

**SENATE BILL No. 558**

By Committee on Federal and State Affairs

4-1

1 AN ACT concerning health and healthcare; relating to cannabis and  
2 cannabidiol; creating the Kansas medical cannabis act; providing for  
3 the licensure and regulation of the cultivation, processing,  
4 manufacturing, distribution, sale and use of medical cannabis and  
5 medical cannabis products; imposing a tax on the gross receipts of the  
6 retail sale thereof; providing for distribution of the tax revenues derived  
7 therefrom; establishing the medical cannabis registration fund, the  
8 medical cannabis regulation fund, the medical cannabis revenues fund  
9 and the medical cannabis refund fund; creating the Kansas cannabidiol  
10 regulation act; providing for the licensure, testing and regulation of the  
11 retail sale of cannabidiol products; making exceptions to the crimes of  
12 unlawful manufacture and possession of controlled substances;  
13 amending K.S.A. 2-3901, 8-1567, 21-5703, 21-5705, 21-5706, 21-  
14 5707, 21-5709, 21-5710, 21-6109, 21-6607, 22-3717, 23-3201, 38-  
15 2269, 44-501, 44-706, 44-1009, 44-1015, 79-5201 and 79-5210 and  
16 K.S.A. 2023 Supp. 65-1120 and 65-28b08 and repealing the existing  
17 sections.  
18

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

20 New Section 1. (a) Sections 1 through 45, and amendments thereto,  
21 shall be known as the Kansas medical cannabis act.

22 (b) The legislature hereby declares that the Kansas medical cannabis  
23 act is enacted pursuant to the police power of the state to protect the health  
24 of its citizens, which power is reserved to the state of Kansas and its  
25 people under the 10<sup>th</sup> amendment to the constitution of the United States.

26 New Sec. 2. As used in the Kansas medical cannabis act:

27 (a) "Advertising" means the act of providing consideration for the  
28 publication, dissemination, solicitation or circulation of visual, oral or  
29 written communication to directly or indirectly induce any person to  
30 patronize a particular licensed medical cannabis facility or purchase a  
31 particular type of medical cannabis or medical cannabis product.  
32 "Advertising" includes marketing, but does not include the packaging and  
33 labeling of any medical cannabis or medical cannabis product.

34 (b) "Board of healing arts" means the state board of healing arts.

35 (c) "Cannabinoid" means any of the chemical compounds that are  
36 active principles of cannabis.

1 (d) (1) "Cannabis" means all parts of all varieties of the plant  
2 Cannabis sativa whether growing or not, including, but not limited to, the  
3 seeds thereof, the resin extracted from any part of the plant and every  
4 compound, manufacture, salt, derivative, mixture or preparation of the  
5 plant, its seeds or resin.

6 (2) "Cannabis" does not include:

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

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

14 (C) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-  
15 2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

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

19 (e) "Caregiver" means an individual who holds a caregiver  
20 identification card issued pursuant to section 9, and amendments thereto.

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

23 (g) "Cultivator" means a person licensed pursuant to section 17, and  
24 amendments thereto, to cultivate, prepare and package medical cannabis  
25 and to sell medical cannabis to patients, caregivers, processors and  
26 retailers.

27 (h) "Department" means the department of health and environment.

28 (i) "Disposal facility" means a premises licensed pursuant to section  
29 17, and amendments thereto, where medical cannabis waste is disposed of  
30 by one or more processes that render such waste unusable and  
31 unrecognizable through destruction or recycling.

32 (j) "Director" means the director of the division of alcoholic beverage  
33 control.

34 (k) "Educational research facility" means a premises licensed  
35 pursuant to section 18, and amendments thereto, where training and  
36 education involving the cultivation, growing, harvesting, curing,  
37 preparing, packaging or testing of medical cannabis and the production,  
38 manufacture, extraction, processing, packaging or creation of medical  
39 cannabis products is provided to individuals.

40 (l) "Laboratory" means a person licensed pursuant to section 17, and  
41 amendments thereto, to conduct quality control testing on medical  
42 cannabis and medical cannabis products.

43 (m) "Licensee" means any person holding a license issued pursuant to

1 section 17, and amendments thereto, to operate as a cultivator, processor,  
2 laboratory or retailer.

3 (n) "Licensed premises" means the premises specified in an  
4 application for a cultivator, processor, laboratory or retailer license that is  
5 owned or leased by the person holding such license.

6 (o) (1) "Major life activity" includes, but is not limited to, caring for  
7 oneself, performing manual tasks, seeing, hearing, eating, sleeping,  
8 walking, standing, lifting, bending, speaking, breathing, learning, reading,  
9 concentrating, thinking, communicating and working.

10 (2) "Major life activity" also includes the operation of a major bodily  
11 function, including but not limited to, functions of the immune system,  
12 normal cell growth, digestive, bowel, bladder, neurological, brain,  
13 respiratory, circulatory, endocrine and reproductive functions.

14 (p) "Manufacture" means the production, propagation, compounding  
15 or processing of a medical cannabis product, excluding cannabis plants,  
16 either directly or indirectly, by extraction from substances of natural or  
17 synthetic origin, by means of chemical synthesis or by a combination of  
18 extraction and chemical synthesis.

19 (q) "Medical cannabis" means cannabis that is cultivated, processed,  
20 manufactured, tested, sold, possessed or used for a medical purposes.

21 (r) "Medical cannabis concentrate" means a medical cannabis  
22 concentrate produced by extracting cannabinoids and other plant  
23 compounds from cannabis through the use of heat, cold or pressure.

24 (s) (1) "Medical cannabis product" means a product that contains  
25 cannabinoids that have been extracted from plant material or the resin of a  
26 plant and is intended for administration to a patient, including, but is not  
27 limited to: Suppositories; oils; tinctures; plant material; ingestibles; topical  
28 forms; gels; creams; vapors; patches; liquids and any form administered by  
29 an atomizer or nebulizer.

30 (2) "Medical cannabis product" does not include any form or method  
31 of using medical cannabis that is considered attractive to children.

