AN ACT concerning health and healthcare; enacting the Kansas medical marijuana regulation act; relating to medical cannabis; licensure and regulation of the manufacture, transportation and sale of medical cannabis; crimes, punishment and criminal procedure; creating the crime of unlawful transport of medical marijuana; exceptions from the unlawful manufacture and possession of a controlled substance; prescribing powers, duties and functions of the secretary of health and environment, secretary of revenue, board of healing arts and board of pharmacy; rules and regulations; providing certain fines and penalties for violations; establishing the medical marijuana registration fund, medical marijuana cultivation regulation fund and the medical marijuana business entity regulation fund; amending K.S.A. 44-1009, 44-1015, 65-28b08, 79-5201 and 79-5210 and K.S.A. 2020 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201, 38-2269, 44-501, 44-706 and 65-1120 and repealing the existing sections.

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

New Section 1. The provisions of sections 1 through 52, and amendments thereto, shall be known and may be cited as the Kansas medical marijuana regulation act.

New Sec. 2. As used in the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto:
(a) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics.
(b) "Associated employee" means an owner or prospective owner, officer or board member or prospective board member of an entity seeking a retail dispensary license.
(c) "Board of healing arts" means the state board of healing arts.
(d) "Caregiver" means an individual registered pursuant to section 8, and amendments thereto, who may purchase and possess medical marijuana in accordance with section 11, and amendments thereto.
(e) "Cultivator" means a person issued a license pursuant to section 21, and amendments thereto, who may grow and sell medical marijuana in accordance with section 22, and amendments thereto.
(f) "Distributor" means a person issued a license pursuant to section 31, and amendments thereto, who may purchase and sell medical
marijuana in accordance with section 33, and amendments thereto.

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

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

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

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

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

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

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

(n) "Processor" means a person issued a license pursuant to section 31, and amendments thereto, who may purchase, process and sell medical marijuana in accordance with section 32, and amendments thereto.

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

(p) "Physician's designee" means:

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

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

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

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

(1) Acquired immune deficiency syndrome;

(2) Alzheimer's disease;

(3) amyotrophic lateral sclerosis;

(4) cancer;
(5) chronic traumatic encephalopathy;
(6) Crohn's disease;
(7) epilepsy or another seizure disorder;
(8) fibromyalgia;
(9) glaucoma;
(10) hepatitis C;
(11) inflammatory bowel disease;
(12) multiple sclerosis;
(13) Parkinson's disease;
(14) positive status for human immunodeficiency virus;
(15) post-traumatic stress disorder;
(16) sickle cell anemia;
(17) spinal cord disease or injury;
(18) Tourette's syndrome;
(19) traumatic brain injury;
(20) ulcerative colitis;
(21) a chronic medical condition that:
  (A) Causes severe, persistent pain or persistent muscle spasms; or
  (B) is normally treated with a prescription medication that could lead
to physical or psychological dependence if a licensed physician determines
that treatment for such condition with medical marijuana would be
effective and would serve as a safer alternative;
(22) a debilitating psychiatric disorder that is diagnosed by a
physician licensed in this state who is board-certified in the practice of
psychiatry, as determined by the board of healing arts; or
(23) any other chronic, debilitating or terminal condition that, in the
professional judgment of a physician licensed by in this state, would be a
detriment to the patient's mental or physical health if left untreated.
(r) "Retail dispensary" means a person issued a license pursuant to
section 34, and amendments thereto, who may purchase and sell medical
marijuana in accordance with section 35, and amendments thereto.
(s) "Smoking" means the use of a lighted cigarette, cigar or pipe or
otherwise burning marijuana in any other form for the purpose of
consuming such marijuana.
(t) "Support employee" means an individual employed by a licensed
retail dispensary who does not have authority to make operational
decisions.
(u) "Vaporization" means the use of an electronic cigarette for the
purpose of consuming medical marijuana in which such medical marijuana
comes into direct contact with a heating element.
(v) "Veteran" means a person who:
  (1) Has served in the army, navy, marine corps, air force, coast guard,
space force, any state air or army national guard or any branch of the
military reserves of the United States; and

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

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

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

(1) Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition;
(2) permit the use, possession or administration of medical marijuana other than as authorized by this act;
(3) permit the use, possession or administration of medical marijuana on federal land located in this state;
(4) require any public place to accommodate a registered patient's use of medical marijuana;
(5) prohibit any public place from accommodating a registered patient's use of medical marijuana;
(6) authorize any limitation on the number of any licenses awarded under this act to otherwise qualified applicants or authorize any state agency through rules and regulations to effectively limit the number of licenses available to otherwise qualified applicants for any type of license awarded under this act; or
(7) restrict research related to marijuana conducted at a postsecondary educational institution, academic medical center or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

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

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

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

(d) The board of pharmacy shall administer the program in accordance with the provisions of this act and provide for the registration of pharmacist consultants and the reporting to the prescription monitoring program database.
The director of alcoholic beverage control shall administer the program in accordance with the provisions of this act and provide for the licensure of cultivators, laboratories that test medical marijuana, processors, distributors and retail dispensaries.

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

(1) Eight members appointed by the governor as follows:
   (A) Two members who are practicing pharmacists, at least one of whom supports the use of medical marijuana and at least one of whom is a member of the state board of pharmacy;
   (B) two members who are practicing physicians, at least one of whom supports the use of medical marijuana and at least one of whom is a member of the board of healing arts;
   (C) one member who represents employers;
   (D) one member who represents agriculture;
   (E) one member who represents persons involved in the treatment of alcohol and drug addiction; and
   (F) one member who engages in academic research on the use or regulation of medical marijuana;

(2) two members appointed by the president of the senate as follows:
   (A) One member who represents law enforcement; and
   (B) one member who represents caregivers;

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

(4) two members appointed by the speaker of the house of representatives as follows:
   (A) One member who represents persons involved in mental health treatment; and
   (B) one member who represents patients;

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

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

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

(c) Except for the secretary of health and environment, each member of the committee shall serve from the date of appointment until the committee ceases to exist, except that members shall serve at the pleasure of the appointing authority. A vacancy shall be filled within 21 days of such vacancy in the same manner as the original appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A statement from the physician certifying that:

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

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

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

(D) the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history; and
(E) the physician has informed the patient that it is the physician's opinion that the benefits of medical marijuana outweigh its risks;

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

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

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

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

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

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

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

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

(e) Any information collected by the department of health and environment pursuant to this section is confidential and not a public record. The department may share information identifying a specific patient with a licensed retail dispensary or any law enforcement agency for the purpose of confirming that such patient has a valid registration. Information that does not identify a person may be released in summary, statistical or aggregate form. The provisions of this subsection shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

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

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

(2) $25 for a patient registration if the patient is indigent or is a veteran; and
(3) $25 for a caregiver registration.

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

New Sec. 9. The department of health and environment shall assign a unique 24-character identification number to each registered patient and caregiver when issuing an identification card. Licensed retail dispensaries may request verification by the department that a patient or caregiver has a valid registration.

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

(1) Use medical marijuana;
(2) subject to subsection (b), possess medical marijuana; and
(3) possess any paraphernalia or accessories used to administer medical marijuana.

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

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

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

(1) Subject to subsection (b), possess medical marijuana on behalf of a registered patient under the caregiver's care;
(2) assist a registered patient under the caregiver's care in the use or administration of medical marijuana; and
(3) possess any paraphernalia or accessories used to administer medical marijuana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Advising a patient, patient representative or caregiver about the
benefits and risks of medical marijuana to treat a qualifying medical
condition;

2. recommending that a patient use medical marijuana to treat or
alleviate a qualifying medical condition; and

3. monitoring a patient's treatment with medical marijuana.

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

1. A research protocol;

2. a clinical trial;
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(3) an investigational new drug application; or
(4) an expanded access submission.

New Sec. 18. (a) On or before July 1, 2022, the board of healing arts
shall adopt rules and regulations to implement and enforce the provisions
of section 17, and amendments thereto. Such rules and regulations shall
include:
(1) The procedures and fees for applying for a certificate to
recommend treatment with medical marijuana;
(2) the conditions for eligibility for a certificate to recommend
treatment with medical marijuana;
(3) the schedule, fees and procedures for renewing such a certificate;
(4) the reasons for which a certificate may be suspended or revoked;
(5) the standards under which a certificate suspension may be lifted;
and
(6) the minimum standards of care when recommending treatment
with medical marijuana.

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

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

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

(c) All advertisements for medical marijuana or medical marijuana
products that make a statement relating to side effects, contraindications
and effectiveness shall present a true statement of such information. When
applicable, advertisements broadcast through media such as radio,
television or other electronic media shall include such information in the
audio or audio and visual parts of the presentation. False or misleading
information in any part of the advertisement shall not be corrected by the
inclusion of a true statement in another, distinct part of the advertisement.

(d) An advertisement is false or otherwise misleading if such
advertisement:
(1) Contains a representation or suggestion that a medical marijuana
brand or product is better, more effective, useful in a broader range of
conditions or patients or safer than other drugs or treatments, including
other medical marijuana products, unless such a claim has been
demonstrated by substantial evidence or substantial clinical experience;
(2) contains favorable information or opinions about a medical
marijuana brand or product previously regarded as valid but that have been
rendered invalid by contrary and more recent credible information;
(3) uses a quote or paraphrase out of context or without citing
conflicting information from the same source to convey a false or
misleading idea;
(4) cites or refers to a study on individuals without a qualifying
medical condition without disclosing that the subjects were not suffering
from a qualifying medical condition;
(5) uses data favorable to a medical marijuana product derived from
patients treated with a product or dosages different from those approved in
this state;
(6) contains favorable information or conclusions from a study that is
inadequate in design, scope or conduct to furnish significant support for
such information or conclusions; or
(7) fails to provide adequate emphasis for the fact that two or more
facing pages are part of the same advertisement when only one page
contains information relating to side effects, consequences and
contraindications.
(e) An advertisement for medical marijuana or medical marijuana
products shall not contain any:
(1) Statement that is false or misleading in any material particular or
is otherwise in violation of the Kansas consumer protection act;
(2) statement that falsely disparages a competitor's products;
(3) statement, design or representation, picture or illustration that:
(A) Is obscene or indecent;
(B) encourages or represents the recreational use of marijuana or the
use of medical marijuana for a condition other than a qualifying medical
condition;
(C) relates to the safety or efficacy of medical marijuana unless
supported by substantial evidence or substantial clinical data; or
(D) portrays anyone under 18 years of age or contains the use of a
figure, symbol or language that is customarily associated with anyone
under 18 years of age;
(4) offer of a prize or award to a registered patient, caregiver or
physician related to the purchase of medical marijuana; or
(5) statement that indicates or implies that the product or entity in the
advertisement has been approved or endorsed by the secretary of health
and environment, director of alcoholic beverage control, the state of
Kansas or any person or entity associated with the state.
(f) (1) Any advertisement for medical marijuana shall be submitted to
the secretary of health and environment at the same time as, or prior to, the 
dissemination of the advertisement and shall include the following 
additional information:

(A) A cover letter that provides:
   (i) A subject line stating: "Medical marijuana advertisement review 
       package for a proposed advertisement for [brand name].";
   (ii) a brief description of the format and expected distribution of the 
       proposed advertisement; and
   (iii) the submitter's name, title, address, telephone number, fax 
       number and email address;

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

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

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

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

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

(g) The secretary may:

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

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

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

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

(h) A retail dispensary shall:

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

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

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

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

(i) Medical marijuana shall not be advertised:
(1) For sale by a cultivator, processor or distributor, except that such entities may make a price list available to a dispensary; and
(2) on any billboard that is located along a state highway.

