to be impaired or abusing medical marijuana;
3 and

4 (D) assists in the development and implementation of review and
5 improvement processes for patient education and support provided by the
6 retail dispensary;

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

8 (A) Education materials for qualifying patients and designated
9 caregivers that include:

10 (i) Information about possible side effects and contraindications of
11 medical marijuana;

12 (ii) guidelines for notifying the physician who provided the written
13 certification for medical marijuana if side effects or contraindications
14 occur;

15 (iii) a description of the potential effects of differing strengths of
16 medical marijuana strains and products;

17 (iv) information about potential drug-to-drug interactions, including
18 interactions with alcohol, prescription drugs, nonprescription drugs and
19 supplements;

20 (v) techniques for the use of medical marijuana and marijuana
21 paraphernalia; and

22 (vi) information about different methods, forms and routes of medical
23 marijuana administration;

24 (B) systems for documentation by a registered patient or designated
25 caregiver of the symptoms of a registered patient that includes a logbook,
26 rating scale for pain and symptoms and guidelines for a patient's self-
27 assessment; and

28 (C) policies and procedures for refusing to provide medical marijuana
29 to an individual who appears to be impaired or abusing medical marijuana;
30 and

31 (5) be accessible by the retail dispensary or dispensary agent through:

32 (A) Telephonic means at all times during operating hours; and

33 (B) telephone or video conference for a patient consultation during
34 operating hours.

35 New Sec. ~~45-40~~ {39.} (a) The director of alcoholic beverage control
36 shall establish and maintain an electronic database to monitor medical
37 marijuana from its seed source through its cultivation, testing, processing,
38 distribution and dispensing. The director may contract with a separate
39 entity to establish and maintain all or any portion of the electronic
40 database on behalf of the division of alcoholic beverage control.

41 (b) The electronic database shall allow for information regarding
42 medical marijuana to be updated instantaneously. Any licensed cultivator,
43 laboratory, processor, distributor or retail dispensary shall submit such

1 information to the director as the director determines is necessary for
2 maintaining the electronic database.

3 (c) The director, any employee of the division, any entity under
4 contract with the director and any employee or agent thereof shall not
5 make public any information reported to or collected by the director under
6 this section that identifies or would tend to identify any specific patient.
7 Such information shall be kept confidential to protect the privacy of the
8 patient. The provisions of this subsection shall expire on July 1, 2026,
9 unless the legislature reviews and reenacts such provisions in accordance
10 with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

11 New Sec. ~~46-41~~, {40.} (a) The director of alcoholic beverage control
12 may, in cooperation with the state treasurer, establish a ~~closed-loop~~
13 payment processing system whereby the state treasurer creates accounts to
14 be used only by registered patients and caregivers at licensed retail
15 dispensaries and all licensed cultivators, laboratories, processors and
16 distributors. The system may include record-keeping and accounting
17 functions that identify all parties in transactions involving the purchase
18 and sale of medical marijuana. If established, such system shall be
19 designed to prevent:

20 (1) Revenue from the sale of marijuana going to criminal enterprises,
21 gangs and cartels;

22 (2) the diversion of marijuana from a state where it is legal in some
23 form under that state's law to another state;

24 (3) the distribution of marijuana to minors; and

25 (4) the use of state-authorized marijuana activity as a cover or pretext
26 for the trafficking of other illegal drugs or for other illegal activity.

27 (b) The information recorded by the system shall be fully accessible
28 to the department of health and environment, the director and all state and
29 federal law enforcement agencies, including the United States department
30 of the treasury's financial crimes enforcement network.

31 New Sec. ~~47-42~~, {41.} (a) Except as provided in subsections (b) and
32 (c), no licensed cultivator, laboratory, processor, distributor or retail
33 dispensary shall be located within 1,000 feet of the boundaries of a parcel
34 of real estate having situated on it a school, religious organization, public
35 library or public park. If the relocation of a licensed cultivator, laboratory,
36 processor, distributor or retail dispensary results in such licensee being
37 located within 1,000 feet of the boundaries of a parcel of real estate having
38 situated on it a school, religious organization, public library or public park,
39 the director shall revoke the license such agency previously issued to such
40 cultivator, laboratory, processor, distributor or retail dispensary.

41 (b) ~~(1)~~ The director may, in the director's discretion, not revoke the
42 license of a cultivator, laboratory, processor, distributor or retail dispensary
43 if such licensee existed at a location prior to the establishment of a school,

1 religious organization, public library or public park within 1,000 feet of
2 such licensee.

3 ~~(2) Any licensee may petition for and receive an exemption from the~~
4 ~~provisions of this section upon approval by the secretary of health and~~
5 ~~environment and the director of alcoholic beverage control.~~

6 (c) This section shall not apply to research related to marijuana
7 conducted at a postsecondary educational institution, academic medical
8 center or private research and development organization as part of a
9 research protocol approved by an institutional review board or equivalent
10 entity.

11 (d) As used in this section:

12 (1) "Public library" means any library established pursuant to article
13 12 of chapter 12 of the Kansas Statutes Annotated, and amendments
14 thereto, and any other library that serves the general public and is funded
15 in whole, or in part, from moneys derived from tax levies;

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

20 (3) "religious organization" means any organization, church, body of
21 communicants or group, gathered in common membership for mutual
22 support and edification in piety, worship and religious observances, or a
23 society of individuals united for religious purposes at a definite place and
24 such religious organization maintains an established place of worship
25 within this state and has a regular schedule of services or meetings at least
26 on a weekly basis and has been determined to be organized and created as
27 a bona fide religious organization; and

28 (4) "school" means any public or private educational institution,
29 including, but not limited to, any college, university, community college,
30 technical college, high school, middle school, elementary school, trade
31 school, vocational school or other professional school providing training
32 or education.

33 New Sec. ~~48. 43.~~ {42.} Each applicant for a cultivator license,
34 laboratory license, processor license, distributor license or retail
35 dispensary license shall require any owner, director, officer and any
36 employee or agent of such applicant to be fingerprinted and to submit to a
37 state and national criminal history record check. The director of alcoholic
38 beverage control is authorized to submit the fingerprints to the Kansas
39 bureau of investigation and the federal bureau of investigation for a state
40 and national criminal history record check. The director shall use the
41 information obtained from fingerprinting and the state and national
42 criminal history record check for purposes of verifying the identification
43 of the applicant and for making a determination of the qualifications of the

1 applicant for licensure. The Kansas bureau of investigation may charge a
2 reasonable fee to the applicant for fingerprinting and conducting a criminal
3 history record check.

4 New Sec. ~~49, 44.~~ {43.} (a) A financial institution that provides
5 financial services to any licensed cultivator, laboratory, processor,
6 distributor or retail dispensary shall be exempt from any criminal law of
7 this state an element of which may be proven by substantiating that a
8 person provides financial services to a person who possesses, delivers or
9 manufactures medical marijuana or medical marijuana-derived products,
10 including any of the offenses specified in article 57 of chapter 21 of the
11 Kansas Statutes Annotated, and amendments thereto, or any attempt,
12 conspiracy or solicitation specified in article 53 of chapter 21 of the
13 Kansas Statutes Annotated, and amendments thereto, if the cultivator,
14 laboratory, processor, distributor or retail dispensary is in compliance with
15 the provisions of this act and all applicable tax laws of this state.

16 (b) (1) Upon the request of a financial institution, the director of
17 alcoholic beverage control shall provide to the financial institution the
18 following information:

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

22 (B) the name of any other business or individual affiliated with the
23 person;

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

26 (D) if applicable, information relating to sales and volume of product
27 sold by the person;

28 (E) whether the person is in compliance with the provisions of this
29 act; and

30 (F) any past or pending violations of the Kansas medical marijuana
31 regulation act or any rules and regulations adopted thereunder committed
32 by such person, and any penalty imposed on the person for such violation.

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

36 (c) Information received by a financial institution under subsection
37 (b) is confidential. Except as otherwise permitted by any other state or
38 federal law, a financial institution shall not make the information available
39 to any person other than the customer to whom the information applies and
40 any trustee, conservator, guardian, personal representative or agent of that
41 customer.

42 (d) As used in this section:

43 (1) "Financial institution" means any bank, trust company, savings

1 bank, credit union or savings and loan association or any other financial
2 institution regulated by the state of Kansas, any agency of the United
3 States or other state with an office in Kansas; and

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

7 New Sec. ~~50-45~~, {44.} Nothing in this act authorizes the director of
8 alcoholic beverage control to oversee or limit research conducted at a
9 postsecondary educational institution, academic medical center or private
10 research and development organization that is related to marijuana and is
11 approved by an agency, board, center, department or institute of the United
12 States government, including any of the following:

- 13 (a) The agency for health care research and quality;
- 14 (b) the national institutes of health;
- 15 (c) the national academy of sciences;
- 16 (d) the centers for medicare and medicaid services;
- 17 (e) the United States department of defense;
- 18 (f) the centers for disease control and prevention;
- 19 (g) the United States department of veterans affairs;
- 20 (h) the drug enforcement administration;
- 21 (i) the food and drug administration; and
- 22 (j) any board recognized by the national institutes of health for the
23 purpose of evaluating the medical value of health care services.

24 New Sec. ~~51-46~~, {45.} No provisions of the medical marijuana
25 regulation act shall be construed to:

26 (a) Require an employer to permit or accommodate the use,
27 consumption, possession, transfer, display, distribution, transportation, sale
28 or growing of marijuana or any conduct otherwise allowed by this act in
29 any workplace or on the employer's property;

30 (b) prohibit a person, employer, corporation or any other entity that
31 occupies, owns or controls a property from prohibiting or otherwise
32 regulating the use, consumption, possession, transfer, display, distribution,
33 transportation, sale or growing of marijuana on such property;

34 (c) require any government medical assistance program, a private
35 health insurer or a workers' compensation carrier or self-insured employer
36 providing workers' compensation benefits to reimburse a person for costs
37 associated with the use of medical marijuana;

38 (d) affect the ability of an employer to implement policies to promote
39 workplace health and safety by restricting the use of marijuana by
40 employees;

41 (e) prohibit an employer from:

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

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

3 (3) including a provision in any contract that prohibits the use of
4 marijuana; or

5 (f) prevent an employer from, because of a person's violation of a
6 workplace drug policy or because that person was working while under the
7 influence of marijuana:

8 (1) Refusing to hire;

9 (2) discharging;

10 (3) disciplining; or

11 (4) otherwise taking an adverse employment action against a person
12 with respect to hiring decisions, tenure, terms, conditions or privileges of
13 employment{.}

14 New Sec. ~~52. 47.~~ {46.} The provisions of the Kansas medical
15 marijuana regulation act are hereby declared to be severable. If any part or
16 provision of the Kansas medical marijuana regulation act is held to be
17 void, invalid or unconstitutional, such part or provision shall not affect or
18 impair any of the remaining parts or provisions of the Kansas medical
19 marijuana regulation act, and any such remaining provisions shall continue
20 in full force and effect.

21 New Sec. ~~53. 48.~~ {47.} (a) No person shall transport medical
22 marijuana as defined in section 2, and amendments thereto, in any vehicle
23 upon a highway or street unless such medical marijuana is in the:

24 (1) Original, sealed packaging that is in compliance with the
25 requirements of section ~~35-30~~ {29}, and amendments thereto, and rules and
26 regulations **recommended by the director of alcoholic beverage control**
27 **and** adopted by the secretary of revenue, and the seal of which has not
28 been broken and any other means of closure has not been removed;

29 (2) locked rear trunk or rear compartment or any locked outside
30 compartment that is not accessible to any person in the vehicle while it is
31 in motion. If a motor vehicle is not equipped with a trunk, then such
32 medical marijuana shall be behind the last upright seat or in an area not
33 normally occupied by the driver or a passenger; or

34 (3) exclusive possession of a passenger in a vehicle that is a
35 recreational vehicle, as defined by K.S.A. 75-1212, and amendments
36 thereto, or a bus, as defined by K.S.A. 8-1406, and amendments thereto,
37 who is not in the driving compartment of such vehicle or who is in a
38 portion of such vehicle from which the driver is not directly accessible.

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

40 ~~New Sec. 54. (a) Subject to the provisions of K.S.A. 44-1018, and~~
41 ~~amendments thereto, it shall be unlawful for any person:~~

42 ~~(1) To refuse to sell or rent after the making of a bona fide offer, to~~
43 ~~fail to transmit a bona fide offer or refuse to negotiate in good faith for the~~

1 ~~sale or rental of, or otherwise make unavailable or deny, real property to~~
2 ~~any person because such person consumes medical marijuana in~~
3 ~~accordance with section 10, and amendments thereto;~~

4 ~~(2) to discriminate against any person in the terms, conditions or~~
5 ~~privileges of sale or rental of real property, or in the provision of services~~
6 ~~or facilities in connection therewith, because such person consumes~~
7 ~~medical marijuana in accordance with section 10, and amendments~~
8 ~~thereto; and~~

9 ~~(3) to discriminate against any person in such person's use or~~
10 ~~occupancy of real property because such person associates with another~~
11 ~~person who consumes medical marijuana in accordance with section 10,~~
12 ~~and amendments thereto;~~

13 ~~(b) (1) It shall be unlawful for any person or other entity whose~~
14 ~~business includes engaging in real estate related transactions to~~
15 ~~discriminate against any person in making available such a transaction, or~~
16 ~~in the terms or conditions of such a transaction, because such person or~~
17 ~~any person associated with such person in connection with any real estate~~
18 ~~related transaction consumes medical marijuana in accordance with~~
19 ~~section 10, and amendments thereto;~~

20 ~~(2) Nothing in this subsection prohibits a person engaged in the~~
21 ~~business of furnishing appraisals of real property to take into consideration~~
22 ~~factors other than an individual's consumption of medical marijuana in~~
23 ~~accordance with section 10, and amendments thereto;~~

24 ~~(3) As used in this subsection, "real estate related transaction" means~~
25 ~~the same as that term is defined in K.S.A. 44-1017, and amendments~~
26 ~~thereto;~~

27 ~~(c) It shall be unlawful to coerce, intimidate, threaten or interfere with~~
28 ~~any person in the exercise or enjoyment of, or on account of such person's~~
29 ~~having exercised or enjoyed, or on account of such person's having aided~~
30 ~~or encouraged any other person in the exercise or enjoyment of, any right~~
31 ~~granted or protected by subsection (a) or (b);~~

32 ~~(d) Nothing in this section shall be construed to prohibit a person~~
33 ~~from taking any action necessary to procure or retain any monetary benefit~~
34 ~~provided under federal law, or any rules and regulations adopted~~
35 ~~thereunder, or to obtain or maintain any license, certificate, registration or~~
36 ~~other legal status issued or bestowed under federal law, or any rules and~~
37 ~~regulations adopted thereunder;~~

38 ~~(e) The provisions of this section shall be a part of and supplement to~~
39 ~~the Kansas act against discrimination;~~

40 **New Sec. ~~49~~, {48.}** (a) **It shall be unlawful to store or otherwise**
41 **leave medical marijuana where it is readily accessible to a child under**
42 **18 years of age. Such conduct shall be unlawful with no requirement**
43 **of a culpable mental state.**

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

2 **(c) This section shall not apply to any person who stores or**
3 **otherwise leaves medical marijuana where it is readily accessible to a**
4 **child under 18 years of age if:**

5 **(1) Such child is a patient registered pursuant to section 8, and**
6 **amendments thereto; and**

7 **(2) such medical marijuana is not readily accessible to any child**
8 **under 18 years of age other than the child described in paragraph (1).**

9 **(d) As used in this section:**

10 **(1) "Medical marijuana" means the same as defined in section 2,**
11 **and amendments thereto; and**

12 **(2) "readily accessible" means the medical marijuana is not**
13 **stored in a locked container that restricts entry to such container**
14 **solely to individuals who are over 18 years of age or who are registered**
15 **patients pursuant to section 8, and amendments thereto.**

16 **(e) This section shall be a part of and supplemental to the Kansas**
17 **criminal code.**

18 New Sec. ~~50~~ {49.} **(a) The division of alcoholic beverage control is**
19 **hereby renamed the division of alcohol and cannabis control. Any**
20 **reference in law to the division of alcoholic beverage control shall**
21 **refer to the division of alcohol and cannabis control.**

22 **(b) Any reference in law to the director, employees or agents of**
23 **alcoholic beverage control shall refer to the director, employees or**
24 **agents of alcohol and cannabis control.**

25 New Sec. ~~51~~ {50.} **No law enforcement officer as defined in**
26 **K.S.A. 74-5602, and amendments thereto, shall enforce any violations**
27 **of 18 U.S.C. § 922(g)(3) if the substance involved in such violation is**
28 **medical marijuana, as defined in section 2, and amendments thereto,**
29 **and such person is a registered patient pursuant to the Kansas**
30 **medical marijuana regulation act, section 1 et seq., and amendments**
31 **thereto, whose possession is authorized by such act.**

32 New Sec. ~~55-52~~ {51.} **(a) A covered entity, solely on the basis that an**
33 **individual consumes medical marijuana in accordance with section 10, and**
34 **amendments thereto, shall not:**

35 **(1) Consider such individual ineligible to receive an anatomical gift**
36 **or organ transplant;**

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

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

42 **(4) refuse to place such individual on an organ transplant waiting list;**
43 **or**

1 (5) place such individual at a lower-priority position on an organ
2 transplant waiting list than the position at which such individual would
3 have been placed if not for such individual's consumption of medical
4 marijuana.

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

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

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

17 New Sec. ~~56-53~~ {52.} (a) No order shall be issued pursuant to
18 K.S.A. 2020 Supp. 38-2242, 38-2243 or 38-2244, and amendments
19 thereto, if the sole basis for the threat to the child's safety or welfare is that
20 the child resides with an individual who consumes medical marijuana in
21 accordance with section 10, and amendments thereto, or the child
22 consumes medical marijuana in accordance with section 10, and
23 amendments thereto.

24 (b) The provisions of this section shall be a part of and supplemental
25 to the revised Kansas code for care of children.

26 New Sec. ~~57-54~~ {53.} Notwithstanding the provisions of K.S.A. 65-
27 2836, and amendments thereto, the board shall not revoke, suspend or
28 limit a physician's license, publicly censure a physician or place a
29 physician's license under probationary conditions upon any of the
30 following:

31 (a) The physician has:

32 (1) Advised a patient about the possible benefits and risks of using
33 medical marijuana;

34 (2) advised the patient that using medical marijuana may mitigate the
35 patient's symptoms; or

36 (3) submitted an application on behalf of a patient or caregiver for
37 registration as a patient or caregiver under section 8, and amendments
38 thereto; or

39 (b) the physician is a registered patient or caregiver pursuant to
40 section 8, and amendments thereto, possesses or has possessed or uses or
41 has used medical marijuana in accordance with the Kansas medical
42 marijuana regulation act, section 1 et seq., and amendments thereto.

43 New Sec. ~~58-55~~ {54.} Notwithstanding the provisions of K.S.A. 65-

1 28a05, and amendments thereto, the board shall not revoke, suspend or
2 limit a physician assistant's license, publicly or privately censure a
3 physician assistant or deny an application for a license or for reinstatement
4 of a license upon any of the following:

5 (a) The physician assistant has:

6 (1) Advised a patient about the possible benefits and risks of using
7 medical marijuana; or

8 (2) advised the patient that using medical marijuana may mitigate the
9 patient's symptoms; or

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

14 New Sec. ~~59-56~~. {55.} (a) Notwithstanding any other provision of
15 law, any person, board, commission or similar body that determines the
16 qualifications of individuals for licensure, certification or registration shall
17 not:

18 **(1) Require an individual who is a registered patient pursuant to**
19 **section 8, and amendments thereto, to disclose the fact that such**
20 **person is a registered patient; or**

21 **(2) disqualify an individual from licensure, certification or**
22 **registration solely because such individual consumes medical marijuana**
23 **in accordance with section 10, and amendments thereto.**

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

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

26 (2) Kansas highway patrol;

27 (3) ~~office of the attorney general~~ **board of healing arts;**

28 **(4) board of pharmacy;**

29 ~~(4)~~**(5) department of health and environment; or**

30 ~~(5)~~**(6) division of alcoholic beverage control.**

31 Sec. ~~57~~. {56.} **On and after the effective date of this act, if the**
32 **secretary of state publishes notice of the certification required**
33 **pursuant to section ~~82~~ {82}, and amendments thereto, Section 2 of this**
34 **act is hereby amended to read as follows: Section 2. As used in the**
35 **Kansas medical marijuana regulation act, section 1 et seq., and**
36 **amendments thereto:**

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

39 (b) "Associated employee" means an owner or prospective owner,
40 officer or board member or prospective board member of an entity
41 seeking a retail dispensary license.

42 (c) "Board of healing arts" means the state board of healing arts.

