AN ACT concerning health and healthcare; relating to medical cannabis; creating the medical cannabis regulation act; providing for licensure and regulation of the cultivation, processing, distribution, sale and use of medical cannabis; delegating administrative duties and functions to the secretary of health and environment, secretary of revenue, board of healing arts, board of pharmacy and the director of alcohol and cannabis control; imposing fines and penalties for violations of the act; establishing the medical cannabis registration fund, the medical cannabis business regulation fund, the pharmacist consultant registration fee fund, the local medical cannabis enforcement fund, the local medical cannabis enforcement refund fund and the state medical cannabis enforcement fund; creating the crimes of unlawful storage and unlawful transport of medical cannabis; making exceptions to the crimes of unlawful manufacture and possession of controlled substances; amending K.S.A. 38-2269, 41-201, 44-501, 44-1015, 65-28608, 79-5201 and 79-5210 and K.S.A. 2022 Supp. 19-101a, 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201 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 50, and amendments thereto, shall be known and may be cited as the medical cannabis regulation act.

New Sec. 2. As used in the medical cannabis 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) "Board of healing arts" means the state board of healing arts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) "Medical cannabis waste" means:

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

(2) recalled medical cannabis or medical cannabis product;
(3) plant debris of the plant of Cannabis, including dead plants and all
unused plant parts and roots; and
(4) any wastewater generated during growing and processing.
(p) "Patient" means an individual registered pursuant to section 8, and
amendments thereto, who may purchase and possess medical cannabis in
accordance with section 10, and amendments thereto.
(q) "Person" means any natural person, corporation, partnership, trust
or association.
(r) "Plant" means a cannabis plant produced from a cutting, clipping
or seedling that is in a cultivating container.
(s) "Plant material" means the leaves, stems, buds and flowers of the
cannabis plant and does not include seedlings, seeds, clones, stalks or roots
of the plant or the weight of any non-cannabis ingredients combined with
cannabis.
(t) "Postsecondary educational institution" means the same as defined
in K.S.A. 74-3201b, and amendments thereto.
(u) "Processor" means a person issued a license pursuant to section
20, and amendments thereto, who may purchase, process and sell medical
cannabis in accordance with section 26, and amendments thereto.
(v) "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 cannabis pursuant to section 18, and
amendments thereto.
(w) "Physician's delegate" 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.
(x) "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) pain that is either chronic and severe or intractable; or
(22) any other disease or condition approved by the secretary of health and environment pursuant to section 15, and amendments thereto.

(y) "Retail dispensary" means a person issued a license pursuant to section 22, and amendments thereto, who may purchase and sell medical cannabis in accordance with section 28, and amendments thereto.

(z) "Smoking" means the use of a lighted cigarette, cigar or pipe or otherwise burning cannabis in any other form for the purpose of consuming such cannabis.

(aa) "Tetrahydrocannabinol" means the primary psychoactive cannabinoid in cannabis formed by decarboxylation of naturally occurring tetrahydrocannabinolic acid that generally takes place by heating.

(bb) "Tetrahydrocannabinolic acid" means the dominant cannabinoid that occurs naturally in most varieties of cannabis.

(cc) "Tetrahydrocannabinol content" means the sum of the amount of tetrahydrocannabinol and 87.7% of the amount of tetrahydrocannabinolic acid present in the product.

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

(ee) "Veteran" means a person who has:
(1) 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) 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 cannabis, except as specifically provided in the medical cannabis regulation act or
the commercial industrial hemp act, K.S.A. 2-3901 et seq., and
amendments thereto.

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

(1) Require a physician to recommend that a patient use medical

(2) permit the use, possession or administration of medical cannabis

(3) permit the use, possession or administration of medical cannabis

(4) require any public place to accommodate a registered patient's use

(5) prohibit any public place from accommodating a registered

(6) restrict research related to cannabis conducted at a postsecondary

New Sec. 4. (a) There is hereby established the medical cannabis

(b) The secretary of health and environment shall administer the

(c) The board of healing arts shall administer the program in

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

(e) The director of alcohol and cannabis control shall administer the

New Sec. 5. (a) The medical cannabis advisory committee is hereby

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

(A) Two members who are practicing pharmacists, at least one of

(B) Two members of the state board of pharmacy;
(B) two members who are practicing physicians, at least one of whom supports the use of medical cannabis 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 cannabis;
(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, 2024.
(c) Except for the secretary of health and environment, each member of the committee shall serve for a period of two years from the date of appointment. 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 alcohol and cannabis control any recommendations related to the medical cannabis regulation program and the implementation and enforcement of this act.
(f) Prior to January 31 of each year, the medical cannabis advisory committee shall provide a report to the standing committees on federal and state affairs in both the senate and the house of representatives detailing any concerns or recommended changes that the committee has for the medical cannabis regulation act.
(g) The provisions of this section shall expire on July 1, 2029.

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 medical cannabis 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 alcohol and cannabis control or any officer, employee or agent of the division of alcohol and cannabis control;

(3) any member of the state 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 medical cannabis 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 alcohol and cannabis control or any officer, employee or agent of the division of alcohol and cannabis control;

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

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

(c) The board of healing arts, the state 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 state 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 state 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 severity level 7, nonperson felony.

(f) Nothing in this section shall be construed to prohibit the prosecution and punishment of any person for any other crime in the Kansas criminal code.
New Sec. 7. All actions taken by the board of healing arts, the state board of pharmacy, the secretary of health and environment or the director of alcohol and cannabis control under the medical cannabis 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 cannabis or a caregiver seeking to assist a patient in the use or administration of medical cannabis shall apply to the department of health and environment for registration. The physician who is treating the patient, or such physician's delegate, 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 delegate, 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 cannabis 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 cannabis 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 cannabis;

(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 cannabis; 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 cannabis 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 shall 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 shall 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, 2029, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

(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 effective date as specified on the identification card and may be renewed by submitting a registration renewal application and paying the required fee.