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

(1) Not be issued to a person:
   (A) Who is not a citizen of the United States;
   (B) who has been convicted of a felony under the laws of this state, any other state or the United States;
   (C) who has had a license revoked for cause under the provisions of the act or who has had any license issued under the medical marijuana laws of any state revoked for cause, except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;
   (D) who has been convicted of being the keeper of or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;
   (E) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;
   (F) who is not at least 18 years of age;
   (G) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement officer or who is an employee of the director of alcoholic beverage control;
   (H) who intends to carry on the business authorized by the license as an agent of another;
   (I) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subparagraph (L);
   (J) who is the holder of a valid and existing license issued under this act unless the person agrees to and does surrender the license to the officer issuing the same;
   (K) who does not own the premises for which a license is sought or does not, at the time of application, have a written lease thereon;
   (L) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this paragraph shall not apply in determining eligibility for a renewal license;
(M) whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section if such felony or other crime was committed during the time that the spouse held a license under this act;

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

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

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

(2) not be issued to a corporation if less than 75% of the total equity or similar ownership interest in such corporation is owned by individuals who have been residents of this state for at least two years immediately preceding the date of the application. A license shall be forfeited if, for more than 90 consecutive days, less than 75% of the total equity or similar ownership interest in such corporation is owned by individuals who are residents of this state at any time after the license is granted; and

(3) require that any:

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

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

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

(i) Includes any distribution that is made by individuals or other
entities to one or more out-of-state individuals holding an equity or similar
ownership interest in the entity if such distribution is greater than 25% of
the total distributed amount; and

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

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

(1) A person who:

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

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

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

(3) a corporation; or

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

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

(1) A corporation, if any officer or director thereof, or any
stockholder owning in the aggregate more than 25% of the stock of the
corporation would be ineligible to receive a license under this act for any reason, except that the provisions of
subsection (a)(6) shall not apply in determining whether a beneficiary
would be eligible for a license;

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

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

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

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

(1) A corporation, if any officer, director or stockholder of the
corporation would be ineligible to receive a distributor's license for any
reason. It shall be unlawful for any stockholder of a corporation licensed
as a distributor to transfer any stock in the corporation to any person who
would be ineligible to receive a distributor's license for any reason, and
any such transfer shall be null and void, except that if:

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

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

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

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

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

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

(2) corporation, unless stockholders owning in the aggregate 50% or
more of the stock of the corporation would be eligible to receive such
license and all other stockholders would be eligible to receive such license
except for reason of citizenship or residency; or

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

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

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

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

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

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

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

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

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

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

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

New Sec. 22. (a) A cultivator licensee may cultivate medical marijuana in an area either on open farmland or in a building and designated by the licensee. A licensee may deliver or sell medical marijuana to one or more licensed processors, distributors or dispensaries.

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

(1) Specifications for the expansion or alteration that demonstrate compliance with all applicable zoning ordinances, building codes and any
other state and local laws and rules and regulations adopted thereunder;
(2) a proposed timeline for completion of the expansion that, if
approved, will become a mandatory condition; and
(3) a history of compliance with the Kansas medical marijuana
regulation act and all rules and regulations adopted thereunder, including a
history of enforcement actions and sanctions issued by the department or
any law enforcement agency against the licensee.
(c) (1) Unless authorized by this act, a cultivator shall not transfer or
sell medical marijuana and a processor shall not transfer, sell or process
into a concentrate or product any medical marijuana, medical marijuana
concentrate or medical marijuana product unless samples from each
harvest batch or production batch from which that medical marijuana,
medical marijuana concentrate or medical marijuana product was derived
has been tested by a licensed laboratory for contaminants and has passed
all contaminant tests required by this act.
(2) A licensed cultivator may transfer medical marijuana that has
failed testing for quality control to a licensed processor only for the
purposes of decontamination or remediation and only in accordance with
the provisions of this act.
(d) A licensed cultivator shall not cultivate medical marijuana for
personal, family or household use or on any public land.
New Sec. 23. (a) Prior to January 1, 2022, the director of alcoholic
beverage control shall contract with an operational private laboratory for
the purpose of conducting compliance and quality assurance testing of
medical marijuana laboratories, processors and cultivators licensed in this
state in an effort to provide public safety and ensure quality medical
marijuana product is available to registered patients.
(b) Any laboratory under contract with the director for compliance
and quality assurance testing shall:
(1) Be prohibited from conducting any other commercial medical
marijuana testing in this state;
(2) have a minimum of one year of medical marijuana testing
licensure in another state and have contracted for quality assurance testing
with another state;
(3) not employ, or be owned by any individual:
(A) That has a direct or indirect financial interest in any licensee in
this state;
(B) whose spouse, parent, child, spouse of a child, sibling or spouse
of a sibling has an active application for a license from the director; or
(C) that is a member of the board of directors of a licensee.
(c) The laboratory under contract with the director for compliance
and quality assurance shall be accessible and utilized for any medical
marijuana testing needs by any regulatory agency within the state,
including, but not limited to, the department of health and environment, the Kansas bureau of investigation and the state fire marshal.

New Sec. 24. (a) A laboratory licensee shall:

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

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

(3) obtain a separate license for each laboratory;

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

(5) establish policies to prevent the existence of or appearance of undue commercial, financial or other influences that diminish, or have the effect of diminishing the public confidence in, the competency, impartiality and integrity of the testing processes or results of such laboratory. Such policies shall prohibit employees, owners or agents of a laboratory who participate in any aspect of the analysis and results of a sample from improperly influencing the testing process, manipulating data or benefitting from any ongoing financial, employment, personal or business relationship with the licensee that submitted the sample for testing;

(6) not test samples for any licensee in which an owner, employee or agent of the laboratory has any form of ownership or financial interest in the licensee that submitted the sample for testing;

(7) promptly provide the director access to:

(A) A report of a test and any underlying data that is conducted on a sample at the request of a licensee or registered patient; and

(B) laboratory premises and to any material or information requested by the director to determine compliance with the requirements of this section;

(8) retain all results of laboratory tests conducted on medical marijuana or marijuana products for a period of at least two years and shall make them available to the director upon request;

(9) establish standards, policies and procedures for laboratory testing procedures in accordance with section 23, and amendments thereto;

(10) (A) test samples from each harvest batch or product batch, as appropriate, of medical marijuana, medical marijuana concentrate and medical marijuana product for each of the following categories of testing, consistent with standards developed by the director:

(i) Microbials;

(ii) mycotoxins;

(iii) residual solvents;

(iv) pesticides;
(v) tetrahydrocannabinol and other cannabinoid potency;
(vi) terpenoid potency type and concentration;
(vii) moisture content;
(viii) homogeneity; and
(ix) heavy metals; and
(B) only accept a test batch of usable medical marijuana or marijuana product for testing purposes from a:
   (i) Cultivator that has separated each harvest lot of usable marijuana into harvest batches containing no more than 10 pounds, except harvest batches of fresh, uncured medical marijuana or fresh or frozen medical marijuana to be sold to a processor in order to make a concentrate may be separated into batches containing no more than 20 pounds; and
   (ii) processor that has separated each medical marijuana production lot into production batches containing no more than 10 pounds.
(b) A laboratory licensee may:
   (1) Accept samples of medical marijuana, medical marijuana concentrate or medical marijuana product from:
       (A) A licensee or any entity designated in section 50, and amendments thereto, for testing and research purposes only, including the provision of testing services for samples submitted by a licensee for product development. A laboratory shall not be prohibited from obtaining a license under this section due to such laboratory performing testing and research on medical marijuana and medical marijuana products for any entity designated in section 50, and amendments thereto; or
       (B) an individual person for testing if such person is a:
           (i) Registered patient or caregiver under this act and such person provides the laboratory with the individual's registration identification and a valid photo identification; or
           (ii) participant in an approved clinical or observational study conducted by a research facility;
       (2) transfer samples to another licensed laboratory for testing. All laboratory reports provided to or by a licensee or to a patient or caregiver shall identify the laboratory that performed the testing of the sample that is submitted; and
       (3) utilize a licensed distributor to transport samples of medical marijuana, medical marijuana concentrates and medical marijuana product for testing, in accordance with this act, between the original licensee requesting testing services and the destination licensed laboratory performing testing services.
New Sec. 25. (a) In consultation with the compliance and quality assurance testing laboratory contracted with pursuant to section 23, and amendments thereto, the director of alcoholic beverage control shall propose rules and regulations as necessary to develop acceptable testing
and research practices in consultation with the contracted compliance and
quality assurance testing laboratory, including, but not limited to, testing,
standards, quality control analysis, equipment certification and calibration
and chemical identification and substances used in bona fide research
methods. After the hearing on a proposed rule and regulation has been held
as required by law, the director shall submit any such proposed rule and
regulation to the secretary of revenue who, if the secretary approves it,
shall adopt the rule and regulation.

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

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

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

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

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

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

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

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

(8) the transport and disposal of unused marijuana, marijuana
products and waste;

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

(10) the employment of laboratory personnel;

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

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

(13) the establishment of and adherence to a quality assurance and
quality control program to ensure sufficient monitoring of laboratory
processes and the quality of results reported;
(14) the immediate recall of medical marijuana or medical marijuana products that test above allowable thresholds or are otherwise determined to be unsafe;
(15) the establishment by the laboratory of a system to document the complete chain of custody for samples from receipt through disposal;
(16) the establishment by the laboratory of a system to retain and maintain all required records, including business records, and processes to ensure results are reported in a timely and accurate manner; and
(17) any other aspect of laboratory testing of medical marijuana or medical marijuana product deemed necessary by the director.

New Sec. 26. (a) A laboratory licensee may:
(1) Obtain medical marijuana from one or more licensed cultivators, processors or retail dispensaries; and
(2) conduct medical marijuana testing in accordance with the requirements of section 24, and amendments thereto, and rules and regulations adopted by the secretary of revenue.

(b) (1) Licensure of laboratories shall be contingent upon the successful onsite inspection, participation in proficiency testing and ongoing compliance with the requirements of this act.
(2) A laboratory shall be inspected prior to initial licensure and up to six times annually by an inspector approved by the director of alcoholic beverage control. The director may enter the licensed premises of a laboratory to conduct investigations and additional inspections when the director believes an investigation or additional inspection is necessary due to a possible violation of this act.
(3) After January 1, 2022, accreditation by the national environmental laboratory accreditation program, ANSI/ASQ national accreditation board or another accrediting body approved by the director shall be required for licensure and renewal of licensure of laboratories.

New Sec. 27. (a) The fees for a cultivator license shall be set by rules and regulations adopted by the secretary of revenue in an amount not to exceed an annual fee of:
(1) $5,000 for the license application; and
(2) $20 per plant at the time of licensing and each subsequent renewal for the maximum number of flowering medical marijuana plants, based upon a declaration by the applicant, that are cultivated by the licensee in the facility at any given time.

(b) The fees for a laboratory license shall be set by rules and regulations adopted by the secretary of revenue in an amount not to exceed:
(1) $2,000 for a laboratory license application;
(2) $18,000 for a laboratory license; and
(3) $20,000 for a renewal of a laboratory license.
New Sec. 28. The director of alcoholic beverage control may refuse to issue or renew a license, or may revoke or suspend a license for any of the following reasons:

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

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

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

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

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

New Sec. 29. (a) In addition to or in lieu of any other civil or criminal penalty as provided by law, the director of alcoholic beverage control may impose a civil penalty or suspend or revoke a license upon a finding that the licensee committed a violation as provided in this section.

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

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

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

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

(b) Moneys in the medical marijuana cultivation regulation fund shall be used for the payment or reimbursement of costs related to the regulation and enforcement of the cultivation, possession, testing and sale of medical marijuana by the division of alcoholic beverage control.

New Sec. 31. (a) Any entity that seeks to process or distribute medical marijuana shall submit an application for the appropriate license to the director of alcoholic beverage control in such form and manner as prescribed by the director. A separate license application shall be submitted for each location to be operated by the licensee.

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

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

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

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

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

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

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

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

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

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

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

(2) subject to subsection (b), process medical marijuana obtained from one or more licensed cultivators into a form described in section 36, and amendments thereto; and

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

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

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

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

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

New Sec. 33. (a) A distributor licensee may:

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

(2) store medical marijuana obtained from one or more licensed processors in a form described in section 36, and amendments thereto; and

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

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

New Sec. 34. (a) Any entity that seeks to dispense at retail medical marijuana shall submit an application for a retail dispensary license in such form and manner as prescribed by the director of alcoholic beverage control. A separate license application shall be submitted for each location to be operated by the licensee.
(b) The director shall issue a license to an applicant if:
(1) The criminal history record check conducted pursuant to section 48, and amendments thereto, with respect to the applicant demonstrates that the applicant is not disqualified from holding a license pursuant to section 20, and amendments thereto;
(2) the applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with a laboratory licensed under section 21, and amendments thereto, or an applicant for such license;
(3) the applicant demonstrates that it does not share any corporate officers or employees with a laboratory licensed under section 21, and amendments thereto, or an applicant for such license;
(4) the applicant demonstrates that it will not violate the provisions of section 47, and amendments thereto;
(5) the applicant has submitted a tax clearance certificate issued by the department of revenue; and
(6) the applicant meets all other licensure eligibility conditions established in rules and regulations adopted by the secretary and has paid all required fees.
(c) The director shall issue not less than 15% of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos and Asians. If no application or an insufficient number of applications are submitted by such entities that meet the conditions set forth in subsection (b), licenses shall be issued in accordance with subsections (a) and (b).
(d) Each associated, key and support employee of a licensed retail dispensary shall submit an application for an employee license for such employee in such form and manner as prescribed by the director. A separate license application shall be submitted for each employee. The director shall issue a license to an applicant if all of the following conditions are met:
(1) The criminal history record check conducted pursuant to section 48, and amendments thereto, with respect to the applicant demonstrates that the applicant is not disqualified from holding a license pursuant to section 20, and amendments thereto; and
(2) the applicant meets all other licensure eligibility conditions established in rules and regulations adopted by the secretary of revenue and has paid all required fees.
(e) A license shall be valid for a period of two years from the date such license is issued and may be renewed by submitting a license renewal application and paying the required fee.
New Sec. 35. (a) A retail dispensary licensee may:

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

(2) dispense or sell medical marijuana in accordance with subsection (b).