43 (d) "Cannabinoid" means any of the diverse chemical

1 compounds that can act on cannabinoid receptors in cells and alter
2 neurotransmitter release in the brain, including phytocannabinoids
3 that are produced naturally by marijuana and some other plants.

4 (e) "Caregiver" means an individual registered pursuant to
5 section 8, and amendments thereto, who may purchase and possess
6 medical marijuana in accordance with section 11, and amendments
7 thereto.

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

10 (g) "Cultivator" means a person issued a license pursuant to
11 section 26, and amendments thereto, who may grow and sell medical
12 marijuana in accordance with section 21, and amendments thereto.

13 (h) "Distributor" means a person issued a license pursuant to
14 section 26, and amendments thereto, who may purchase and sell
15 medical marijuana in accordance with section 28, and amendments
16 thereto.

17 (i) "Electronic cigarette" means the same as defined in K.S.A. 79-
18 3301, and amendments thereto.

19 (j) "Key employee" means a manager or other person responsible
20 for the daily operation of a licensed retail dispensary.

21 (k) "Marijuana" means the same as defined in K.S.A. 65-4101,
22 and amendments thereto.

23 (l) "Medical marijuana" means marijuana that is cultivated,
24 processed, tested, dispensed, possessed or used for a medical purpose.

25 (m) "Medical marijuana product" means a product that contains
26 cannabinoids that have been extracted from plant material or the
27 resin therefrom by physical or chemical means and is intended for
28 administration to a registered patient.

29 (n) "Medical marijuana waste" means:

30 (1) Unused, surplus, returned or out-of-date marijuana;

31 (2) recalled marijuana;

32 (3) plant debris of the plant of the genus *cannabis*, including dead
33 plants and all unused plant parts and roots; and

34 (4) any wastewater generated during growing and processing.

35 (o) "Owned and controlled" means ownership of at least 51% of
36 the business, including corporate stock if a corporation, control over
37 the management and day-to-day operations of the business and an
38 interest in the capital, assets and profits and losses of the business
39 proportionate to such owner's percentage of ownership.

40 (p) "Patient" means an individual registered pursuant to section
41 8, and amendments thereto, who may purchase and possess medical
42 marijuana in accordance with section 10, and amendments thereto.

43 (q) "Person" means any natural person, corporation,

1 partnership, trust or association.

2 (r) "Plant material" means the leaves, stems, buds and flowers of
3 the marijuana plant and does not include seedlings, seeds, clones,
4 stalks or roots of the plant or the weight of any non-marijuana
5 ingredients combined with marijuana.

6 (s) "Postsecondary educational institution" means the same as
7 defined in K.S.A. 74-3201b, and amendments thereto.

8 (t) "Processor" means a person issued a license pursuant to
9 section ~~31~~ {30}, and amendments thereto, who may purchase, process
10 and sell medical marijuana in accordance with section 27, and
11 amendments thereto.

12 (u) "Physician" means an individual licensed to practice
13 medicine and surgery in this state and who is certified by the board of
14 healing arts to ~~recommend~~ *prescribe* treatment with medical marijuana
15 pursuant to section 17, and amendments thereto.

16 (v) "Physician's designee" means:

17 (1) A registered nurse, licensed practical nurse, respiratory
18 therapist, emergency medical responder, paramedic, dental hygienist,
19 pharmacy technician or pharmacy intern who has registered for
20 access to the program database as an agent of a practitioner or
21 pharmacist to request program data on behalf of the practitioner or
22 pharmacist;

23 (2) a death investigator who has registered for limited access to
24 the program database as an agent of a medical examiner, coroner or
25 another person authorized under law to investigate or determine
26 causes of death; or

27 (3) an individual authorized by rules and regulations adopted by
28 the board of healing arts to access the prescription monitoring
29 program database by the board of healing arts in rules and
30 regulations.

31 (w) "Qualifying medical condition" means any of the following:

32 (1) Acquired immune deficiency syndrome;

33 (2) Alzheimer's disease;

34 (3) amyotrophic lateral sclerosis;

35 (4) cancer;

36 (5) chronic traumatic encephalopathy;

37 (6) Crohn's disease;

38 (7) epilepsy or another seizure disorder;

39 (8) fibromyalgia;

40 (9) glaucoma;

41 (10) hepatitis C;

42 (11) inflammatory bowel disease;

43 (12) multiple sclerosis;

- 1 **(13) Parkinson's disease;**
- 2 **(14) positive status for human immunodeficiency virus;**
- 3 **(15) post-traumatic stress disorder;**
- 4 **(16) sickle cell anemia;**
- 5 **(17) spinal cord disease or injury;**
- 6 **(18) Tourette's syndrome;**
- 7 **(19) traumatic brain injury;**
- 8 **(20) ulcerative colitis;**
- 9 **(21) pain that is either chronic and severe or intractable; and**
- 10 **(22) any other disease or condition adopted by the secretary of**
11 **health and environment upon petition recommended for approval by**
12 **the medical marijuana advisory committee pursuant to section 5, and**
13 **amendments thereto.**
- 14 **(x) "Retail dispensary" means a person issued a license pursuant**
15 **to section 26, and amendments thereto, who may purchase and sell**
16 **medical marijuana in accordance with section ~~30~~ {29}, and**
17 **amendments thereto.**
- 18 **(y) "Smoking" means the use of a lighted cigarette, cigar or pipe**
19 **or otherwise burning marijuana in any other form for the purpose of**
20 **consuming such marijuana.**
- 21 **(z) "Support employee" means an individual employed by a**
22 **licensed retail dispensary who does not have authority to make**
23 **operational decisions.**
- 24 **(aa) "Tetrahydrocannabinol" means the primary psychoactive**
25 **cannabinoid in marijuana formed by decarboxylation of naturally**
26 **occurring tetrahydrocannabinolic acid that generally takes place by**
27 **heating.**
- 28 **(bb) "Tetrahydrocannabinolic acid" means the dominant**
29 **cannabinoid that occurs naturally in most varieties of marijuana.**
- 30 **(cc) "Tetrahydrocannabinol content" means the sum of the**
31 **amount of tetrahydrocannabinol and 87.7% of the amount of**
32 **tetrahydrocannabinolic acid present in the product or plant material.**
- 33 **(dd) "Vaporization" means the use of an electronic cigarette for**
34 **the purpose of consuming medical marijuana in which such medical**
35 **marijuana comes into direct contact with a heating element.**
- 36 **(ee) "Veteran" means a person who:**
- 37 **(1) Has served in the army, navy, marine corps, air force, coast**
38 **guard, space force, any state air or army national guard or any branch**
39 **of the military reserves of the United States; and**
- 40 **(2) has been separated from the branch of service in which the**
41 **person was honorably discharged or received a general discharge**
42 **under honorable conditions.**
- 43 **Sec. ~~58~~ {57.} On and after the effective date of this act, if the**

1 secretary of state publishes notice of the certification required
2 pursuant to section ~~82~~ {82}, and amendments thereto, Section 3 of this
3 act is hereby amended to read as follows: Section 3. (a) No person
4 shall grow, harvest, process, sell, barter, transport, deliver, furnish or
5 otherwise possess any form of marijuana, except as specifically
6 provided in the Kansas medical marijuana regulation act or the
7 commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et seq., and
8 amendments thereto.

9 (b) Nothing in the Kansas medical marijuana regulation act shall
10 be construed to:

11 (1) Require a physician to ~~recommend~~ *prescribe* that a patient use
12 medical marijuana to treat a qualifying medical condition;

13 (2) permit the use, possession or administration of medical
14 marijuana other than as authorized by this act;

15 (3) permit the use, possession or administration of medical
16 marijuana on federal land located in this state;

17 (4) require any public place to accommodate a registered
18 patient's use of medical marijuana;

19 (5) prohibit any public place from accommodating a registered
20 patient's use of medical marijuana;

21 (6) authorize any limitation on the number of any licenses
22 awarded under this act to otherwise qualified applicants or authorize
23 any state agency through rules and regulations to effectively limit the
24 number of licenses available to otherwise qualified applicants for any
25 type of license awarded under this act; or

26 (7) restrict research related to marijuana conducted at a
27 postsecondary educational institution, academic medical center or
28 private research and development organization as part of a research
29 protocol approved by an institutional review board or equivalent
30 entity.

31 ~~Sec. 59.~~ {58.} On and after the effective date of this act, if the
32 secretary of state publishes notice of the certification required
33 pursuant to section ~~82~~ {82}, and amendments thereto, Section 4 of this
34 act is hereby amended to read as follows: Section 4. (a) There is
35 hereby established a Kansas medical marijuana regulation program.

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

40 (c) The board of healing arts shall administer the program in
41 accordance with the provisions of this act and provide for the
42 certification authorizing physicians to ~~recommend~~ *prescribe* medical
43 marijuana.

1 (d) The board of pharmacy shall administer the program in
2 accordance with the provisions of this act and provide for the
3 registration of pharmacist consultants and the reporting to the
4 prescription monitoring program database.

5 (e) The director of alcoholic beverage control shall administer the
6 program in accordance with the provisions of this act and provide for
7 the licensure of cultivators, laboratories that test medical marijuana,
8 processors, distributors and retail dispensaries.

9 ~~Sec. 60.~~ {59.} On and after the effective date of this act, if the
10 secretary of state publishes notice of the certification required
11 pursuant to ~~section 82~~ {82}, and amendments thereto, Section 17 of
12 this act is hereby amended to read as follows: Section 17. (a) Except as
13 provided in subsection (j), a physician seeking to ~~recommend~~ *prescribe*
14 treatment with medical marijuana shall apply to the board of healing arts
15 for a certificate authorizing such physician to ~~recommend~~ *prescribe*
16 treatment with medical marijuana. The application shall be submitted in
17 such form and manner as prescribed by the board. The board shall grant a
18 certificate to ~~recommend~~ *prescribe* if the following conditions are
19 satisfied:

20 (1) The application is complete and meets the requirements
21 established in rules and regulations adopted by the board of healing
22 arts; and

23 (2) the applicant demonstrates that the applicant does not have
24 an ownership or investment interest in or compensation arrangement
25 with an entity licensed by the department of health and environment
26 or the director of alcoholic beverage control under this act or an
27 applicant for such licensure.

28 (b) Pursuant to rules and regulations adopted by the board of
29 healing arts, a certificate to ~~recommend~~ *prescribe* shall:

30 (A) Expire annually unless renewed in the manner prescribed by
31 the board; and

32 (B) be accompanied by an annual fee in an amount not to exceed
33 \$175.

34 (2) Renewal of a certificate to ~~recommend~~ *prescribe* shall be
35 conditioned upon the holder's certification of having met the
36 requirements in subsection (a) and having completed at least two
37 hours of continuing medical education in medical marijuana annually
38 in accordance with subsection (g).

39 (c) A physician licensed in this state who holds a certificate to
40 ~~recommend~~ *prescribe* treatment with medical marijuana may
41 ~~recommend~~ *prescribe* that a patient be treated with medical marijuana
42 if:

43 (1) The patient has been diagnosed with a qualifying medical

1 **condition;**

2 **(2) an ongoing physician-patient relationship has existed for a**
3 **minimum of six months, or as specified by rules and regulations**
4 **adopted by the board, unless the patient:**

5 **(A) Has recently moved from out-of-state, and:**

6 **(i) Previously had medical marijuana ~~recommended~~ *prescribed* by**
7 **a physician in another state; and**

8 **(ii) the patient's previous physician contacts the new physician to**
9 **share the patient's medical history and verify that the patient has a**
10 **qualifying medical condition;**

11 **(B) currently has a ~~recommendation~~ *prescription* for medical**
12 **marijuana pursuant to this act and the:**

13 **(i) Patient no longer has a relationship with the ~~recommending~~**
14 ***prescribing* physician and the patient's previous physician contacts the**
15 **new physician to share the patient's medical history and verify that**
16 **the patient has a qualifying medical condition; or**

17 **(ii) ~~recommending~~ *prescribing* physician is deceased; or**

18 **(C) is a veteran and has not previously received a ~~recommendation~~**
19 ***prescription* for medical marijuana;**

20 **(3) a review of all old medical records, particularly relating to the**
21 **medical indication for the tetrahydrocannabinol ~~recommendation~~**
22 ***prescription*, and a physical exam have been performed;**

23 **(4) the ~~recommending~~ *prescribing* physician has a certification to**
24 **recommend prescribe pursuant to section 18, and amendments**
25 **thereto;**

26 **(5) the ~~recommending~~ *prescribing* physician, or physician's**
27 **designee, reports all medical marijuana ~~recommendations~~ *prescriptions***
28 **for all patients to the prescription monitoring program in accordance**
29 **with K.S.A. 65-1683, and amendments thereto; and**

30 **(6) for a patient who has previously had medical marijuana**
31 **~~recommended~~ *prescribed* for use by another physician, the patient:**

32 **(A) Has maintained a physician-patient relationship with the new**
33 **~~recommending~~ *prescribing* physician for at least six months with either**
34 **inpatient visits or via telephonic or electronic means; or**

35 **(B) no longer has the previous physician-patient relationship on**
36 **account of death or discontinuance of care by the physician.**

37 **(d) In the case of a patient who is a minor, the physician may**
38 **~~recommend~~ *prescribe* treatment with medical marijuana only after**
39 **obtaining the consent of the patient's parent or other person**
40 **responsible for providing consent to treatment.**

41 **(e) When issuing a written ~~recommendation~~ *prescription* to a**
42 **patient, the physician shall specify any information required by rules**
43 **and regulations adopted by the board of healing arts. A written**

1 ~~recommendation~~ *prescription* issued to a patient under this section is
2 **valid for a period of not more than 90 days. The physician may renew**
3 ~~the recommendation for issue~~ **not more than three additional periods of**
4 **written prescriptions for not more than 90 days each. Thereafter, the**
5 **physician may issue another recommendation prescription to the patient**
6 **only upon a physical examination of the patient.**

7 **(f) Each year a physician holding a certificate to recommend**
8 **prescribe treatment with medical marijuana shall submit to the board**
9 **of healing arts a report that describes the physician's observations**
10 **regarding the effectiveness of medical marijuana in treating the**
11 **physician's patients during the year covered by the report. When**
12 **submitting reports, a physician shall not include any information that**
13 **identifies or would tend to identify any specific patient.**

14 **(g) Annually, each physician who holds a certificate to recommend**
15 **prescribe treatment with medical marijuana shall complete at least two**
16 **hours of continuing medical education in the treatment with and use**
17 **of medical marijuana as approved by the board of healing arts.**

18 **(h) A physician shall not issue a recommendation prescription for**
19 **treatment with medical marijuana for a family member or the**
20 **physician's self, or personally furnish or otherwise dispense medical**
21 **marijuana.**

22 **(i) A physician who holds a certificate to recommend prescribe**
23 **treatment with medical marijuana shall be immune from civil liability,**
24 **shall not be subject to professional disciplinary action by the board of**
25 **healing arts and shall not be subject to criminal prosecution for any of**
26 **the following actions:**

27 **(1) Advising a patient, patient representative or caregiver about**
28 **the benefits and risks of medical marijuana to treat a qualifying**
29 **medical condition;**

30 **(2) recommending prescribing that a patient use medical**
31 **marijuana to treat or alleviate a qualifying medical condition; and**

32 **(3) monitoring a patient's treatment with medical marijuana.**

33 **(j) This section shall not apply to a physician who recommends**
34 **prescribes treatment with marijuana or a drug derived from**
35 **marijuana under any of the following that is approved by an**
36 **institutional review board or equivalent entity, the United States food**
37 **and drug administration or the national institutes of health or one of**
38 **its cooperative groups or centers under the United States department**
39 **of health and human services:**

40 **(1) A research protocol;**

41 **(2) a clinical trial;**

42 **(3) an investigational new drug application; or**

43 **(4) an expanded access submission.**

1 ~~Sec. 61.~~ {60.} On and after the effective date of this act, if the
2 secretary of state publishes notice of the certification required
3 pursuant to section ~~83~~ {82}, and amendments thereto, Section 18 of
4 this act is hereby amended to read as follows: Section 18. (a) On or
5 before July 1, 2022, the board of healing arts shall adopt rules and
6 regulations to implement and enforce the provisions of section 17, and
7 amendments thereto. Such rules and regulations shall include:

8 (1) The procedures and fees for applying for a certificate to
9 ~~recommend~~ *prescribe* treatment with medical marijuana;

10 (2) the conditions for eligibility for a certificate to ~~recommend~~
11 *prescribe* treatment with medical marijuana;

12 (3) the schedule, fees and procedures for renewing such a
13 certificate;

14 (4) the reasons for which a certificate may be suspended or
15 revoked;

16 (5) the standards under which a certificate suspension may be
17 lifted; and

18 (6) the minimum standards of care when ~~recommending~~
19 *prescribing* treatment with medical marijuana.

20 (b) The board of healing arts shall approve one or more
21 continuing medical education courses of study that assist physicians
22 holding certificates to ~~recommend~~ *prescribe* treatment with medical
23 marijuana in diagnosing and treating qualifying medical conditions
24 with medical marijuana.

25 ~~Sec. 62.~~ {61.} On and after the effective date of this act, if the
26 secretary of state publishes notice of the certification required
27 pursuant to section ~~83~~ {82}, and amendments thereto, Section ~~30~~ {29}
28 of this act is hereby amended to read as follows: Section ~~30~~ {29}. (a) A
29 retail dispensary licensee may:

30 (1) Obtain medical marijuana from one or more licensed
31 cultivators, processors or distributors; and

32 (2) ~~unless prohibited pursuant to subsection (f),~~ dispense or sell
33 medical marijuana in accordance with subsection (b).

34 (b) When dispensing or selling medical marijuana, a retail
35 dispensary shall:

36 (1) Dispense or sell medical marijuana only to a person who
37 provides the dispensary with a current, valid identification card and
38 only in accordance with a written ~~recommendation~~ *prescription* issued
39 by a physician;

40 (2) report to the prescription monitoring program database the
41 information required by K.S.A. 65-1683, and amendments thereto,
42 and rules and regulations adopted by the board of pharmacy pursuant
43 to section ~~38~~ {37}, and amendments thereto;

1 **(3) ensure that the package containing medical marijuana is**
2 **labeled with the following information:**

3 **(A) The name and address of the licensed processor that**
4 **produced the product and the retail dispensary;**

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

6 **(C) the name of the physician who—~~recommended~~ *prescribed***
7 **treatment with medical marijuana;**

8 **(D) the directions for use, if any, as—~~recommended~~ *prescribed* by**
9 **the physician;**

10 **(E) a health warning as specified in rules and regulations adopted**
11 **by the secretary of health and environment;**

12 **(F) the date on which the medical marijuana was dispensed; and**

13 **(G) the quantity, strength, kind or form of medical marijuana**
14 **contained in the package;**

15 **(4) package the medical marijuana in accordance with child-**
16 **resistant effectiveness standards described in 16 C.F.R. § 1700.15(b),**
17 **as in effect on July 1, 2021; and**

18 **(5) dispense or sell medical marijuana in an official tamper-proof**
19 **Kansas specific package that is clearly marked and approved by the**
20 **director.**

21 **(c) A retail dispensary shall employ only those individuals who**
22 **hold a current, valid employee license issued pursuant to section 26,**
23 **and amendments thereto, and who have completed the training**
24 **requirements established by rules and regulations recommended by**
25 **the director of alcoholic beverage control and adopted by the secretary**
26 **of revenue.**

27 **(d) {(1) Each associated, key and support employee of a licensed**
28 **retail dispensary shall submit an application for an employee license**
29 **for such employee in such form and manner as prescribed by the**
30 **director. A separate license application shall be submitted for each**
31 **employee. The director shall issue a license to an applicant if all of the**
32 **following conditions are met:**

33 **(A) The criminal history record check conducted pursuant to**
34 **section 42, and amendments thereto, with respect to the applicant**
35 **demonstrates that the applicant is not disqualified from holding a**
36 **license pursuant to section 20, and amendments thereto; and**

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

40 **(2) A license shall be valid for a period of two years from the date**
41 **such license is issued and may be renewed by submitting a license**
42 **renewal application and paying the required fee.}**

43 **{(e)} A retail dispensary shall designate a pharmacist consultant**

1 who is a pharmacist licensed in this state and registered pursuant to
2 section ~~39~~ {38}, and amendments thereto.

3 ~~(e)~~{(f)} A retail dispensary shall not make public any information
4 it collects that identifies or would tend to identify any specific patient.