New Sec. 9. (a) 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 shall obtain verification by the department that a patient or caregiver has a valid registration.

(b) Law enforcement agencies may also obtain verification by the department when necessary to verify that a patient or caregiver is in compliance with this act. Each patient and caregiver shall promptly deliver such patient's or caregiver's registration identification card upon demand of any officer of a court of competent jurisdiction, any law enforcement officer or any employee or agent of the secretary of health and environment when the identification card is in such patient's or caregiver's immediate possession at the time of the demand.
New Sec. 10. (a) A patient registered pursuant to section 8, and amendments thereto, who obtains medical cannabis from a licensed retail dispensary may:
  (1) Use medical cannabis;
  (2) subject to subsection (b), purchase and possess medical cannabis; and
  (3) purchase and possess any paraphernalia or accessories used to administer medical cannabis.
(b) A registered patient may purchase and possess medical cannabis in an amount not to exceed a recommended 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 cannabis.

New Sec. 11. (a) A caregiver registered pursuant to section 8, and amendments thereto, who obtains medical cannabis from a licensed retail dispensary may:
  (1) Subject to subsection (b), purchase and possess medical cannabis 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 cannabis; and
  (3) purchase and possess any paraphernalia or accessories used to administer medical cannabis.
(b) A registered caregiver may purchase and possess medical cannabis on behalf of a registered patient in an amount not to exceed a recommended 30-day supply. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical cannabis for each patient.
(c) Nothing in this section shall be construed to permit a registered caregiver to personally use medical cannabis 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 in an amount 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 cannabis 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 cannabis 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 cannabis 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 cannabis registration fund in the state treasury. The secretary of health and environment shall administer the medical cannabis registration fund and shall remit all moneys collected from the payment of all fees and fines imposed by the secretary pursuant to the medical cannabis 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 cannabis registration fund. Moneys credited to the medical cannabis 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 cannabis 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 cannabis by the secretary.

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

1. Establish procedures for registration of patients and caregivers and eligibility requirements for registration, including registration fees;
2. Establish procedures for the issuance of patient or caregiver identification cards;
3. Establish renewal schedules, procedures and fees for registrations;
4. Subject to the provisions of subsection (b), specify, by form and tetrahydrocannabinol content, a 30-day maximum supply of medical cannabis that may be purchased and possessed;
5. Specify the forms or methods of using medical cannabis that are
attractive to children; and

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

(b) Any maximum supply of medical cannabis that may be purchased
by a patient or caregiver shall allow at least three ounces of dried,
unprocessed medical cannabis 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 greater
quantities of medical cannabis.

(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 cannabis.

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

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

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

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

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

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

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

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

(d) Prior to July 1, 2027, and every three years thereafter, the
committee shall review all diseases or conditions that have been previously recommended for approval by the committee and adopted by the secretary of health and environment through rules and regulations to determine if the inclusion of any such diseases or conditions are no longer supported by scientific evidence. The inclusion of any such disease or condition that the committee determines is no longer supported by scientific evidence shall be recommended by the committee to the secretary of health and environment for removal from the list of qualifying medical conditions.

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

New Sec. 17. A medical cannabis 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 purchase and possess medical cannabis 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. 18. (a) Except as provided in subsection (j), a physician seeking to recommend treatment with medical cannabis shall apply to the board of healing arts for a certificate authorizing such physician to recommend treatment with medical cannabis. The application shall be submitted in such form and manner as prescribed by the board. The board shall grant a certificate to recommend such treatment 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 director of alcohol and cannabis control under this act or an applicant for such licensure.

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

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

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

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

(c) A physician licensed in this state who holds a certificate to
recommend treatment with medical cannabis may recommend that a
patient be treated with medical cannabis 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) an in-person physical examination of the patient was performed
by the physician together with a review of all of the patient's medical
records, particularly relating to the medical indication for a
tetrahydrocannabinol recommendation; and

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

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

(e) When issuing a written recommendation to a patient, a 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 shall be valid for a period of not more than 90 days. A
physician may renew the recommendation for not more than three
additional periods of not more than 90 days each. Thereafter, a 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 cannabis shall submit to the board of healing arts a
report that describes the physician's observations regarding the
effectiveness of medical cannabis 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) Each year, a physician holding a certificate to recommend
treatment with medical cannabis shall complete at least two hours of
continuing medical education in the treatment with and use of medical
cannabis as approved by the board of healing arts.

(h) A physician shall not issue a recommendation for treatment with
medical cannabis for a member of such physician's family or the
physician's self, or personally furnish or otherwise administer medical
cannabis.
(i) A physician holding a certificate to recommend treatment with medical cannabis 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 cannabis to treat a qualifying medical condition;

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

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

(j) This section shall not apply to a physician who recommends treatment with cannabis or a drug derived from cannabis 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;

(3) an investigational new drug application; or

(4) an expanded access submission.

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

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

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

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

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

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

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

(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 cannabis in diagnosing and treating qualifying medical conditions with medical cannabis.

New Sec. 20. (a) Any person who seeks to cultivate, conduct laboratory testing of, process, distribute or sell at retail medical cannabis, medical cannabis concentrate or medical cannabis products shall submit an application for the appropriate license to the director 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 the:

(1) Criminal history record check conducted pursuant to section 45, and amendments thereto, demonstrates that the applicant is not disqualified from holding a license pursuant to section 21, and amendments thereto;

(2) applicant is not applying for a laboratory license and demonstrates that such applicant does not:

(A) Have an ownership or investment interest in or compensation arrangement with a licensed laboratory or an applicant for such license; or

(B) share any corporate officers or employees with a licensed laboratory or an applicant for such license;

(3) applicant demonstrates that such applicant will not violate the provisions of section 43, and amendments thereto;

(4) applicant demonstrates that such applicant will comply with the provisions of section 44, and amendments thereto;

(5) applicant has submitted a medical cannabis waste disposal plan that complies with section 44, and amendments thereto;

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

(7) 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 may issue the following licenses:

(1) Cultivator license;

(2) laboratory license;

(3) processor license;

(4) distributor license; and

(5) retail dispensary license.

d) All licenses issued under this section shall be valid for a period of two years from the effective date as specified on the license.

e) A license may be renewed by submitting a license renewal application and paying the required fee.