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

(1) Dispense or sell medical marijuana only to a person who shows a current, valid identification card and only in accordance with a written recommendation issued by a physician;

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

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

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

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

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

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

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

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

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

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

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

(c) A retail dispensary shall employ only those individuals who hold a current, valid employee license issued pursuant to section 34, and amendments thereto, and who have completed the training requirements established by rules and regulations adopted by the secretary of revenue.

(d) A retail dispensary shall designate a pharmacist consultant who is a pharmacist licensed in this state and registered pursuant to section 44, and amendments thereto.

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

New Sec. 36. (a) Only the following forms of medical marijuana may
be dispensed under the Kansas medical marijuana regulation act:
(1) Oils;
(2) tinctures;
(3) plant material;
(4) edibles;
(5) patches; or
(6) any other form approved by the secretary of revenue under section 37, and amendments thereto.
(b) The smoking, combustion or vaporization of medical marijuana is prohibited.
(c) Any form or method of using medical marijuana that is considered attractive to children is prohibited.
(d) Plant material shall have a tetrahydrocannabinol content of not more than 35% in its final, dispensed form.
(e) Extracts shall have a tetrahydrocannabinol content of not more than 70% in their final, dispensed form.
(f) No form of medical marijuana shall be dispensed from a vending machine or through electronic commerce.
New Sec. 37. (a) Any person may submit a petition to the director of alcoholic beverage control requesting that a form or method of using medical marijuana be approved for the purposes of section 36, and amendments thereto. The petition shall be submitted in such form and manner as prescribed by the director.
(b) Upon receipt of a petition, the director shall review such petition to determine whether to recommend approval of the form or method of using medical marijuana described in the petition. The director may consolidate the review of petitions for the same or similar forms or methods. The director shall consult with the medical marijuana advisory committee and review any relevant scientific evidence when reviewing a petition. The director shall recommend to the secretary of revenue whether to approve or deny the proposed form or method of using medical marijuana. The secretary shall approve or deny such proposed form or method. The secretary's decision shall be final.
(c) Any petition that is recommended for denial by the director shall not be resubmitted until 12 months have elapsed since the petition was submitted.
New Sec. 38. (a) The fees for a processor license shall be set by rules and regulations adopted by the secretary of revenue in an amount not to exceed:
(1) $5,000 for a processor license application; and
(2) $40,000 for a processor license and any renewal thereof.
(b) The fees for a distributor license shall be set by rules and regulations adopted by the secretary of revenue in an amount not to
exceed:

(1) $5,000 for a distributor license application; and

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

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

(1) $5,000 for a retail dispensary license application;

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

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

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

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

New Sec. 39. The director of alcoholic beverage control may refuse to issue or renew a license, or may revoke or suspend a license if the applicant has:

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

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

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

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

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

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

(B) Except as provided in paragraph (B), upon a finding that a licensee has sold, transferred or otherwise distributed medical marijuana in violation of this act, the director may impose a civil fine not to exceed $5,000 for a first offense and may suspend or revoke such licensee's license for a second or subsequent offense.

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

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

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

New Sec. 41. (a) There is hereby established the medical marijuana
business entity regulation fund in the state treasury. The director of
alcoholic beverage control shall administer the medical marijuana business
entity regulation fund and shall remit all moneys collected from the
payment by processors, distributors and retail dispensaries of all fees and
fines imposed by the director pursuant to the Kansas medical marijuana
regulation act and any other moneys received by or on behalf of the
director pursuant to such act to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the medical marijuana business entity
regulation fund. Moneys credited to the medical marijuana business entity
regulation fund shall only be expended or transferred as provided in this
section. Expenditures from such fund shall be made in accordance with
appropriation acts upon warrants of the director of accounts and reports
issued pursuant to vouchers approved by the director or the director's
designee.

(b) Moneys in the medical marijuana business entity regulation fund
shall be used for the payment or reimbursement of costs related to the
regulation and enforcement of the possession, processing and sale of
medical marijuana by the division of alcoholic beverage control.

New Sec. 42. (a) On or before July 1, 2022, the secretary of revenue
shall, after consulting with the medical marijuana advisory committee,
adopt rules and regulations to administer the Kansas medical marijuana
regulation program and implement and enforce the provisions of the
Kansas medical marijuana regulation act. Such rules and regulations shall:

(1) Establish application procedures and fees for licenses issued
under sections 21, 26, 31 and 34, and amendments thereto;
(2) specify the conditions for eligibility for licensure;
(3) establish a license renewal schedule, renewal procedures and
renewal fees;
(4) establish standards and procedures for the testing of medical
marijuana by a licensed laboratory;
(5) establish official packaging requirements that designate the
package as Kansas medical marijuana and ensure the packaging is tamper-proof; and
(6) establish training requirements for employees of retail dispensaries.
(b) The director of alcoholic beverage control shall propose such rules and regulations as necessary to carry out the intent and purposes of this act. After the hearing on a proposed rule and regulation has been held as required by law, the director shall submit the proposed rule and regulation to the secretary of revenue who, if the secretary approves it, shall adopt the rule and regulation.
(c) When adopting rules and regulations under this section, the secretary shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana.

New Sec. 43. (a) On or before July 1, 2022, the board of pharmacy shall adopt rules and regulations establishing the requirements for a:
(1) Retail dispensary to report to the prescription monitoring program database, including, but not limited to, the:
   (A) Methods of transmission;
   (B) nationally recognized telecommunications format to be used;
   (C) frequency of such reports; and
   (D) procedures for the maintenance of information submitted to or received from the prescription monitoring program database to ensure such information is treated as confidential and is subject to the requirements of K.S.A. 65-1685 and 65-1687, and amendments thereto; and
(2) pharmacist to register as a pharmacist consultant for a retail dispensary.
(b) Every September 15, December 15, March 15 and June 15, the board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the Kansas prescription drug monitoring program that is attributable to this act. Upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the medical marijuana business entity regulation fund to the state board of pharmacy fee fund.

New Sec. 44. (a) Any pharmacist that seeks to operate as a pharmacist consultant for a retail dispensary shall register with the board in accordance with rules and regulations adopted by the board.
(b) In operating as a pharmacist consultant for a retail dispensary, such pharmacist shall:
(1) Not charge a fee for the pharmacist's services that exceeds 1% of the gross receipts of the retail dispensary;
(2) audit each recommendation for use of medical marijuana and
ensure that each such recommendation is reported to the prescription monitoring system in accordance with K.S.A. 65-1683, and amendments thereto, and rules and regulations adopted by the board of pharmacy;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) telephone or video conference for a patient consultation during
New Sec. 45. (a) The director of alcoholic beverage control shall establish and maintain an electronic database to monitor medical marijuana from its seed source through its cultivation, testing, processing, distribution and dispensing. The director may contract with a separate entity to establish and maintain all or any portion of the electronic database on behalf of the division of alcoholic beverage control.

(b) The electronic database shall allow for information regarding medical marijuana to be updated instantaneously. Any licensed cultivator, laboratory, processor, distributor or retail dispensary shall submit such information to the director as the director determines is necessary for maintaining the electronic database.

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

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

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

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

(3) the distribution of marijuana to minors; and

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

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

New Sec. 47. (a) Except as provided in subsections (b) and (c), no licensed cultivator, laboratory, processor, distributor or retail dispensary shall be located within 1,000 feet of the boundaries of a parcel of real estate having situated on it a school, religious organization, public library
or public park. If the relocation of a licensed cultivator, laboratory, processor, distributor or retail dispensary results in such licensee being located within 1,000 feet of the boundaries of a parcel of real estate having situated on it a school, religious organization, public library or public park, the director shall revoke the license such agency previously issued to such cultivator, laboratory, processor, distributor or retail dispensary.

(b) (1) The director may, in the director's discretion, not revoke the license of a cultivator, laboratory, processor, distributor or retail dispensary if such licensee existed at a location prior to the establishment of a school, religious organization, public library or public park within 1,000 feet of such licensee.

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

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

d) As used in this section:

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

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

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

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

New Sec. 48. Each applicant for a cultivator license, laboratory license, processor license, distributor license or retail dispensary license
shall require any owner, director, officer and any employee or agent of such applicant to be fingerprinted and to submit to a state and national criminal history record check. The director of alcoholic beverage control is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The director shall use the information obtained from fingerprinting and the state and national criminal history record check for purposes of verifying the identification of the applicant and for making a determination of the qualifications of the applicant for licensure. The Kansas bureau of investigation may charge a reasonable fee to the applicant for fingerprinting and conducting a criminal history record check.

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

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

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

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

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

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

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

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

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

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

(d) As used in this section:

(1) "Financial institution" means any bank, trust company, savings bank, credit union or savings and loan association or any other financial institution regulated by the state of Kansas, any agency of the United States or other state with an office in Kansas; and

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

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

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

New Sec. 51. No provisions of the medical marijuana regulation act shall be construed to:

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

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

(c) Require any government medical assistance program, a private
health insurer or a workers' compensation carrier or self-insured employer providing workers' compensation benefits to reimburse a person for costs associated with the use of medical marijuana;
(d) affect the ability of an employer to implement policies to promote workplace health and safety by restricting the use of marijuana by employees;
(e) prohibit an employer from:
(1) establishing and enforcing a drug testing policy, drug-free workplace policy or zero-tolerance drug policy;
(2) disciplining an employee for a violation of a workplace drug policy or for working while under the influence of marijuana; or
(3) including a provision in any contract that prohibits the use of marijuana; or
(f) prevent an employer from, because of a person's violation of a workplace drug policy or because that person was working while under the influence of marijuana:
(1) refusing to hire;
(2) discharging;
(3) disciplining; or
(4) otherwise taking an adverse employment action against a person with respect to hiring decisions, tenure, terms, conditions or privileges of employment.

New Sec. 52. The provisions of the Kansas medical marijuana regulation act are hereby declared to be severable. If any part or provision of the Kansas medical marijuana regulation act is held to be void, invalid or unconstitutional, such part or provision shall not affect or impair any of the remaining parts or provisions of the Kansas medical marijuana regulation act, and any such remaining provisions shall continue in full force and effect.