5 ~~(f) Pursuant to K.S.A. 19-101a, and amendments thereto, the board of~~
6 ~~county commissioners of any county may prohibit the establishing of~~
7 ~~dispensaries in such county by adoption of a resolution prohibiting the~~
8 ~~establishing of dispensaries in such county. Any retail dispensary that is~~
9 ~~lawfully operating at the time such resolution is adopted shall be permitted~~
10 ~~to continue operating in such county and shall not be denied renewal of~~
11 ~~any license based upon the adoption of such resolution.~~

12 ~~Sec. 62.~~ {62.} On and after the effective date of this act, if the
13 secretary of state publishes notice of the certification required
14 pursuant to section ~~82~~ {82}, and amendments thereto, Section ~~39~~ {38}
15 of this act is hereby amended to read as follows: Section ~~39~~ {38}. (a)
16 Any pharmacist that seeks to operate as a pharmacist consultant for a
17 retail dispensary shall register with the board of pharmacy in
18 accordance with rules and regulations adopted by the board.

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

21 (1) Not charge a fee for the pharmacist's services that exceeds 1%
22 of the gross receipts of the retail dispensary;

23 (2) audit each ~~recommendation~~ *prescription* for use of medical
24 marijuana and ensure that each such ~~recommendation~~ *prescription* is
25 reported to the prescription monitoring system in accordance with
26 K.S.A. 65-1683, and amendments thereto, and rules and regulations
27 adopted by the board of pharmacy;

28 (3) develop and provide training to other retail dispensary
29 employees at least once every 12 months that:

30 (A) Establishes guidelines for providing information to registered
31 patients related to risks, benefits and side effects associated with
32 medical marijuana;

33 (B) explains how to identify the signs and symptoms of substance
34 abuse;

35 (C) establishes guidelines for refusing to provide medical
36 marijuana to an individual who appears to be impaired or abusing
37 medical marijuana; and

38 (D) assists in the development and implementation of review and
39 improvement processes for patient education and support provided by
40 the retail dispensary;

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

42 (A) Education materials for qualifying patients and designated
43 caregivers that include:

1 (i) Information about possible side effects and contraindications
2 of medical marijuana;

3 (ii) guidelines for notifying the physician who provided the
4 written ~~certification~~ *prescription* for medical marijuana if side effects or
5 contraindications occur;

6 (iii) a description of the potential effects of differing strengths of
7 medical marijuana strains and products;

8 (iv) information about potential drug-to-drug interactions,
9 including interactions with alcohol, prescription drugs,
10 nonprescription drugs and supplements;

11 (v) techniques for the use of medical marijuana and marijuana
12 paraphernalia; and

13 (vi) information about different methods, forms and routes of
14 medical marijuana administration;

15 (B) systems for documentation by a registered patient or
16 designated caregiver of the symptoms of a registered patient that
17 includes a logbook, rating scale for pain and symptoms and guidelines
18 for a patient's self-assessment; and

19 (C) policies and procedures for refusing to provide medical
20 marijuana to an individual who appears to be impaired or abusing
21 medical marijuana; and

22 (5) be accessible by the retail dispensary or dispensary agent
23 through:

24 (A) Telephonic means at all times during operating hours; and

25 (B) telephone or video conference for a patient consultation
26 during operating hours.

27 ~~Sec. 64.~~ {63.} K.S.A. 2020 Supp. 19-101a is hereby amended to
28 read as follows: 19-101a. (a) The board of county commissioners may
29 transact all county business and perform all powers of local legislation
30 and administration it deems appropriate, subject only to the following
31 limitations, restrictions or prohibitions:

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

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

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

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

43 (5) Counties may not legislate on social welfare administered

1 under state law enacted pursuant to or in conformity with public law
2 No. 271 – 74th congress, or amendments thereof.

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

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

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

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

21 (10) Counties shall have no power under this section to exempt
22 from any statute authorizing or requiring the levy of taxes and
23 providing substitute and additional provisions on the same subject,
24 unless the resolution authorizing the same specifically provides for a
25 portion of the proceeds of such levy to be used to pay a portion of the
26 principal and interest on bonds issued by cities under the authority of
27 K.S.A. 12-1774, and amendments thereto.

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

31 (12) Except as otherwise specifically authorized by K.S.A. 12-
32 1,101 through 12-1,109, and amendments thereto, counties may not
33 levy and collect taxes on incomes from whatever source derived.

34 (13) Counties may not exempt from or effect changes in K.S.A.
35 19-430, and amendments thereto.

36 (14) Counties may not exempt from or effect changes in K.S.A.
37 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

38 (15) Counties may not exempt from or effect changes in K.S.A.
39 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

40 (16) Counties may not exempt from or effect changes in the
41 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
42 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-
43 1260 through 12-1270 and 12-1276, and amendments thereto.

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

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

6 (19) Counties may not regulate the production or drilling of any
7 oil or gas well in any manner which would result in the duplication of
8 regulation by the state corporation commission and the Kansas
9 department of health and environment pursuant to chapter 55 and
10 chapter 65 of the Kansas Statutes Annotated, and amendments
11 thereto, and any rules and regulations adopted pursuant thereto.
12 Counties may not require any license or permit for the drilling or
13 production of oil and gas wells. Counties may not impose any fee or
14 charge for the drilling or production of any oil or gas well.

15 (20) Counties may not exempt from or effect changes in K.S.A.
16 79-41a04, and amendments thereto.

17 (21) Counties may not exempt from or effect changes in K.S.A.
18 79-1611, and amendments thereto.

19 (22) Counties may not exempt from or effect changes in K.S.A.
20 79-1494, and amendments thereto.

21 (23) Counties may not exempt from or effect changes in K.S.A.
22 19-202(b), and amendments thereto.

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

25 (25) Counties may not levy or impose an excise, severance or any
26 other tax in the nature of an excise tax upon the physical severance
27 and production of any mineral or other material from the earth or
28 water.

29 (26) Counties may not exempt from or effect changes in K.S.A.
30 79-2017 or 79-2101, and amendments thereto.

31 (27) Counties may not exempt from or effect changes in K.S.A. 2-
32 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
33 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments
34 thereto.

35 (28) Counties may not exempt from or effect changes in K.S.A.
36 80-121, and amendments thereto.

37 (29) Counties may not exempt from or effect changes in K.S.A.
38 19-228, and amendments thereto.

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

41 (31) Counties may not exempt from or effect changes in K.S.A.
42 2020 Supp. 26-601, and amendments thereto.

43 (32) (A) Counties may not exempt from or effect changes in the

1 **Kansas liquor control act except as provided by paragraph (B).**

2 **(B) Counties may adopt resolutions which are not in conflict with**
3 **the Kansas liquor control act.**

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

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

8 **(34) Counties may not exempt from or effect changes in the**
9 **Kansas lottery act.**

10 **(35) Counties may not exempt from or effect changes in the**
11 **Kansas expanded lottery act.**

12 **(36) Counties may neither exempt from nor effect changes to the**
13 **eminent domain procedure act.**

14 **(37) Any county granted authority pursuant to the provisions of**
15 **K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be**
16 **subject to the limitations and prohibitions imposed under K.S.A. 19-**
17 **5001 through 19-5005, and amendments thereto.**

18 **(38) Except as otherwise specifically authorized by K.S.A. 19-**
19 **5001 through 19-5005, and amendments thereto, counties may not**
20 **exercise any authority granted pursuant to K.S.A. 19-5001 through**
21 **19-5005, and amendments thereto, including the imposition or levy of**
22 **any retailers' sales tax.**

23 **(39) Counties may not exempt from or effect changes in K.S.A.**
24 **65-201 and 65-202, and amendments thereto.**

25 *(40) Counties may not exempt from or effect changes in the medical*
26 *marijuana regulation act except as provided in section ~~30~~ {26 29}, and*
27 *amendments thereto.*

28 **(b) Counties shall apply the powers of local legislation granted in**
29 **subsection (a) by resolution of the board of county commissioners. If**
30 **no statutory authority exists for such local legislation other than that**
31 **set forth in subsection (a) and the local legislation proposed under the**
32 **authority of such subsection is not contrary to any act of the**
33 **legislature, such local legislation shall become effective upon passage**
34 **of a resolution of the board and publication in the official county**
35 **newspaper. If the legislation proposed by the board under authority of**
36 **subsection (a) is contrary to an act of the legislature which is**
37 **applicable to the particular county but not uniformly applicable to all**
38 **counties, such legislation shall become effective by passage of a**
39 **charter resolution in the manner provided in K.S.A. 19-101b, and**
40 **amendments thereto.**

41 **(c) Any resolution adopted by a county which conflicts with the**
42 **restrictions in subsection (a) is null and void.**

43 **Sec. ~~60-65~~ {64.} K.S.A. 2020 Supp. 21-5703 is hereby amended to**

1 read as follows: 21-5703. (a) It shall be unlawful for any person to
2 manufacture any controlled substance or controlled substance analog.

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

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

6 (2) drug severity level 1 felony if:

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

10 (B) the offender has a prior conviction for unlawful manufacturing of
11 a controlled substance under this section, K.S.A. 65-4159, prior to its
12 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially
13 similar offense from another jurisdiction and the substance was not
14 methamphetamine, as defined by ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-
15 4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, in any
16 such prior conviction; and

17 (3) drug severity level 1 felony if the controlled substance is
18 methamphetamine, as defined by ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-
19 4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof.

20 (c) The provisions of ~~subsection (d) of~~ K.S.A. 2020 Supp. 21-
21 5301(d), and amendments thereto, shall not apply to a violation of
22 attempting to unlawfully manufacture any controlled substance or
23 controlled substance analog pursuant to this section.

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

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

34 (f) The sentence of a person who violates this section, K.S.A. 65-
35 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its
36 transfer, shall not be reduced because these sections prohibit conduct
37 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their
38 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 2020
39 Supp. 21-5705, and amendments thereto.

40 (g) *The provisions of this section shall not apply to a cultivator or*
41 **processor** *licensed by the director of alcoholic beverage control pursuant*
42 *to section ~~21~~ 26, and amendments thereto, or a processor licensed by the*
43 *director of alcoholic beverage control pursuant to section 31, and*

1 ~~amendments thereto~~, that is producing medical marijuana, as defined in
2 section 2, and amendments thereto, when used for acts authorized by the
3 Kansas medical marijuana regulation act, section 1 et seq., and
4 amendments thereto.

5 Sec. ~~61, 66, {65,}~~ K.S.A. 2020 Supp. 21-5705 is hereby amended to
6 read as follows: 21-5705. (a) It shall be unlawful for any person to
7 distribute or possess with the intent to distribute any of the following
8 controlled substances or controlled substance analogs thereof:

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

12 (2) any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e),~~
13 ~~subsection (e) of K.S.A. 65-4107(e), subsection (b) or (c) of K.S.A. 65-~~
14 ~~4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b),~~ and amendments
15 thereto;

16 (3) any stimulant designated in ~~subsection (f) of K.S.A. 65-4105(f),~~
17 ~~subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107(d)(2), (d)(4),~~
18 ~~(d)(5) or (f)(2) or subsection (e) of K.S.A. 65-4109(e),~~ and amendments
19 thereto;

20 (4) any hallucinogenic drug designated in ~~subsection (d) of K.S.A.~~
21 ~~65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of~~
22 ~~K.S.A. 65-4109(g),~~ and amendments thereto;

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

26 (6) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-~~
27 ~~4109(f),~~ and amendments thereto; or

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (3) Violation of subsection (a) with respect to material containing any
12 quantity of heroin, as defined by ~~subsection (e)(1) of~~ K.S.A. 65-4105(c)
13 (1), and amendments thereto, or methamphetamine, as defined by
14 ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-4107(d)(3) or (f)(1), and
15 amendments thereto, or an analog thereof, is a:

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

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

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

22 (D) drug severity level 1 felony if the quantity of the material was
23 100 grams or more.

24 (4) Violation of subsection (a) with respect to material containing any
25 quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107,
26 65-4109 or 65-4111, and amendments thereto, or an analog thereof,
27 distributed by dosage unit, is a:

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

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

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

34 (D) drug severity level 1 felony if the number of dosage units was
35 1,000 or more.

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

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

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

43 (B) nondrug severity level 7, person felony if the substance was

1 distributed to or possessed with the intent to distribute to a minor.

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

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

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

7 (C) drug severity level 1 felony if the number of plants cultivated was
8 100 or more.

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

12 (1) 450 grams or more of marijuana;

13 (2) 3.5 grams or more of heroin or methamphetamine;

14 (3) 100 dosage units or more containing a controlled substance; or

15 (4) 100 grams or more of any other controlled substance.

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

18 (1) Was acting in an agency relationship on behalf of any other party
19 in a transaction involving a controlled substance or controlled substance
20 analog;

21 (2) did not know the quantity of the controlled substance or
22 controlled substance analog; or

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

26 (g) *The provisions of subsections (a)(4) and (a)(5) shall not apply for*
27 **medical marijuana as defined in section 2, and amendments thereto,**
28 *to:*

29 (1) *Any cultivator licensed by the director of alcoholic beverage*
30 *control pursuant to section-~~21~~ 26, and amendments thereto, or any*
31 *employee or agent thereof, that is growing medical marijuana for the*
32 *purpose of sale to a licensed processor as authorized by section-~~22~~ 21,*
33 *and amendments thereto;*

34 (2) *any processor licensed by the director of alcoholic beverage*
35 *control pursuant to section-~~31~~ 26, and amendments thereto, or any*
36 *employee or agent thereof, that is processing medical marijuana for the*
37 *purpose of sale or distribution to a licensed processor; distributor or retail*
38 *dispensary as authorized by section-~~32~~ 27, and amendments thereto;*

39 (3) *any distributor licensed by the director of alcoholic beverage*
40 *control pursuant to section-~~31~~ 26, and amendments thereto, or any*
41 *employee or agent thereof, that is storing or distributing medical*
42 *marijuana for the purpose of wholesale or distribution to a licensed retail*
43 *dispensary as authorized by section-~~33~~ 28, and amendments thereto; or*

1 (4) any retail dispensary licensed by the director of alcoholic
2 beverage control pursuant to section ~~34~~ 26, and amendments thereto, or
3 any employee or agent thereof, that is engaging in the sale of medical
4 marijuana in a manner authorized by section ~~35-30~~ {29}, and amendments
5 thereto.

6 (h) As used in this section:

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

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

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

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

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

27 (3) "Medical marijuana" means the same as defined in section 2, and
28 amendments thereto.

29 Sec. ~~62-67~~ {66.} K.S.A. 2020 Supp. 21-5706 is hereby amended to
30 read as follows: 21-5706. (a) It shall be unlawful for any person to possess
31 any opiates, opium or narcotic drugs, or any stimulant designated in
32 K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a
33 controlled substance analog thereof.

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

36 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-
37 4109(b) or (c) or 65-4111(b), and amendments thereto;

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

40 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-
41 4107(g) or 65-4109(g), and amendments thereto;

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (d) ~~It shall be an affirmative defense to prosecution under this section~~
43 ~~arising out of a person's possession of any cannabidiol treatment~~

1 preparation if the person:

2 ~~(1) Has a debilitating medical condition, as defined in K.S.A.2020~~
3 ~~Supp. 65-6235, and amendments thereto, or is the parent or guardian of a~~
4 ~~minor child who has such debilitating medical condition;~~

5 ~~(2) is possessing a cannabidiol treatment preparation, as defined in~~
6 ~~K.S.A. 2020 Supp. 65-6235, and amendments thereto, that is being used to~~
7 ~~treat such debilitating medical condition; and~~

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

10 ~~(A) Shall be shown to a law enforcement officer on such officer's~~
11 ~~request;~~

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

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

16 ~~(D) identifies the person or the person's minor child as such~~
17 ~~physician's patient and identifies the patient's debilitating medical~~
18 ~~condition~~ *If the substance involved is medical marijuana, as defined in*
19 *section 2, and amendments thereto, the provisions of subsections (b) and*
20 *(c) shall not apply to any person who is registered or licensed pursuant to*
21 *the Kansas medical marijuana regulation act, section 1 et seq., and*
22 *amendments thereto, whose possession is authorized by such act.*

23 (e) It shall not be a defense to charges arising under this section that
24 the defendant was acting in an agency relationship on behalf of any other
25 party in a transaction involving a controlled substance or controlled
26 substance analog.

27 ~~Sec. 68. {67.}~~ **On and after the effective date of this act, if the**
28 **secretary of state publishes notice of the certification required**
29 **pursuant to section 83 {82}, and amendments thereto, K.S.A. 2020**
30 **Supp. 21-5706, as amended by section 67 {66} of this act, is hereby**
31 **amended to read as follows: 21-5706. (a) It shall be unlawful for any**
32 **person to possess any opiates, opium or narcotic drugs, or any**
33 **stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and**
34 **amendments thereto, or a controlled substance analog thereof.**

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

38 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e),
39 65-4109(b) or (c) or 65-4111(b), and amendments thereto;

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

42 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-
43 4107(g) or 65-4109(g), and amendments thereto;

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

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

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

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

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

10 **(2) Except as provided in subsection (c)(3):**

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

13 **(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug**
14 **severity level 5 felony if that person has a prior conviction under such**
15 **subsection, under K.S.A. 65-4162, prior to its repeal, under a**
16 **substantially similar offense from another jurisdiction, or under any**
17 **city ordinance or county resolution for a substantially similar offense**
18 **if the substance involved was 3, 4-methylenedioxymethamphetamine**
19 **(MDMA), marijuana as designated in K.S.A. 65-4105(d), and**
20 **amendments thereto, or any substance designated in K.S.A. 65-**
21 **4105(h), and amendments thereto, or an analog thereof.**

22 **(3) If the substance involved is marijuana, as designated in K.S.A.**
23 **65-4105(d), and amendments thereto, or tetrahydrocannabinols, as**
24 **designated in K.S.A. 65-4105(h), and amendments thereto, violation of**
25 **subsection (b) is a:**

26 **(A) Class B nonperson misdemeanor, except as provided in**
27 **subparagraphs (B), (C) and (D);**

28 **(B) class A nonperson misdemeanor if that person has a prior**
29 **conviction under such subsection, under K.S.A. 65-4162, prior to its**
30 **repeal, under a substantially similar offense from another jurisdiction,**
31 **or under any city ordinance or county resolution for a substantially**
32 **similar offense;**

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

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

1 **treat such person's symptoms.**

2 **(d) If the substance involved is medical marijuana, as defined in**
3 **section 2, and amendments thereto, the provisions of subsections (b)**
4 **and (c) shall not apply to any person who is registered or licensed**
5 **pursuant to the Kansas medical marijuana regulation act, section 1 et**
6 **seq., and amendments thereto, whose possession is authorized by such**
7 **act.**

8 **(e) It shall not be a defense to charges arising under this section**
9 **that the defendant was acting in an agency relationship on behalf of**
10 **any other party in a transaction involving a controlled substance or**
11 **controlled substance analog.**

12 ~~Sec. **68-69**, {68.}~~ K.S.A. 2020 Supp. 21-5707 is hereby amended to
13 read as follows: 21-5707. (a) It shall be unlawful for any person to
14 knowingly or intentionally use any communication facility:

15 (1) In committing, causing, or facilitating the commission of any
16 felony under K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5706, and
17 amendments thereto; or

18 (2) in any attempt to commit, any conspiracy to commit, or any
19 criminal solicitation of any felony under K.S.A. 2020 Supp. 21-5703, 21-
20 5705 or 21-5706, and amendments thereto. Each separate use of a
21 communication facility may be charged as a separate offense under this
22 subsection.

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

25 (c) *The provisions of this section shall not apply to any person using*
26 *communication facilities for those activities authorized by the Kansas*
27 *medical marijuana regulation act, section 1 et seq., and amendments*
28 *thereto.*

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

34 ~~Sec. **64-70**, {69.}~~ K.S.A. 2020 Supp. 21-5709 is hereby amended to
35 read as follows: 21-5709. (a) It shall be unlawful for any person to possess
36 ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal,
37 iodine, anhydrous ammonia, pressurized ammonia or
38 phenylpropanolamine, or their salts, isomers or salts of isomers with an
39 intent to use the product to manufacture a controlled substance.

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

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

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

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

6 (d) It shall be unlawful for any person to purchase, receive or
7 otherwise acquire at retail any compound, mixture or preparation
8 containing more than 3.6 grams of pseudoephedrine base or ephedrine
9 base in any single transaction or any compound, mixture or preparation
10 containing more than nine grams of pseudoephedrine base or ephedrine
11 base within any 30-day period.