New Sec. 21. (a) All cultivator, laboratory, processor, distributor and retail dispensary licenses issued pursuant to section 20, and amendments thereto, shall only be issued to a person:

(1) Who is a citizen of the United States;

(2) who has not been convicted of a felony under the laws of this state, any other state or the United States, except for any felony that has been expunged from such person's record and such expungement occurred at least 10 years prior to the date that the application for licensure is submitted;

(3) who has not had a license revoked for cause under the provisions
of this act or has not had any license issued under the medical cannabis
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;
(4) who has not 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
not forfeited bond to appear in court to answer charges of being a keeper
of any such property;
(5) who has not been convicted of being a proprietor of a gambling
house, pandering or any other crime opposed to decency and morality or
has not forfeited bond to appear in court to answer charges for any of those
Crimes;
(6) who is at least 18 years of age;
(7) who, other than as a member of the governing body of a city or
county, does not appoint or supervise any law enforcement officer, is not a
law enforcement officer or is not an employee of the director;
(8) who does not intend to carry on the business authorized by the
license as an agent of another;
(9) who, at the time of application for renewal of any license issued
under this act, would be eligible for the license upon a first application,
except as provided in paragraph (11);
(10) who owns the premises for which a license is sought or, at the
time of application, has a written lease thereon;
(11) whose spouse would be eligible to receive a license under this
act, except that:
(A) A spouse's ineligibility due to citizenship or age shall not
disqualify a person from licensure;
(B) a spouse's ineligibility due to conviction of a felony or other
crime shall only disqualify a person from licensure if such felony or other
crime was committed while the person's spouse held a license issued under
this act; and
(C) a spouse's ineligibility shall not apply in determining eligibility
for renewal of a license;
(12) who has been a resident of this state for at least two years
immediately preceding the date of the application for licensure. If an
individual licensee ceases to be a resident of this state at any time after the
license is issued, then the license shall be forfeited; and
(13) who has not 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.
(b) If the applicant is not an individual, then the license shall only be
issued to a business entity formed in this state and registered with the
secretary of state. No license shall be issued to a publicly traded
corporation. Such entity shall submit the following to the director along
with the application for licensure:
(1) A certificate of good standing;
(2) a copy of such entity's bylaws, operating agreement or other
document providing for the governance of such entity; and
(3) a certified document indicating:
(A) Each individual who holds an ownership interest in such entity
and each individual who holds an ownership interest in any business entity
that holds an ownership interest in the applicant;
(B) the percentage of ownership interest of each such individual or
business entity; and
(C) the residential address of each such individual.
(c) All individuals holding an ownership interest in a business entity
applying for a license shall satisfy the requirements for licensure under
subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(7), (a)(8), (a)(9) and (a)
(13).
(d) No license shall be issued to a business entity if less than 75% of
the total equity or similar ownership interest in such entity 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 entity is owned by individuals
who are residents of this state at any time after the license is issued.
(f) All business entities holding a license shall notify the director of
any change in such entity's registration status with the secretary of state,
any amendment of such entity's governing documents and any change in
ownership, including the names and addresses of the individuals whose
ownership interest changed within 30 days after such change occurs.
(g) Any 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 business entity that does not satisfy the requirements of this
section at the time of the transfer. The director shall impose a transfer fee
in an amount equal to the amount imposed for issuance of the license
being transferred.
(h) Any 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 is 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:
(1) Includes any distribution that is made by a licensee to one or more individuals or other entities residing or domiciled outside this state that hold an equity or similar ownership interest in the licensee if such distribution is greater than 25% of the total distributed amount; and
(2) does not include payments of fixed amounts that are determined prior to the commencement of applicable services.
(i) For purposes of this section, the term "business entity" includes for-profit corporations, limited liability companies, partnerships, limited partnerships, limited liability partnerships and trusts. If the applicant is a trust, references to individual ownership interests in the trust mean any grantor, beneficiary or trustee of such trust.
(j) The provisions of subsection (a)(12) shall expire on December 31, 2025.
New Sec. 22. (a) A cultivator licensee may cultivate medical cannabis in a building designated by the licensee that complies with the provisions of section 44, and amendments thereto. A cultivator may:
(1) Transport, deliver or sell medical cannabis to one or more licensed cultivators, processors, distributors or retail dispensaries; and
(2) purchase or receive medical cannabis from one or more licensed cultivators.
(b) (1) Unless authorized by this act, a cultivator shall not transfer or sell medical cannabis and a processor shall not transfer, sell or process into a concentrate or medical cannabis product any medical cannabis, medical cannabis concentrate or medical cannabis product unless samples from each harvest batch or production batch from which such medical cannabis, medical cannabis concentrate or medical cannabis product was derived has been tested by a licensed laboratory for contaminants and has passed all contaminant tests required by this act.
(2) A cultivator may transfer medical cannabis 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.
(c) A cultivator shall employ only those individuals who hold an employee license issued pursuant to section 29, and amendments thereto, and have completed the training requirements established by rules and regulations adopted by the secretary of revenue.
(d) A cultivator shall not cultivate medical cannabis for personal, family or household use or on any public land.
New Sec. 23. (a) Prior to January 1, 2025, the director shall contract with a private laboratory for the purpose of conducting compliance and quality assurance testing of licensed cultivators, laboratories and processors to provide public safety and ensure that quality medical
cannabis, medical cannabis concentrate and medical cannabis products are available to registered patients and caregivers. The director shall only contract with one private laboratory for compliance and quality assurance testing.