New Sec. 53. (a) No person shall transport medical marijuana as defined in section 2, and amendments thereto, in any vehicle upon a highway or street unless such medical marijuana is in the:
(1) original, sealed packaging that is in compliance with the requirements of section 35, and amendments thereto, and rules and regulations adopted by the secretary of revenue, and the seal of which has not been broken and any other means of closure has not been removed;
(2) locked rear trunk or rear compartment or any locked outside compartment that is not accessible to any person in the vehicle while it is in motion. If a motor vehicle is not equipped with a trunk, then such medical marijuana shall be behind the last upright seat or in an area not normally occupied by the driver or a passenger; or
(3) exclusive possession of a passenger in a vehicle that is a recreational vehicle, as defined by K.S.A. 75-1212, and amendments
thereto, or a bus, as defined by K.S.A. 8-1406, and amendments thereto, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

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

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

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

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

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

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

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

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

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

(d) Nothing in this section shall be construed to prohibit a person from taking any action necessary to procure or retain any monetary benefit provided under federal law, or any rules and regulations adopted thereunder, or to obtain or maintain any license, certificate, registration or
other legal status issued or bestowed under federal law, or any rules and
regulations adopted thereunder.
(e) The provisions of this section shall be a part of and supplement to
the Kansas act against discrimination.
New Sec. 55. (a) A covered entity, solely on the basis that an
individual consumes medical marijuana in accordance with section 10, and
amendments thereto, shall not:
(1) Consider such individual ineligible to receive an anatomical gift
or organ transplant;
(2) deny medical and other services related to organ transplantation,
including evaluation, surgery, counseling and post-transplantation
treatment and services;
(3) refuse to refer the individual to a transplant center or a related
specialist for the purpose of evaluation or receipt of an organ transplant;
(4) refuse to place such individual on an organ transplant waiting list;
or
(5) place such individual at a lower-priority position on an organ
transplant waiting list than the position at which such individual would
have been placed if not for such individual's consumption of medical
marijuana.
(b) A covered entity may take into account an individual's
consumption of medical marijuana when making treatment or coverage
recommendations or decisions, solely to the extent that such consumption
has been found by a physician, following an individualized evaluation of
the individual, to be medically significant to the provision of the
anatomical gift.
(c) Nothing in this section shall be construed to require a covered
entity to make a referral or recommendation for or perform a medically
inappropriate organ transplant.
(d) As used in this section, the terms "anatomical gift," "covered
entity" and "organ transplant" mean the same as those terms are defined in
K.S.A. 65-3276, and amendments thereto.
New Sec. 56. (a) No order shall be issued pursuant to K.S.A. 2020
Supp. 38-2242, 38-2243 or 38-2244, and amendments thereto, if the sole
basis for the threat to the child's safety or welfare is that the child resides
with an individual who consumes medical marijuana in accordance with
section 10, and amendments thereto, or the child consumes medical
marijuana in accordance with section 10, and amendments thereto.
(b) The provisions of this section shall be a part of and supplemental
to the revised Kansas code for care of children.
New Sec. 57. Notwithstanding the provisions of K.S.A. 65-2836, and
amendments thereto, the board shall not revoke, suspend or limit a
physician's license, publicly censure a physician or place a physician's
license under probationary conditions upon any of the following:

(a) The physician has:
   (1) Advised a patient about the possible benefits and risks of using medical marijuana;
   (2) advised the patient that using medical marijuana may mitigate the patient's symptoms; or
   (3) submitted an application on behalf of a patient or caregiver for registration as a patient or caregiver under section 8, and amendments thereto; or

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

New Sec. 58. Notwithstanding the provisions of K.S.A. 65-28a05, and amendments thereto, the board shall not revoke, suspend or limit a physician assistant's license, publicly or privately censure a physician assistant or deny an application for a license or for reinstatement of a license upon any of the following:

(a) The physician assistant has:
   (1) Advised a patient about the possible benefits and risks of using medical marijuana; or
   (2) advised the patient that using medical marijuana may mitigate the patient's symptoms; or

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

New Sec. 59. (a) Notwithstanding any other provision of law, any person, board, commission or similar body that determines the qualifications of individuals for licensure, certification or registration shall not disqualify an individual from licensure, certification or registration solely because such individual consumes medical marijuana in accordance with section 10, and amendments thereto.

(b) The provisions of this section shall not apply to the:
   (1) Kansas commission on peace officers' standards and training;
   (2) Kansas highway patrol;
   (3) office of the attorney general;
   (4) department of health and environment; or
   (5) division of alcoholic beverage control.

Sec. 60. K.S.A. 2020 Supp. 21-5703 is hereby amended to read as follows: 21-5703. (a) It shall be unlawful for any person to manufacture any controlled substance or controlled substance analog.

(b) Violation or attempted violation of subsection (a) is a:
(1) Drug severity level 2 felony, except as provided in subsections (b)(2) and (b)(3);

(2) drug severity level 1 felony if:
   (A) The controlled substance is not methamphetamine, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof; and
   (B) the offender has a prior conviction for unlawful manufacturing of a controlled substance under this section, K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially similar offense from another jurisdiction and the substance was not methamphetamine, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, in any such prior conviction; and

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

(c) The provisions of subsection (d) of K.S.A. 2020 Supp. 21-5301(d), and amendments thereto, shall not apply to a violation of attempting to unlawfully manufacture any controlled substance or controlled substance analog pursuant to this section.

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

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

(f) The sentence of a person who violates this section, K.S.A. 65-4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its transfer, shall not be reduced because these sections prohibit conduct identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 2020 Supp. 21-5705, and amendments thereto.

(g) The provisions of this section shall not apply to a cultivator licensed by the director of alcoholic beverage control pursuant to section 21, and amendments thereto, or a processor licensed by the director of alcoholic beverage control pursuant to section 31, and amendments thereto, that is producing medical marijuana, as defined in section 2, and amendments thereto, when used for acts authorized by the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto.
Sec. 61. K.S.A. 2020 Supp. 21-5705 is hereby amended to read as follows: 21-5705. (a) It shall be unlawful for any person to distribute or possess with the intent to distribute any of the following controlled substances or controlled substance analogs thereof:

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

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

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

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

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

(6) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4105(f), and amendments thereto; or

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

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

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

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

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

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

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

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

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

(A) Drug severity level 4 felony if the quantity of the material was less than 25 grams;
(B) drug severity level 3 felony if the quantity of the material was at least 25 grams but less than 450 grams;
(C) drug severity level 2 felony if the quantity of the material was at least 450 grams but less than 30 kilograms; and
(D) drug severity level 1 felony if the quantity of the material was 30 kilograms or more.
(3) Violation of subsection (a) with respect to material containing any quantity of heroin, as defined by subsection (c)(1) of K.S.A. 65-4105(c)(1), and amendments thereto, or methamphetamine, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, is a:
(A) Drug severity level 4 felony if the quantity of the material was less than 1 gram;
(B) drug severity level 3 felony if the quantity of the material was at least 1 gram but less than 3.5 grams;
(C) drug severity level 2 felony if the quantity of the material was at least 3.5 grams but less than 100 grams; and
(D) drug severity level 1 felony if the quantity of the material was 100 grams or more.
(4) Violation of subsection (a) with respect to material containing any quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107, 65-4109 or 65-4111, and amendments thereto, or an analog thereof, distributed by dosage unit, is a:
(A) Drug severity level 4 felony if the number of dosage units was fewer than 10;
(B) drug severity level 3 felony if the number of dosage units was at least 10 but less than 100;
(C) drug severity level 2 felony if the number of dosage units was at least 100 but less than 1,000; and
(D) drug severity level 1 felony if the number of dosage units was 1,000 or more.
(5) For any violation of subsection (a), the severity level of the offense shall be increased one level if the controlled substance or controlled substance analog was distributed or possessed with the intent to distribute on or within 1,000 feet of any school property.
(6) Violation of subsection (b) is a:
(A) Class A person misdemeanor, except as provided in subsection (d)(6)(B) subparagraph (B); and
(B) nondrug severity level 7, person felony if the substance was distributed to or possessed with the intent to distribute to a minor.
(7) Violation of subsection (c) is a:
(A) Drug severity level 3 felony if the number of plants cultivated was more than 4 but fewer than 50;
(B) drug severity level 2 felony if the number of plants cultivated was at least 50 but fewer than 100; and

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

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

(1) 450 grams or more of marijuana;

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

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

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

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

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

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

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

(g) The provisions of subsections (a)(4) and (a)(5) shall not apply to:

(1) Any cultivator licensed by the director of alcoholic beverage control pursuant to section 21, and amendments thereto, or any employee or agent thereof, that is growing medical marijuana for the purpose of sale to a licensed processor as authorized by section 22, and amendments thereto;

(2) any processor licensed by the director of alcoholic beverage control pursuant to section 31, and amendments thereto, or any employee or agent thereof, that is processing medical marijuana for the purpose of sale or distribution to a licensed processor, distributor or retail dispensary as authorized by section 32, and amendments thereto;

(3) any distributor licensed by the director of alcoholic beverage control pursuant to section 31, and amendments thereto, or any employee or agent thereof, that is storing or distributing medical marijuana for the purpose of wholesale or distribution to a licensed retail dispensary as authorized by section 33, and amendments thereto; or

(4) any retail dispensary licensed by the director of alcoholic beverage control pursuant to section 34, and amendments thereto, or any employee or agent thereof, that is engaging in the sale of medical marijuana in a manner authorized by section 35, and amendments thereto.

(h) As used in this section:

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

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

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

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

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

(3) "Medical marijuana" means the same as defined in section 2, and amendments thereto.

Sec. 62. K.S.A. 2020 Supp. 21-5706 is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.

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

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

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

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

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

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

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

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

(c) (1) Violation of subsection (a) is a drug severity level 5 felony.
(2) Except as provided in subsection (c)(3):
   (A) Violation of subsection (b) is a class A nonperson misdemeanor, except as provided in subparagraph (B); and
   (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d), and amendments thereto, or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.

(3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as designated in K.S.A. 65-4105(h), and amendments thereto, violation of subsection (b) is a:
   (A) Class B nonperson misdemeanor, except as provided in subparagraphs (B) and (C) and (D);
   (B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and
   (C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and
   (D) nonperson misdemeanor punishable by a fine not to exceed $400, if that person is not a registered patient or caregiver under the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, is found in possession of not more than 1.5 ounces of marijuana and provides a statement from such person's physician recommending the use of medical marijuana to treat such person's symptoms.

(d) It shall be an affirmative defense to prosecution under this section arising out of a person's possession of any cannabidiol treatment preparation if the person:
   (1) Has a debilitating medical condition, as defined in K.S.A.2020 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a minor child who has such debilitating medical condition;
   (2) is possessing a cannabidiol treatment preparation, as defined in K.S.A. 2020 Supp. 65-6235, and amendments thereto, that is being used to treat such debilitating medical condition; and
(3) has possession of a letter, at all times while the person has possession of the cannabidiol treatment preparation, that:
   (A) Shall be shown to a law enforcement officer on such officer's request;
   (B) is dated within the preceding 15 months and signed by the physician licensed to practice medicine and surgery in Kansas who diagnosed the debilitating medical condition;
   (C) is on such physician's letterhead; and
   (D) identifies the person or the person's minor child as such physician's patient and identifies the patient's debilitating medical condition.
If the substance involved is medical marijuana, as defined in section 2, and amendments thereto, the provisions of subsections (b) and (c) shall not apply to any person who is registered or licensed pursuant to the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, whose possession is authorized by such act.
(e) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.
Sec. 63. K.S.A. 2020 Supp. 21-5707 is hereby amended to read as follows: 21-5707. (a) It shall be unlawful for any person to knowingly or intentionally use any communication facility:
   (1) In committing, causing, or facilitating the commission of any felony under K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5706, and amendments thereto; or
   (2) in any attempt to commit, any conspiracy to commit, or any criminal solicitation of any felony under K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5706, and amendments thereto. Each separate use of a communication facility may be charged as a separate offense under this subsection.
   (b) Violation of subsection (a) is a nondrug severity level 8, nonperson felony.
   (c) The provisions of this section shall not apply to any person using communication facilities for those activities authorized by the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto.
   (d) As used in this section, "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures or sounds of all kinds and includes telephone, wire, radio, computer, computer networks, beepers, pagers and all other means of communication.
Sec. 64. K.S.A. 2020 Supp. 21-5709 is hereby amended to read as follows: 21-5709. (a) It shall be unlawful for any person to possess
ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with an intent to use the product to manufacture a controlled substance.

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The provisions of subsection (b) shall not apply to any person registered or licensed pursuant to the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, whose possession of such equipment or material is used solely to produce or for the administration of medical marijuana, as defined in section 2, and amendments thereto, in a manner authorized by the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto.
Sec. 65. K.S.A. 2020 Supp. 21-5710 is hereby amended to read as follows: 21-5710. (a) It shall be unlawful for any person to advertise, market, label, distribute or possess with the intent to distribute:

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

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

(b) It shall be unlawful for any person to distribute, possess with the intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to manufacture or distribute a controlled substance or controlled substance analog in violation of K.S.A. 2020 Supp. 21-5701 through 21-5717, and amendments thereto.

(c) It shall be unlawful for any person to distribute, possess with intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used as such in violation of subsection (b) of K.S.A. 2020 Supp. 21-5701 through 21-5717, and amendments thereto, except subsection (b) of K.S.A. 2020 Supp. 21-5706(b), and amendments thereto.

(d) It shall be unlawful for any person to distribute, possess with intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used as such in violation of subsection (b) of K.S.A. 2020 Supp. 21-5701 through 21-5717, and amendments thereto.

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

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

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

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

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

(A) Nondrug severity level 9, nonperson felony, except as provided in subsection (e)(2)(B) subparagraph (B); and

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

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

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

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

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

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

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

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

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

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

(4) receipt of a written warning from a law enforcement or prosecutorial agency having jurisdiction that the item has been previously determined to have been designed specifically for use as drug paraphernalia.