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

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

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

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

18 (3) violation of subsection (b)(2) is a class B nonperson
19 misdemeanor;

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

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

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

29 (g) *The provisions of subsection (b) shall not apply to any person*
30 *registered or licensed pursuant to the Kansas medical marijuana*
31 *regulation act, section 1 et seq., and amendments thereto, whose*
32 *possession of such equipment or material is used solely to produce or for*
33 *the administration of medical marijuana, as defined in section 2, and*
34 *amendments thereto, in a manner authorized by the Kansas medical*
35 *marijuana regulation act, section 1 et seq., and amendments thereto.*

36 Sec. ~~65-71~~ {70.} K.S.A. 2020 Supp. 21-5710 is hereby amended to
37 read as follows: 21-5710. (a) It shall be unlawful for any person to
38 advertise, market, label, distribute or possess with the intent to distribute:

39 (1) Any product containing ephedrine, pseudoephedrine, red
40 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,
41 pressurized ammonia or phenylpropanolamine or their salts, isomers or
42 salts of isomers if the person knows or reasonably should know that the
43 purchaser will use the product to manufacture a controlled substance or

1 controlled substance analog; or

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

8 (b) It shall be unlawful for any person to distribute, possess with the
9 intent to distribute or manufacture with intent to distribute any drug
10 paraphernalia, knowing or under circumstances where one reasonably
11 should know that it will be used to manufacture or distribute a controlled
12 substance or controlled substance analog in violation of K.S.A. 2020 Supp.
13 21-5701 through 21-5717, and amendments thereto.

14 (c) It shall be unlawful for any person to distribute, possess with
15 intent to distribute or manufacture with intent to distribute any drug
16 paraphernalia, knowing or under circumstances where one reasonably
17 should know, that it will be used as such in violation of K.S.A. 2020 Supp.
18 21-5701 through 21-5717, and amendments thereto, ~~except subsection (b)~~
19 ~~of K.S.A. 2020 Supp. 21-5706(b), and amendments thereto.~~

20 (d) It shall be unlawful for any person to distribute, possess with
21 intent to distribute or manufacture with intent to distribute any drug
22 paraphernalia, knowing, or under circumstances where one reasonably
23 should know, that it will be used as such in violation of ~~subsection (b)~~ of
24 K.S.A. 2020 Supp. 21-5706(b), and amendments thereto.

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

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

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

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

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

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

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

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

39 (A) Class A nonperson misdemeanor, except as provided in
40 ~~subsection (e)(4)(B) subparagraph (B)~~; and

41 (B) nondrug severity level 9, nonperson felony if the trier of fact
42 makes a finding that the offender distributed or caused drug paraphernalia
43 to be distributed to a minor or on or within 1,000 feet of any school

1 property.

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

9 (g) *The provisions of subsection (c) shall not apply to any person*
10 *licensed pursuant to the Kansas medical marijuana regulation act, section*
11 *1 et seq., and amendments thereto, whose distribution or manufacture is*
12 *used solely to distribute or produce medical marijuana, as defined in*
13 *section 2, and amendments thereto, in a manner authorized by the Kansas*
14 *medical marijuana regulation act, section 1 et seq., and amendments*
15 *thereto.*

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

19 (1) Actual knowledge from prior experience or statements by
20 customers;

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

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

25 (4) receipt of a written warning from a law enforcement or
26 prosecutorial agency having jurisdiction that the item has been previously
27 determined to have been designed specifically for use as drug
28 paraphernalia.

29 Sec. ~~66-72~~, {71.} K.S.A. 2020 Supp. 23-3201 is hereby amended to
30 read as follows: 23-3201. (a) The court shall determine legal custody,
31 residency and parenting time of a child in accordance with the best
32 interests of the child.

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

37 Sec. ~~67-73~~, {72.} K.S.A. 2020 Supp. 38-2269 is hereby amended to
38 read as follows: 38-2269. (a) When the child has been adjudicated to be a
39 child in need of care, the court may terminate parental rights or appoint a
40 permanent custodian when the court finds by clear and convincing
41 evidence that the parent is unfit by reason of conduct or condition which
42 renders the parent unable to care properly for a child and the conduct or
43 condition is unlikely to change in the foreseeable future.

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

3 (1) Emotional illness, mental illness, mental deficiency or physical
4 disability of the parent, of such duration or nature as to render the parent
5 unable to care for the ongoing physical, mental and emotional needs of the
6 child;

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

9 (3) the use of intoxicating liquors or narcotic or dangerous drugs of
10 such duration or nature as to render the parent unable to care for the
11 ongoing physical, mental or emotional needs of the child, *except that the*
12 *use of medical marijuana in accordance with section 10, and amendments*
13 *thereto, shall not be considered to render the parent unable to care for the*
14 *ongoing physical, mental or emotional needs of the child;*

15 (4) physical, mental or emotional abuse or neglect or sexual abuse of
16 a child;

17 (5) conviction of a felony and imprisonment;

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

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

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

24 (9) whether, as a result of the actions or inactions attributable to the
25 parent and one or more of the factors listed in subsection (c) apply, the
26 child has been in the custody of the secretary and placed with neither
27 parent for 15 of the most recent 22 months beginning 60 days after the
28 date on which a child in the secretary's custody was removed from the
29 child's home.

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

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

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

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

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

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

43 (d) A finding of unfitness may be made as provided in this section if

1 the court finds that the parents have abandoned the child, the custody of
2 the child was surrendered pursuant to K.S.A. 2020 Supp. 38-2282, and
3 amendments thereto, or the child was left under such circumstances that
4 the identity of the parents is unknown and cannot be ascertained, despite
5 diligent searching, and the parents have not come forward to claim the
6 child within three months after the child is found.

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

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

15 (g) (1) If the court makes a finding of unfitness, the court shall
16 consider whether termination of parental rights as requested in the petition
17 or motion is in the best interests of the child. In making the determination,
18 the court shall give primary consideration to the physical, mental and
19 emotional health of the child. If the physical, mental or emotional needs of
20 the child would best be served by termination of parental rights, the court
21 shall so order. A termination of parental rights under the code shall not
22 terminate the right of a child to inherit from or through a parent. Upon
23 such termination all rights of the parent to such child, including, such
24 parent's right to inherit from or through such child, shall cease.

25 (2) If the court terminates parental rights, the court may authorize
26 adoption pursuant to K.S.A. 2020 Supp. 38-2270, and amendments
27 thereto, appointment of a permanent custodian pursuant to K.S.A. 2020
28 Supp. 38-2272, and amendments thereto, or continued permanency
29 planning.

30 (3) If the court does not terminate parental rights, the court may
31 authorize appointment of a permanent custodian pursuant to K.S.A. 2020
32 Supp. 38-2272, and amendments thereto, or continued permanency
33 planning.

34 (h) If a parent is convicted of an offense as provided in K.S.A. 2020
35 Supp. 38-2271(a)(7), and amendments thereto, or is adjudicated a juvenile
36 offender because of an act which if committed by an adult would be an
37 offense as provided in K.S.A. 2020 Supp. 38-2271(a)(7), and amendments
38 thereto, and if the victim was the other parent of a child, the court may
39 disregard such convicted or adjudicated parent's opinions or wishes in
40 regard to the placement of such child.

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

42 (j) When adoption, proceedings to appoint a permanent custodian or
43 continued permanency planning has been authorized, the person or agency

1 awarded custody of the child shall within 30 days submit a written plan for
2 permanent placement which shall include measurable objectives and time
3 schedules.

4 ~~Sec. 68-74. {73.}~~ K.S.A. 2020 Supp. 44-501 is hereby amended to
5 read as follows: 44-501. (a) (1) Compensation for an injury shall be
6 disallowed if such injury to the employee results from:

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

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

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

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

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

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

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

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

37 (ii) *In the case of marijuana or any other form of cannabis, including*
38 *any cannabis derivatives, compensation shall not be denied if the*
39 *employee is registered as a patient pursuant to section 8, and amendments*
40 *thereto, such cannabis or cannabis derivative was used in accordance*
41 *with the Kansas medical marijuana regulation act, section 1 et seq., and*
42 *amendments thereto, and there has been no prior incidence of the*
43 *employee's impairment on the job as a result of the use of such cannabis*

1 *or cannabis derivative within the previous 24 months.*

2 (C) It shall be conclusively presumed that the employee was impaired
3 due to alcohol or drugs if it is shown that, at the time of the injury, the
4 employee had an alcohol concentration of .04 or more, or a GCMS
5 confirmatory test by quantitative analysis showing a concentration at or
6 above the levels shown on the following chart for the drugs of abuse listed:

	Confirmatory test cutoff levels (ng/ml)
10 Marijuana metabolite ¹	15
11 Cocaine metabolite ²	150
12 Opiates:	
13 Morphine	2000
14 Codeine	2000
15 6-Acetylmorphine ⁴	10 ng/ml
16 Phencyclidine	25
17 Amphetamines:	
18 Amphetamine	500
19 Methamphetamine ³	500

20 ¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid.

21 ² Benzoylcegonine.

22 ³ Specimen must also contain amphetamine at a concentration greater
23 than or equal to 200 ng/ml.

24 ⁴ Test for 6-AM when morphine concentration exceeds 2,000 ng/ml.

25 (D) If it is shown that the employee was impaired pursuant to
26 subsection (b)(1)(C) at the time of the injury, there shall be a rebuttable
27 presumption that the accident, injury, disability or death was contributed to
28 by such impairment. The employee may overcome the presumption of
29 contribution by clear and convincing evidence.

30 (E) An employee's refusal to submit to a chemical test at the request
31 of the employer shall result in the forfeiture of benefits under the workers
32 compensation act if the employer had sufficient cause to suspect the use of
33 alcohol or drugs by the claimant or if the employer's policy clearly
34 authorizes post-injury testing.

35 (2) The results of a chemical test shall be admissible evidence to
36 prove impairment if the employer establishes that the testing was done
37 under any of the following circumstances:

38 (A) As a result of an employer mandated drug testing policy, in place
39 in writing prior to the date of accident or injury, requiring any worker to
40 submit to testing for drugs or alcohol;

41 (B) during an autopsy or in the normal course of medical treatment
42 for reasons related to the health and welfare of the injured worker and not
43 at the direction of the employer;

1 (C) the worker, prior to the date and time of the accident or injury,
2 gave written consent to the employer that the worker would voluntarily
3 submit to a chemical test for drugs or alcohol following any accident or
4 injury;

5 (D) the worker voluntarily agrees to submit to a chemical test for
6 drugs or alcohol following any accident or injury; or

7 (E) as a result of federal or state law or a federal or state rule or
8 regulation having the force and effect of law requiring a post-injury testing
9 program and such required program was properly implemented at the time
10 of testing.

11 (3) Notwithstanding subsection (b)(2), the results of a chemical test
12 performed on a sample collected by an employer shall not be admissible
13 evidence to prove impairment unless the following conditions are met:

14 (A) The test sample was collected within a reasonable time following
15 the accident or injury;

16 (B) the collecting and labeling of the test sample was performed by or
17 under the supervision of a licensed health care professional;

18 (C) the test was performed by a laboratory approved by the United
19 States department of health and human services or licensed by the
20 department of health and environment, except that a blood sample may be
21 tested for alcohol content by a laboratory commonly used for that purpose
22 by state law enforcement agencies;

23 (D) the test was confirmed by gas chromatography-mass
24 spectroscopy or other comparably reliable analytical method, except that
25 no such confirmation is required for a blood alcohol sample;

26 (E) the foundation evidence must establish, beyond a reasonable
27 doubt, that the test results were from the sample taken from the employee;
28 and

29 (F) a split sample sufficient for testing shall be retained and made
30 available to the employee within 48 hours of a positive test.

31 (c) (1) Except as provided in paragraph (2), compensation shall not
32 be paid in case of coronary or coronary artery disease or cerebrovascular
33 injury unless it is shown that the exertion of the work necessary to
34 precipitate the disability was more than the employee's usual work in the
35 course of the employee's regular employment.

36 (2) For events occurring on or after July 1, 2014, in the case of a
37 firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto,
38 or a law enforcement officer as defined by K.S.A. 74-5602, and
39 amendments thereto, coronary or coronary artery disease or
40 cerebrovascular injury shall be compensable if:

41 (A) The injury can be identified as caused by a specific event
42 occurring in the course and scope of employment;

43 (B) the coronary or cerebrovascular injury occurred within 24 hours

1 of the specific event; and

2 (C) the specific event was the prevailing factor in causing the
3 coronary or coronary artery disease or cerebrovascular injury.

4 (d) Except as provided in the workers compensation act, no
5 construction design professional who is retained to perform professional
6 services on a construction project or any employee of a construction
7 design professional who is assisting or representing the construction
8 design professional in the performance of professional services on the site
9 of the construction project, shall be liable for any injury resulting from the
10 employer's failure to comply with safety standards on the construction
11 project for which compensation is recoverable under the workers
12 compensation act, unless responsibility for safety practices is specifically
13 assumed by contract. The immunity provided by this subsection to any
14 construction design professional shall not apply to the negligent
15 preparation of design plans or specifications.

16 (e) An award of compensation for permanent partial impairment,
17 work disability, or permanent total disability shall be reduced by the
18 amount of functional impairment determined to be preexisting. Any such
19 reduction shall not apply to temporary total disability, nor shall it apply to
20 compensation for medical treatment.

21 (1) Where workers compensation benefits have previously been
22 awarded through settlement or judicial or administrative determination in
23 Kansas, the percentage basis of the prior settlement or award shall
24 conclusively establish the amount of functional impairment determined to
25 be preexisting. Where workers compensation benefits have not previously
26 been awarded through settlement or judicial or administrative
27 determination in Kansas, the amount of preexisting functional impairment
28 shall be established by competent evidence.

29 (2) In all cases, the applicable reduction shall be calculated as
30 follows:

31 (A) If the preexisting impairment is the result of injury sustained
32 while working for the employer against whom workers compensation
33 benefits are currently being sought, any award of compensation shall be
34 reduced by the current dollar value attributable under the workers
35 compensation act to the percentage of functional impairment determined to
36 be preexisting. The "current dollar value" shall be calculated by
37 multiplying the percentage of preexisting impairment by the compensation
38 rate in effect on the date of the accident or injury against which the
39 reduction will be applied.

40 (B) In all other cases, the employer against whom benefits are
41 currently being sought shall be entitled to a credit for the percentage of
42 preexisting impairment.

43 (f) If the employee receives, whether periodically or by lump sum,

1 retirement benefits under the federal social security act or retirement
2 benefits from any other retirement system, program, policy or plan ~~which~~
3 *that* is provided by the employer against which the claim is being made,
4 any compensation benefit payments which the employee is eligible to
5 receive under the workers compensation act for such claim shall be
6 reduced by the weekly equivalent amount of the total amount of all such
7 retirement benefits, less any portion of any such retirement benefit, other
8 than retirement benefits under the federal social security act, that is
9 attributable to payments or contributions made by the employee, but in no
10 event shall the workers compensation benefit be less than the workers
11 compensation benefit payable for the employee's percentage of functional
12 impairment. Where the employee elects to take retirement benefits in a
13 lump sum, the lump sum payment shall be amortized at the rate of 4% per
14 year over the employee's life expectancy to determine the weekly
15 equivalent value of the benefits.

16 ~~Sec. 69-75. {74.}~~ K.S.A. 2020 Supp. 44-706 is hereby amended to
17 read as follows: 44-706. The secretary shall examine whether an individual
18 has separated from employment for each week claimed. The secretary
19 shall apply the provisions of this section to the individual's most recent
20 employment prior to the week claimed. An individual shall be disqualified for
21 benefits:

22 (a) If the individual left work voluntarily without good cause
23 attributable to the work or the employer, subject to the other provisions of
24 this subsection. For purposes of this subsection, "good cause" is cause of
25 such gravity that would impel a reasonable, not supersensitive, individual
26 exercising ordinary common sense to leave employment. Good cause
27 requires a showing of good faith of the individual leaving work, including
28 the presence of a genuine desire to work. Failure to return to work after
29 expiration of approved personal or medical leave, or both, shall be
30 considered a voluntary resignation. After a temporary job assignment,
31 failure of an individual to affirmatively request an additional assignment
32 on the next succeeding workday, if required by the employment
33 agreement, after completion of a given work assignment, shall constitute
34 leaving work voluntarily. The disqualification shall begin the day
35 following the separation and shall continue until after the individual has
36 become reemployed and has had earnings from insured work of at least
37 three times the individual's weekly benefit amount. An individual shall not
38 be disqualified under this subsection if:

39 (1) The individual was forced to leave work because of illness or
40 injury upon the advice of a licensed and practicing health care provider
41 and, upon learning of the necessity for absence, immediately notified the
42 employer thereof, or the employer consented to the absence, and after
43 recovery from the illness or injury, when recovery was certified by a

1 practicing health care provider, the individual returned to the employer and
2 offered to perform services and the individual's regular work or
3 comparable and suitable work was not available. As used in this paragraph
4 "health care provider" means any person licensed by the proper licensing
5 authority of any state to engage in the practice of medicine and surgery,
6 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

7 (2) the individual left temporary work to return to the regular
8 employer;

9 (3) the individual left work to enlist in the armed forces of the United
10 States, but was rejected or delayed from entry;

11 (4) the spouse of an individual who is a member of the armed forces
12 of the United States who left work because of the voluntary or involuntary
13 transfer of the individual's spouse from one job to another job, which is for
14 the same employer or for a different employer, at a geographic location
15 which makes it unreasonable for the individual to continue work at the
16 individual's job. For the purposes of this provision the term "armed forces"
17 means active duty in the army, navy, marine corps, air force, coast guard or
18 any branch of the military reserves of the United States;

19 (5) the individual left work because of hazardous working conditions;
20 in determining whether or not working conditions are hazardous for an
21 individual, the degree of risk involved to the individual's health, safety and
22 morals, the individual's physical fitness and prior training and the working
23 conditions of workers engaged in the same or similar work for the same
24 and other employers in the locality shall be considered; as used in this
25 paragraph, "hazardous working conditions" means working conditions that
26 could result in a danger to the physical or mental well-being of the
27 individual; each determination as to whether hazardous working
28 conditions exist shall include, but shall not be limited to, a consideration
29 of: (A) The safety measures used or the lack thereof; and (B) the condition
30 of equipment or lack of proper equipment; no work shall be considered
31 hazardous if the working conditions surrounding the individual's work are
32 the same or substantially the same as the working conditions generally
33 prevailing among individuals performing the same or similar work for
34 other employers engaged in the same or similar type of activity;

35 (6) the individual left work to enter training approved under section
36 236(a)(1) of the federal trade act of 1974, provided the work left is not of a
37 substantially equal or higher skill level than the individual's past adversely
38 affected employment, as defined for purposes of the federal trade act of
39 1974, and wages for such work are not less than 80% of the individual's
40 average weekly wage as determined for the purposes of the federal trade
41 act of 1974;

42 (7) the individual left work because of unwelcome harassment of the
43 individual by the employer or another employee of which the employing

1 unit had knowledge and that would impel the average worker to give up
2 such worker's employment;

3 (8) the individual left work to accept better work; each determination
4 as to whether or not the work accepted is better work shall include, but
5 shall not be limited to, consideration of: (A) The rate of pay, the hours of
6 work and the probable permanency of the work left as compared to the
7 work accepted; (B) the cost to the individual of getting to the work left in
8 comparison to the cost of getting to the work accepted; and (C) the
9 distance from the individual's place of residence to the work accepted in
10 comparison to the distance from the individual's residence to the work left;

11 (9) the individual left work as a result of being instructed or requested
12 by the employer, a supervisor or a fellow employee to perform a service or
13 commit an act in the scope of official job duties which is in violation of an
14 ordinance or statute;

15 (10) the individual left work because of a substantial violation of the
16 work agreement by the employing unit and, before the individual left, the
17 individual had exhausted all remedies provided in such agreement for the
18 settlement of disputes before terminating. For the purposes of this
19 paragraph, a demotion based on performance does not constitute a
20 violation of the work agreement;

21 (11) after making reasonable efforts to preserve the work, the
22 individual left work due to a personal emergency of such nature and
23 compelling urgency that it would be contrary to good conscience to
24 impose a disqualification; or

25 (12) (A) the individual left work due to circumstances resulting from
26 domestic violence, including:

27 (i) The individual's reasonable fear of future domestic violence at or
28 en route to or from the individual's place of employment;

29 (ii) the individual's need to relocate to another geographic area in
30 order to avoid future domestic violence;

31 (iii) the individual's need to address the physical, psychological and
32 legal impacts of domestic violence;

33 (iv) the individual's need to leave employment as a condition of
34 receiving services or shelter from an agency which provides support
35 services or shelter to victims of domestic violence; or

36 (v) the individual's reasonable belief that termination of employment
37 is necessary to avoid other situations which may cause domestic violence
38 and to provide for the future safety of the individual or the individual's
39 family.

40 (B) An individual may prove the existence of domestic violence by
41 providing one of the following:

42 (i) A restraining order or other documentation of equitable relief by a
43 court of competent jurisdiction;

1 (ii) a police record documenting the abuse;

2 (iii) documentation that the abuser has been convicted of one or more
3 of the offenses enumerated in articles 34 and 35 of chapter 21 of the
4 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of
5 chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or
6 K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-
7 6422, and amendments thereto, where the victim was a family or
8 household member;

9 (iv) medical documentation of the abuse;

10 (v) a statement provided by a counselor, social worker, health care
11 provider, clergy, shelter worker, legal advocate, domestic violence or
12 sexual assault advocate or other professional who has assisted the
13 individual in dealing with the effects of abuse on the individual or the
14 individual's family; or

15 (vi) a sworn statement from the individual attesting to the abuse.