32 (t) "Medical cannabis waste" means any of the following:

33 (1) Medical cannabis, medical cannabis concentrate or medical  
34 cannabis products that are:

35 (A) Unused, surplus, returned or expired;

36 (B) determined to have failed laboratory testing standards and cannot  
37 be remediated or decontaminated; or

38 (C) part of the inventory of a licensee or educational research facility  
39 and:

40 (i) Such licensee or facility has permanently closed;

41 (ii) such inventory was not acquired as authorized by the Kansas  
42 medical cannabis act; or

43 (iii) such inventory cannot be lawfully transferred or sold to another

1 licensee or educational research facility; or

2 (2) the debris of the plant *Cannabis sativa*, including any dead plants  
3 or parts of the plant that are not used by a licensee, except "medical  
4 cannabis waste" does not include the seeds, roots, stems, stalks or fan  
5 leaves of such plants.

6 (u) "Medical provider" means a physician or physician assistant, as  
7 such terms are defined in K.S.A. 65-28a02, and amendments thereto, or an  
8 advanced practice registered nurse, as defined in K.S.A. 65-1113, and  
9 amendments thereto.

10 (v) "Patient" means an individual who has been issued a valid  
11 identification card pursuant to section 9, and amendments thereto.

12 (w) "Person" means an individual, partnership, limited partnership,  
13 limited liability partnership, limited liability company, trust, estate,  
14 association, corporation, cooperative or any other legal or commercial  
15 organization.

16 (x) "Processor" means a person licensed pursuant to section 17, and  
17 amendments thereto, to produce, manufacture, package or create medical  
18 cannabis concentrate or medical cannabis products.

19 (y) "Qualifying medical condition" means a temporary disability or  
20 illness due to injury or surgery or a permanent disability or illness that  
21 includes:

- 22 (1) Alzheimers;
- 23 (2) amyotrophic lateral sclerosis;
- 24 (3) cancer;
- 25 (4) dementia;
- 26 (5) inflammatory bowel conditions and diseases;
- 27 (6) epilepsy or other seizure disorders;
- 28 (7) multiple sclerosis;
- 29 (8) Parkinsons disease;
- 30 (9) post-traumatic stress disorder;
- 31 (10) sickle cell anemia;
- 32 (11) spinal cord disease or injury; or
- 33 (12) severe or intractable pain that:

34 (A) Substantially limits the ability of the individual to conduct one or  
35 more major life activities; or

36 (B) if not alleviated, may cause serious harm to the individual's safety  
37 or physical or mental health.

38 (z) "Retailer" means a person licensed pursuant to section 17, and  
39 amendments thereto, to sell medical cannabis and medical cannabis  
40 products to patients and caregivers.

41 (aa) "Secretary" means the secretary of the department of health and  
42 environment.

43 New Sec. 3. (a) No person shall grow, harvest, process, sell, barter,

1 transport, deliver, furnish or otherwise possess any form of cannabis,  
2 except as specifically provided in the medical cannabis regulation act, the  
3 Kansas cannabidiol regulation act, section 46 et seq., and amendments  
4 thereto, or the commercial industrial hemp act, K.S.A. 2-3901 et seq., and  
5 amendments thereto.

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

7 (1) Require a physician to recommend that a patient use medical  
8 cannabis to treat a qualifying medical condition;

9 (2) permit the use, possession or administration of medical cannabis  
10 other than as authorized by this act;

11 (3) permit the use, possession or administration of medical cannabis  
12 on federal land located in this state;

13 (4) permit the use or administration of medical cannabis on any  
14 property owned, operated or leased by any state agency or political  
15 subdivision thereof or any city, county or other municipality;

16 (5) require any public place to accommodate a patient's use of  
17 medical cannabis;

18 (6) prohibit any public place from accommodating a patient's use of  
19 medical cannabis; or

20 (7) restrict research related to cannabis conducted at a postsecondary  
21 educational institution, academic medical center or private research and  
22 development organization as part of a research protocol approved by an  
23 institutional review board or equivalent entity.

24 New Sec. 4. (a) The secretary shall administer the provisions of this  
25 act and provide for the registration of patients and caregivers, including  
26 the issuance of identification cards to such patients and caregivers in  
27 accordance with the provisions of this act.

28 (b) The board of healing arts shall administer the provisions of this  
29 act regarding the certification of physicians and physician assistants  
30 authorizing such physicians and physician assistants to recommend  
31 medical cannabis as a treatment for patients.

32 (c) The board of nursing shall administer the provisions of this act  
33 regarding the certification of advance practice registered nurses  
34 authorizing such advance practice registered nurses to recommend medical  
35 cannabis as a treatment for patients.

36 (d) The director shall administer the provisions of this act and provide  
37 for the licensure of cultivators, laboratories, processors, retailers, disposal  
38 facilities and educational research facilities.

39 New Sec. 5. (a) Except as permitted under subsection (c), the  
40 following individuals shall not solicit or accept, directly or indirectly, any  
41 gift, gratuity, emolument or employment from any person who is an  
42 applicant for any license or is a licensee under the provisions of this act or  
43 any officer, agent or employee thereof, or solicit requests from or

1 recommend, directly or indirectly, to any such person, the appointment of  
2 any individual to any place or position:

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

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

7 (3) any member of the state board of healing arts; or

8 (4) any member of the board of nursing.

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

12 (1) The secretary or any officer, employee or agent of the department;

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

15 (3) any member of the state board of healing arts; or

16 (4) any member of the board of nursing.

17 (c) The secretary, the secretary of revenue, the state board of healing  
18 arts and the board of nursing may adopt rules and regulations for their  
19 respective agencies allowing the acceptance of official hospitality by the  
20 respective secretary, members of the state board of healing arts, the board  
21 of nursing and employees of each such respective agency, subject to any  
22 limits as prescribed by such rules and regulations.

23 (d) If the secretary, the secretary of revenue, any member of the state  
24 board of healing arts, the board of nursing or any employee of each such  
25 respective agency violates any provision of this section, such person shall  
26 be removed from such person's office or employment.