Sec. 66. K.S.A. 2020 Supp. 23-3201 is hereby amended to read as follows: 23-3201. (a) The court shall determine legal custody, residency and parenting time of a child in accordance with the best interests of the child.

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

Sec. 67. K.S.A. 2020 Supp. 38-2269 is hereby amended to read as follows: 38-2269. (a) When the child has been adjudicated to be a child in need of care, the court may terminate parental rights or appoint a permanent custodian when the court finds by clear and convincing evidence that the parent is unfit by reason of conduct or condition which renders the parent unable to care properly for a child and the conduct or condition is unlikely to change in the foreseeable future.

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

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

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

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

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

(5) conviction of a felony and imprisonment;

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

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

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

(9) whether, as a result of the actions or inactions attributable to the parent and one or more of the factors listed in subsection (c) apply, the child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date on which a child in the secretary's custody was removed from the child's home.

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

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

(2) failure to maintain regular visitation, contact or communication
with the child or with the custodian of the child;
(3) failure to carry out a reasonable plan approved by the court
directed toward the integration of the child into a parental home; and
(4) failure to pay a reasonable portion of the cost of substitute
physical care and maintenance based on ability to pay.
In making the above determination, the court may disregard incidental
visitations, contacts, communications or contributions.
(d) A finding of unfitness may be made as provided in this section if
the court finds that the parents have abandoned the child, the custody of
the child was surrendered pursuant to K.S.A. 2020 Supp. 38-2282, and
amendments thereto, or the child was left under such circumstances that
the identity of the parents is unknown and cannot be ascertained, despite
diligent searching, and the parents have not come forward to claim the
child within three months after the child is found.
(e) If a person is convicted of a felony in which sexual intercourse
occurred, or if a juvenile is adjudicated a juvenile offender because of an
act which, if committed by an adult, would be a felony in which sexual
intercourse occurred, and as a result of the sexual intercourse, a child is
conceived, a finding of unfitness may be made.
(f) The existence of any one of the above factors standing alone may,
but does not necessarily, establish grounds for termination of parental
rights.
(g) (1) If the court makes a finding of unfitness, the court shall
consider whether termination of parental rights as requested in the petition
or motion is in the best interests of the child. In making the determination,
the court shall give primary consideration to the physical, mental and
emotional health of the child. If the physical, mental or emotional needs of
the child would best be served by termination of parental rights, the court
shall so order. A termination of parental rights under the code shall not
terminate the right of a child to inherit from or through a parent. Upon
such termination all rights of the parent to such child, including, such
parent's right to inherit from or through such child, shall cease.
(2) If the court terminates parental rights, the court may authorize
adoption pursuant to K.S.A. 2020 Supp. 38-2270, and amendments
thereto, appointment of a permanent custodian pursuant to K.S.A. 2020
Supp. 38-2272, and amendments thereto, or continued permanency
planning.
(3) If the court does not terminate parental rights, the court may
authorize appointment of a permanent custodian pursuant to K.S.A. 2020
Supp. 38-2272, and amendments thereto, or continued permanency
planning.
(h) If a parent is convicted of an offense as provided in K.S.A. 2020
Supp. 38-2271(a)(7), and amendments thereto, or is adjudicated a juvenile
offender because of an act which if committed by an adult would be an
offense as provided in K.S.A. 2020 Supp. 38-2271(a)(7), and amendments
thereto, and if the victim was the other parent of a child, the court may
disregard such convicted or adjudicated parent's opinions or wishes in
regard to the placement of such child.

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

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

Sec. 68. K.S.A. 2020 Supp. 44-501 is hereby amended to read as
follows: 44-501. (a) (1) Compensation for an injury shall be disallowed if
such injury to the employee results from:

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

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

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

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

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

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

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

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

(ii) In the case of marijuana or any other form of cannabis, including any cannabis derivatives, compensation shall not be denied if the employee is a patient pursuant to section 8, and amendments thereto, such cannabis or cannabis derivative was used in accordance with the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, and there has been no prior incidence of the employee's impairment on the job as a result of the use of such cannabis or cannabis derivative within the previous 24 months.

(C) It shall be conclusively presumed that the employee was impaired due to alcohol or drugs if it is shown that, at the time of the injury, the employee had an alcohol concentration of .04 or more, or a GCMS confirmatory test by quantitative analysis showing a concentration at or above the levels shown on the following chart for the drugs of abuse listed:

<table>
<thead>
<tr>
<th>Confirmtory test cutoff levels (ng/ml)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana metabolite(^1)</td>
</tr>
<tr>
<td>Cocaine metabolite(^2)</td>
</tr>
<tr>
<td>Opiates:</td>
</tr>
<tr>
<td>Morphine</td>
</tr>
<tr>
<td>Codeine</td>
</tr>
<tr>
<td>6-Acetylmorphine(^4)</td>
</tr>
<tr>
<td>Phencyclidine</td>
</tr>
<tr>
<td>Amphetamines:</td>
</tr>
<tr>
<td>Amphetamine</td>
</tr>
<tr>
<td>Methamphetamine(^3)</td>
</tr>
<tr>
<td>Delta-9-tetrahydrocannabinol-9-carboxylic acid.</td>
</tr>
<tr>
<td>Benzoylcgonine.</td>
</tr>
<tr>
<td>Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.</td>
</tr>
<tr>
<td>Test for 6-AM when morphine concentration exceeds 2,000 ng/ml.</td>
</tr>
</tbody>
</table>

(D) If it is shown that the employee was impaired pursuant to subsection (b)(1)(C) at the time of the injury, there shall be a rebuttable presumption that the accident, injury, disability or death was contributed to by such impairment. The employee may overcome the presumption of contribution by clear and convincing evidence.

(E) An employee's refusal to submit to a chemical test at the request of the employer shall result in the forfeiture of benefits under the workers compensation act if the employer had sufficient cause to suspect the use of alcohol or drugs by the claimant or if the employer's policy clearly authorizes post-injury testing.

(2) The results of a chemical test shall be admissible evidence to
prove impairment if the employer establishes that the testing was done
under any of the following circumstances:

(A) As a result of an employer mandated drug testing policy, in place
in writing prior to the date of accident or injury, requiring any worker to
submit to testing for drugs or alcohol;

(B) during an autopsy or in the normal course of medical treatment
for reasons related to the health and welfare of the injured worker and not
at the direction of the employer;

(C) the worker, prior to the date and time of the accident or injury,
gave written consent to the employer that the worker would voluntarily
submit to a chemical test for drugs or alcohol following any accident or
injury;

(D) the worker voluntarily agrees to submit to a chemical test for
drugs or alcohol following any accident or injury; or

(E) as a result of federal or state law or a federal or state rule or
regulation having the force and effect of law requiring a post-injury testing
program and such required program was properly implemented at the time
of testing.

(3) Notwithstanding subsection (b)(2), the results of a chemical test
performed on a sample collected by an employer shall not be admissible
evidence to prove impairment unless the following conditions are met:

(A) The test sample was collected within a reasonable time following
the accident or injury;

(B) the collecting and labeling of the test sample was performed by or
under the supervision of a licensed health care professional;

(C) the test was performed by a laboratory approved by the United
States department of health and human services or licensed by the
department of health and environment, except that a blood sample may be
tested for alcohol content by a laboratory commonly used for that purpose
by state law enforcement agencies;

(D) the test was confirmed by gas chromatography-mass
spectroscopy or other comparably reliable analytical method, except that
no such confirmation is required for a blood alcohol sample;

(E) the foundation evidence must establish, beyond a reasonable
doubt, that the test results were from the sample taken from the employee;

and

(F) a split sample sufficient for testing shall be retained and made
available to the employee within 48 hours of a positive test.

(c) (1) Except as provided in paragraph (2), compensation shall not
be paid in case of coronary or coronary artery disease or cerebrovascular
injury unless it is shown that the exertion of the work necessary to
precipitate the disability was more than the employee's usual work in the
course of the employee's regular employment.
(2) For events occurring on or after July 1, 2014, in the case of a firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto, or a law enforcement officer as defined by K.S.A. 74-5602, and amendments thereto, coronary or coronary artery disease or cerebrovascular injury shall be compensable if:

(A) The injury can be identified as caused by a specific event occurring in the course and scope of employment;

(B) the coronary or cerebrovascular injury occurred within 24 hours of the specific event; and

(C) the specific event was the prevailing factor in causing the coronary or coronary artery disease or cerebrovascular injury.

(d) Except as provided in the workers compensation act, no construction design professional who is retained to perform professional services on a construction project or any employee of a construction design professional who is assisting or representing the construction design professional in the performance of professional services on the site of the construction project, shall be liable for any injury resulting from the employer's failure to comply with safety standards on the construction project for which compensation is recoverable under the workers compensation act, unless responsibility for safety practices is specifically assumed by contract. The immunity provided by this subsection to any construction design professional shall not apply to the negligent preparation of design plans or specifications.

(e) An award of compensation for permanent partial impairment, work disability, or permanent total disability shall be reduced by the amount of functional impairment determined to be preexisting. Any such reduction shall not apply to temporary total disability, nor shall it apply to compensation for medical treatment.

(1) Where workers compensation benefits have previously been awarded through settlement or judicial or administrative determination in Kansas, the percentage basis of the prior settlement or award shall conclusively establish the amount of functional impairment determined to be preexisting. Where workers compensation benefits have not previously been awarded through settlement or judicial or administrative determination in Kansas, the amount of preexisting functional impairment shall be established by competent evidence.

(2) In all cases, the applicable reduction shall be calculated as follows:

(A) If the preexisting impairment is the result of injury sustained while working for the employer against whom workers compensation benefits are currently being sought, any award of compensation shall be reduced by the current dollar value attributable under the workers compensation act to the percentage of functional impairment determined to
be preexisting. The "current dollar value" shall be calculated by multiplying the percentage of preexisting impairment by the compensation rate in effect on the date of the accident or injury against which the reduction will be applied.

(B) In all other cases, the employer against whom benefits are currently being sought shall be entitled to a credit for the percentage of preexisting impairment.

(f) If the employee receives, whether periodically or by lump sum, retirement benefits under the federal social security act or retirement benefits from any other retirement system, program, policy or plan which that is provided by the employer against which the claim is being made, any compensation benefit payments which the employee is eligible to receive under the workers compensation act for such claim shall be reduced by the weekly equivalent amount of the total amount of all such retirement benefits, less any portion of any such retirement benefit, other than retirement benefits under the federal social security act, that is attributable to payments or contributions made by the employee, but in no event shall the workers compensation benefit be less than the workers compensation benefit payable for the employee's percentage of functional impairment. Where the employee elects to take retirement benefits in a lump sum, the lump sum payment shall be amortized at the rate of 4% per year over the employee's life expectancy to determine the weekly equivalent value of the benefits.