16 (C) No evidence of domestic violence experienced by an individual,
17 including the individual's statement and corroborating evidence, shall be
18 disclosed by the department of labor unless consent for disclosure is given
19 by the individual.

20 (b) If the individual has been discharged or suspended for misconduct
21 connected with the individual's work. The disqualification shall begin the
22 day following the separation and shall continue until after the individual
23 becomes reemployed and in cases where the disqualification is due to
24 discharge for misconduct has had earnings from insured work of at least
25 three times the individual's determined weekly benefit amount, except that
26 if an individual is discharged for gross misconduct connected with the
27 individual's work, such individual shall be disqualified for benefits until
28 such individual again becomes employed and has had earnings from
29 insured work of at least eight times such individual's determined weekly
30 benefit amount. In addition, all wage credits attributable to the
31 employment from which the individual was discharged for gross
32 misconduct connected with the individual's work shall be canceled. No
33 such cancellation of wage credits shall affect prior payments made as a
34 result of a prior separation.

35 (1) (A) For the purposes of this subsection, "misconduct" is defined as
36 a violation of a duty or obligation reasonably owed the employer as a
37 condition of employment including, but not limited to, a violation of a
38 company rule, including a safety rule, if:

39 ~~(A)~~(i) The individual knew or should have known about the rule;

40 ~~(B)~~(ii) the rule was lawful and reasonably related to the job; and

41 ~~(C)~~(iii) the rule was fairly and consistently enforced.

42 (B) *The term "misconduct":*

43 (i) *Does not include any violation of a duty, obligation or company*

1 rule, if:

2 (a) *The individual is a registered patient pursuant to section 8, and*
3 *amendments thereto; and*

4 (b) *the basis for the violation is the possession of an identification*
5 *card issued under section 8, and amendments thereto, or the possession or*
6 *use of medical marijuana in accordance with the Kansas medical*
7 *marijuana regulation act, section 1 et seq., and amendments thereto; and*

8 (ii) *includes any violation of a duty, obligation or company rule if the*
9 *individual ingested marijuana in the workplace, worked while under the*
10 *influence of marijuana or tested positive for a controlled substance.*

11 (2) (A) Failure of the employee to notify the employer of an absence
12 and an individual's leaving work prior to the end of such individual's
13 assigned work period without permission shall be considered prima facie
14 evidence of a violation of a duty or obligation reasonably owed the
15 employer as a condition of employment.

16 (B) For the purposes of this subsection, misconduct shall include, but
17 not be limited to, violation of the employer's reasonable attendance
18 expectations if the facts show:

19 (i) The individual was absent or tardy without good cause;

20 (ii) the individual had knowledge of the employer's attendance
21 expectation; and

22 (iii) the employer gave notice to the individual that future absence or
23 tardiness may or will result in discharge.

24 (C) For the purposes of this subsection, if an employee disputes being
25 absent or tardy without good cause, the employee shall present evidence
26 that a majority of the employee's absences or tardiness were for good
27 cause. If the employee alleges that the employee's repeated absences or
28 tardiness were the result of health related issues, such evidence shall
29 include documentation from a licensed and practicing health care provider
30 as defined in subsection (a)(1).

31 (3) (A) (i) The term "gross misconduct" as used in this subsection
32 shall be construed to mean conduct evincing extreme, willful or wanton
33 misconduct as defined by this subsection. Gross misconduct shall include,
34 but not be limited to:

35 ~~(i)~~(a) Theft;

36 ~~(ii)~~(b) fraud;

37 ~~(iii)~~(c) intentional damage to property;

38 ~~(iv)~~(d) intentional infliction of personal injury; or

39 ~~(v)~~(e) any conduct that constitutes a felony.

40 (ii) *The term "gross misconduct":*

41 (a) *Does not include any conduct of an individual, if:*

42 (1) *The individual is a registered patient pursuant to section 8, and*
43 *amendments thereto; and*

1 (2) *the basis for such conduct is the possession of an identification*
2 *card issued under section 8, and amendments thereto, or the possession or*
3 *use of medical marijuana in accordance with the Kansas medical*
4 *marijuana regulation act, section 1 et seq., and amendments thereto; and*

5 **(b)** *includes any conduct of an individual if the individual ingested*
6 *marijuana in the workplace, worked while under the influence of*
7 *marijuana or tested positive for a controlled substance.*

8 **(B)** For the purposes of this subsection, the following shall be
9 conclusive evidence of gross misconduct:

10 (i) The use of alcoholic liquor, cereal malt beverage or a
11 nonprescribed controlled substance by an individual while working;

12 (ii) the impairment caused by alcoholic liquor, cereal malt beverage
13 or a nonprescribed controlled substance by an individual while working;

14 (iii) a positive breath alcohol test or a positive chemical test,
15 provided:

16 (a) The test was either:

17 (1) Required by law and was administered pursuant to the drug free
18 workplace act, 41 U.S.C. § 701 et seq.;

19 (2) administered as part of an employee assistance program or other
20 drug or alcohol treatment program in which the employee was
21 participating voluntarily or as a condition of further employment;

22 (3) requested pursuant to a written policy of the employer of which
23 the employee had knowledge and was a required condition of
24 employment;

25 (4) required by law and the test constituted a required condition of
26 employment for the individual's job; or

27 (5) there was reasonable suspicion to believe that the individual used,
28 had possession of, or was impaired by alcoholic liquor, cereal malt
29 beverage or a nonprescribed controlled substance while working;

30 (b) the test sample was collected either:

31 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et
32 seq.;

33 (2) as prescribed by an employee assistance program or other drug or
34 alcohol treatment program in which the employee was participating
35 voluntarily or as a condition of further employment;

36 (3) as prescribed by the written policy of the employer of which the
37 employee had knowledge and which constituted a required condition of
38 employment;

39 (4) as prescribed by a test which was required by law and which
40 constituted a required condition of employment for the individual's job; or

41 (5) at a time contemporaneous with the events establishing probable
42 cause;

43 (c) the collecting and labeling of a chemical test sample was

1 performed by a licensed health care professional or any other individual
2 certified pursuant to ~~paragraph (b)(3)(A)(iii)(f)~~ *subsection (b)(3)(B)(iii)(f)*
3 or authorized to collect or label test samples by federal or state law, or a
4 federal or state rule or regulation having the force or effect of law,
5 including law enforcement personnel;

6 (d) the chemical test was performed by a laboratory approved by the
7 United States department of health and human services or licensed by the
8 department of health and environment, except that a blood sample may be
9 tested for alcohol content by a laboratory commonly used for that purpose
10 by state law enforcement agencies;

11 (e) the chemical test was confirmed by gas chromatography, gas
12 chromatography-mass spectroscopy or other comparably reliable
13 analytical method, except that no such confirmation is required for a blood
14 alcohol sample or a breath alcohol test;

15 (f) the breath alcohol test was administered by an individual trained
16 to perform breath tests, the breath testing instrument used was certified
17 and operated strictly according to a description provided by the
18 manufacturers and the reliability of the instrument performance was
19 assured by testing with alcohol standards; and

20 (g) the foundation evidence establishes, beyond a reasonable doubt,
21 that the test results were from the sample taken from the individual;

22 (iv) an individual's refusal to submit to a chemical test or breath
23 alcohol test, provided:

24 (a) The test meets the standards of the drug free workplace act, 41
25 U.S.C. § 701 et seq.;

26 (b) the test was administered as part of an employee assistance
27 program or other drug or alcohol treatment program in which the
28 employee was participating voluntarily or as a condition of further
29 employment;

30 (c) the test was otherwise required by law and the test constituted a
31 required condition of employment for the individual's job;

32 (d) the test was requested pursuant to a written policy of the employer
33 of which the employee had knowledge and was a required condition of
34 employment; or

35 (e) there was reasonable suspicion to believe that the individual used,
36 possessed or was impaired by alcoholic liquor, cereal malt beverage or a
37 nonprescribed controlled substance while working;

38 (v) an individual's dilution or other tampering of a chemical test.

39 (C) For purposes of this subsection:

40 (i) "Alcohol concentration" means the number of grams of alcohol
41 per 210 liters of breath;

42 (ii) "alcoholic liquor" ~~shall be defined~~ *means the same* as provided in
43 K.S.A. 41-102, and amendments thereto;

1 (iii) "cereal malt beverage"—~~shall be defined~~ *means the same* as
2 provided in K.S.A. 41-2701, and amendments thereto;

3 (iv) "chemical test"—~~shall include~~ *includes*, but is not limited to, tests
4 of urine, blood or saliva;

5 (v) "controlled substance"—~~shall be defined~~ *means the same* as
6 provided in K.S.A. 2020 Supp. 21-5701, and amendments thereto;

7 (vi) "required by law" means required by a federal or state law, a
8 federal or state rule or regulation having the force and effect of law, a
9 county resolution or municipal ordinance, or a policy relating to public
10 safety adopted in an open meeting by the governing body of any special
11 district or other local governmental entity;

12 (vii) "positive breath test"—~~shall mean~~ *means* a test result showing an
13 alcohol concentration of 0.04 or greater, or the levels listed in 49 C.F.R.
14 part 40, if applicable, unless the test was administered as part of an
15 employee assistance program or other drug or alcohol treatment program
16 in which the employee was participating voluntarily or as a condition of
17 further employment, in which case "positive chemical test"—~~shall mean~~
18 *means* a test result showing an alcohol concentration at or above the levels
19 provided for in the assistance or treatment program;

20 (viii) "positive chemical test"—~~shall mean~~ *means* a chemical result
21 showing a concentration at or above the levels listed in K.S.A. 44-501, and
22 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or
23 abuse listed therein, unless the test was administered as part of an
24 employee assistance program or other drug or alcohol treatment program
25 in which the employee was participating voluntarily or as a condition of
26 further employment, in which case "positive chemical test"—~~shall mean~~
27 *means* a chemical result showing a concentration at or above the levels
28 provided for in the assistance or treatment program.

29 (4) An individual shall not be disqualified under this subsection if the
30 individual is discharged under the following circumstances:

31 (A) The employer discharged the individual after learning the
32 individual was seeking other work or when the individual gave notice of
33 future intent to quit, except that the individual shall be disqualified after
34 the time at which such individual intended to quit and any individual who
35 commits misconduct after such individual gives notice to such individual's
36 intent to quit shall be disqualified;

37 (B) the individual was making a good-faith effort to do the assigned
38 work but was discharged due to:

39 (i) Inefficiency;

40 (ii) unsatisfactory performance due to inability, incapacity or lack of
41 training or experience;

42 (iii) isolated instances of ordinary negligence or inadvertence;

43 (iv) good-faith errors in judgment or discretion; or

1 (v) unsatisfactory work or conduct due to circumstances beyond the
2 individual's control; or

3 (C) the individual's refusal to perform work in excess of the contract
4 of hire.

5 (c) If the individual has failed, without good cause, to either apply for
6 suitable work when so directed by the employment office of the secretary
7 of labor, or to accept suitable work when offered to the individual by the
8 employment office, the secretary of labor, or an employer, such
9 disqualification shall begin with the week in which such failure occurred
10 and shall continue until the individual becomes reemployed and has had
11 earnings from insured work of at least three times such individual's
12 determined weekly benefit amount. In determining whether or not any
13 work is suitable for an individual, the secretary of labor, or a person or
14 persons designated by the secretary, shall consider the degree of risk
15 involved to health, safety and morals, physical fitness and prior training,
16 experience and prior earnings, length of unemployment and prospects for
17 securing local work in the individual's customary occupation or work for
18 which the individual is reasonably fitted by training or experience, and the
19 distance of the available work from the individual's residence.
20 Notwithstanding any other provisions of this act, an otherwise eligible
21 individual shall not be disqualified for refusing an offer of suitable
22 employment, or failing to apply for suitable employment when notified by
23 an employment office, or for leaving the individual's most recent work
24 accepted during approved training, including training approved under
25 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying
26 for suitable employment or continuing such work would require the
27 individual to terminate approved training and no work shall be deemed
28 suitable and benefits shall not be denied under this act to any otherwise
29 eligible individual for refusing to accept new work under any of the
30 following conditions: (1) If the position offered is vacant due directly to a
31 strike, lockout or other labor dispute; (2) if the remuneration, hours or
32 other conditions of the work offered are substantially less favorable to the
33 individual than those prevailing for similar work in the locality; (3) if as a
34 condition of being employed, the individual would be required to join or to
35 resign from or refrain from joining any labor organization; and (4) if the
36 individual left employment as a result of domestic violence, and the
37 position offered does not reasonably accommodate the individual's
38 physical, psychological, safety, or legal needs relating to such domestic
39 violence.

40 (d) For any week with respect to which the secretary of labor, or a
41 person or persons designated by the secretary, finds that the individual's
42 unemployment is due to a stoppage of work which exists because of a
43 labor dispute or there would have been a work stoppage had normal

1 operations not been maintained with other personnel previously and
2 currently employed by the same employer at the factory, establishment or
3 other premises at which the individual is or was last employed, except that
4 this subsection (d) shall not apply if it is shown to the satisfaction of the
5 secretary of labor, or a person or persons designated by the secretary, that:
6 (1) The individual is not participating in or financing or directly interested
7 in the labor dispute which caused the stoppage of work; and (2) the
8 individual does not belong to a grade or class of workers of which,
9 immediately before the commencement of the stoppage, there were
10 members employed at the premises at which the stoppage occurs any of
11 whom are participating in or financing or directly interested in the dispute.
12 If in any case separate branches of work which are commonly conducted
13 as separate businesses in separate premises are conducted in separate
14 departments of the same premises, each such department shall, for the
15 purpose of this subsection be deemed to be a separate factory,
16 establishment or other premises. For the purposes of this subsection,
17 failure or refusal to cross a picket line or refusal for any reason during the
18 continuance of such labor dispute to accept the individual's available and
19 customary work at the factory, establishment or other premises where the
20 individual is or was last employed shall be considered as participation and
21 interest in the labor dispute.

22 (e) For any week with respect to which or a part of which the
23 individual has received or is seeking unemployment benefits under the
24 unemployment compensation law of any other state or of the United
25 States, except that if the appropriate agency of such other state or the
26 United States finally determines that the individual is not entitled to such
27 unemployment benefits, this disqualification shall not apply.

28 (f) For any week with respect to which the individual is entitled to
29 receive any unemployment allowance or compensation granted by the
30 United States under an act of congress to ex-service men and women in
31 recognition of former service with the military or naval services of the
32 United States.

33 (g) For the period of five years beginning with the first day following
34 the last week of unemployment for which the individual received benefits,
35 or for five years from the date the act was committed, whichever is the
36 later, if the individual, or another in such individual's behalf with the
37 knowledge of the individual, has knowingly made a false statement or
38 representation, or has knowingly failed to disclose a material fact to obtain
39 or increase benefits under this act or any other unemployment
40 compensation law administered by the secretary of labor. In addition to the
41 penalties set forth in K.S.A. 44-719, and amendments thereto, an
42 individual who has knowingly made a false statement or representation or
43 who has knowingly failed to disclose a material fact to obtain or increase

1 benefits under this act or any other unemployment compensation law
2 administered by the secretary of labor shall be liable for a penalty in the
3 amount equal to 25% of the amount of benefits unlawfully received.
4 Notwithstanding any other provision of law, such penalty shall be
5 deposited into the employment security trust fund.

6 (h) For any week with respect to which the individual is receiving
7 compensation for temporary total disability or permanent total disability
8 under the workmen's compensation law of any state or under a similar law
9 of the United States.

10 (i) For any week of unemployment on the basis of service in an
11 instructional, research or principal administrative capacity for an
12 educational institution as defined in K.S.A. 44-703(v), and amendments
13 thereto, if such week begins during the period between two successive
14 academic years or terms or, when an agreement provides instead for a
15 similar period between two regular but not successive terms during such
16 period or during a period of paid sabbatical leave provided for in the
17 individual's contract, if the individual performs such services in the first of
18 such academic years or terms and there is a contract or a reasonable
19 assurance that such individual will perform services in any such capacity
20 for any educational institution in the second of such academic years or
21 terms.

22 (j) For any week of unemployment on the basis of service in any
23 capacity other than service in an instructional, research, or administrative
24 capacity in an educational institution, as defined in K.S.A. 44-703(v), and
25 amendments thereto, if such week begins during the period between two
26 successive academic years or terms if the individual performs such
27 services in the first of such academic years or terms and there is a
28 reasonable assurance that the individual will perform such services in the
29 second of such academic years or terms, except that if benefits are denied
30 to the individual under this subsection and the individual was not offered
31 an opportunity to perform such services for the educational institution for
32 the second of such academic years or terms, such individual shall be
33 entitled to a retroactive payment of benefits for each week for which the
34 individual filed a timely claim for benefits and for which benefits were
35 denied solely by reason of this subsection.

36 (k) For any week of unemployment on the basis of service in any
37 capacity for an educational institution as defined in K.S.A. 44-703(v), and
38 amendments thereto, if such week begins during an established and
39 customary vacation period or holiday recess, if the individual performs
40 services in the period immediately before such vacation period or holiday
41 recess and there is a reasonable assurance that such individual will perform
42 such services in the period immediately following such vacation period or
43 holiday recess.

1 (l) For any week of unemployment on the basis of any services,
2 substantially all of which consist of participating in sports or athletic
3 events or training or preparing to so participate, if such week begins during
4 the period between two successive sport seasons or similar period if such
5 individual performed services in the first of such seasons or similar periods
6 and there is a reasonable assurance that such individual will perform such
7 services in the later of such seasons or similar periods.

8 (m) For any week on the basis of services performed by an alien
9 unless such alien is an individual who was lawfully admitted for
10 permanent residence at the time such services were performed, was
11 lawfully present for purposes of performing such services, or was
12 permanently residing in the United States under color of law at the time
13 such services were performed, including an alien who was lawfully present
14 in the United States as a result of the application of the provisions of
15 section 212(d)(5) of the federal immigration and nationality act. Any data
16 or information required of individuals applying for benefits to determine
17 whether benefits are not payable to them because of their alien status shall
18 be uniformly required from all applicants for benefits. In the case of an
19 individual whose application for benefits would otherwise be approved, no
20 determination that benefits to such individual are not payable because of
21 such individual's alien status shall be made except upon a preponderance
22 of the evidence.

23 (n) For any week in which an individual is receiving a governmental
24 or other pension, retirement or retired pay, annuity or other similar
25 periodic payment under a plan maintained by a base period employer and
26 to which the entire contributions were provided by such employer, except
27 that: (1) If the entire contributions to such plan were provided by the base
28 period employer but such individual's weekly benefit amount exceeds such
29 governmental or other pension, retirement or retired pay, annuity or other
30 similar periodic payment attributable to such week, the weekly benefit
31 amount payable to the individual shall be reduced, but not below zero, by
32 an amount equal to the amount of such pension, retirement or retired pay,
33 annuity or other similar periodic payment which is attributable to such
34 week; ~~or~~ (2) if only a portion of contributions to such plan were provided
35 by the base period employer, the weekly benefit amount payable to such
36 individual for such week shall be reduced, but not below zero, by the
37 prorated weekly amount of the pension, retirement or retired pay, annuity
38 or other similar periodic payment after deduction of that portion of the
39 pension, retirement or retired pay, annuity or other similar periodic
40 payment that is directly attributable to the percentage of the contributions
41 made to the plan by such individual; ~~or~~ (3) if the entire contributions to the
42 plan were provided by such individual, or by the individual and an
43 employer, or any person or organization, who is not a base period

1 employer, no reduction in the weekly benefit amount payable to the
2 individual for such week shall be made under this subsection; or (4)
3 whatever portion of contributions to such plan were provided by the base
4 period employer, if the services performed for the employer by such
5 individual during the base period, or remuneration received for the
6 services, did not affect the individual's eligibility for, or increased the
7 amount of, such pension, retirement or retired pay, annuity or other similar
8 periodic payment, no reduction in the weekly benefit amount payable to
9 the individual for such week shall be made under this subsection. No
10 reduction shall be made for payments made under the social security act or
11 railroad retirement act of 1974.

12 (o) For any week of unemployment on the basis of services
13 performed in any capacity and under any of the circumstances described in
14 subsection (i), (j) or (k)—~~which~~ *that* an individual performed in an
15 educational institution while in the employ of an educational service
16 agency. For the purposes of this subsection, the term "educational service
17 agency" means a governmental agency or entity which is established and
18 operated exclusively for the purpose of providing such services to one or
19 more educational institutions.