27 (e) Violation of any provision of this section is a severity level 7,  
28 nonperson felony.

29 (f) Nothing in this section shall be construed to prohibit the  
30 prosecution and punishment of any person for any other crime in the  
31 Kansas criminal code.

32 New Sec. 6. All actions taken by the secretary, the director, the state  
33 board of healing arts or the board of nursing under the Kansas medical  
34 cannabis act shall be in accordance with the Kansas administrative  
35 procedure act and reviewable in accordance with the Kansas judicial  
36 review act.

37 New Sec. 7. (a) There is hereby established within the department the  
38 Kansas medical cannabis advisory board. The Kansas medical cannabis  
39 advisory board shall consist of 24 members as follows:

40 (1) The secretary, or the secretary's designee;

41 (2) the secretary of agriculture, or the secretary's designee;

42 (3) the secretary for aging and disability services, or the secretary's  
43 designee;

- 1 (4) four members each appointed respectively by the speaker of the  
2 house of representatives, the president of the senate, the majority leader of  
3 the house of representatives and the minority leader of the senate;
- 4 (5) one member appointed by the silver haired legislature;
- 5 (6) the director, or the director's designee;
- 6 (7) the director of the Kansas bureau of investigation, or the director's  
7 designee;
- 8 (8) the executive director of the league of Kansas municipalities, or  
9 the executive director's designee;
- 10 (9) 13 members appointed by the governor as follows:
- 11 (A) Two members who support the use of cannabis for medical  
12 purposes and who are or were patients who found relief from the use of  
13 medical cannabis;
- 14 (B) one member designated by the Kansas association of addiction  
15 professionals;
- 16 (C) two licensed physicians who have completed cannabis-specific  
17 continuing medical education training;
- 18 (D) two licensed registered nurses who have completed medical  
19 cannabis training;
- 20 (E) one licensed pharmacist;
- 21 (F) one member who has experience in the science of cannabis;
- 22 (G) one member who is an attorney knowledgeable about medical  
23 cannabis laws in the United States;
- 24 (H) one member recommended by the secretary of agriculture who  
25 has experience in horticulture; and
- 26 (I) two members who have experience in the medical cannabis  
27 industry.
- 28 (b) Members of the Kansas medical cannabis advisory board shall  
29 serve for a term of two years. Any vacancy in a position on the board shall  
30 be filled in the same manner as the original appointment.
- 31 (c) On or before September 1, 2024, and each year thereafter, the  
32 board shall meet to elect a chairperson and vice chairperson from the  
33 members appointed pursuant to subsection (a)(9).
- 34 (d) The Kansas medical cannabis advisory board shall advise the  
35 secretary, the board of healing arts and the board of nursing on the  
36 adoption of rules and regulations pertaining to the following:
- 37 (1) Registration of patients and caregivers;
- 38 (2) issuance and renewal of identification cards and the fees therefor;
- 39 (3) certification of physicians, physician assistants and advance  
40 practice registered nurses, including any continuing education  
41 requirements;
- 42 (4) purchasing and transportation of medical cannabis by patients and  
43 caregivers, including, but not limited to, any limits on the form or amount

1 of medical cannabis or medical cannabis products that can be purchased or  
2 possessed; and

3 (5) education, research and treatment with medical cannabis.

4 (e) The Kansas medical cannabis advisory board shall advise the  
5 secretary of revenue and the director on the adoption of rules and  
6 regulations pertaining to the following:

7 (1) Applications for licensure;

8 (2) issuance and renewal of licenses, including the fees therefor;

9 (3) security of licensed premises;

10 (4) testing of medical cannabis, medical cannabis concentrate and  
11 medical cannabis products;

12 (5) transportation of medical cannabis, medical cannabis concentrate  
13 and medical cannabis products;

14 (6) education, research and advertising of medical cannabis;

15 (7) electronic monitoring of medical cannabis from seed source to  
16 retail sale to a patient or caregiver as required under section 31, and  
17 amendments thereto;

18 (8) policies and procedures related to the receipt, storage, packaging,  
19 labeling, handling, manufacturing, tracking and retail sale of medical  
20 cannabis, medical cannabis concentrate and medical cannabis products;

21 (9) a request for proposal process to identify a laboratory that has  
22 operated within the legal cannabis sector for at least two years for assisting  
23 in duties including, but not limited to, validation of test results and  
24 calibration of equipment pursuant to section 27, and amendments thereto;

25 (10) purchasing and financial transactions pertaining to ordering  
26 medical cannabis through the internet and delivery protocols;

27 (11) procedures for a social equity lottery and a general lottery for the  
28 issuance of licenses as required under section 22, and amendments thereto;  
29 and

30 (12) medical cannabis waste management.

31 (f) On or before January 15, 2025, and each January 15 thereafter, the  
32 Kansas medical cannabis advisory board shall prepare and submit a report  
33 to the legislature on the implementation of the Kansas medical cannabis  
34 act during the previous calendar year and recommendations for statutory  
35 changes to such act.

36 New Sec. 8. (a) The secretary shall begin accepting applications for  
37 identification cards on or before January 1, 2025.

38 (b) The secretary shall develop and publish a website to provide  
39 information about the Kansas medical cannabis act. A link to the website  
40 shall be located in a prominent location on the primary website for the  
41 Kansas medical cannabis advisory board. The department website may  
42 include, but shall not be limited to, the following:

43 (1) The ability to search for any of the following:



- 1 (A) Certified medical providers;
- 2 (B) licensed cultivators and processors or manufacturers; and
- 3 (C) licensed retailers;
- 4 (2) contact information for applying for an identification card,
- 5 including the phone number and email;
- 6 (3) information regarding the process for appealing a decision of the
- 7 secretary;
- 8 (4) application forms for identification cards; and
- 9 (5) crop damage report forms, including a portal to upload documents
- 10 and pictures.