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

1. Conduct any other commercial medical cannabis testing in this state; or
2. employ or be owned by any individual:
   A. Who has a direct or indirect financial interest in any entity holding a license issued pursuant to section 20, and amendments thereto;
   B. whose spouse, parent, child, sibling or spouse of a child or sibling has a pending application for a license issued pursuant to section 20, and amendments thereto; or
   C. who is a member of the board of directors of any entity holding a license issued pursuant to section 20, and amendments thereto.

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

1. Be accessible and utilized for any medical cannabis testing needs by any regulatory agency within the state, including, but not limited to, the department of health and environment, the department of agriculture, the Kansas bureau of investigation, any other state and local law enforcement agencies and the state fire marshal;
2. be accredited by a national environmental or cannabis laboratory accreditation program approved by the director; and
3. coordinate with the Kansas bureau of investigation to establish forensic testing methods and standards that are standardized to the methods of existing state forensic laboratories for assisting and providing forensic or regulatory testing as such methods are used on January 1, 2025.

New Sec. 24. (a) The director shall propose rules and regulations as necessary to develop acceptable testing and research practices in consultation with the compliance and quality assurance testing laboratory contracted with pursuant to section 23, and amendments thereto, 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 proposed rules and regulations has been held as required by law, the director shall submit any such proposed rules and regulations to the secretary of revenue who, upon approval by the secretary, shall adopt such rules and regulations.

(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 cannabis, medical
cannabis concentrate and medical cannabis product test samples, waste
and reference standards;
(5) the establishment by the laboratory of a system, including
computer systems to be utilized by the laboratory, to retain and maintain
all required records, including business records, and processes to ensure
results are reported in a timely and accurate manner;
(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 medical cannabis, medical
cannabis concentrate and medical cannabis product 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 cannabis, medical cannabis concentrate or medical cannabis
products are identified and tracked from the point such substances are
transferred from an entity holding a license issued pursuant to section 20,
and amendments thereto, 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 testing required by section 25, 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 cannabis, medical cannabis
concentrate or medical cannabis 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; and
(16) any other aspect of laboratory testing of medical cannabis,
medical cannabis concentrate or medical cannabis product deemed
necessary by the director.
New Sec. 25. (a) (1) The issuance of a laboratory license shall be contingent upon a successful on-site inspection, participation in proficiency testing and ongoing compliance with the requirements of this act. The laboratory premises specified in the license application shall be inspected prior to initial licensure and not more than six times annually by an inspector approved by the director.

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

(b) No ownership interest in a licensed laboratory shall be held by a person who has a direct or indirect beneficial ownership interest in any licensed cultivator, processor, distributor or retail dispensary. A licensed laboratory shall establish policies to prevent the existence of or the 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 benefiting from any ongoing financial, employment, personal or business relationship with the licensed entity that submitted the sample for testing.

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

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

(1) Microbials;
(2) mycotoxins;
(3) residual solvents;
(4) pesticides;
(5) tetrahydrocannabinol and other cannabinoid potency;
(6) terpenoid potency type and concentration;
(7) moisture content;  
(8) homogeneity; and  
(9) heavy metals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The name and address of the licensed cultivator or processor that produced the medical cannabis or medical cannabis product and the retail dispensary;
(B) the name of the patient and caregiver, if any;
(C) the name of the physician who issued the written recommendation;
(D) the directions for use, if any, as recommended by the physician;
(E) the health warning as specified in rules and regulations adopted by the secretary of health and environment;
(F) the date on which the medical cannabis or medical cannabis product was dispensed; and
(G) the quantity, strength, kind or form of medical cannabis contained in the package.

c) A retail dispensary shall employ only those individuals who hold an employee license issued pursuant to section 29, and amendments thereto, and 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 as a pharmacist consultant pursuant to section 39, and amendments thereto.

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

New Sec. 29. (a) Each individual who seeks to be employed by a person holding a license issued pursuant to section 20, and amendments thereto, shall submit an application for an employee license to the director in such form and manner as prescribed by the director. 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 45, and amendments thereto, 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.

(b) An employee license shall be valid for a period of two years from the effective date as specified on the license and may be renewed by submitting a license renewal application and paying the required fee.
(c) A license issued pursuant to this section shall not be associated with a specific licensed cultivator, laboratory, processor, distributor or retail dispensary. The holder of an employee license may be employed by any such licensee.

New Sec. 30. (a) Only the following forms of medical cannabis may be dispensed under the medical cannabis 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 31, and amendments thereto.

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

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

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

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

1. For plant material, 35%;
2. For tinctures, oils and concentrates, 60%;
3. For edibles, 3.5 grams; and
4. For patches, 10 milligrams.

New Sec. 31. (a) Any person may submit a petition to the director requesting that a form or method of using medical cannabis be approved for the purposes of section 30, 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 cannabis 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 cannabis 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 cannabis. The secretary shall approve or deny such proposed form or method. The secretary's decision shall be final.

(c) Any petition for a proposed form or method of using medical cannabis that is substantially the same as a petition that was denied by the secretary during the immediately preceding 12 months shall be rejected without recommendation to the secretary.
New Sec. 32. (a) The fees for licenses issued by the director pursuant to this act shall be set by rules and regulations adopted by the secretary of revenue in accordance with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) All fees imposed pursuant to subsections (b), (c), (d), (e) and (f) shall not be refundable, except that if a licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of ½ of the license fee paid by such licensee. The secretary of revenue shall adopt rules and regulations that provide for the authorization of refunds of ½ of the license fee paid when the licensee does not use such license for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.

New Sec. 33. The director 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 medical cannabis regulation act, any rules and regulations adopted thereunder or any lawful order issued by the director;
(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. 34. (a) In addition to or in lieu of any other civil or criminal penalty as provided by law, the director 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 in an amount 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) (A) Except as provided in paragraph (B), upon a finding that a licensee has cultivated, tested, processed, sold, transferred or otherwise distributed medical cannabis in violation of this act, the director may impose a civil fine in an amount 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 in an amount not to exceed $5,000 and revoke such licensee's license.
(c) The director may require any licensee to submit a sample of medical cannabis, medical cannabis concentrate or medical cannabis 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 cannabis 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 cannabis 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 cannabis that is perishable, and the proceeds of any such sale shall be deposited with the court.