20 (p) For any week of unemployment on the basis of service as a school
21 bus or other motor vehicle driver employed by a private contractor to
22 transport pupils, students and school personnel to or from school-related
23 functions or activities for an educational institution, as defined in K.S.A.
24 44-703(v), and amendments thereto, if such week begins during the period
25 between two successive academic years or during a similar period between
26 two regular terms, whether or not successive, if the individual has a
27 contract or contracts, or a reasonable assurance thereof, to perform
28 services in any such capacity with a private contractor for any educational
29 institution for both such academic years or both such terms. An individual
30 shall not be disqualified for benefits as provided in this subsection for any
31 week of unemployment on the basis of service as a bus or other motor
32 vehicle driver employed by a private contractor to transport persons to or
33 from nonschool-related functions or activities.

34 (q) For any week of unemployment on the basis of services
35 performed by the individual in any capacity and under any of the
36 circumstances described in subsection (i), (j), (k) or (o)—~~which~~ *that* are
37 provided to or on behalf of an educational institution, as defined in K.S.A.
38 44-703(v), and amendments thereto, while the individual is in the employ
39 of an employer which is a governmental entity, Indian tribe or any
40 employer described in section 501(c)(3) of the federal internal revenue
41 code of 1986 which is exempt from income under section 501(a) of the
42 code.

43 (r) For any week in which an individual is registered at and attending

1 an established school, training facility or other educational institution, or is
2 on vacation during or between two successive academic years or terms. An
3 individual shall not be disqualified for benefits as provided in this
4 subsection provided:

5 (1) The individual was engaged in full-time employment concurrent
6 with the individual's school attendance;

7 (2) the individual is attending approved training as defined in K.S.A.
8 44-703(s), and amendments thereto; or

9 (3) the individual is attending evening, weekend or limited day time
10 classes, which would not affect availability for work, and is otherwise
11 eligible under K.S.A. 44-705(c), and amendments thereto.

12 (s) For any week with respect to which an individual is receiving or
13 has received remuneration in the form of a back pay award or settlement.
14 The remuneration shall be allocated to the week or weeks in the manner as
15 specified in the award or agreement, or in the absence of such specificity
16 in the award or agreement, such remuneration shall be allocated to the
17 week or weeks in which such remuneration, in the judgment of the
18 secretary, would have been paid.

19 (1) For any such weeks that an individual receives remuneration in
20 the form of a back pay award or settlement, an overpayment will be
21 established in the amount of unemployment benefits paid and shall be
22 collected from the claimant.

23 (2) If an employer chooses to withhold from a back pay award or
24 settlement, amounts paid to a claimant while they claimed unemployment
25 benefits, such employer shall pay the department the amount withheld.
26 With respect to such amount, the secretary shall have available all of the
27 collection remedies authorized or provided in K.S.A. 44-717, and
28 amendments thereto.

29 (t) (1) Any applicant for or recipient of unemployment benefits who
30 tests positive for unlawful use of a controlled substance or controlled
31 substance analog shall be required to complete a substance abuse treatment
32 program approved by the secretary of labor, secretary of commerce or
33 secretary for children and families, and a job skills program approved by
34 the secretary of labor, secretary of commerce or the secretary for children
35 and families. Subject to applicable federal laws, any applicant for or
36 recipient of unemployment benefits who fails to complete or refuses to
37 participate in the substance abuse treatment program or job skills program
38 as required under this subsection shall be ineligible to receive
39 unemployment benefits until completion of such substance abuse
40 treatment and job skills programs. Upon completion of both substance
41 abuse treatment and job skills programs, such applicant for or recipient of
42 unemployment benefits may be subject to periodic drug screening, as
43 determined by the secretary of labor. Upon a second positive test for

1 unlawful use of a controlled substance or controlled substance analog, an
2 applicant for or recipient of unemployment benefits shall be ordered to
3 complete again a substance abuse treatment program and job skills
4 program, and shall be terminated from unemployment benefits for a period
5 of 12 months, or until such applicant for or recipient of unemployment
6 benefits completes both substance abuse treatment and job skills programs,
7 whichever is later. Upon a third positive test for unlawful use of a
8 controlled substance or controlled substance analog, an applicant for or a
9 recipient of unemployment benefits shall be terminated from receiving
10 unemployment benefits, subject to applicable federal law.

11 (2) Any individual who has been discharged or refused employment
12 for failing a preemployment drug screen required by an employer may
13 request that the drug screening specimen be sent to a different drug testing
14 facility for an additional drug screening. Any such individual who requests
15 an additional drug screening at a different drug testing facility shall be
16 required to pay the cost of drug screening.

17 (3) *The provisions of this subsection shall not apply to any individual*
18 *who is a registered patient pursuant to section 8, and amendments thereto,*
19 *for activities authorized by the Kansas medical marijuana regulation act,*
20 *section 1 et seq., and amendments thereto.*

21 (u) If the individual was found not to have a disqualifying
22 adjudication or conviction under K.S.A. 39-970 or 65-5117, and
23 amendments thereto, was hired and then was subsequently convicted of a
24 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments
25 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and
26 amendments thereto. The disqualification shall begin the day following the
27 separation and shall continue until after the individual becomes
28 reemployed and has had earnings from insured work of at least three times
29 the individual's determined weekly benefit amount.

30 (v) Notwithstanding the provisions of any subsection, an individual
31 shall not be disqualified for such week of part-time employment in a
32 substitute capacity for an educational institution if such individual's most
33 recent employment prior to the individual's benefit year begin date was for
34 a non-educational institution and such individual demonstrates application
35 for work in such individual's customary occupation or for work for which
36 the individual is reasonably fitted by training or experience.

37 ~~Sec. 70. K.S.A. 44-1009 is hereby amended to read as follows: 44-~~
38 ~~1009. (a) It shall be an unlawful employment practice:~~

39 ~~(1) For an employer, because of the race, religion, color, sex,~~
40 ~~disability, national origin or ancestry of any person to refuse to hire or~~
41 ~~employ such person to bar or discharge such person from employment or~~
42 ~~to otherwise discriminate against such person in compensation or in terms,~~
43 ~~conditions or privileges of employment; to limit, segregate, separate,~~

1 ~~classify or make any distinction in regards to employees; or to follow any~~
2 ~~employment procedure or practice which, in fact, results in discrimination,~~
3 ~~segregation or separation without a valid business necessity.~~

4 ~~(2) For a labor organization, because of the race, religion, color, sex,~~
5 ~~disability, national origin or ancestry of any person, to exclude or to expel~~
6 ~~from its membership such person or to discriminate in any way against any~~
7 ~~of its members or against any employer or any person employed by an~~
8 ~~employer.~~

9 ~~(3) For any employer, employment agency or labor organization to~~
10 ~~print or circulate or cause to be printed or circulated any statement,~~
11 ~~advertisement or publication, or to use any form of application for~~
12 ~~employment or membership or to make any inquiry in connection with~~
13 ~~prospective employment or membership, which expresses, directly or~~
14 ~~indirectly, any limitation, specification or discrimination as to race,~~
15 ~~religion, color, sex, disability, national origin or ancestry, or any intent to~~
16 ~~make any such limitation, specification or discrimination, unless based on~~
17 ~~a bona fide occupational qualification.~~

18 ~~(4) For any employer, employment agency or labor organization to~~
19 ~~discharge, expel or otherwise discriminate against any person because such~~
20 ~~person has opposed any practices or acts forbidden under this act or~~
21 ~~because such person has filed a complaint, testified or assisted in any~~
22 ~~proceeding under this act.~~

23 ~~(5) For an employment agency to refuse to list and properly classify~~
24 ~~for employment or to refuse to refer any person for employment or~~
25 ~~otherwise discriminate against any person because of such person's race,~~
26 ~~religion, color, sex, disability, national origin or ancestry; or to comply~~
27 ~~with a request from an employer for a referral of applicants for~~
28 ~~employment if the request expresses, either directly or indirectly, any~~
29 ~~limitation, specification or discrimination as to race, religion, color, sex,~~
30 ~~disability, national origin or ancestry.~~

31 ~~(6) For an employer, labor organization, employment agency, or~~
32 ~~school which provides, coordinates or controls apprenticeship, on-the-job,~~
33 ~~or other training or retraining program, to maintain a practice of~~
34 ~~discrimination, segregation or separation because of race, religion, color,~~
35 ~~sex, disability, national origin or ancestry, in admission, hiring,~~
36 ~~assignments, upgrading, transfers, promotion, layoff, dismissal,~~
37 ~~apprenticeship or other training or retraining program, or in any other~~
38 ~~terms, conditions or privileges of employment, membership,~~
39 ~~apprenticeship or training; or to follow any policy or procedure which, in~~
40 ~~fact, results in such practices without a valid business motive.~~

41 ~~(7) For any person, whether an employer or an employee or not, to~~
42 ~~aid, abet, incite, compel or coerce the doing of any of the acts forbidden~~
43 ~~under this act, or attempt to do so.~~

1 ~~(8) For an employer, labor organization, employment agency or joint~~
2 ~~labor-management committee to:~~

3 ~~(A) Limit, segregate or classify a job applicant or employee in a way~~
4 ~~that adversely affects the opportunities or status of such applicant or~~
5 ~~employee because of the disability of such applicant or employee;~~

6 ~~(B) participate in a contractual or other arrangement or relationship,~~
7 ~~including a relationship with an employment or referral agency, labor~~
8 ~~union, an organization providing fringe benefits to an employee or an~~
9 ~~organization providing training and apprenticeship programs that has the~~
10 ~~effect of subjecting a qualified applicant or employee with a disability to~~
11 ~~the discrimination prohibited by this act;~~

12 ~~(C) utilize standards, criteria, or methods of administration that have~~
13 ~~the effect of discrimination on the basis of disability or that perpetuate the~~
14 ~~discrimination of others who are subject to common administrative~~
15 ~~control;~~

16 ~~(D) exclude or otherwise deny equal jobs or benefits to a qualified~~
17 ~~individual because of the known disability of an individual with whom the~~
18 ~~qualified individual is known to have a relationship or association;~~

19 ~~(E) not make reasonable accommodations to the known physical or~~
20 ~~mental limitations of an otherwise qualified individual with a disability~~
21 ~~who is an applicant or employee, unless such employer, labor organization,~~
22 ~~employment agency or joint labor-management committee can~~
23 ~~demonstrate that the accommodation would impose an undue hardship on~~
24 ~~the operation of the business thereof;~~

25 ~~(F) deny employment opportunities to a job applicant or employee~~
26 ~~who is an otherwise qualified individual with a disability, if such denial is~~
27 ~~based on the need to make reasonable accommodation to the physical or~~
28 ~~mental impairments of the employee or applicant;~~

29 ~~(G) use qualification standards, employment tests or other selection~~
30 ~~criteria that screen out or tend to screen out an individual with a disability~~
31 ~~or a class of individuals with disabilities unless the standard, test or other~~
32 ~~selection criteria, as used, is shown to be job-related for the position in~~
33 ~~question and is consistent with business necessity; or~~

34 ~~(H) fail to select and administer tests concerning employment in the~~
35 ~~most effective manner to ensure that, when such test is administered to a~~
36 ~~job applicant or employee who has a disability that impairs sensory,~~
37 ~~manual or speaking skills, the test results accurately reflect the skills,~~
38 ~~aptitude or whatever other factor of such applicant or employee that such~~
39 ~~test purports to measure, rather than reflecting the impaired sensory,~~
40 ~~manual or speaking skills of such employee or applicant (, except where~~
41 ~~such skills are the factors that the test purports to measure);~~

42 ~~(9) For any employer to:~~

43 ~~(A) Seek to obtain, to obtain or to use genetic screening or testing;~~

1 ~~information of an employee or a prospective employee to distinguish~~
2 ~~between or discriminate against or restrict any right or benefit otherwise~~
3 ~~due or available to an employee or a prospective employee; or~~

4 ~~(B) subject, directly or indirectly, any employee or prospective~~
5 ~~employee to any genetic screening or test.~~

6 ~~(10) (A) For an employer, because a person is a registered patient or~~
7 ~~caregiver pursuant to section 8, and amendments thereto, or possesses or~~
8 ~~uses medical marijuana in accordance with the Kansas medical marijuana~~
9 ~~regulation act, section 1 et seq., and amendments thereto, to:~~

10 ~~(i) Refuse to hire or employ a person;~~

11 ~~(ii) bar or discharge such person from employment; or~~

12 ~~(iii) otherwise discriminate against such person in compensation or~~
13 ~~in terms, conditions or privileges of employment without a valid business~~
14 ~~necessity.~~

15 ~~(B) For a labor organization, because a person is a registered patient~~
16 ~~or caregiver pursuant to section 8, and amendments thereto, or possesses~~
17 ~~or uses medical marijuana in accordance with the Kansas medical~~
18 ~~marijuana regulation act, section 1 et seq., and amendments thereto, to~~
19 ~~exclude or expel such person from its membership.~~

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

26 ~~(D) Nothing in this paragraph shall be construed to provide a cause~~
27 ~~of action against an employer for wrongful discharge or discrimination for~~
28 ~~the unlawful use of marijuana.~~

29 ~~(b) It shall not be an unlawful employment practice to fill vacancies~~
30 ~~in such way as to eliminate or reduce imbalance with respect to race,~~
31 ~~religion, color, sex, disability, national origin or ancestry.~~

32 ~~(c) It shall be an unlawful discriminatory practice:~~

33 ~~(1) For any person, as defined herein being the owner, operator,~~
34 ~~lessee, manager, agent or employee of any place of public accommodation~~
35 ~~to refuse, deny or make a distinction, directly or indirectly, in offering its~~
36 ~~goods, services, facilities, and accommodations to any person as covered~~
37 ~~by this act because of race, religion, color, sex, disability, national origin or~~
38 ~~ancestry, except where a distinction because of sex is necessary because of~~
39 ~~the intrinsic nature of such accommodation.~~

40 ~~(2) For any person, whether or not specifically enjoined from~~
41 ~~discriminating under any provisions of this act, to aid, abet, incite, compel~~
42 ~~or coerce the doing of any of the acts forbidden under this act, or to~~
43 ~~attempt to do so.~~

1 ~~(3) For any person, to refuse, deny, make a distinction, directly or~~
2 ~~indirectly, or discriminate in any way against persons because of the race,~~
3 ~~religion, color, sex, disability, national origin or ancestry of such persons~~
4 ~~in the full and equal use and enjoyment of the services, facilities,~~
5 ~~privileges and advantages of any institution, department or agency of the~~
6 ~~state of Kansas or any political subdivision or municipality thereof.~~

7 ~~Sec. 71. K.S.A. 44-1015 is hereby amended to read as follows: 44-~~
8 ~~1015. As used in this act, unless the context otherwise requires:~~

9 ~~(a) "Commission" means the Kansas human rights commission.~~

10 ~~(b) "Real property" means and includes:~~

11 ~~(1) All vacant or unimproved land; and~~

12 ~~(2) any building or structure which *that* is occupied or designed or~~
13 ~~intended for occupaney, or any building or structure having a portion~~
14 ~~thereof which *that* is occupied or designed or intended for occupaney.~~

15 ~~(c) "Family" includes a single individual.~~

16 ~~(d) "Person" means an individual, corporation, partnership,~~
17 ~~association, labor organization, legal representative, mutual company,~~
18 ~~joint-stock company, trust, unincorporated organization, trustee, trustee in~~
19 ~~bankruptcy, receiver and fiduciary.~~

20 ~~(e) "To rent" means to lease, to sublease, to let and otherwise to grant~~
21 ~~for a consideration the right to occupy premises not owned by the~~
22 ~~occupant.~~

23 ~~(f) "Discriminatory housing practice" means any act that is unlawful~~
24 ~~under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, *or:*~~
25 ~~*section 54, and amendments thereto.*~~

26 ~~(g) "Person aggrieved" means any person who claims to have been~~
27 ~~injured by a discriminatory housing practice or believes that such person~~
28 ~~will be injured by a discriminatory housing practice that is about to occur.~~

29 ~~(h) "Disability" has the meaning provided by *means the same as*~~
30 ~~*defined in K.S.A. 44-1002,* and amendments thereto.~~

31 ~~(i) "Familial status" means having one or more individuals less than~~
32 ~~18 years of age domiciled with:~~

33 ~~(1) A parent or another person having legal custody of such~~
34 ~~individual or individuals; or~~

35 ~~(2) the designee of such parent or other person having such custody;~~
36 ~~with the written permission of such parent or other person.~~

37 ~~Sec. ~~72, 76, {75.}~~ K.S.A. 2020 Supp. 65-1120 is hereby amended to~~
38 ~~read as follows: 65-1120. (a) *Grounds for disciplinary actions.* The board~~
39 ~~may deny, revoke, limit or suspend any license or authorization to practice~~
40 ~~nursing as a registered professional nurse, as a licensed practical nurse, as~~
41 ~~an advanced practice registered nurse or as a registered nurse anesthetist~~
42 ~~that is issued by the board or applied for under this act, or may require the~~
43 ~~licensee to attend a specific number of hours of continuing education in~~

1 addition to any hours the licensee may already be required to attend or
2 may publicly or privately censure a licensee or holder of a temporary
3 permit or authorization, if the applicant, licensee or holder of a temporary
4 permit or authorization is found after hearing:

5 (1) To be guilty of fraud or deceit in practicing nursing or in
6 procuring or attempting to procure a license to practice nursing;

7 (2) to have been guilty of a felony or to have been guilty of a
8 misdemeanor involving an illegal drug offense unless the applicant or
9 licensee establishes sufficient rehabilitation to warrant the public trust,
10 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
11 license or authorization to practice nursing as a licensed professional
12 nurse, as a licensed practical nurse, as an advanced practice registered
13 nurse or registered nurse anesthetist shall be granted to a person with a
14 felony conviction for a crime against persons as specified in article 34 of
15 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
16 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments*
17 *thereto*, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and
18 amendments thereto;

19 (3) has been convicted or found guilty or has entered into an agreed
20 disposition of a misdemeanor offense related to the practice of nursing as
21 determined on a case-by-case basis;

22 (4) to have committed an act of professional incompetency as defined
23 in subsection (e);

24 (5) to be unable to practice with skill and safety due to current abuse
25 of drugs or alcohol;

26 (6) to be a person who has been adjudged in need of a guardian or
27 conservator, or both, under the act for obtaining a guardian or conservator,
28 or both, and who has not been restored to capacity under that act;

29 (7) to be guilty of unprofessional conduct as defined by rules and
30 regulations of the board;

31 (8) to have willfully or repeatedly violated the provisions of the
32 Kansas nurse practice act or any rules and regulations adopted pursuant to
33 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

34 (9) to have a license to practice nursing as a registered nurse or as a
35 practical nurse denied, revoked, limited or suspended, or to be publicly or
36 privately censured, by a licensing authority of another state, agency of the
37 United States government, territory of the United States or country or to
38 have other disciplinary action taken against the applicant or licensee by a
39 licensing authority of another state, agency of the United States
40 government, territory of the United States or country. A certified copy of
41 the record or order of public or private censure, denial, suspension,
42 limitation, revocation or other disciplinary action of the licensing authority
43 of another state, agency of the United States government, territory of the

1 United States or country shall constitute prima facie evidence of such a
2 fact for purposes of this paragraph~~(9)~~; or

3 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to
4 its repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as
5 established by any of the following:

6 (A) A copy of the record of criminal conviction or plea of guilty for a
7 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020
8 Supp. 21-5407, and amendments thereto.

9 (B) A copy of the record of a judgment of contempt of court for
10 violating an injunction issued under K.S.A. 2020 Supp. 60-4404, and
11 amendments thereto.

12 (C) A copy of the record of a judgment assessing damages under
13 K.S.A. 2020 Supp. 60-4405, and amendments thereto.

14 (b) *Proceedings*. Upon filing of a sworn complaint with the board
15 charging a person with having been guilty of any of the unlawful practices
16 specified in subsection (a), two or more members of the board shall
17 investigate the charges, or the board may designate and authorize an
18 employee or employees of the board to conduct an investigation. After
19 investigation, the board may institute charges. If an investigation, in the
20 opinion of the board, reveals reasonable grounds for believing the
21 applicant or licensee is guilty of the charges, the board shall fix a time and
22 place for proceedings, which shall be conducted in accordance with the
23 provisions of the Kansas administrative procedure act.

24 (c) *Witnesses*. No person shall be excused from testifying in any
25 proceedings before the board under this act or in any civil proceedings
26 under this act before a court of competent jurisdiction on the ground that
27 such testimony may incriminate the person testifying, but such testimony
28 shall not be used against the person for the prosecution of any crime under
29 the laws of this state except the crime of perjury as defined in K.S.A. 2020
30 Supp. 21-5903, and amendments thereto.