11 New Sec. 9. (a) A patient seeking to use medical cannabis or a  
12 caregiver seeking to assist a patient in the use or administration of medical  
13 cannabis shall apply to the secretary for an identification card authorizing  
14 the possession and use of medical cannabis and medical cannabis products  
15 as authorized by this act. The application for an identification card shall be  
16 submitted in such form and manner as prescribed by the secretary and  
17 include the required fee and the written recommendation from the patient's  
18 medical provider to treat such patient with medical cannabis because such  
19 patient has a qualifying medical condition.

20 (b) (1) The fee for a patient identification card or the renewal thereof  
21 shall be established by rules and regulations adopted by the secretary,  
22 except that such fee shall be waived for any applicant that submits proof  
23 that the applicant:

24 (A) Qualifies for services under the Kansas medical assistance  
25 program; or

26 (B) is certified by the Kansas department for aging and disability  
27 services or by the Kansas department for children and families as having a  
28 physical or mental impairment that constitutes a substantial barrier to  
29 employment.

30 (2) The fee for a caregiver identification card or the renewal thereof  
31 shall be established by rules and regulations adopted by secretary.

32 (c) The secretary shall not issue an identification card to an applicant  
33 who is under 18 years of age unless the applicant submits written  
34 recommendations from two medical providers that such applicant has a  
35 qualifying medical condition, and such applicant's custodial parent or legal  
36 guardian with responsibility for healthcare decisions for such applicant  
37 obtains a caregiver identification card and is designated as such applicant's  
38 caregiver.

39 (d) (1) A patient may designate any individual who is 18 years of age  
40 or older as such patient's caregiver, including the owner, operator or any  
41 trained staff of a licensed clinic, healthcare facility, hospice or home health  
42 agency, group home or halfway house, and any individual who has been  
43 designated as a caregiver by another patient.

1 (2) A caregiver may be less than 18 years of age if:

2 (A) The caregiver is the parent of the patient, and the patient is under  
3 18 years of age;

4 (B) the caregiver is otherwise authorized by law to make healthcare  
5 decisions for the patient; or

6 (C) it is demonstrated to the satisfaction of the director that the  
7 patient needs a caregiver and there is no individual 18 years of age or older  
8 who can adequately perform the duties of a caregiver for such patient.

9 (e) A patient or caregiver identification card shall be valid for the  
10 period of time stated on such card and may be renewed by submitting a  
11 renewal application in such form and manner as prescribed by the  
12 secretary and paying the required fee.

13 (f) (1) Any information collected by the director pursuant to this  
14 section is confidential and not a public record. The secretary may share  
15 information identifying a specific patient or caregiver with a licensed  
16 retailer for the purpose of confirming that such patient or caregiver has a  
17 valid identification card. The provisions of this subsection shall expire on  
18 July 1, 2029, unless the legislature reviews and reenacts such provisions in  
19 accordance with K.S.A. 45-229, and amendments thereto, prior to July 1,  
20 2029.

21 (2) It shall be a class B nonperson misdemeanor for any person to  
22 release any confidential information collected by the secretary except as  
23 authorized under this act.

24 New Sec. 10. (a) A written recommendation from a medical provider  
25 shall include a statement that such medical provider has taken  
26 responsibility for an aspect of the medical care, treatment, diagnosis,  
27 counseling or referral of a patient, has conducted a medical examination of  
28 such patient and has determined such patient suffers from a qualifying  
29 medical condition.

30 (b) In the case of a patient who is under 18 years of age, the medical  
31 provider may recommend treatment with medical cannabis only after  
32 obtaining the consent of the patient's parent or legal guardian responsible  
33 for making healthcare decisions for the patient.

34 (c) A medical provider who holds a certificate to recommend  
35 treatment with medical cannabis shall be immune from civil liability, shall  
36 not be subject to professional disciplinary action by the state board of  
37 healing arts or the board of nursing and is immune from criminal  
38 prosecution for any of the following actions:

39 (1) Advising a patient, patient representative or caregiver about the  
40 benefits and risks of medical cannabis to treat a qualifying medical  
41 condition;

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

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

2 New Sec. 11. (a) There is hereby established the medical cannabis  
3 registration fund in the state treasury. The secretary shall administer the  
4 medical cannabis registration fund and shall remit all moneys collected  
5 from the payment of all fees and fines imposed by the secretary pursuant  
6 to the Kansas medical cannabis act and any other moneys received by or  
7 on behalf of the secretary pursuant to such act to the state treasurer in  
8 accordance with the provisions of K.S.A. 75-4215, and amendments  
9 thereto. Upon receipt of each such remittance, the state treasurer shall  
10 deposit the entire amount in the state treasury to the credit of the medical  
11 cannabis registration fund. Moneys credited to the medical cannabis  
12 registration fund shall only be expended or transferred as provided in this  
13 section. Expenditures from such fund shall be made in accordance with  
14 appropriation acts upon warrants of the director of accounts and reports  
15 issued pursuant to vouchers approved by the secretary or the secretary's  
16 designee.

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

21 New Sec. 12. (a) In addition to or in lieu of any other civil or criminal  
22 penalty as provided by law, the secretary may impose a civil penalty or  
23 suspend or revoke a patient or caregiver identification card upon a finding  
24 that the patient or caregiver committed a violation as provided in this  
25 section.

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

29 (c) Upon a finding that a patient or caregiver has submitted fraudulent  
30 information or otherwise falsified or misrepresented information required  
31 to be submitted by such patient or caregiver, the secretary may impose a  
32 civil fine in an amount not to exceed \$500 for a first offense and may  
33 suspend or revoke the individual's identification card for a second or  
34 subsequent offense.

35 (d) If the secretary suspends, revokes or refuses to renew any  
36 identification card issued pursuant to this act and determines that there is  
37 clear and convincing evidence of a danger of immediate and serious harm  
38 to any person, the secretary may place under seal all medical cannabis  
39 owned by or in the possession, custody or control of the affected patient or  
40 caregiver. Except as provided in this section, the secretary shall not  
41 dispose of the sealed medical cannabis until a final order is issued  
42 authorizing such disposition. During the pendency of an appeal from any  
43 order issued by the secretary, a court may order the secretary to sell

1 medical cannabis that is perishable, and the proceeds of any such sale shall  
2 be deposited with the court.