New Sec. 35. (a) Any citation issued by an agent of the division of alcohol and cannabis control for a violation of the medical cannabis regulation act shall be delivered to the licensee or a person in charge of the
licensed premises at the time of the alleged violation. A copy of such
citation also shall be delivered by United States mail to the licensee within
30 days of the alleged violation.

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

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

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

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

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

New Sec. 36. (a) There is hereby established the medical cannabis
business regulation fund in the state treasury. The director of alcohol and
cannabis control shall administer the medical cannabis business regulation
fund and shall remit all moneys collected from the payment by licensees of
all fees and fines imposed by the director pursuant to the medical cannabis
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 cannabis business regulation
fund. Moneys credited to the medical cannabis business 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 cannabis business regulation fund shall be
used for the payment or reimbursement of costs related to the regulation
and enforcement of the cultivation, testing, distributing, possession,
processing and sale of medical cannabis by the division of alcohol and
cannabis control.

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

(1) Establish application procedures and fees for licenses issued
under sections 20 and 29, 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 for the processing and storage of medical
cannabis and medical cannabis products that are in conformance with good
manufacturing processes and food safety standards;

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

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

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

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

(A) Designate the package as Kansas medical cannabis;

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

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

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

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

(10) establish training requirements for employees of licensed
cultivators, laboratories, processors, distributors and retail dispensaries.
(b) When adopting rules and regulations, the secretary shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical cannabis.

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

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

(1) Methods of transmission;
(2) nationally recognized telecommunications format to be used;
(3) frequency of such reports; and
(4) procedures for the maintenance of information submitted to or received from the prescription monitoring program 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;

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

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

(1) The name of the patient or caregiver registered under section 8, and amendments thereto;
(2) the date of birth of such patient or caregiver;
(3) the unique identification number assigned to such patient's or caregiver's registration card;
(4) the written recommendation for treatment with medical cannabis from such patient's physician, including the amount of a 30-day supply of medical cannabis; and
(5) the amount and date such patient or caregiver last purchased medical cannabis.

New Sec. 39. (a) Any pharmacist who seeks to operate as a pharmacist consultant for a retail dispensary shall register with the state board of pharmacy 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 such pharmacist's services that exceeds 1% of the gross annual receipts of such retail dispensary;
(2) audit each recommendation for use of medical cannabis, verify that any medical cannabis dispensed to a patient or caregiver is in accordance with such recommendation and ensure that each such recommendation is reported to the prescription monitoring program in accordance with K.S.A. 65-1683, and amendments thereto, and rules and regulations adopted by the state board of pharmacy;

(3) develop and provide training to 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 cannabis;

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

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

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

(iii) a description of the potential effects of differing strengths of medical cannabis 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 cannabis, medical cannabis products and paraphernalia for the use of medical cannabis; and

(vi) information about different methods, forms and routes of medical cannabis 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 cannabis to an individual who appears to be impaired or abusing medical cannabis; and
(5) be accessible by telephone or video conference to the retail
dispensary and for a patient consultation during operating hours.
(c) The state board of pharmacy shall establish a fee for registration
as a pharmacist consultant that shall not exceed $100.
(d) Each pharmacist consultant shall renew such consultant's
registration annually upon submitting a renewal application along with
payment of the required fee in such form and manner as prescribed by the
board.
New Sec. 40. (a) There is hereby established the pharmacist
consultant registration fee fund in the state treasury. The state board of
pharmacy shall administer the pharmacist consultant registration fee fund
and shall remit all moneys collected from the payment by pharmacist
consultants of all fees and fines imposed by the state board pursuant to the
medical cannabis regulation act and any other moneys received by or on
behalf of the state board 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
pharmacist consultant registration fee fund. Moneys credited to the
pharmacist consultant registration fee 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 state board or the state board's designee.
(b) Moneys in the pharmacist consultant registration fee fund shall be
used for the payment or reimbursement of costs related to the operation
and maintenance of the Kansas prescription drug monitoring program that
is attributable to the medical cannabis regulation act and to the regulation
and registration of pharmacist consultants by the state board of pharmacy.
New Sec. 41. (a) The director shall establish and maintain an
electronic database to monitor medical cannabis from its seed source
through its cultivation, testing, processing, distribution and dispensing,
giving preference to systems that include tracking each plant beginning
with the plant's in vitro genetic origination data. 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 alcohol and cannabis
control.
(b) The electronic database shall allow for information regarding
medical cannabis 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, including any manifest or other
shipping documents for seeds or seedlings shipped into this state.
(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, 2029, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

New Sec. 42. (a) There shall be no direct or indirect cooperative advertising between or among two or more licensed cultivators, retail 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 the selection of a physician, retail dispensary or source of medical cannabis.

(b) All advertisements for medical cannabis or medical cannabis 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, including, but not limited to, radio, television or any other electronic media, shall include such information in the audio or audio and visual parts of the broadcast. 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.

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

(1) Contains a representation or suggestion that a medical cannabis 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 cannabis brands or products, unless such a claim has been demonstrated by substantial evidence or substantial clinical experience;

(2) contains favorable information or opinions about a medical cannabis 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 cannabis 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.
(d) An advertisement for medical cannabis or medical cannabis
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 cannabis or the
use of medical cannabis for a condition other than a qualifying medical
condition;
(C) relates to the safety or efficacy of medical cannabis 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 cannabis; 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, the director, the state of Kansas or any person or entity
associated with the state.
(e) No advertisement shall be broadcast or otherwise 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
cannabis product may cause fatalities or serious harm.
(f) The director may:
(1) Require that a specific disclosure be made in an advertisement in
a clear and conspicuous manner, if the director determines that such
advertisement would be false or misleading without such a disclosure; or
(2) make recommendations with respect to changes to such
advertisement that are:
(A) Necessary to protect the public health, safety and welfare; or
(B) consistent with dispensing information for the medical cannabis
or medical cannabis product that is the subject of such advertisement.
(g) A retail dispensary shall not:
(1) Advertise medical cannabis brand names or utilize graphics
related to cannabis or paraphernalia on the exterior of the building or
grounds of the licensed premises of such retail dispensary; or
(2) display any medical cannabis or paraphernalia that is clearly visible from the exterior of such retail dispensary.