31 (d) *Costs*. If final agency action of the board in a proceeding under
32 this section is adverse to the applicant or licensee, the costs of the board's
33 proceedings shall be charged to the applicant or licensee as in ordinary
34 civil actions in the district court, but if the board is the unsuccessful party,
35 the costs shall be paid by the board. Witness fees and costs may be taxed
36 by the board according to the statutes relating to procedure in the district
37 court. All costs accrued by the board, when it is the successful party, and
38 ~~which~~ *that* the attorney general certifies cannot be collected from the
39 applicant or licensee shall be paid from the board of nursing fee fund. All
40 moneys collected following board proceedings shall be credited in full to
41 the board of nursing fee fund.

42 (e) *Professional incompetency defined*. As used in this section,
43 "professional incompetency" means:

1 (1) One or more instances involving failure to adhere to the
2 applicable standard of care to a degree ~~which~~ that constitutes gross
3 negligence, as determined by the board;

4 (2) repeated instances involving failure to adhere to the applicable
5 standard of care to a degree ~~which~~ that constitutes ordinary negligence, as
6 determined by the board; or

7 (3) a pattern of practice or other behavior ~~which~~ that demonstrates a
8 manifest incapacity or incompetence to practice nursing.

9 (f) *Criminal justice information.* The board upon request shall receive
10 from the Kansas bureau of investigation such criminal history record
11 information relating to arrests and criminal convictions as necessary for
12 the purpose of determining initial and continuing qualifications of
13 licensees of and applicants for licensure by the board.

14 (g) *Medical marijuana exemption.* The board shall not:

15 (1) *Deny, revoke, limit or suspend the license of any licensee ~~under~~*
16 ~~*the Kansas medical marijuana regulation act, section 1 et seq., and*~~
17 ~~*amendments thereto;*~~

18 ~~*(2) or publicly or privately censure any licensee for any actions as a*~~
19 ~~*registered patient or caregiver pursuant to section 8, and amendments*~~
20 ~~*thereto, including whether the licensee possesses or has possessed, or uses*~~
21 ~~*or has used medical marijuana in accordance with the Kansas medical*~~
22 ~~*marijuana regulation act, section 1 et seq., and amendments thereto; or*~~

23 ~~*(2)*~~ *deny, revoke, limit or suspend an advanced practice registered*
24 *nurse's license or publicly or privately censure an advanced practice*
25 *registered nurse for any of the following:*

26 (A) *The advanced practice registered nurse has:*

27 (i) *Advised a patient about the possible benefits and risks of using*
28 *medical marijuana; or*

29 (ii) *advised a patient that using medical marijuana may mitigate the*
30 *patient's symptoms; or*

31 (B) *the advanced practice registered nurse is a registered patient or*
32 *caregiver pursuant to section 8, and amendments thereto, possesses or has*
33 *possessed, or uses or has used medical marijuana in accordance with the*
34 *Kansas medical marijuana regulation act, section 1 et seq., and*
35 *amendments thereto.*

36 Sec. ~~73-77~~ {76.} K.S.A. 65-28b08 is hereby amended to read as
37 follows: 65-28b08. (a) The board may deny, revoke, limit or suspend any
38 license or authorization issued to a certified nurse-midwife to engage in
39 the independent practice of midwifery that is issued by the board or
40 applied for under this act, or may publicly censure a licensee or holder of a
41 temporary permit or authorization, if the applicant or licensee is found
42 after a hearing:

43 (1) To be guilty of fraud or deceit while engaging in the independent

1 practice of midwifery or in procuring or attempting to procure a license to
2 engage in the independent practice of midwifery;

3 (2) to have been found guilty of a felony or to have been found guilty
4 of a misdemeanor involving an illegal drug offense unless the applicant or
5 licensee establishes sufficient rehabilitation to warrant the public trust,
6 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
7 license or authorization to practice and engage in the independent practice
8 of midwifery shall be granted to a person with a felony conviction for a
9 crime against persons as specified in article 34 of chapter 21 of the Kansas
10 Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the
11 Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2020 Supp.
12 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

13 (3) to have committed an act of professional incompetence as defined
14 in subsection (c);

15 (4) to be unable to practice the healing arts with reasonable skill and
16 safety by reason of impairment due to physical or mental illness or
17 condition or use of alcohol, drugs or controlled substances. All
18 information, reports, findings and other records relating to impairment
19 shall be confidential and not subject to discovery or release to any person
20 or entity outside of a board proceeding. The provisions of this paragraph
21 providing confidentiality of records shall expire on July 1, 2022, unless the
22 legislature reviews and reenacts such provisions pursuant to K.S.A. 45-
23 229, and amendments thereto, prior to July 1, 2022;

24 (5) to be a person who has been adjudged in need of a guardian or
25 conservator, or both, under the act for obtaining a guardian or conservator,
26 or both, and who has not been restored to capacity under that act;

27 (6) to be guilty of unprofessional conduct as defined by rules and
28 regulations of the board;

29 (7) to have willfully or repeatedly violated the provisions of the
30 Kansas nurse practice act or any rules and regulations adopted pursuant to
31 that act;

32 (8) to have a license to practice nursing as a registered nurse or as a
33 practical nurse denied, revoked, limited or suspended, or to have been
34 publicly or privately censured, by a licensing authority of another state,
35 agency of the United States government, territory of the United States or
36 country, or to have other disciplinary action taken against the applicant or
37 licensee by a licensing authority of another state, agency of the United
38 States government, territory of the United States or country. A certified
39 copy of the record or order of public or private censure, denial, suspension,
40 limitation, revocation or other disciplinary action of the licensing authority
41 of another state, agency of the United States government, territory of the
42 United States or country shall constitute prima facie evidence of such a
43 fact for purposes of this paragraph; or

1 (9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its
2 repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as
3 established by any of the following:

4 (A) A copy of the record of criminal conviction or plea of guilty to a
5 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020
6 Supp. 21-5407, and amendments thereto;

7 (B) a copy of the record of a judgment of contempt of court for
8 violating an injunction issued under K.S.A. 60-4404, and amendments
9 thereto; or

10 (C) a copy of the record of a judgment assessing damages under
11 K.S.A. 60-4405, and amendments thereto.

12 (b) No person shall be excused from testifying in any proceedings
13 before the board under this act or in any civil proceedings under this act
14 before a court of competent jurisdiction on the ground that such testimony
15 may incriminate the person testifying, but such testimony shall not be used
16 against the person for the prosecution of any crime under the laws of this
17 state, except the crime of perjury as defined in K.S.A. 2020 Supp. 21-
18 5903, and amendments thereto.

19 (c) *The board shall not deny, revoke, limit or suspend any license or*
20 *authorization issued to a certified nurse-midwife or publicly censure a*
21 *certified nurse-midwife upon any of the following:*

22 (1) *The certified nurse-midwife has:*

23 (A) *Advised a patient about the possible benefits and risks of using*
24 *medical marijuana; or*

25 (B) *advised the patient that using medical marijuana may mitigate*
26 *the patient's symptoms; or*

27 (2) *the certified nurse-midwife is a registered patient or caregiver*
28 *pursuant to section 8, and amendments thereto, possesses or has*
29 *possessed, or uses or has used medical marijuana in accordance with the*
30 *Kansas medical marijuana regulation act, section 1 et seq., and*
31 *amendments thereto.*

32 (d) As used in this section, "professional incompetency" means:

33 (1) One or more instances involving failure to adhere to the
34 applicable standard of care to a degree ~~which~~ *that* constitutes gross
35 negligence, as determined by the board;

36 (2) repeated instances involving failure to adhere to the applicable
37 standard of care to a degree ~~which~~ *that* constitutes ordinary negligence, as
38 determined by the board; or

39 (3) a pattern of practice or other behavior ~~which~~ *that* demonstrates a
40 manifest incapacity or incompetence to engage in the independent practice
41 of midwifery.

42 ~~(d)~~(e) The board, upon request, shall receive from the Kansas bureau
43 of investigation such criminal history record information relating to arrests

1 and criminal convictions, as necessary, for the purpose of determining
2 initial and continuing qualifications of licensees and applicants for
3 licensure by the board.

4 ~~(e) The provisions of this section shall become effective on January 1,~~
5 ~~2017.~~

6 ~~Sec. 78.~~ {77.} **On and after the effective date of this act, if the**
7 **secretary of state publishes notice of the certification required**
8 **pursuant to section ~~82~~ {82}, and amendments thereto, K.S.A. 2020**
9 **Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The**
10 **controlled substances listed in this section are included in schedule I**
11 **and the number set forth opposite each drug or substance is the DEA**
12 **controlled substances code that has been assigned to it.**

13 **(b) Any of the following opiates, including their isomers, esters,**
14 **ethers, salts, and salts of isomers, esters and ethers, unless specifically**
15 **excepted, whenever the existence of these isomers, esters, ethers and**
16 **salts is possible within the specific chemical designation:**

- 17 (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
18 phenylacetamide).....9821
- 19 (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
20 piperidinyl]-N-phenylacetamide).....9815
- 21 (3) Acetylmethadol.....9601
- 22 (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
23 phenylacrylamide; acryloylfentanyl).....9811
- 24 (5) AH-7921 (3,4-dichloro-N-[1-
25 dimethylamino)cyclohexylmethyl]benzamide).....9551
- 26 (6) Allyprodine.....9602
- 27 (7) Alphacetylmethadol.....9603
28 (except levo-alphacetylmethadol also known as levo-alpha-
29 acetylmethadol, levomethadyl acetate or LAAM)
- 30 (8) Alphameprodine.....9604
- 31 (9) Alphamethadol.....9605
- 32 (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-
33 piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
34 propanilido) piperidine).....9814
- 35 (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
36 piperidinyl]-N-phenylpropanamide).....9832
- 37 (12) Benzethidine.....9606
- 38 (13) Betacetylmethadol.....9607
- 39 (14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
40 piperidinyl]-N-phenylpropanamide).....9830
- 41 (15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-
42 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).9831
- 43 (16) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-

1	yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
2	(17) Betameprodine.....	9608
3	(18) Betamethadol.....	9609
4	(19) Betaprodine.....	9611
5	(20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
6	phenylbutyramide).....	9822
7	(21) Clonitazene.....	9612
8	(22) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
9	phenylcyclopentanecarboxamide)	
10	(23) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
11	phenylcyclopropanecarboxamide).....	9845
12	(24) Dextromoramide.....	9613
13	(25) Diampromide.....	9615
14	(26) Diethylthiambutene.....	9616
15	(27) DifenoXin.....	9168
16	(28) Dimenoxadol.....	9617
17	(29) Dimpheptanol.....	9618
18	(30) Dimethylthiambutene.....	9619
19	(31) Dioxaphetyl butyrate.....	9621
20	(32) Dipipanone.....	9622
21	(33) Ethylmethylthiambutene.....	9623
22	(34) Etonitazene.....	9624
23	(35) EtoXeridine.....	9625
24	(36) Fentanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-	
25	2-carboxamide).....	9834
26	(37) Furethidine.....	9626
27	(38) Hydroxypethidine.....	9627
28	(39) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
29	phenylisobutyramide)	
30	(40) Ketobemidone.....	9628
31	(41) Levomoramide.....	9629
32	(42) Levophenacymorphan.....	9631
33	(43) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-	
34	yl)-N-phenylacetamide).....	9825
35	(44) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-	
36	phenylpropanamide).....	9813
37	(45) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-	
38	piperidinyl]-N-phenylpropanamide).....	9833
39	(46) Morpheridine.....	9632
40	(47) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-	
41	phenethylpiperidin-4-yl)acetamide)	
42	(48) O-desmethyltramadol	
43	Some trade or other names: 2-((dimethylamino)methyl-1-(3-	

1	hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-	
2	hydroxycyclohexyl)phenol	
3	(49) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
4	(50) MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine)	
5	(51) Noracymethadol.....	9633
6	(52) Norlevorphanol.....	9634
7	(53) Normethadone.....	9635
8	(54) Norpipanone.....	9636
9	(55) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-	
10	phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl).....	9816
11	(56) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-	
12	phenethylpiperidin-4-yl)isobutyramide)	
13	(57) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
14	phenethylpiperidin-4-yl)butyramide)	
15	(58) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-	
16	piperidinyl]propanamide).....	9812
17	(59) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
18	phenethylpiperidin-4-yl)isobutyramide,	
19	4-fluoroisobutyryl fentanyl).....	9824
20	(60) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-	
21	phenethylpiperidin-4-yl)butyramide)	
22	(61) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
23	(62) Phenadoxone.....	9637
24	(63) Phenampromide.....	9638
25	(64) Phenomorphan.....	9647
26	(65) Phenoperidine.....	9641
27	(66) Piritramide.....	9642
28	(67) Proheptazine.....	9643
29	(68) Properidine.....	9644
30	(69) Propiram.....	9649
31	(70) Racemoramide.....	9645
32	(71) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
33	phenyltetrahydrofuran-2-carboxamide).....	9843
34	(72) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-	
35	propanamide).....	9835
36	(73) Tilidine.....	9750
37	(74) Trimeperidine.....	9646
38	(75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-	
39	methylbenzamide).....	9547
40	(76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
41	phenylpentanamide)	

42 (c) Any of the following opium derivatives, their salts, isomers
43 and salts of isomers, unless specifically excepted, whenever the

- 1 existence of these salts, isomers and salts of isomers is possible within
2 the specific chemical designation:
- 3 (1) Acetorphine.....9319
4 (2) Acetyldihydrocodeine.....9051
5 (3) Benzylmorphine.....9052
6 (4) Codeine methylbromide.....9070
7 (5) Codeine-N-Oxide.....9053
8 (6) Cyprenorphine.....9054
9 (7) Desomorphine.....9055
10 (8) Dihydromorphine.....9145
11 (9) Drotebanol.....9335
12 (10) Etorphine (except hydrochloride salt).....9056
13 (11) Heroin.....9200
14 (12) Hydromorphinol.....9301
15 (13) Methyldesorphine.....9302
16 (14) Methyldihydromorphine.....9304
17 (15) Morphine methylbromide.....9305
18 (16) Morphine methylsulfonate.....9306
19 (17) Morphine-N-Oxide.....9307
20 (18) Myrophine.....9308
21 (19) Nicocodeine.....9309
22 (20) Nicomorphine.....9312
23 (21) Normorphine.....9313
24 (22) Pholcodine.....9314
25 (23) Thebacon.....9315
- 26 (d) Any material, compound, mixture or preparation that
27 contains any quantity of the following hallucinogenic substances, their
28 salts, isomers and salts of isomers, unless specifically excepted,
29 whenever the existence of these salts, isomers and salts of isomers is
30 possible within the specific chemical designation:
- 31 (1) Alpha-ethyltryptamine 7249 Some trade or other names:
32 etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-
33 aminobutyl) indole; α -ET; and AET.
34 (2) 4-bromo-2,5-dimethoxy-amphetamine.....7391
35 Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-
36 methylphenethylamine; 4-bromo-2,5-DMA.
37 (3) 2,5-dimethoxyamphetamine.....7396
38 Some trade or other names: 2,5-dimethoxy-alpha-methyl-
39 phenethylamine; 2,5-DMA.
40 (4) 4-methoxyamphetamine.....7411
41 Some trade or other names: 4-methoxy-alpha-methylphene-
42 thylamine; paramethoxyamphetamine; PMA.
43 (5) 5-methoxy-3,4-methylenedioxy-amphetamine.....7401

1	(6)	4-methyl-2,5-dimethoxy-amphetamine.....	7395
2		Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-	
3		methylphenethylamine; "DOM"; and "STP".	
4	(7)	3,4-methylenedioxy amphetamine.....	7400
5	(8)	3,4-methylenedioxymethamphetamine (MDMA).....	7405
6	(9)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-	
7		ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-	
8		ethyl MDA, MDE, and MDEA).....	7404
9	(10)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-	
10		hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine,	
11		and N-hydroxy MDA).....	7402
12	(11)	3,4,5-trimethoxy amphetamine.....	7390
13	(12)	Bufotenine.....	7433
14		Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-	
15		hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-	
16		dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;	
17		mappine.	
18	(13)	Diethyltryptamine.....	7434
19		Some trade or other names: N,N-Diethyltryptamine; DET.	
20	(14)	Dimethyltryptamine.....	7435
21		Some trade or other names: DMT.	
22	(15)	Ibogaine.....	7260
23		Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-	
24		octahydro-2-methoxy-6,9-methano-5H-	
25		pyrido[1',2':1,2]azepino[5,4-b]indole; Tabernanthe iboga	
26	(16)	Lysergic acid diethylamide.....	7315
27	(17)	Marijuana.....	7360
28	(18) (17)	Mescaline.....	7381
29	(19) (18)	Parahexyl.....	7374
30		Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-	
31		tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
32	(20) (19)	Peyote.....	7415
33		Meaning all parts of the plant presently classified botanically as	
34		Lophophora williamsii Lemaire, whether growing or not, the	
35		seeds thereof, any extract from any part of such plant, and every	
36		compound, manufacture, salts, derivative, mixture or	
37		preparation of such plant, its seeds or extracts.	
38	(21) (20)	N-ethyl-3-piperidyl benzilate.....	7482
39	(22) (21)	N-methyl-3-piperidyl benzilate.....	7484
40	(23) (22)	Psilocybin.....	7437
41	(24) (23)	Psilocyn.....	7438
42		Some trade or other names: Psilocin.	
43	(25) (24)	Ethylamine analog of phencyclidine.....	7455

1	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine;	
2	(1-phenylcyclohexyl)ethylamine; N-(1-	
3	phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	
4	(26) (25) Pyrrolidine analog of phencyclidine.....	7458
5	Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine;	
6	PCPy; PHP.	
7	(27) (26) Thiophene analog of phencyclidine.....	7470
8	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-	
9	piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.	
10	(28) (27) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....	7473
11	Some other names: TCPy.	
12	(29) (28) 2,5-dimethoxy-4-ethylamphetamine.....	7399
13	Some trade or other names: DOET.	
14	(30) (29) Salvia divinorum or salvinorum A; all parts of the plant	
15	presently classified botanically as salvia divinorum, whether	
16	growing or not, the seeds thereof, any extract from any part of	
17	such plant, and every compound, manufacture, salts, derivative,	
18	mixture or preparation of such plant, its seeds or extracts.	
19	(31) (30) Datura stramonium, commonly known as gypsum weed or	
20	jimson weed; all parts of the plant presently classified botanically	
21	as datura stramonium, whether growing or not, the seeds	
22	thereof, any extract from any part of such plant, and every	
23	compound, manufacture, salts, derivative, mixture or	
24	preparation of such plant, its seeds or extracts.	
25	(32) (31) N-benzylpiperazine.....	7493
26	Some trade or other names: BZP.	
27	(33) (32) 1-(3-[trifluoromethylphenyl])piperazine	
28	Some trade or other names: TFMPP.	
29	(34) (33) 4-Bromo-2,5-dimethoxyphenethylamine.....	7392
30	(35) (34) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its	
31	optical isomers, salts and salts of optical isomers.....	7348
32	(36) (35) Alpha-methyltryptamine (other name: AMT).....	7432
33	(37) (36) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its	
34	isomers, salts and salts of isomers.....	7439
35	(38) (37) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
36	(39) (38) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)....	7508
37	(40) (39) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)....	7519
38	(41) (40) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
39	(42) (41) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	
40	7385	
41	(43) (42) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-	
42	T-4)7532	
43	(44) (43) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517

- 1 (45)(44) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....7521
2 (46)(45) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)
3 7524
4 (47)(46) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT)....7431
5 Some trade or other names: 5-methoxy-3-[2-(dimethylamino)
6 ethyl]indole.
7 (48)(47) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-
8 methoxybenzyl)ethanamine.....7538
9 Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I;
10 Cimi-5.
11 (49)(48) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-
12 methoxybenzyl)ethanamine.....7537
13 Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C;
14 Cimi-82.
15 (50)(49) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-
16 methoxybenzyl)ethanamine.....7536
17 Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B;
18 Cimi-36.
19 (51)(50) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
20 Some trade or other names: 25H-NBOMe.
21 (52)(51) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-
22 methoxybenzyl)ethanamine
23 Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
24 (53)(52) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-
25 methoxybenzyl)ethanamine
26 Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.
27 (e) Any material, compound, mixture or preparation that
28 contains any quantity of the following substances having a depressant
29 effect on the central nervous system, including its salts, isomers, and
30 salts of isomers whenever the existence of such salts, isomers, and salts
31 of isomers is possible within the specific chemical designation:
32 (1) Etizolam
33 Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-
34 methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
35 (2) Mecloqualone.....2572
36 (3) Methaqualone.....2565
37 (4) Gamma hydroxybutyric acid
38 (f) Unless specifically excepted or unless listed in another
39 schedule, any material, compound, mixture or preparation that
40 contains any quantity of the following substances having a stimulant
41 effect on the central nervous system, including its salts, isomers and
42 salts of isomers:
43 (1) Aminorex.....1585