3 New Sec. 13. A medical cannabis identification card, or its  
4 equivalent, that is issued under the laws of another state, district, territory,  
5 commonwealth or insular possession of the United States that is verifiable  
6 by the jurisdiction of issuance and allows a nonresident patient to possess  
7 medical cannabis for medical purposes shall have the same force and  
8 effect as an identification card issued by the director pursuant to section 9,  
9 and amendments thereto.

10 New Sec. 14. On or before January 1, 2025, and after consultation  
11 with the Kansas medical cannabis advisory board, the secretary shall adopt  
12 rules and regulations to implement the provisions of this act, including, but  
13 not limited to:

- 14 (a) Applications for a patient or caregiver identification card;
- 15 (b) issuance and renewal of such identification cards and the fees  
16 therefor;
- 17 (c) the period of time for which such cards are valid;
- 18 (d) purchasing and transportation of medical cannabis by patients and  
19 caregivers, including, but not limited to, any limits on the form or amount  
20 of medical cannabis or medical cannabis products that can be purchased or  
21 possessed; and
- 22 (e) education, research and treatment with medical cannabis.

23 New Sec. 15. (a) Except as provided in subsection (c), a physician or  
24 physician assistant who is seeking to recommend treatment with medical  
25 cannabis shall apply to the board of healing arts for a certificate  
26 authorizing such physician or physician assistant to recommend treatment  
27 with medical cannabis. The application shall be submitted in such form  
28 and manner as prescribed by the board and by paying the required fee. The  
29 board of healing arts shall grant a certificate to recommend treatment with  
30 medical cannabis if the following conditions are satisfied:

- 31 (1) The application is complete and meets the requirements  
32 established in rules and regulations adopted by the board; and
- 33 (2) the applicant demonstrates that the applicant does not have an  
34 ownership or investment interest in or compensation arrangement with an  
35 entity licensed under section 17, and amendments thereto, or an applicant  
36 for such licensure.

37 (b) A certificate to recommend treatment with medical cannabis may  
38 be renewed by submitting a renewal application in such form and manner  
39 as prescribed by the state board and paying the required fee.

40 (c) This section shall not apply to a physician who recommends  
41 treatment with cannabis or a cannabis-derived drug under any of the  
42 following that is approved by an institutional review board or equivalent  
43 entity, the United States food and drug administration or the national

1 institutes of health or one of its cooperative groups or centers under the  
2 United States department of health and human services:

- 3 (1) A research protocol;
  - 4 (2) a clinical trial;
  - 5 (3) an investigational new drug application; or
  - 6 (4) an expanded access submission.
- 7 (d) On or before January 1, 2025, and after consultation with the  
8 Kansas medical cannabis advisory board, the board of healing arts shall  
9 adopt rules and regulations to implement the provisions of this section,  
10 including, but not limited to:

- 11 (1) Applications for a certificate to treat with medical cannabis;
- 12 (2) issuance and renewal of certificates including the fees therefor;
- 13 (3) the period of time for which such certificates are valid; and
- 14 (4) suspension or revocation of a certificate for violations of this act.

15 New Sec. 16. (a) An advance practice registered nurse who is seeking  
16 to recommend treatment with medical cannabis shall apply to the board of  
17 nursing for a certificate authorizing such advance practice registered nurse  
18 to recommend treatment with medical cannabis. The application shall be  
19 submitted in such form and manner as prescribed by the board and by  
20 paying the required fee. The board shall grant a certificate to recommend  
21 treatment with medical cannabis if the following conditions are satisfied:

- 22 (1) The application is complete and meets the requirements  
23 established in rules and regulations adopted by the board; and
- 24 (2) the applicant demonstrates that the applicant does not have an  
25 ownership or investment interest in or compensation arrangement with an  
26 entity licensed under section 17, and amendments thereto, or an applicant  
27 for such licensure.

28 (b) A certificate to recommend treatment with medical cannabis may  
29 be renewed by submitting a renewal application in such form and manner  
30 as prescribed by the board and paying the required fee.

31 (c) On or before January 1, 2025, and after consultation with the  
32 Kansas medical cannabis advisory board, the board of nursing shall adopt  
33 rules and regulations to implement the provisions of this section,  
34 including, but not limited to:

- 35 (1) Applications for a certificate to treat with medical cannabis;
- 36 (2) issuance and renewal of certificates including the fees therefor;
- 37 (3) the period of time for which such certificates are valid; and
- 38 (4) suspension or revocation of a certificate for violations of this act.

39 New Sec. 17. (a) A person seeking to operate as a cultivator,  
40 processor, laboratory or retailer or to operate a disposal facility shall apply  
41 to the director for a license by submitting an application for such license in  
42 such form and manner as prescribed by the director and paying the  
43 required fee.

- 1 (b) Except as otherwise provided, the director shall issue such license  
2 if:
- 3 (1) The application is complete and meets the requirements  
4 established in rules and regulations adopted by the secretary of revenue;  
5 and
- 6 (2) the applicant is an individual and:
- 7 (A) Is not less than 21 years of age;
- 8 (B) (i) is a resident of this state; or  
9 (ii) has been a resident of this state for two consecutive years prior to  
10 the date the application is submitted and has not fewer than two years of  
11 experience in the cannabis industry;
- 12 (C) has not previously held a license issued pursuant to this section  
13 that has been revoked;
- 14 (D) is in good standing with any other licensing or regulatory body of  
15 this state that has issued a license to such applicant; and
- 16 (E) has submitted a tax clearance certificate issued by the department  
17 of revenue; or
- 18 (3) the applicant is a business entity and:
- 19 (A) The individual submitting the application on behalf of such  
20 business entity would be qualified to hold a license as an individual;
- 21 (B) such individual is legally authorized to submit the application on  
22 behalf of such business entity; and
- 23 (C) at least  $\frac{2}{3}$  of the individuals who have an ownership interest in  
24 such business entity are residents of this state.
- 25 (c) No cultivator license shall be issued to an applicant that:
- 26 (1) Has an ownership interest in another licensed cultivator; or  
27 (2) has fewer than two years of experience in the cannabis industry.
- 28 (d) No laboratory license shall be issued to an applicant that has an  
29 ownership interest in a licensed cultivator, processor, retailer or disposal  
30 facility.
- 31 (e) (1) No license shall be issued pursuant to subsection (b) to an  
32 applicant if any individual with an ownership interest in such applicant or  
33 any officer, director, manager or employee of such applicant has been  
34 convicted of a disqualifying felony offense.
- 35 (2) For purposes of this subsection, "disqualifying felony offense"  
36 means any felony offense under the laws of this state, any other state or the  
37 United States, except:
- 38 (A) Any offense where the unlawful conduct was the medical use of  
39 cannabis or assisting in the medical use of cannabis by another;
- 40 (B) any offense that is not a person felony, for which the defendant  
41 was not incarcerated and for which the conviction occurred at least five  
42 years prior to the date the application for a license is submitted; or  
43 (C) any offense for which the defendant was released from parole,