Sec. 69. K.S.A. 2020 Supp. 44-706 is hereby amended to read as follows: 44-706. The secretary shall examine whether an individual has separated from employment for each week claimed. The secretary shall apply the provisions of this section to the individual's most recent employment prior to the week claimed. An individual shall be disqualified for benefits:

(a) If the individual left work voluntarily without good cause attributable to the work or the employer, subject to the other provisions of this subsection. For purposes of this subsection, "good cause" is cause of such gravity that would impel a reasonable, not supersensitive, individual exercising ordinary common sense to leave employment. Good cause requires a showing of good faith of the individual leaving work, including the presence of a genuine desire to work. Failure to return to work after expiration of approved personal or medical leave, or both, shall be considered a voluntary resignation. After a temporary job assignment, failure of an individual to affirmatively request an additional assignment on the next succeeding workday, if required by the employment agreement, after completion of a given work assignment, shall constitute leaving work voluntarily. The disqualification shall begin the day following the separation and shall continue until after the individual has
become reemployed and has had earnings from insured work of at least three times the individual's weekly benefit amount. An individual shall not be disqualified under this subsection if:

1. The individual was forced to leave work because of illness or injury upon the advice of a licensed and practicing health care provider and, upon learning of the necessity for absence, immediately notified the employer thereof, or the employer consented to the absence, and after recovery from the illness or injury, when recovery was certified by a practicing health care provider, the individual returned to the employer and offered to perform services and the individual's regular work or comparable and suitable work was not available. As used in this paragraph "health care provider" means any person licensed by the proper licensing authority of any state to engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

2. the individual left temporary work to return to the regular employer;

3. the individual left work to enlist in the armed forces of the United States, but was rejected or delayed from entry;

4. the spouse of an individual who is a member of the armed forces of the United States who left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, which is for the same employer or for a different employer, at a geographic location which makes it unreasonable for the individual to continue work at the individual's job. For the purposes of this provision the term "armed forces" means active duty in the army, navy, marine corps, air force, coast guard or any branch of the military reserves of the United States;

5. the individual left work because of hazardous working conditions; in determining whether or not working conditions are hazardous for an individual, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training and the working conditions of workers engaged in the same or similar work for the same and other employers in the locality shall be considered; as used in this paragraph, "hazardous working conditions" means working conditions that could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of: (A) The safety measures used or the lack thereof; and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged in the same or similar type of activity;

6. the individual left work to enter training approved under section
236(a)(1) of the federal trade act of 1974, provided the work left is not of a substantial equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the federal trade act of 1974, and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the federal trade act of 1974;

(7) the individual left work because of unwelcome harassment of the individual by the employer or another employee of which the employing unit had knowledge and that would impel the average worker to give up such worker's employment;

(8) the individual left work to accept better work; each determination as to whether or not the work accepted is better work shall include, but shall not be limited to, consideration of: (A) The rate of pay, the hours of work and the probable permanency of the work left as compared to the work accepted; (B) the cost to the individual of getting to the work left in comparison to the cost of getting to the work accepted; and (C) the distance from the individual's place of residence to the work accepted in comparison to the distance from the individual's residence to the work left;

(9) the individual left work as a result of being instructed or requested by the employer, a supervisor or a fellow employee to perform a service or commit an act in the scope of official job duties which is in violation of an ordinance or statute;

(10) the individual left work because of a substantial violation of the work agreement by the employing unit and, before the individual left, the individual had exhausted all remedies provided in such agreement for the settlement of disputes before terminating. For the purposes of this paragraph, a demotion based on performance does not constitute a violation of the work agreement;

(11) after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification; or

(12) (A) the individual left work due to circumstances resulting from domestic violence, including:

(i) The individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment;

(ii) the individual's need to relocate to another geographic area in order to avoid future domestic violence;

(iii) the individual's need to address the physical, psychological and legal impacts of domestic violence;

(iv) the individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence; or
(v) the individual's reasonable belief that termination of employment is necessary to avoid other situations which may cause domestic violence and to provide for the future safety of the individual or the individual's family.

(B) An individual may prove the existence of domestic violence by providing one of the following:

(i) A restraining order or other documentation of equitable relief by a court of competent jurisdiction;

(ii) a police record documenting the abuse;

(iii) documentation that the abuser has been convicted of one or more of the offenses enumerated in articles 34 and 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the victim was a family or household member;

(iv) medical documentation of the abuse;

(v) a statement provided by a counselor, social worker, health care provider, clergy, shelter worker, legal advocate, domestic violence or sexual assault advocate or other professional who has assisted the individual in dealing with the effects of abuse on the individual or the individual's family; or

(vi) a sworn statement from the individual attesting to the abuse.

(C) No evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the department of labor unless consent for disclosure is given by the individual.

(b) If the individual has been discharged or suspended for misconduct connected with the individual's work. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and in cases where the disqualification is due to discharge for misconduct has had earnings from insured work of at least three times the individual's determined weekly benefit amount, except that if an individual is discharged for gross misconduct connected with the individual's work, such individual shall be disqualified for benefits until such individual again becomes employed and has had earnings from insured work of at least eight times such individual's determined weekly benefit amount. In addition, all wage credits attributable to the employment from which the individual was discharged for gross misconduct connected with the individual's work shall be canceled. No such cancellation of wage credits shall affect prior payments made as a result of a prior separation.

(1) (A) For the purposes of this subsection, "misconduct" is defined as
a violation of a duty or obligation reasonably owed the employer as a
condition of employment including, but not limited to, a violation of a
company rule, including a safety rule, if:

(A)(i) The individual knew or should have known about the rule;
(B)(ii) the rule was lawful and reasonably related to the job; and
(C)(iii) the rule was fairly and consistently enforced.

(B) The term "misconduct":
(i) Does not include any violation of a duty, obligation or company
rule, if:

(a) The individual is a registered patient pursuant to section 8, and
amendments thereto; and
(b) the basis for the violation is the possession of an identification
card issued under section 8, and amendments thereto, or the possession or
use of medical marijuana in accordance with the Kansas medical
marijuana regulation act, section 1 et seq., and amendments thereto; and
(ii) includes any violation of a duty, obligation or company rule if the
individual ingested marijuana in the workplace, worked while under the
influence of marijuana or tested positive for a controlled substance.

(2) (A) Failure of the employee to notify the employer of an absence
and an individual's leaving work prior to the end of such individual's
assigned work period without permission shall be considered prima facie
evidence of a violation of a duty or obligation reasonably owed the
employer as a condition of employment.

(B) For the purposes of this subsection, misconduct shall include, but
not be limited to, violation of the employer's reasonable attendance
expectations if the facts show:
(i) The individual was absent or tardy without good cause;
(ii) the individual had knowledge of the employer's attendance
expectation; and
(iii) the employer gave notice to the individual that future absence or
tardiness may or will result in discharge.

(C) For the purposes of this subsection, if an employee disputes being
absent or tardy without good cause, the employee shall present evidence
that a majority of the employee's absences or tardiness were for good
cause. If the employee alleges that the employee's repeated absences or
tardiness were the result of health related issues, such evidence shall
include documentation from a licensed and practicing health care provider
as defined in subsection (a)(1).

(3) (A) (i) The term "gross misconduct" as used in this subsection
shall be construed to mean conduct evincing extreme, willful or wanton
misconduct as defined by this subsection. Gross misconduct shall include,
but not be limited to:

(a) Theft;
(iii) (b) fraud;
(iii) (c) intentional damage to property;
(iv) (d) intentional infliction of personal injury; or
(v) (e) any conduct that constitutes a felony.
(ii) The term "gross misconduct":
(a) Does not include any conduct of an individual, if:
(1) The individual is a registered patient pursuant to section 8, and
amendments thereto; and
(2) the basis for such conduct is the possession of an identification
card issued under section 8, and amendments thereto, or the possession or
use of medical marijuana in accordance with the Kansas medical
marijuana regulation act, section 1 et seq., and amendments thereto; and
(b) includes any conduct of an individual if the individual ingested
marijuana in the workplace, worked while under the influence of
marijuana or tested positive for a controlled substance.
(B) For the purposes of this subsection, the following shall be
conclusive evidence of gross misconduct:
(i) The use of alcoholic liquor, cereal malt beverage or a
nonprescribed controlled substance by an individual while working;
(ii) the impairment caused by alcoholic liquor, cereal malt beverage
or a nonprescribed controlled substance by an individual while working;
(iii) a positive breath alcohol test or a positive chemical test,
provided:
(a) The test was either:
(1) Required by law and was administered pursuant to the drug free
workplace act, 41 U.S.C. § 701 et seq.;
(2) administered as part of an employee assistance program or other
drug or alcohol treatment program in which the employee was
participating voluntarily or as a condition of further employment;
(3) requested pursuant to a written policy of the employer of which
the employee had knowledge and was a required condition of
employment;
(4) required by law and the test constituted a required condition of
employment for the individual's job; or
(5) there was reasonable suspicion to believe that the individual used,
had possession of, or was impaired by alcoholic liquor, cereal malt
beverage or a nonprescribed controlled substance while working;
(b) the test sample was collected either:
(1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et
seq.;
(2) as prescribed by an employee assistance program or other drug or
alcohol treatment program in which the employee was participating
voluntarily or as a condition of further employment;
(3) as prescribed by the written policy of the employer of which the employee had knowledge and which constituted a required condition of employment;

(4) as prescribed by a test which was required by law and which constituted a required condition of employment for the individual's job; or

(5) at a time contemporaneous with the events establishing probable cause;

(c) the collecting and labeling of a chemical test sample was performed by a licensed health care professional or any other individual certified pursuant to paragraph (b)(3)(A)(iii)(f) subsection (b)(3)(B)(iii)(f) or authorized to collect or label test samples by federal or state law, or a federal or state rule or regulation having the force or effect of law, including law enforcement personnel;

(d) the chemical test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies;

(e) the chemical test was confirmed by gas chromatography, gas chromatography-mass spectroscopy or other comparably reliable analytical method, except that no such confirmation is required for a blood alcohol sample or a breath alcohol test;

(f) the breath alcohol test was administered by an individual trained to perform breath tests, the breath testing instrument used was certified and operated strictly according to a description provided by the manufacturers and the reliability of the instrument performance was assured by testing with alcohol standards; and

(g) the foundation evidence establishes, beyond a reasonable doubt, that the test results were from the sample taken from the individual;

(iv) an individual's refusal to submit to a chemical test or breath alcohol test, provided:

(a) The test meets the standards of the drug free workplace act, 41 U.S.C. § 701 et seq.;

(b) the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(c) the test was otherwise required by law and the test constituted a required condition of employment for the individual's job;

(d) the test was requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment; or

(e) there was reasonable suspicion to believe that the individual used,
possessed or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working;

(v) an individual's dilution or other tampering of a chemical test.

(C) For purposes of this subsection:

(i) "Alcohol concentration" means the number of grams of alcohol per 210 liters of breath;

(ii) "alcoholic liquor" shall be defined means the same as provided in K.S.A. 41-102, and amendments thereto;

(iii) "cereal malt beverage" shall be defined means the same as provided in K.S.A. 41-2701, and amendments thereto;

(iv) "chemical test" shall include includes, but is not limited to, tests of urine, blood or saliva;

(v) "controlled substance" shall be defined means the same as provided in K.S.A. 2020 Supp. 21-5701, and amendments thereto;

(vi) "required by law" means required by a federal or state law, a federal or state rule or regulation having the force and effect of law, a county resolution or municipal ordinance, or a policy relating to public safety adopted in an open meeting by the governing body of any special district or other local governmental entity;

(vii) "positive breath test" shall mean means a test result showing an alcohol concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if applicable, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" shall mean means a test result showing an alcohol concentration at or above the levels provided for in the assistance or treatment program;

(viii) "positive chemical test" shall mean means a chemical result showing a concentration at or above the levels listed in K.S.A. 44-501, and amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or abuse listed therein, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" shall mean means a chemical result showing a concentration at or above the levels provided for in the assistance or treatment program.

(4) An individual shall not be disqualified under this subsection if the individual is discharged under the following circumstances:

(A) The employer discharged the individual after learning the individual was seeking other work or when the individual gave notice of future intent to quit, except that the individual shall be disqualified after the time at which such individual intended to quit and any individual who commits misconduct after such individual gives notice to such individual's
intent to quit shall be disqualified;

(B) the individual was making a good-faith effort to do the assigned work but was discharged due to:

(i) Inefficiency;

(ii) unsatisfactory performance due to inability, incapacity or lack of training or experience;

(iii) isolated instances of ordinary negligence or inadvertence;

(iv) good-faith errors in judgment or discretion; or

(v) unsatisfactory work or conduct due to circumstances beyond the individual's control; or

(C) the individual's refusal to perform work in excess of the contract of hire.

(c) If the individual has failed, without good cause, to either apply for suitable work when so directed by the employment office of the secretary of labor, or to accept suitable work when offered to the individual by the employment office, the secretary of labor, or an employer, such disqualification shall begin with the week in which such failure occurred and shall continue until the individual becomes reemployed and has had earnings from insured work of at least three times such individual's determined weekly benefit amount. In determining whether or not any work is suitable for an individual, the secretary of labor, or a person or persons designated by the secretary, shall consider the degree of risk involved to health, safety and morals, physical fitness and prior training, experience and prior earnings, length of unemployment and prospects for securing local work in the individual's customary occupation or work for which the individual is reasonably fitted by training or experience, and the distance of the available work from the individual's residence.

Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be disqualified for refusing an offer of suitable employment, or failing to apply for suitable employment when notified by an employment office, or for leaving the individual's most recent work accepted during approved training, including training approved under section 236(a)(1) of the trade act of 1974, if the acceptance of or applying for suitable employment or continuing such work would require the individual to terminate approved training and no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (1) If the position offered is vacant due directly to a strike, lockout or other labor dispute; (2) if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed, the individual would be required to join or to resign from or refrain from joining any labor organization; and (4) if the
individual left employment as a result of domestic violence, and the
position offered does not reasonably accommodate the individual's
physical, psychological, safety, or legal needs relating to such domestic
violence.