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

New Sec. 43. (a) Except as otherwise provided, no 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 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 of such cultivator, laboratory, processor, distributor or retail dispensary.

(b) (1) The director shall 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 that is located on real estate that is within 1,000 feet of such licensee.

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

(A) Has an industrial zoning classification; and

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

(c) This section shall not apply to research related to cannabis 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) A county may prohibit the operation of retail dispensaries in such county by adoption of a resolution. Any retail dispensary that is lawfully operating at the time such resolution is adopted shall be permitted to continue operating in such county and shall not be denied renewal of any license based upon the adoption of such resolution.

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

(f) 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 owned by such entity that:
   (A) Maintains an established place of worship within this state;
   (B) has a regular schedule of services or meetings at least on a weekly basis; and
   (C) has been determined to be organized and created as a bona fide religious organization; and
(4) "school" means any public or private preschool, elementary, middle or high school or other attendance center for kindergarten or any of the grades one through 12.

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

    (b) The licensee of a licensed premises shall install and maintain the following security equipment for the licensed premises:
       (1) Exterior lighting sufficient to illuminate the exterior and perimeter of the licensed premises to facilitate surveillance of the premises;
       (2) electronic video monitoring in accordance with subsection (c);
       (3) controlled access to restricted access areas of the premises by means of electronic card access systems, biometric identification systems or similar systems that:
          (A) Provide for the automatic locking of all external access doors in the event of power loss; and
          (B) records access information by date, time and identity of the individual accessing restricted access area and maintains such information for at least one year;
          (4) if windows are visible in any restricted access area, windows that are secured at all times to prevent opening or other access to the restricted access area via such windows; and
          (5) alarm systems that provide:
             (A) Immediate, automatic notification of local law enforcement
agencies of any unauthorized breach of the security of the premises; and
(B) manual, silent alarms at each point-of-sale, reception area, vault
and electronic monitoring station that provides for the immediate,
automatic notification of local law enforcement agencies of any
unauthorized breach of the security of the premises.
(c) Any electronic video monitoring system installed and maintained
by a licensee shall:
(1) Include coverage of:
(A) All entrances to the premises, including all windows and
entrances to restricted access areas;
(B) the exterior and perimeter of the premises;
(C) each point-of-sale location;
(D) all vaults or safes; and
(E) all areas where medical cannabis, medical cannabis concentrate
and medical cannabis products are cultivated, processed or disposed of as
waste;
(2) include surveillance with artificial intelligence;
(3) store all video recordings for at least 90 days in a secure location
on or off the premises or through a secure service or network that provides
on-demand access to such recordings. All such recordings shall be made
available to the director upon request and at the expense of the licensee;
(4) accurately display the date and time of all recorded events in a
manner that does not obstruct the recorded view; and
(5) be installed in a manner that will prevent the video monitoring
equipment from being obstructed, tampered with or disabled.
(d) (1) Each licensee shall notify the director of any malfunction in
security equipment within 24 hours after such malfunction is discovered,
and shall make reasonable efforts to repair such malfunctioning security
equipment within 72 hours after such discovery.
(2) If the malfunctioning equipment is the electronic video
monitoring system, a licensee shall provide for alternative video
monitoring or other security measures until the malfunction can be
repaired. If other security measures are used, the licensee shall notify the
director of the use of such measures and when the electronic video
monitoring system has been repaired.
(3) Each licensee shall maintain a record of all security equipment
malfunctions and repairs for each licensed premises. Each record of a
malfunction shall be maintained for one year from the date of the last entry
for such malfunction. Such record shall include the following:
(A) Date, time and nature of each malfunction;
(B) date and method of repair;
(C) reason for the delay, if any, in making a repair;
(D) use of alternative security measures, if any; and
(E) date and time of communications with the director.

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

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

(1) Controlling access to all restricted access areas;

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

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

(4) use of electronic video monitoring systems;

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

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

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

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

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

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

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

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

(2) emergency response procedures;

(3) appropriate use of force;

(4) preservation of a crime scene;

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

(6) at least eight hours of training in providing security services on the premises; and
(7) at least eight hours of attendance in a course on providing security services.

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

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

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

New Sec. 45. Each applicant for a cultivator, laboratory, processor, distributor or retail dispensary license shall require each owner owning 20% or more of the ownership interest in such applicant and each director, officer and agent of such applicant to be fingerprinted and to submit to a state and national criminal history record check. Each applicant for an employee licensee shall be fingerprinted and submit to a state and national criminal history record check. The director 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 any owner, director, officer and agent thereof, if any, 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. 46. (a) A financial institution that provides financial services to any cultivator, laboratory, processor, distributor or retail dispensary shall be exempt from any criminal law of this state, an element of which may be proven beyond a reasonable doubt that a person provides financial services to a person who possesses, delivers or manufactures medical cannabis or medical cannabis 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 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 such person;

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

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

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

(F) any past or pending violations of the medical cannabis regulation act or any rules and regulations adopted thereunder committed by such person and any penalty imposed on such 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 such 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 that complies with the requirements of the financial crimes enforcement network of the United States treasury department; and

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

New Sec. 47. Nothing in this act authorizes the director to oversee or limit research conducted at a postsecondary educational institution, academic medical center or private research and development organization that is related to cannabis 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 healthcare services.