1 postrelease supervision or probation at least five years prior to the date the  
2 application for a license is submitted and such defendant has not been  
3 convicted of any offense since such release.

4 (3) The director may consult with the attorney general, the secretary  
5 of the department of corrections or any district or county attorney as  
6 necessary to determine the application of this subsection.

7 (f) A license issued pursuant to this section shall be valid for two  
8 years from the date specified on such license. Such license may be  
9 renewed by submitting a renewal application in such form and manner as  
10 prescribed by the director and paying the required fee.

11 New Sec. 18. (a) A person seeking to operate an educational research  
12 facility shall apply to the director for a license for such facility by  
13 submitting an application for such license in such form and manner as  
14 prescribed by the director and paying the required fee.

15 (b) The director shall issue a license for such facility if:

16 (1) The application is complete and meets the requirements  
17 established in rules and regulations adopted by the secretary; and

18 (2) the applicant submits proof that such applicant has or will have an  
19 employment policy that will not prohibit the employment of individuals  
20 who have been convicted or pleaded guilty to any offense under article 36a  
21 of chapter 21 of the Kansas Statutes Annotated, prior to its transfer, article  
22 57 of chapter 21 of the Kansas Statutes Annotated, and amendments  
23 thereto, or K.S.A. 65-4160 or 65-4162, prior to their repeal, but whose  
24 conduct that resulted in such offense would have been lawful if such  
25 individual had possessed a valid patient or caregiver identification card at  
26 the time of such offense.

27 (c) A license issued pursuant to this section shall be valid for two  
28 years from the date specified on such license. Such license may be  
29 renewed by submitting a renewal application in such form and manner as  
30 prescribed by the director and paying the required fee.

31 New Sec. 19. All applicants for a license to be issued pursuant to  
32 section 17, and amendments thereto, shall require any owner, director,  
33 officer or agent of such applicant to be fingerprinted and to submit to a  
34 state and national criminal history record check. The director is authorized  
35 to submit the fingerprints to the Kansas bureau of investigation and the  
36 federal bureau of investigation for a state and national criminal history  
37 record check. The director shall use the information obtained from  
38 fingerprinting and the state and national criminal history record check for  
39 purposes of verifying the identification of the applicant and for making a  
40 determination of the qualifications of the applicant for licensure. The  
41 Kansas bureau of investigation may charge a reasonable fee to the  
42 applicant for fingerprinting and conducting a criminal history record  
43 check, except such fee shall not exceed the actual cost incurred for such

1 criminal history record check.

2 New Sec. 20. (a) The director may refuse to issue or renew a license  
3 pursuant to section 17, and amendments thereto, or may revoke or suspend  
4 such license for any of the following reasons:

5 (1) The licensee has failed to comply with any provision of the  
6 Kansas medical cannabis act or any rules and regulations adopted by the  
7 secretary;

8 (2) the applicant or licensee has falsified or misrepresented any  
9 information submitted to the director in order to obtain a license;

10 (3) the applicant or licensee has failed to adhere to any  
11 acknowledgment, verification or other representation made to the director  
12 when applying for a license; or

13 (4) the applicant or licensee has failed to submit or disclose  
14 information requested by the director.

15 (b) (1) Except as provided in paragraph (2), the director shall inspect  
16 the licensed premises of a licensee not more than twice each calendar year  
17 and provide notice of such inspection to the licensee at least 24 hours prior  
18 to the inspection.

19 (2) The director may conduct additional inspections of a licensed  
20 premises when necessary due to a prior violation of this act. Such  
21 inspection may be conducted without prior notice to the licensee if the  
22 director reasonably believes that such notice will result in the destruction  
23 of evidence in further violation of this act.

24 (c) During any investigation by the director, the director may require  
25 and conduct interviews with the licensee under investigation and any  
26 owners, officers, employees and agents thereof. Prior to conducting any  
27 such interviews upon the request of the licensee, the director shall provide  
28 the licensee and any other individuals being interviewed sufficient time to  
29 secure legal representation during such interviews.

30 New Sec. 21. (a) The director shall issue:

31 (1) Not fewer than two cultivator licenses for each congressional  
32 district and not more than a total of 10 such licenses;

33 (2) not fewer than one processor license for each congressional  
34 district and not more than a total of four such licenses; and

35 (3) not fewer than two retailer licenses for each congressional district  
36 and not more than a total of 16 such licenses.

37 (b) There shall be no limit on the number of educational research  
38 facility licenses or disposal facility licenses.

39 (c) A cultivator, processor or retailer may also be issued a disposal  
40 facility license.

41 (d) The fee for any license issued pursuant to section 17, and  
42 amendments thereto, shall not be less than \$2,500 nor more than \$15,000.  
43 The secretary of revenue may adopt rules and regulations that fix different



1 fee amounts for different types of licenses.

2 New Sec. 22. (a) The director shall establish a general lottery system  
3 for the issuance of licenses pursuant to section 17, and amendments  
4 thereto. Such system shall require all applications for licensure to be  
5 submitted on or before October 1, 2024. The general lottery system shall  
6 ensure that at least 20% of each type of license be issued to an applicant  
7 that is selected pursuant to the social equity lottery established pursuant to  
8 subsection (b).