(d) For any week with respect to which the secretary of labor, or a
person or persons designated by the secretary, finds that the individual's
unemployment is due to a stoppage of work which exists because of a
labor dispute or there would have been a work stoppage had normal
operations not been maintained with other personnel previously and
currently employed by the same employer at the factory, establishment or
other premises at which the individual is or was last employed, except that
this subsection (d) shall not apply if it is shown to the satisfaction of the
secretary of labor, or a person or persons designated by the secretary, that:
(1) The individual is not participating in or financing or directly interested
in the labor dispute which caused the stoppage of work; and (2) the
individual does not belong to a grade or class of workers of which,
immediately before the commencement of the stoppage, there were
members employed at the premises at which the stoppage occurs any of
whom are participating in or financing or directly interested in the dispute.
If in any case separate branches of work which are commonly conducted
as separate businesses in separate premises are conducted in separate
departments of the same premises, each such department shall, for the
purpose of this subsection be deemed to be a separate factory,
establishment or other premises. For the purposes of this subsection,
failure or refusal to cross a picket line or refusal for any reason during the
continuance of such labor dispute to accept the individual's available and
customary work at the factory, establishment or other premises where the
individual is or was last employed shall be considered as participation and
interest in the labor dispute.

(e) For any week with respect to which or a part of which the
individual has received or is seeking unemployment benefits under the
unemployment compensation law of any other state or of the United
States, except that if the appropriate agency of such other state or the
United States finally determines that the individual is not entitled to such
unemployment benefits, this disqualification shall not apply.

(f) For any week with respect to which the individual is entitled to
receive any unemployment allowance or compensation granted by the
United States under an act of congress to ex-service men and women in
recognition of former service with the military or naval services of the
United States.

(g) For the period of five years beginning with the first day following
the last week of unemployment for which the individual received benefits,
or for five years from the date the act was committed, whichever is the
later, if the individual, or another in such individual's behalf with the
knowledge of the individual, has knowingly made a false statement or
representation, or has knowingly failed to disclose a material fact to obtain
or increase benefits under this act or any other unemployment
compensation law administered by the secretary of labor. In addition to the
penalties set forth in K.S.A. 44-719, and amendments thereto, an
individual who has knowingly made a false statement or representation or
who has knowingly failed to disclose a material fact to obtain or increase
benefits under this act or any other unemployment compensation law
administered by the secretary of labor shall be liable for a penalty in the
amount equal to 25% of the amount of benefits unlawfully received.
Notwithstanding any other provision of law, such penalty shall be
deposited into the employment security trust fund.

(h) For any week with respect to which the individual is receiving
compensation for temporary total disability or permanent total disability
under the workmen's compensation law of any state or under a similar law
of the United States.

(i) For any week of unemployment on the basis of service in an
instructional, research or principal administrative capacity for an
educational institution as defined in K.S.A. 44-703(v), and amendments
thereto, if such week begins during the period between two successive
academic years or terms or, when an agreement provides instead for a
similar period between two regular but not successive terms during such
period or during a period of paid sabbatical leave provided for in the
individual's contract, if the individual performs such services in the first of
such academic years or terms and there is a contract or a reasonable
assurance that such individual will perform services in any such capacity
for any educational institution in the second of such academic years or
terms.

(j) For any week of unemployment on the basis of service in any
capacity other than service in an instructional, research, or administrative
capacity in an educational institution, as defined in K.S.A. 44-703(v), and
amendments thereto, if such week begins during the period between two
successive academic years or terms if the individual performs such services in the first of
such academic years or terms and there is a reasonable assurance that the individual will perform such services in the
second of such academic years or terms, except that if benefits are denied
to the individual under this subsection and the individual was not offered
an opportunity to perform such services for the educational institution for
the second of such academic years or terms, such individual shall be
entitled to a retroactive payment of benefits for each week for which the
individual filed a timely claim for benefits and for which benefits were
denied solely by reason of this subsection.
(k) For any week of unemployment on the basis of service in any
capacity for an educational institution as defined in K.S.A. 44-703(v), and
amendments thereto, if such week begins during an established and
customary vacation period or holiday recess, if the individual performs
services in the period immediately before such vacation period or holiday
recess and there is a reasonable assurance that such individual will perform
such services in the period immediately following such vacation period or
holiday recess.

(l) For any week of unemployment on the basis of any services,
substantially all of which consist of participating in sports or athletic
events or training or preparing to so participate, if such week begins during
the period between two successive sport seasons or similar period if such
individual performed services in the first of such seasons or similar periods
and there is a reasonable assurance that such individual will perform such
services in the later of such seasons or similar periods.

(m) For any week on the basis of services performed by an alien
unless such alien is an individual who was lawfully admitted for
permanent residence at the time such services were performed, was
lawfully present for purposes of performing such services, or was
permanently residing in the United States under color of law at the time
such services were performed, including an alien who was lawfully present
in the United States as a result of the application of the provisions of
section 212(d)(5) of the federal immigration and nationality act. Any data
or information required of individuals applying for benefits to determine
whether benefits are not payable to them because of their alien status shall
be uniformly required from all applicants for benefits. In the case of an
individual whose application for benefits would otherwise be approved, no
determination that benefits to such individual are not payable because of
such individual's alien status shall be made except upon a preponderance
of the evidence.

(n) For any week in which an individual is receiving a governmental
or other pension, retirement or retired pay, annuity or other similar
periodic payment under a plan maintained by a base period employer and
to which the entire contributions were provided by such employer, except
that: (1) If the entire contributions to such plan were provided by the base
period employer but such individual's weekly benefit amount exceeds such
governmental or other pension, retirement or retired pay, annuity or other
similar periodic payment attributable to such week, the weekly benefit
amount payable to the individual shall be reduced, but not below zero, by
an amount equal to the amount of such pension, retirement or retired pay,
annuity or other similar periodic payment which is attributable to such
week; or (2) if only a portion of contributions to such plan were provided
by the base period employer, the weekly benefit amount payable to such
individual for such week shall be reduced, but not below zero, by the
prorated weekly amount of the pension, retirement or retired pay, annuity
or other similar periodic payment after deduction of that portion of the
pension, retirement or retired pay, annuity or other similar periodic
payment that is directly attributable to the percentage of the contributions
made to the plan by such individual; or (3) if the entire contributions to the
plan were provided by such individual, or by the individual and an
employer, or any person or organization, who is not a base period
employer, no reduction in the weekly benefit amount payable to the
individual for such week shall be made under this subsection; or (4)
whatever portion of contributions to such plan were provided by the base
period employer, if the services performed for the employer by such
individual during the base period, or remuneration received for the
services, did not affect the individual's eligibility for, or increased the
amount of, such pension, retirement or retired pay, annuity or other similar
periodic payment, no reduction in the weekly benefit amount payable to
the individual for such week shall be made under this subsection. No
reduction shall be made for payments made under the social security act or

(o) For any week of unemployment on the basis of services
performed in any capacity and under any of the circumstances described in
subsection (i), (j) or (k)—which that an individual performed in an
educational institution while in the employ of an educational service
agency. For the purposes of this subsection, the term "educational service
agency" means a governmental agency or entity which is established and
operated exclusively for the purpose of providing such services to one or
more educational institutions.

(p) For any week of unemployment on the basis of service as a school
bus or other motor vehicle driver employed by a private contractor to
transport pupils, students and school personnel to or from school-related
functions or activities for an educational institution, as defined in K.S.A.
44-703(v), and amendments thereto, if such week begins during the period
between two successive academic years or during a similar period between
two regular terms, whether or not successive, if the individual has a
contract or contracts, or a reasonable assurance thereof, to perform
services in any such capacity with a private contractor for any educational
institution for both such academic years or both such terms. An individual
shall not be disqualified for benefits as provided in this subsection for any
week of unemployment on the basis of service as a bus or other motor
vehicle driver employed by a private contractor to transport persons to or
from nonschool-related functions or activities.

(q) For any week of unemployment on the basis of services
performed by the individual in any capacity and under any of the
circumstances described in subsection (i), (j), (k) or (o) which that are
provided to or on behalf of an educational institution, as defined in K.S.A.
44-703(v), and amendments thereto, while the individual is in the employ
of an employer which is a governmental entity, Indian tribe or any
employer described in section 501(c)(3) of the federal internal revenue
code of 1986 which is exempt from income under section 501(a) of the
code.

(r) For any week in which an individual is registered at and attending
an established school, training facility or other educational institution, or is
on vacation during or between two successive academic years or terms. An
individual shall not be disqualified for benefits as provided in this
subsection provided:

(1) The individual was engaged in full-time employment concurrent
with the individual's school attendance;
(2) the individual is attending approved training as defined in K.S.A.
44-703(s), and amendments thereto; or
(3) the individual is attending evening, weekend or limited day time
classes, which would not affect availability for work, and is otherwise
eligible under K.S.A. 44-705(c), and amendments thereto.

(s) For any week with respect to which an individual is receiving or
has received remuneration in the form of a back pay award or settlement.
The remuneration shall be allocated to the week or weeks in the manner as
specified in the award or agreement, or in the absence of such specificity
in the award or agreement, such remuneration shall be allocated to the
week or weeks in which such remuneration, in the judgment of the
secretary, would have been paid.

(1) For any such weeks that an individual receives remuneration in
the form of a back pay award or settlement, an overpayment will be
established in the amount of unemployment benefits paid and shall be
collected from the claimant.
(2) If an employer chooses to withhold from a back pay award or
settlement, amounts paid to a claimant while they claimed unemployment
benefits, such employer shall pay the department the amount withheld.
With respect to such amount, the secretary shall have available all of the
collection remedies authorized or provided in K.S.A. 44-717, and
amendments thereto.

(t) (1) Any applicant for or recipient of unemployment benefits who
tests positive for unlawful use of a controlled substance or controlled
substance analog shall be required to complete a substance abuse treatment
program approved by the secretary of labor, secretary of commerce or
secretary for children and families, and a job skills program approved by
the secretary of labor, secretary of commerce or the secretary for children
and families. Subject to applicable federal laws, any applicant for or
recipient of unemployment benefits who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive unemployment benefits until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of unemployment benefits may be subject to periodic drug screening, as determined by the secretary of labor. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or recipient of unemployment benefits shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from unemployment benefits for a period of 12 months, or until such applicant for or recipient of unemployment benefits completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or a recipient of unemployment benefits shall be terminated from receiving unemployment benefits, subject to applicable federal law.

(2) Any individual who has been discharged or refused employment for failing a preemployment drug screen required by an employer may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening.

(3) The provisions of this subsection shall not apply to any individual who is a registered patient pursuant to section 8, and amendments thereto, for activities authorized by the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto.

(u) If the individual was found not to have a disqualifying adjudication or conviction under K.S.A. 39-970 or 65-5117, and amendments thereto, was hired and then was subsequently convicted of a disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and amendments thereto. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount.

(v) Notwithstanding the provisions of any subsection, an individual shall not be disqualified for such week of part-time employment in a substitute capacity for an educational institution if such individual's most recent employment prior to the individual's benefit year begin date was for a non-educational institution and such individual demonstrates application for work in such individual's customary occupation or for work for which
the individual is reasonably fitted by training or experience.

Sec. 70. K.S.A. 44-1009 is hereby amended to read as follows: 44-1009. (a) It shall be an unlawful employment practice:

(1) For an employer, because of the race, religion, color, sex, disability, national origin or ancestry of any person to refuse to hire or employ such person to bar or discharge such person from employment or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, separate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business necessity.

(2) For a labor organization, because of the race, religion, color, sex, disability, national origin or ancestry of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(3) For any employer, employment agency or labor organization to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or membership or to make any inquiry in connection with prospective employment or membership, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, religion, color, sex, disability, national origin or ancestry, or any intent to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

(4) For any employer, employment agency or labor organization to discharge, expel or otherwise discriminate against any person because such person has opposed any practices or acts forbidden under this act or because such person has filed a complaint, testified or assisted in any proceeding under this act.

(5) For an employment agency to refuse to list and properly classify for employment or to refuse to refer any person for employment or otherwise discriminate against any person because of such person's race, religion, color, sex, disability, national origin or ancestry; or to comply with a request from an employer for a referral of applicants for employment if the request expresses, either directly or indirectly, any limitation, specification or discrimination as to race, religion, color, sex, disability, national origin or ancestry.

(6) For an employer, labor organization, employment agency, or school which provides, coordinates or controls apprenticeship, on-the-job, or other training or retraining program, to maintain a practice of discrimination, segregation or separation because of race, religion, color, sex, disability, national origin or ancestry, in admission, hiring,
assignments, upgrading, transfers, promotion, layoff, dismissal, apprenticeship or other training or retraining program, or in any other terms, conditions or privileges of employment, membership, apprenticeship or training; or to follow any policy or procedure which, in fact, results in such practices without a valid business motive.