New Sec. 48. No provisions of the medical cannabis 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 cannabis 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 cannabis 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 cannabis;

(d) affect the ability of an employer to implement policies to promote workplace health and safety by restricting the use of cannabis 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 cannabis; or
(3) including a provision in any contract that prohibits the use of cannabis;

(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 cannabis:
(1) Refusing to hire a person;
(2) discharging a person;
(3) disciplining a person; or
(4) otherwise taking an adverse employment action against a person with respect to hiring decisions, tenure, terms, conditions or privileges of employment; or

(g) permit the possession or use of medical cannabis by any person
detained in a correctional institution, as defined in K.S.A. 2022 Supp. 21-5914, and amendments thereto, or committed to a care and treatment facility, as defined in K.S.A. 2022 Supp. 21-5914, and amendments thereto.

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

New Sec. 50. The provisions of the medical cannabis regulation act, sections 1 through 50, and amendments thereto, are hereby declared to be severable. If any part or provision of the medical cannabis 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 medical cannabis regulation act, and any such remaining provisions shall continue in full force and effect.

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

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

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

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

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

(d) As used in this section:

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

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

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

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

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

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

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

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

(A) The 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 that is not directly accessible to the driver; or

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

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

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

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

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

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

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

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

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

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

(b) As used in this section:

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

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

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

(1) 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 cannabis in accordance
with section 10, and amendments thereto;

(2) 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 cannabis in accordance with section 10, and amendments thereto;
and

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

(3) As used in this subsection, "real estate related transaction" means the same as 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 supplemental to the Kansas act against discrimination.

New Sec. 56. (a) A covered entity, solely on the basis that an individual consumes medical cannabis 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 cannabis.

(b) A covered entity may take into account an individual's consumption of medical cannabis 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. 57. (a) No order shall be issued pursuant to K.S.A. 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 cannabis in accordance with section 10, and amendments thereto, or the child consumes medical cannabis in accordance with section 10, and amendments thereto.

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

New Sec. 58. (a) 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 for any of the following:

(1) The physician has:

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

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

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

(2) 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 cannabis in accordance with the medical cannabis regulation act, section 1 et seq., and amendments thereto.

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

New Sec. 59. (a) 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 for any of the following:

(1) The physician assistant has:
(A) Advised a patient about the possible benefits and risks of using medical cannabis; or
(B) advised the patient that using medical cannabis may mitigate the patient's symptoms; or
(2) 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 cannabis in accordance with the medical cannabis regulation act, section 1 et seq., and amendments thereto.

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

New Sec. 60. (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 cannabis 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 alcohol and cannabis control.

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

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

(c) (1) All moneys received by the director of taxation or the director's designee from taxes imposed by this section shall be remitted 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.
(2) Subject to the maintenance requirements of the local medical cannabis enforcement refund fund established by section 65, and amendments thereto:
   (A) 20% of the remittance shall be credited to the local medical cannabis enforcement fund established by section 64, and amendments thereto;
   (B) 10% of the remittance shall be credited to the state medical cannabis enforcement fund established by section 66, and amendments thereto, except that the aggregate amount of moneys credited to the state medical cannabis enforcement fund shall not exceed $2,500,000 in any fiscal year; and
   (C) the remaining balance of the remittance shall be credited to the state general fund.

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

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

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

(b) All moneys credited to the local medical cannabis enforcement fund shall be allocated to the cities and counties of the state as follows:
   (1) Each city that has a population of more than 6,000 shall receive 70% of the amount that is collected pursuant to section 61, and amendments thereto, from retail dispensaries located in such city and that is paid into the state treasury during the period for which the allocation is made;
   (2) each city that has a population of 6,000 or less shall receive 46½
% of the amount that is collected pursuant to section 61, and amendments thereto, from retail dispensaries located in such city and that is paid into the state treasury during the period for which the allocation is made;  
(3) each county shall receive:  
(A) 70% of the amount that is collected pursuant to section 61, and amendments thereto, from retail dispensaries located in such county and outside the corporate limits of any city and that is paid into the state treasury during the period for which the allocation is made; and  
(B) 23 ⅓% of the amount that is collected pursuant to section 61, and amendments thereto, from retail dispensaries located in the county and within a city that has a population of 6,000 or less and that is paid into the state treasury during the period for which the allocation is made.  
(c) The state treasurer shall make distributions from the local medical cannabis enforcement fund in accordance with subsection (b) on March 15, June 15, September 15 and December 15 of each year. The director of accounts and reports shall draw warrants on the state treasurer in favor of the several county treasurers and city treasurers on the dates and in the amounts determined under this section. Such distributions shall be paid directly to the several county treasurers and city treasurers.

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

New Sec. 66. (a) There is hereby established the state medical cannabis enforcement fund in the state treasury. The Kansas bureau of investigation shall administer the state medical cannabis enforcement fund. Moneys credited to the 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 of the Kansas bureau of investigation or the director's designee.  
(b) Moneys in the state medical cannabis enforcement fund shall be expended for the purpose of investigating and prosecuting criminal offenses involving the cultivation, manufacture, transportation, distribution, sale and use of medical cannabis in violation of the medical cannabis regulation act, section 1 et seq., and amendments thereto. Any law enforcement agency in this state may apply to the Kansas bureau of investigation for a grant of moneys from the state medical cannabis enforcement fund to be expended by such law enforcement agency for the
purposes set forth in this section. Applications shall be submitted in such
form and manner as prescribed by the director of the Kansas bureau of
investigation.

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

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

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

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

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

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

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

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

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

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

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

(10) Counties shall have no power under this section to exempt from
any statute authorizing or requiring the levy of taxes and providing
substitute and additional provisions on the same subject, unless the
resolution authorizing the same specifically provides for a portion of the
proceeds of such levy to be used to pay a portion of the principal and
interest on bonds issued by cities under the authority of K.S.A. 12-1774,
and amendments thereto.