9 (b) The director shall establish a social equity lottery system for the  
10 issuance of licenses pursuant to section 17, and amendments thereto. Such  
11 system shall only be open to those applicants that satisfy the socio-  
12 economic demographic criteria adopted by the secretary of revenue.

13 (c) No lottery system shall be used unless the number of qualified  
14 applicants for licensure exceeds the number of licenses the director may  
15 issue.

16 New Sec. 23. (a) A cultivator may:

17 (1) Cultivate medical cannabis in accordance with the provisions of  
18 this act;

19 (2) transport, deliver and sell medical cannabis to one or more  
20 licensed cultivators, processors or retailers;

21 (3) purchase and receive medical cannabis from one or more licensed  
22 cultivators; and

23 (4) transport and deliver medical cannabis waste to one or more  
24 disposal facilities.

25 (b) (1) Unless authorized by this act, a cultivator shall not transfer or  
26 sell medical cannabis unless samples from each harvest batch or  
27 production batch from which such medical cannabis was derived has been  
28 tested by a licensed laboratory for contaminants and has passed all  
29 contaminant tests required by this act.

30 (2) A cultivator may transfer medical cannabis that has failed  
31 laboratory testing to a licensed processor only for the purposes of  
32 decontamination or remediation and only in accordance with the  
33 provisions of this act.

34 (c) A cultivator facility shall not cultivate medical cannabis for  
35 personal, family or household use or on any public land.

36 (d) The licensed premises of a cultivator shall only be located on land  
37 that has been zoned for commercial or industrial use.

38 New Sec. 24. (a) A processor may:

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

41 (2) subject to subsection (b), process medical cannabis obtained from  
42 a licensed cultivator into medical cannabis concentrate or medical  
43 cannabis products;

1 (3) transport, deliver and sell processed medical cannabis, medical  
2 cannabis concentrate and medical cannabis products to one or more  
3 licensed processors or retailer; and

4 (4) transport and deliver medical cannabis waste to one or more  
5 disposal facilities.

6 (b) A processor shall not transfer, sell or process into a concentrate or  
7 medical cannabis product any medical cannabis, medical cannabis  
8 concentrate or medical cannabis product unless samples from each harvest  
9 batch or production batch from which such medical cannabis, medical  
10 cannabis concentrate or medical cannabis product was derived has been  
11 tested by a licensed laboratory for contaminants and has passed all  
12 contaminant tests required by this act.

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

17 (d) The licensed premises of a processor shall only be located on land  
18 that has been zoned for commercial or industrial use.

19 New Sec. 25. (a) A retailer may:

20 (1) Purchase and receive medical cannabis and medical cannabis  
21 products from one or more licensed cultivators or processors;

22 (2) sell medical cannabis and medical cannabis products to patients  
23 and caregivers in accordance with subsection (b); and

24 (3) transport and deliver medical cannabis waste to one or more  
25 disposal facilities.

26 (b) When selling medical cannabis and medical cannabis products, a  
27 retailer shall:

28 (1) Sell medical cannabis and medical cannabis products only to a  
29 person who provides a current, valid patient or caregiver identification  
30 card and only in accordance with a written recommendation issued by a  
31 medical provider; and

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

34 (c) A retailer shall not make public any information received or  
35 collected by such licensee that identifies or would tend to identify any  
36 specific patient.

37 New Sec. 26. (a) A disposal facility may:

38 (1) Transport and receive medical cannabis waste to or from a  
39 cultivator, processor, retailer, laboratory or another disposal facility; and

40 (2) dispose of medical cannabis waste received from a cultivator,  
41 processor, retailer, laboratory or another disposal facility and medical  
42 cannabis waste produced by the licensee if the licensee also holds a  
43 cultivator, processor, retailer or laboratory license.

1 (b) All medical cannabis waste disposed of pursuant to this act shall  
2 be subject to any rules and regulations adopted by the secretary relating to  
3 the proper disposal of such materials in order to preserve the health and  
4 safety of the public.

5 (c) All medical cannabis waste shall be documented and tracked  
6 through the electronic inventory tracking system established under section  
7 31, and amendments thereto. Such documentation shall include:

- 8 (1) Unique identification numbers for inventory lots;
- 9 (2) the total weight of the medical cannabis waste disposed of;
- 10 (3) the name of the licensee providing the medical cannabis waste;
- 11 and
- 12 (4) photographs of the disposed medical cannabis waste.

13 (d) The seeds, roots, stems, stalks and fan leaves of cannabis plants  
14 may be disposed of by a licensee without a disposal facility license. Such  
15 disposal may be conducted on the licensed premises by open burning,  
16 incineration, burying, mulching, composting or any other method  
17 approved by the secretary.

18 New Sec. 27. (a) On or before January 1, 2025, the director shall  
19 contract with a private laboratory for the purpose of conducting  
20 compliance and quality assurance testing of licensed laboratories to  
21 provide public safety and ensure that quality medical cannabis and medical  
22 cannabis products are available to patients and caregivers.

23 (b) Any private laboratory contracting with the director shall:

- 24 (1) Be prohibited from conducting any other commercial medical  
25 cannabis or medical cannabis product testing in this state;
- 26 (2) have held a license, permit or other certification to test medical  
27 cannabis issued by another state for at least one year prior to contracting  
28 with the director and have entered into a contract with another state for  
29 compliance and quality assurance testing;
- 30 (3) not employ, or be owned by any individual:
  - 31 (A) That has a direct or indirect financial interest in any licensee;
  - 32 (B) whose spouse, parent, child, spouse of a child, sibling or spouse  
33 of a sibling has an active application for a license; or
  - 34 (C) that is a member of the board of directors of any licensee; and
- 35 (4) be accessible for any medical cannabis testing needs of any state  
36 agency, including, but not limited to, the department, the Kansas bureau of  
37 investigation and the state fire marshal.