(7) For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or attempt to do so.

(8) For an employer, labor organization, employment agency or joint labor-management committee to:

(A) Limit, segregate or classify a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;

(B) participate in a contractual or other arrangement or relationship, including a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee or an organization providing training and apprenticeship programs that has the effect of subjecting a qualified applicant or employee with a disability to the discrimination prohibited by this act;

(C) utilize standards criteria, or methods of administration that have the effect of discrimination on the basis of disability or that perpetuate the discrimination of others who are subject to common administrative control;

(D) exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;

(E) not make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such employer, labor organization, employment agency or joint labor-management committee can demonstrate that the accommodation would impose an undue hardship on the operation of the business thereof;

(F) deny employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need to make reasonable accommodation to the physical or mental impairments of the employee or applicant;

(G) use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used, is shown to be job-related for the position in question and is consistent with business necessity; or

(H) fail to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a
job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude or whatever other factor of such applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual or speaking skills of such employee or applicant—(except where such skills are the factors that the test purports to measure).

(9) For any employer to:
(A) Seek to obtain, to obtain or to use genetic screening or testing information of an employee or a prospective employee to distinguish between or discriminate against or restrict any right or benefit otherwise due or available to an employee or a prospective employee; or
(B) subject, directly or indirectly, any employee or prospective employee to any genetic screening or test.

(10) (A) For an employer, because a person is a registered patient or caregiver pursuant to section 8, and amendments thereto, or possesses or uses medical marijuana in accordance with the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, to:

(i) Refuse to hire or employ a person;
(ii) bar or discharge such person from employment; or
(iii) otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment without a valid business necessity.

(B) For a labor organization, because a person is a registered patient or caregiver pursuant to section 8, and amendments thereto, or possesses or uses medical marijuana in accordance with the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, to exclude or expel such person from its membership.

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

(D) Nothing in this paragraph shall be construed to provide a cause of action against an employer for wrongful discharge or discrimination for the unlawful use of marijuana.

(b) It shall not be an unlawful employment practice to fill vacancies in such way as to eliminate or reduce imbalance with respect to race, religion, color, sex, disability, national origin or ancestry.

(c) It shall be an unlawful discriminatory practice:

(1) For any person, as defined herein being the owner, operator, lessee, manager, agent or employee of any place of public accommodation to refuse, deny or make a distinction, directly or indirectly, in offering its
goods, services, facilities, and accommodations to any person as covered
by this act because of race, religion, color, sex, disability, national origin or
ancestry, except where a distinction because of sex is necessary because of
the intrinsic nature of such accommodation.
(2) For any person, whether or not specifically enjoined from
discriminating under any provisions of this act, to aid, abet, incite, compel
or coerce the doing of any of the acts forbidden under this act, or to
attempt to do so.
(3) For any person, to refuse, deny, make a distinction, directly or
indirectly, or discriminate in any way against persons because of the race,
religion, color, sex, disability, national origin or ancestry of such persons
in the full and equal use and enjoyment of the services, facilities,
privileges and advantages of any institution, department or agency of the
state of Kansas or any political subdivision or municipality thereof.
Sec. 71. K.S.A. 44-1015 is hereby amended to read as follows: 44-
1015. As used in this act, unless the context otherwise requires:
(a) "Commission" means the Kansas human rights commission.
(b) "Real property" means and includes:
(1) All vacant or unimproved land; and
(2) any building or structure which that is occupied or designed or
intended for occupancy, or any building or structure having a portion
thereof which that is occupied or designed or intended for occupancy.
(c) "Family" includes a single individual.
(d) "Person" means an individual, corporation, partnership,
association, labor organization, legal representative, mutual company,
joint-stock company, trust, unincorporated organization, trustee, trustee in
bankruptcy, receiver and fiduciary.
(e) "To rent" means to lease, to sublease, to let and otherwise to grant
for a consideration the right to occupy premises not owned by the
occupant.
(f) "Discriminatory housing practice" means any act that is unlawful
under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, or
section 54, and amendments thereto.
(g) "Person aggrieved" means any person who claims to have been
injured by a discriminatory housing practice or believes that such person
will be injured by a discriminatory housing practice that is about to occur.
(h) "Disability" has the meaning provided by means the same as
defined in K.S.A. 44-1002, and amendments thereto.
(i) "Familial status" means having one or more individuals less than
18 years of age domiciled with:
(1) A parent or another person having legal custody of such
individual or individuals; or
(2) the designee of such parent or other person having such custody,
with the written permission of such parent or other person.

Sec. 72. K.S.A. 2020 Supp. 65-1120 is hereby amended to read as follows: 65-1120. (a) **Grounds for disciplinary actions.** The board may deny, revoke, limit or suspend any license or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or as a registered nurse anesthetist that is issued by the board or applied for under this act, or may require the licensee to attend a specific number of hours of continuing education in addition to any hours the licensee may already be required to attend or may publicly or privately censure a licensee or holder of a temporary permit or authorization, if the applicant, licensee or holder of a temporary permit or authorization is found after hearing:

1. To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;
2. To have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;
3. Has been convicted or found guilty or has entered into an agreed disposition of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;
4. To have committed an act of professional incompetency as defined in subsection (e);
5. To be unable to practice with skill and safety due to current abuse of drugs or alcohol;
6. To be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;
7. To be guilty of unprofessional conduct as defined by rules and regulations of the board;
8. To have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;
9. To have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or
privately censured, by a licensing authority of another state, agency of the
United States government, territory of the United States or country or to
have other disciplinary action taken against the applicant or licensee by a
licensing authority of another state, agency of the United States
government, territory of the United States or country. A certified copy of
the record or order of public or private censure, denial, suspension,
limitation, revocation or other disciplinary action of the licensing authority
of another state, agency of the United States government, territory of the
United States or country shall constitute prima facie evidence of such a
fact for purposes of this paragraph (9); or
(10) to have assisted suicide in violation of K.S.A. 21-3406, prior to
its repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as
established by any of the following:
(A) A copy of the record of criminal conviction or plea of guilty for a
felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020
Supp. 21-5407, and amendments thereto.
(B) A copy of the record of a judgment of contempt of court for
violating an injunction issued under K.S.A. 2020 Supp. 60-4404, and
amendments thereto.
(C) A copy of the record of a judgment assessing damages under
(b) Proceedings. Upon filing of a sworn complaint with the board
charging a person with having been guilty of any of the unlawful practices
specified in subsection (a), two or more members of the board shall
investigate the charges, or the board may designate and authorize an
employee or employees of the board to conduct an investigation. After
investigation, the board may institute charges. If an investigation, in the
opinion of the board, reveals reasonable grounds for believing the
applicant or licensee is guilty of the charges, the board shall fix a time and
place for proceedings, which shall be conducted in accordance with the
provisions of the Kansas administrative procedure act.
(c) Witnesses. No person shall be excused from testifying in any
proceedings before the board under this act or in any civil proceedings
under this act before a court of competent jurisdiction on the ground that
such testimony may incriminate the person testifying, but such testimony
shall not be used against the person for the prosecution of any crime under
the laws of this state except the crime of perjury as defined in K.S.A. 2020
Supp. 21-5903, and amendments thereto.
(d) Costs. If final agency action of the board in a proceeding under
this section is adverse to the applicant or licensee, the costs of the board's
proceedings shall be charged to the applicant or licensee as in ordinary
civil actions in the district court, but if the board is the unsuccessful party,
the costs shall be paid by the board. Witness fees and costs may be taxed
by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and which the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.

(e) Professional incompetency defined. As used in this section, "professional incompetency" means:

1. One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
2. Repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; or
3. A pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(f) Criminal justice information. The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.

(g) Medical marijuana exemption. The board shall not:

1. Deny, revoke, limit or suspend the license of any licensee under the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto;
2. Publicly or privately censure any licensee for any actions as a registered patient or caregiver pursuant to section 8, and amendments thereto, including whether the licensee possesses or has possessed, or uses or has used medical marijuana in accordance with the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto;
3. Deny, revoke, limit or suspend an advanced practice registered nurse's license or publicly or privately censure an advanced practice registered nurse for any of the following:
   A. The advanced practice registered nurse has:
      i. Advised a patient about the possible benefits and risks of using medical marijuana; or
      ii. Advised a patient that using medical marijuana may mitigate the patient's symptoms; or
   B. The advanced practice registered nurse is a registered patient or caregiver pursuant to section 8, and amendments thereto, possesses or has possessed, or uses or has used medical marijuana in accordance with the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto.
Sec. 73. K.S.A. 65-28b08 is hereby amended to read as follows: 65-28b08. (a) The board may deny, revoke, limit or suspend any license or authorization issued to a certified nurse-midwife to engage in the independent practice of midwifery that is issued by the board or applied for under this act, or may publicly censure a licensee or holder of a temporary permit or authorization, if the applicant or licensee is found after a hearing:

1. To be guilty of fraud or deceit while engaging in the independent practice of midwifery or in procuring or attempting to procure a license to engage in the independent practice of midwifery;
2. To have been found guilty of a felony or to have been found guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization to practice and engage in the independent practice of midwifery shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;
3. To have committed an act of professional incompetence as defined in subsection (c);
4. To be unable to practice the healing arts with reasonable skill and safety by reason of impairment due to physical or mental illness or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery or release to any person or entity outside of a board proceeding. The provisions of this paragraph providing confidentiality of records shall expire on July 1, 2022, unless the legislature reviews and reenacts such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022;
5. To be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;
6. To be guilty of unprofessional conduct as defined by rules and regulations of the board;
7. To have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act;
8. To have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to have been publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or
country, or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph; or

(9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty to a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto;

(B) a copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto; or

(C) a copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(b) No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state, except the crime of perjury as defined in K.S.A. 2020 Supp. 21-5903, and amendments thereto.

(c) The board shall not deny, revoke, limit or suspend any license or authorization issued to a certified nurse-midwife or publicly censure a certified nurse-midwife upon any of the following:

(1) The certified nurse-midwife has:

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

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

(2) the certified nurse-midwife is a registered patient or caregiver pursuant to section 8, and amendments thereto, possesses or has possessed, or uses or has used medical marijuana in accordance with the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto.

(d) As used in this section, "professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
(2) repeated instances involving failure to adhere to the applicable standard of care to a degree which that constitutes ordinary negligence, as determined by the board; or

(3) a pattern of practice or other behavior which that demonstrates a manifest incapacity or incompetence to engage in the independent practice of midwifery.

(d)(e) The board, upon request, shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions, as necessary, for the purpose of determining initial and continuing qualifications of licensees and applicants for licensure by the board.

(e) The provisions of this section shall become effective on January 1, 2017.

Sec. 74. K.S.A. 79-5201 is hereby amended to read as follows: 79-5201. As used in this act article 52 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Marijuana" means any marijuana, whether real or counterfeit, as defined by K.S.A. 2020 Supp. 21-5701, and amendments thereto, which is held, possessed, transported, transferred, sold or offered to be sold in violation of the laws of Kansas;

(b) "Controlled substance" means any drug or substance, whether real or counterfeit, as defined by K.S.A. 2020 Supp. 21-5701, and amendments thereto, which that is held, possessed, transported, transferred, sold or offered to be sold in violation of the laws of Kansas. Such term shall not include marijuana;

(c) "Dealer" means any person who, in violation of Kansas law, manufactures, produces, ships, transports or imports into Kansas or in any manner acquires or possesses more than 28 grams of marijuana, or more than one gram of any controlled substance, or 10 or more dosage units of any controlled substance which that is not sold by weight;

(d) "Domestic marijuana plant" means any cannabis plant at any level of growth which that is harvested or tended, manicured, irrigated, fertilized or where there is other evidence that it has been treated in any other way in an effort to enhance growth;

(e) "Marijuana" means any marijuana, whether real or counterfeit, as defined in K.S.A. 2020 Supp. 21-5701, and amendments thereto, that is held, possessed, transported, transferred, sold or offered for sale in violation of the laws of Kansas; and

(e) "Medical marijuana" means the same as defined in section 2, and amendments thereto.

Sec. 75. K.S.A. 79-5210 is hereby amended to read as follows: 79-5210. Nothing in this act requires persons registered under article 16 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or
otherwise lawfully in possession of marijuana, *medical marijuana* or a controlled substance to pay the tax required under this act.


Sec. 77. This act shall take effect and be in force from and after its publication in the statute book.