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

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

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

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

(15) Counties may not exempt from or effect changes in K.S.A. 19-

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

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

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

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

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

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

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

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

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

(25) Counties may not levy or impose an excise, severance or any
other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(40) Except as provided in section 43, and amendments thereto, counties may not exempt from or effect changes in the medical cannabis
regulation act, section 1 et seq., and amendments thereto.

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

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

Sec. 69. K.S.A. 2022 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) 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. 2022 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. 2022 Supp. 21-5705, and amendments thereto.

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

Sec. 70. K.S.A. 2022 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 (c) 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 (e) 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 (e), (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. 65-4109(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 any cultivator, laboratory, processor, distributor or retail dispensary licensed by the director of alcohol and cannabis control pursuant to section 20, and amendments thereto, or any employee or agent thereof,
that is growing, testing, processing, distributing, dispensing or selling medical cannabis in accordance with the medical cannabis regulation act, section 1 et seq., 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).

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

Sec. 71. K.S.A. 2022 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 of not to exceed $400 if that person is not a registered patient or caregiver under the medical cannabis 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 cannabis 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. 2022
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. 2022 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.
(e) If the substance involved is medical cannabis, as defined in
section 2, and amendments thereto, the provisions of subsections (b) and
(c) shall not apply to:
(1) Any person who is registered or licensed pursuant to the medical
cannabis regulation act, section 1 set seq., and amendments thereto, and
whose possession is authorized by such act; or
(2) any person who is not a resident of this state and who holds a
license issued by another jurisdiction authorizing such person to purchase
and possess medical cannabis as recognized under section 17, and
amendments thereto.
(f) 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. 72. K.S.A. 2022 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. 2022 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. 2022 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 activities authorized by the medical cannabis 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. 73. K.S.A. 2022 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) 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 medical cannabis 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 cannabis, as defined in section 2, and amendments thereto, in a manner authorized by the medical cannabis regulation act, section 1 et seq., and amendments thereto.

Sec. 74. K.S.A. 2022 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. 2022 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 K.S.A. 2022 Supp. 21-5701 through 21-5717, and amendments thereto, except subsection (b) of K.S.A. 2022 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. 2022 Supp. 21-5706(b), 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)(3)(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 medical cannabis regulation act, section 1 et seq.,
and amendments thereto, whose distribution or manufacture is used solely
to distribute or produce medical cannabis, as defined in section 2, and
amendments thereto, in a manner authorized by the medical cannabis
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. 75. K.S.A. 2022 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 cannabis in accordance with section 10, and amendments thereto, when determining the legal custody, residency or parenting time of a child.

Sec. 76. K.S.A. 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 cannabis 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. 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. 38-2270, and amendments thereto,
appointment of a permanent custodian pursuant to K.S.A. 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. 38-2272, and amendments thereto, or continued permanency planning.

(h) If a parent is convicted of an offense as provided in K.S.A. 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. 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. 77. K.S.A. 41-201 is hereby amended to read as follows: 41-201.

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

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

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

Sec. 78. K.S.A. 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 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 cannabis, including any cannabis derivatives, compensation shall not be denied if the employee is registered as a patient
pursuant to section 8, and amendments thereto, such cannabis or cannabis derivative was used in accordance with the medical cannabis 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 immediately preceding 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>Drug Metabolite</th>
<th>Confirmatory test cutoff levels (ng/ml)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana metabolite</td>
<td>15</td>
</tr>
<tr>
<td>Cocaine metabolite</td>
<td>150</td>
</tr>
<tr>
<td>Opiates:</td>
<td></td>
</tr>
<tr>
<td>Morphine</td>
<td>2000</td>
</tr>
<tr>
<td>Codeine</td>
<td>2000</td>
</tr>
<tr>
<td>6-Acetylmorphine</td>
<td>10 ng/ml</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>25</td>
</tr>
<tr>
<td>Amphetamines:</td>
<td></td>
</tr>
<tr>
<td>Amphetamine</td>
<td>500</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>500</td>
</tr>
</tbody>
</table>
| 1 Delta-9-tetrahydrocannabinol-9-carboxylic acid.
| 2 Benzoylecgonine.
| 3 Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml. Test for 6-AM when morphine concentration exceeds 2,000 ng/ml.
| 4 Test for 6-AM when morphine concentration exceeds 2,000 ng/ml. Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.

(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 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. 79. 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 55, 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" 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. 80. K.S.A. 2022 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. 2022 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. 2022 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. 2022 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. 2022 Supp. 60-4404, and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. 2022 Supp. 60-4405, and amendments thereto.

(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. 2022 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 cannabis exemption. The board shall not deny, revoke, limit or suspend the license of any licensee or publicly or privately censure any licensee for:

(1) Advising a patient about the possible benefits and risks of using medical cannabis, or that using medical cannabis may mitigate the patient's symptoms; or

(2) any actions as a registered patient or caregiver pursuant to the medical cannabis regulation act, section 1 et seq., and amendments thereto, including whether the licensee possesses or has possessed, or uses or has used medical cannabis in accordance with such act.

Sec. 81. 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. 2022 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 censure, 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. 2022 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. 2022 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. 2022 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 for any of the following:

(1) Advising a patient about the possible benefits and risks of using medical cannabis, or that using medical cannabis may mitigate the patient's symptoms; or

(2) any actions as a registered patient or caregiver pursuant to the medical cannabis regulation act, section 1 et seq., and amendments thereto, including whether the licensee possesses or has possessed, or uses or has used medical cannabis in accordance with such act.

(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 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 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. 82. 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. 2022 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. 2022 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. Such term shall not include marijuana;

(e)(b) "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)(c) "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;

(d) "marijuana" means any marijuana, whether real or counterfeit, as defined in K.S.A. 2022 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 cannabis" means the same as defined in section 2, and amendments thereto.

Sec. 83. 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 cannabis or a controlled substance to pay the tax required under this act.

Sec. 85. This act shall take effect and be in force from and after July 1, 2024, and its publication in the statute book.