- 1 **Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline**
2 **or 4,5-dihydro-5-phenyl-2-oxazolamine**
- 3 **(2) Fenethylamine.....1503**
4 **(3) N-ethylamphetamine.....1475**
5 **(4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-**
6 **2-oxazolamine).....1590**
7 **(5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-**
8 **benzeneethanamine; N,N-alpha-trimethylphenethylamine)...1480**
9 **(6) Cathinone (some other names: 2-amino-1-phenol-1-propanone,**
10 **alpha-amino propiophenone, 2-amino propiophenone and**
11 **norphedrone).....1235**
12 **(7) Substituted cathinones**
13 **Any compound, except bupropion or compounds listed under a**
14 **different schedule, structurally derived from 2-aminopropan-1-**
15 **one by substitution at the 1-position with either phenyl, naphthyl,**
16 **or thiophene ring systems, whether or not the compound is**
17 **further modified in any of the following ways:**
18 **(A) By substitution in the ring system to any extent with alkyl,**
19 **alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide**
20 **substituents, whether or not further substituted in the ring**
21 **system by one or more other univalent substituents;**
22 **(B) by substitution at the 3-position with an acyclic alkyl**
23 **substituent;**
24 **(C) by substitution at the 2-amino nitrogen atom with alkyl,**
25 **dialkyl, benzyl, or methoxybenzyl groups; or**
26 **(D) by inclusion of the 2-amino nitrogen atom in a cyclic**
27 **structure.**
28 **(g) Any material, compound, mixture or preparation that**
29 **contains any quantity of the following substances:**
30 **(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),**
31 **its optical isomers, salts and salts of isomers**
32 **(2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide**
33 **(thenylfentanyl), its optical isomers, salts and salts of isomers**
34 **(h) Any of the following cannabinoids, their salts, isomers and**
35 **salts of isomers, unless specifically excepted, whenever the existence of**
36 **these salts, isomers and salts of isomers is possible within the specific**
37 **chemical designation:**
38 **(1) Tetrahydrocannabinols.....7370**
39 **Meaning tetrahydrocannabinols naturally contained in a plant of the**
40 **genus Cannabis (cannabis plant), as well as synthetic equivalents of**
41 **the substances contained in the plant, or in the resinous extractives of**
42 **Cannabis, sp. and/or synthetic substances, derivatives, and their**
43 **isomers with similar chemical structure and pharmacological activity**

1 such as the following: Delta 1 cis or trans tetrahydrocannabinol, and
2 their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and
3 their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and
4 its optical isomers (Since nomenclature of these substances is not
5 internationally standardized, compounds of these structures,
6 regardless of numerical designation of atomic positions covered.),
7 except tetrahydrocannabinols in any of the following:

8 (A) Industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and
9 amendments thereto;

10 ~~(B) solid waste, as defined in K.S.A. 65-3402, and amendments~~
11 ~~thereto, and hazardous waste, as defined in K.S.A. 65-3430, and~~
12 ~~amendments thereto, if such waste is the result of the~~
13 ~~cultivation, production or processing of industrial hemp, as~~
14 ~~defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto,~~
15 ~~and such waste contains a delta-9 tetrahydrocannabinol~~
16 ~~concentration of not more than 0.3%; or~~

17 ~~(C) hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and~~
18 ~~amendments thereto, unless otherwise deemed unlawful~~
19 ~~pursuant to K.S.A. 2020 Supp. 2-3908, and amendments thereto.~~

20 **(2) Naphthoylindoles**

21 **Any compound containing a 3-(1-naphthoyl)indole structure**
22 **with substitution at the nitrogen atom of the indole ring by an**
23 **alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,**
24 **cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-**
25 **(4-morpholinyl) ethyl group, whether or not further substituted**
26 **in the indole ring to any extent and whether or not substituted in**
27 **the benzyl or naphthyl ring to any extent.**

28 **(3)(2) Naphthylmethylindoles**

29 **Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane**
30 **structure with substitution at the nitrogen atom of the indole**
31 **ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,**
32 **cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-**
33 **piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or**
34 **not further substituted in the indole ring to any extent and**
35 **whether or not substituted in the benzyl or naphthyl ring to any**
36 **extent.**

37 **(4)(3) Naphthoylpyrroles**

38 **Any compound containing a 3-(1-naphthoyl)pyrrole structure**
39 **with substitution at the nitrogen atom of the pyrrole ring by an**
40 **alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,**
41 **cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-**
42 **(4-morpholinyl)ethyl group whether or not further substituted in**
43 **the pyrrole ring to any extent, whether or not substituted in the**

1 **benzyl or naphthyl ring to any extent.**

2 ~~(5)~~(4) **Naphthylmethylindenes**

3 **Any compound containing a naphthylideneindene structure with**
4 **substitution at the 3-position of the indene ring by an alkyl,**
5 **haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,**
6 **benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-**
7 **morpholinyl)ethyl group whether or not further substituted in**
8 **the indene ring to any extent, whether or not substituted in the**
9 **benzyl or naphthyl ring to any extent.**

10 ~~(6)~~(5) **Phenylacetylindoles**

11 **Any compound containing a 3-phenylacetylindole structure with**
12 **substitution at the nitrogen atom of the indole ring by an alkyl,**
13 **haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,**
14 **benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-**
15 **morpholinyl)ethyl group whether or not further substituted in**
16 **the indole ring to any extent, whether or not substituted in the**
17 **benzyl or phenyl ring to any extent.**

18 ~~(7)~~(6) **Cyclohexylphenols**

19 **Any compound containing a 2-(3-hydroxycyclohexyl)phenol**
20 **structure with substitution at the 5-position of the phenolic ring**
21 **by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,**
22 **cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-**
23 **morpholinyl)ethyl group whether or not substituted in the**
24 **cyclohexyl ring to any extent.**

25 ~~(8)~~(7) **Benzoylindoles**

26 **Any compound containing a 3-(benzoyl)indole structure with**
27 **substitution at the nitrogen atom of the indole ring by an alkyl,**
28 **haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,**
29 **benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-**
30 **morpholinyl)ethyl group whether or not further substituted in**
31 **the indole ring to any extent and whether or not substituted in**
32 **the benzyl or phenyl ring to any extent.**

33 ~~(9)~~(8) **2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-**
34 **de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.**

35 **Some trade or other names: WIN 55,212-2.**

36 ~~(10)~~(9) **9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-**
37 **6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol**

38 **Some trade or other names: HU-210, HU-211.**

39 ~~(11)~~(10) **Tetramethylcyclopropanoylindoles**

40 **Any compound containing a 3-tetramethylcyclopropanoylindole**
41 **structure with substitution at the nitrogen atom of the indole**
42 **ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,**
43 **cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-**

1 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
2 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
3 tetrahydropyranylmethyl group, whether or not further
4 substituted in the indole ring to any extent and whether or not
5 substituted in the benzyl or tetramethylcyclopropyl rings to any
6 extent.

7 ~~(12)~~(11) Indole-3-carboxylate esters

8 Any compound containing a 1H-indole-3-carboxylate ester
9 structure with the ester oxygen bearing a naphthyl, quinolinyl,
10 isoquinolinyl or adamantyl group and substitution at the 1
11 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
12 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
13 piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or
14 not further substituted on the indole ring to any extent and
15 whether or not substituted on the naphthyl, quinolinyl,
16 isoquinolinyl, adamantyl or benzyl groups to any extent.

17 ~~(13)~~(12) Indazole-3-carboxamides

18 Any compound containing a 1H-indazole-3-carboxamide
19 structure with substitution at the nitrogen of the carboxamide by
20 a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-
21 amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and
22 substitution at the 1 position of the indazole ring by an alkyl,
23 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
24 benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl
25 group, whether or not further substituted on the indazole ring to
26 any extent and whether or not substituted on the naphthyl,
27 quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-
28 alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

29 ~~(14)~~(13) Indole-3-carboxamides

30 Any compound containing a 1H-indole-3-carboxamide structure
31 with substitution at the nitrogen of the carboxamide by a
32 naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-
33 1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and
34 substitution at the 1 position of the indole ring by an alkyl,
35 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
36 benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl
37 group, whether or not further substituted on the indole ring to
38 any extent and whether or not further substituted on the
39 naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-
40 oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any
41 extent.

42 ~~(15)~~(14) (1H-indazol-3-yl)methanones

43 Any compound containing a (1H-indazol-3-yl)methanone

1 structure with the carbonyl carbon bearing a naphthyl group
2 and substitution at the 1 position of the indazole ring by an alkyl,
3 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-
4 methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group,
5 whether or not further substituted on the indazole ring to any
6 extent and whether or not substituted on the naphthyl or benzyl
7 groups to any extent.

8 Sec. ~~79~~ {78.} On and after the effective date of this act, if the
9 secretary of state publishes notice of the certification required
10 pursuant to section ~~83~~ {82}, and amendments thereto, K.S.A. 65-4107
11 is hereby amended to read as follows: 65-4107. (a) The controlled
12 substances listed in this section are included in schedule II and the
13 number set forth opposite each drug or substance is the DEA
14 controlled substances code which has been assigned to it.

15 (b) Any of the following substances, except those narcotic drugs
16 listed in other schedules, whether produced directly or indirectly by
17 extraction from substances of vegetable origin or independently by
18 means of chemical synthesis or by combination of extraction and
19 chemical synthesis:

20 (1) Opium and opiate and any salt, compound, derivative or
21 preparation of opium or opiate, excluding apomorphine, dextrorphan,
22 nalbuphine, nalmefene, naloxone and naltrexone and their respective
23 salts, but including the following:

24 (A) Raw opium.....	9600
25 (B) Opium extracts.....	9610
26 (C) Opium fluid.....	9620
27 (D) Powdered opium.....	9639
28 (E) Granulated opium.....	9640
29 (F) Tincture of opium.....	9630
30 (G) Codeine.....	9050
31 (H) Ethylmorphine.....	9190
32 (I) Etorphine hydrochloride.....	9059
33 (J) Hydrocodone.....	9193
34 (K) Hydromorphone.....	9150
35 (L) Metopon.....	9260
36 (M) Morphine.....	9300
37 (N) Oxycodone.....	9143
38 (O) Oxymorphone.....	9652
39 (P) Thebaine.....	9333
40 (Q) Dihydroetorphine.....	9334
41 (R) Oripavine.....	9330

42 (2) Any salt, compound, isomer, derivative or preparation thereof
43 which is chemically equivalent or identical with any of the substances

1 referred to in paragraph (1), but not including the isoquinoline
2 alkaloids of opium.

3 (3) Opium poppy and poppy straw.

4 (4) Coca leaves (9040) and any salt, compound, derivative or
5 preparation of coca leaves, but not including decocainized coca leaves
6 or extractions which do not contain cocaine (9041) or ecgonine (9180).

7 (5) Cocaine, its salts, isomers and salts of isomers (9041).

8 (6) Ecgonine, its salts, isomers and salts of isomers (9180).

9 (7) Concentrate of poppy straw (the crude extract of poppy straw
10 in either liquid, solid or powder form which contains the
11 phenanthrene alkaloids of the opium poppy) (9670).

12 (c) Any of the following opiates, including their isomers, esters,
13 ethers, salts and salts of isomers, esters and ethers, whenever the
14 existence of these isomers, esters, ethers and salts is possible within the
15 specific chemical designation dextropropofan and levopropoxyphene
16 excepted:

17 (1) Alfentanil.....	9737
18 (2) Alphaprodine.....	9010
19 (3) Anileridine.....	9020
20 (4) Bezitramide.....	9800
21 (5) Bulk dextropropoxyphene (nondosage forms).....	9273
22 (6) Carfentanil.....	9743
23 (7) Dihydrocodeine.....	9120
24 (8) Diphenoxylate.....	9170
25 (9) Fentanyl.....	9801
26 (10) Isomethadone.....	9226
27 (11) Levomethorphan.....	9210
28 (12) Levorphanol.....	9220
29 (13) Metazocine.....	9240
30 (14) Methadone.....	9250
31 (15) Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-diphenyl 32 butane.....	9254
33 (16) Moramide-intermediate, 2-methyl-3-morpholino-1, 1- 34 diphenylpropane-carboxylic acid.....	9802
35 (17) Pethidine (meperidine).....	9230
36 (18) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine 37	9232
38 (19) Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4- 39 carboxylate.....	9233
40 (20) Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4- 41 carboxylic acid.....	9234
42 (21) Phenazocine.....	9715
43 (22) Piminodine.....	9730

1	(23) Racemethorphan.....	9732
2	(24) Racemorphan.....	9733
3	(25) Sufentanil.....	9740
4	(26) Levo-alphaacetyl methadol.....	9648
5	Some other names: levo-alpha-acetyl methadol, levomethadyl	
6	acetate or LAAM.	
7	(27) Remifentanil.....	9739
8	(28) Tapentadol.....	9780
9	(29) Thiafentanil.....	9729
10	(d) Any material, compound, mixture, or preparation which	
11	contains any quantity of the following substances having a potential	
12	for abuse associated with a stimulant effect on the central nervous	
13	system:	
14	(1) Amphetamine, its salts, optical isomers and salts of its optical	
15	isomers.....	1100
16	(2) Phenmetrazine and its salts.....	1631
17	(3) Methamphetamine, including its salts, isomers and salts of	
18	isomers.....	1105
19	(4) Methylphenidate.....	1724
20	(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.	1205
21	(e) Unless specifically excepted or unless listed in another	
22	schedule, any material, compound, mixture or preparation which	
23	contains any quantity of the following substances having a depressant	
24	effect on the central nervous system, including its salts, isomers and	
25	salts of isomers whenever the existence of such salts, isomers and salts	
26	of isomers is possible within the specific chemical designation:	
27	(1) Amobarbital.....	2125
28	(2) Glutethimide.....	2550
29	(3) Secobarbital.....	2315
30	(4) Pentobarbital.....	2270
31	(5) Phencyclidine.....	7471
32	(f) Any material, compound, mixture, or preparation which	
33	contains any quantity of the following substances:	
34	(1) Immediate precursor to amphetamine and methamphetamine:	
35	(A) Phenylacetone.....	8501
36	Some trade or other names: phenyl-2-propanone; P2P; benzyl	
37	methyl ketone; methyl benzyl ketone.	
38	(2) Immediate precursors to phencyclidine (PCP):	
39	(A) 1-phenylcyclohexylamine.....	7460
40	(B) 1-piperidinocyclohexanecarbonitrile (PCC).....	8603
41	(3) Immediate precursor to fentanyl:	
42	(A) 4-anilino-N-phenethyl-4-piperidine (ANPP).....	8333
43	(g) Any material, compound, mixture or preparation which	

1 contains any quantity of the following hallucinogenic substance, its
2 salts, isomers and salts of isomers, unless specifically excepted,
3 whenever the existence of these salts, isomers and salts of isomers is
4 possible within the specific chemical designation:

- 5 (1) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral
6 solution in a drug product approved for marketing by the United
7 States food and drug administration.....7365
8 (2) *Marijuana*.....7360
9 (3) Nabilone.....7379

10 [Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-
11 6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-
12 dibenzo[b,d]pyran-9-one]

13 (h) Any material, compound, mixture or preparation containing
14 any of the following narcotic drugs or any salts calculated as the free
15 anhydrous base or alkaloid, in limited quantities as set forth below:

- 16 (1) Not more than 300 milligrams of dihydrocodeinone
17 (hydrocodone) or any of its salts per 100 milliliters or not more
18 than 15 milligrams per dosage unit with a fourfold or greater
19 quantity of an isoquinoline alkaloid of opium.....9805
20 (2) Not more than 300 milligrams of dihydrocodeinone
21 (hydrocodone) or any of its salts per 100 milliliters or not more
22 than 15 milligrams per dosage unit with one or more active,
23 nonnarcotic ingredients in recognized therapeutic amounts...9806

24 (i) *Any tetrahydrocannabinols*.....7370
25 *Meaning tetrahydrocannabinols naturally contained in a plant of the*
26 *genus Cannabis (cannabis plant), as well as synthetic equivalents of*
27 *the substances contained in the plant, or in the resinous extractives of*
28 *Cannabis, sp. and/or synthetic substances, derivatives, and their*
29 *isomers with similar chemical structure and pharmacological activity*
30 *such as the following: Delta 1 cis or trans tetrahydrocannabinol, and*
31 *their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and*
32 *their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and*
33 *its optical isomers (Since nomenclature of these substances is not*
34 *internationally standardized, compounds of these structures, regardless*
35 *of numerical designation of atomic positions covered.), except*
36 *tetrahydrocannabinols in any of the following:*

- 37 (A) *Industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and*
38 *amendments thereto;*
39 (B) *solid waste, as defined in K.S.A. 65-3402, and amendments*
40 *thereto, and hazardous waste, as defined in K.S.A. 65-3430, and*
41 *amendments thereto, if such waste is the result of the cultivation,*
42 *production or processing of industrial hemp, as defined in K.S.A.*
43 *2020 Supp. 2-3901, and amendments thereto, and such waste*

1 *contains a delta-9 tetrahydrocannabinol concentration of not*
2 *more than 0.3%; or*

3 (C) *hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and*
4 *amendments thereto, unless otherwise deemed unlawful pursuant*
5 *to K.S.A. 2020 Supp. 2-3908, and amendments thereto.}*

6 ~~Sec. 74-80, {79.}~~ K.S.A. 79-5201 is hereby amended to read as
7 follows: 79-5201. As used in ~~this act~~ *article 52 of chapter 79 of the*
8 *Kansas Statutes Annotated, and amendments thereto:*

9 (a) ~~"Marijuana" means any marijuana, whether real or counterfeit, as~~
10 ~~defined by K.S.A. 2020 Supp. 21-5701, and amendments thereto, which is~~
11 ~~held, possessed, transported, transferred, sold or offered to be sold in~~
12 ~~violation of the laws of Kansas;~~

13 (b) ~~"Controlled substance" means any drug or substance, whether real~~
14 ~~or counterfeit, as defined by K.S.A. 2020 Supp. 21-5701, and amendments~~
15 ~~thereto, which that is held, possessed, transported, transferred, sold or~~
16 ~~offered to be sold in violation of the laws of Kansas. Such term shall not~~
17 ~~include marijuana;~~

18 (c) ~~"dealer" means any person who, in violation of Kansas law,~~
19 ~~manufactures, produces, ships, transports or imports into Kansas or in any~~
20 ~~manner acquires or possesses more than 28 grams of marijuana, or more~~
21 ~~than one gram of any controlled substance, or 10 or more dosage units of~~
22 ~~any controlled substance which that is not sold by weight;~~

23 (d) ~~"domestic marijuana plant" means any cannabis plant at any~~
24 ~~level of growth which that is harvested or tended, manicured, irrigated,~~
25 ~~fertilized or where there is other evidence that it has been treated in any~~
26 ~~other way in an effort to enhance growth;~~

27 (e) ~~"marijuana" means any marijuana, whether real or counterfeit,~~
28 ~~as defined in K.S.A. 2020 Supp. 21-5701, and amendments thereto, that is~~
29 ~~held, possessed, transported, transferred, sold or offered for sale in~~
30 ~~violation of the laws of Kansas; and~~

31 (f) ~~"medical marijuana" means the same as defined in section 2, and~~
32 ~~amendments thereto.~~

33 ~~Sec. 75-81, {80.}~~ K.S.A. 79-5210 is hereby amended to read as
34 follows: 79-5210. Nothing in this act requires persons registered under
35 article 16 of chapter 65 of the Kansas Statutes Annotated, *and amendments*
36 *thereto*, or otherwise lawfully in possession of marijuana, *medical*
37 *marijuana* or a controlled substance to pay the tax required under this act.

38 ~~Sec. 76-82, {81.}~~ ~~K.S.A. 44-1009, 44-1015, 65-28b08, 79-5201 and~~
39 ~~79-5210 and K.S.A. 2020 Supp. **19-101a**, 21-5703, 21-5705, 21-5706, 21-~~
40 ~~5707, 21-5709, 21-5710, 23-3201, 38-2269, 44-501, 44-706 and 65-1120~~
41 ~~are hereby repealed.~~

42 **New Sec. 83, {82.}** (a) **If marijuana is rescheduled from schedule I**
43 **of the controlled substances act, 21 U.S.C. § 812, the secretary of**

1 **health and environment shall certify to the secretary of state that such**
2 **rescheduling has occurred. Upon receipt of such certification, the**
3 **secretary of state shall cause a notice of such certification to be**
4 **published in the Kansas register.**

5 **(b) On and after the effective date of this act and the publication**
6 **of the notice by the secretary of state in the Kansas register as**
7 **provided by subsection (a), K.S.A. 65-4107, K.S.A. 2020 Supp. 21-5706**
8 **and 65-4105 and sections 2, 3, 4, 17, 18, ~~30~~ {29} and ~~39~~ {38} of this act**
9 **are hereby repealed.**

10 Sec. ~~77. 84.~~ {83.} This act shall take effect and be in force from and
11 after its publication in the statute book.