38 New Sec. 28. (a) The director shall recommend to the secretary of  
39 revenue rules and regulations as necessary to develop acceptable testing  
40 and research practices in consultation with the private laboratory  
41 contracting with the director under section 27, and amendments thereto.  
42 Such rules and regulations shall, include, but are not limited to, testing,  
43 standards, quality control analysis, equipment certification and calibration

1 and identification of chemicals and other substances used in bona fide  
2 research methods.

3 (b) The director shall also recommend to the secretary of revenue  
4 rules and regulations for laboratory testing performed under this act  
5 concerning:

6 (1) The cleanliness and orderliness of the premises of a licensed  
7 laboratory and the security of such facilities;

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

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

13 (4) controlled access areas for the storage of medical cannabis,  
14 medical cannabis concentrate and medical cannabis product test samples,  
15 medical cannabis waste and reference standards;

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

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

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

21 (8) the transport and disposal of medical cannabis waste;

22 (9) the use of the electronic inventory tracking system established  
23 under section 31, and amendments thereto, to ensure all test harvest and  
24 production batches or samples containing medical cannabis, medical  
25 cannabis concentrate or medical cannabis products are identified and  
26 tracked from the point such batches or samples are transferred from a  
27 licensee or a patient or caregiver through the point of transfer, destruction  
28 or disposal. Such inventory tracking system shall include the results of any  
29 tests that are conducted;

30 (10) the employment of laboratory personnel;

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

33 (12) the successful participation in a proficiency testing program  
34 approved by the director for conducting testing in order to obtain and  
35 maintain certification;

36 (13) the establishment of and adherence to a quality assurance and  
37 quality control program to ensure sufficient monitoring of laboratory  
38 processes and the quality of results reported;

39 (14) the immediate recall of medical cannabis, medical cannabis  
40 concentrate or medical cannabis products that test above allowable  
41 thresholds or are otherwise determined to be unsafe;

42 (15) the establishment of a system to document the complete chain of  
43 custody for batches or samples from receipt through disposal;

1 (16) the establishment of a system to retain and maintain all required  
2 records, including business records, and processes to ensure results are  
3 reported in a timely and accurate manner; and

4 (17) any other aspect of laboratory testing of medical cannabis,  
5 medical cannabis concentrate or medical cannabis product deemed  
6 necessary by the director.

7 New Sec. 29. (a) A laboratory shall:

8 (1) Comply with all applicable local ordinances, including, but not  
9 limited to, any zoning, occupancy, licensing and building codes;

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

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

22 (4) promptly provide the director access to:

23 (A) A report of a test and any underlying data that is conducted on a  
24 sample; and

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

28 (5) retain all results of laboratory tests conducted on medical  
29 cannabis, medical cannabis concentrate or medical cannabis products for a  
30 period of at least two years and make such results available to the director  
31 upon request;

32 (6) establish standards, policies and procedures for laboratory testing  
33 procedures;

34 (7) (A) test samples from each harvest batch or product batch, as  
35 appropriate, of medical cannabis, medical cannabis concentrate and  
36 medical cannabis product for each of the following categories of testing,  
37 consistent with standards developed by the director:

38 (i) Microbials;

39 (ii) mycotoxins;

40 (iii) residual solvents;

41 (iv) pesticides;

42 (v) tetrahydrocannabinol and other cannabinoid potency;

43 (vi) terpenoid potency type and concentration;

- 1 (vii) moisture content;
- 2 (viii) homogeneity; and
- 3 (ix) heavy metals; and

4 (B) only accept a test batch of usable medical cannabis, medical  
5 cannabis concentrate or medical cannabis product for testing purposes  
6 from a:

7 (i) Cultivator that has separated each harvest lot of usable cannabis  
8 into harvest batches containing not more than 10 pounds, except harvest  
9 batches of fresh, uncured medical cannabis or fresh or frozen medical  
10 cannabis to be sold to a processor in order to make a concentrate may be  
11 separated into batches containing not more than 20 pounds; and

12 (ii) processor that has separated each medical cannabis production lot  
13 into production batches containing not more than 10 pounds.

14 (b) A laboratory may:

15 (1) Accept samples of medical cannabis, medical cannabis  
16 concentrate or medical cannabis product from:

17 (A) A licensee or any entity authorized to possess such samples only  
18 for testing and research purposes, including the provision of testing  
19 services for samples submitted by a licensee for product development. A  
20 laboratory shall not be prohibited from obtaining a license under this act  
21 due to such facility performing other testing and research on medical  
22 cannabis and medical cannabis products; or

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

24 (i) Patient or caregiver and such person provides the laboratory with  
25 the individual's valid identification card and a valid photo identification; or

26 (ii) participant in an approved clinical or observational study  
27 conducted by a research facility as described in section 15(c), and  
28 amendments thereto; and

29 (2) transfer samples of medical cannabis, medical cannabis  
30 concentrate and medical cannabis product to or from another laboratory or  
31 any licensee. All laboratory reports shall identify the laboratory that  
32 performed the testing of the sample.

33 (c) (1) A laboratory shall be inspected prior to initial licensure and  
34 further inspected up to six times annually by an inspector approved by the  
35 director. The director may enter the licensed premises of a laboratory to  
36 conduct investigations and additional inspections when the director  
37 believes an investigation or additional inspection is necessary due to a  
38 possible violation of this act.

39 (2) After January 1, 2025, accreditation by the national environmental  
40 laboratory accreditation program, ANSI/ASQ national accreditation board  
41 or another accrediting body approved by the director shall be required for  
42 licensure of a laboratory and the renewal thereof.

43 New Sec. 30. (a) The director shall recommend such rules and

1 regulations as necessary to implement the provisions of this act. After a  
2 public hearing on a proposed rule and regulation has been held as required  
3 by law, the director shall submit such proposed rule and regulation to the  
4 secretary of revenue, who shall adopt the rule and regulation upon  
5 approval by the secretary. Such rules and regulations shall include, but are  
6 not limited to:

7 (1) Establishing internal control policies and procedures for the  
8 review of license applications and the issuance and renewal of licenses;

9 (2) establishing fees for licenses;

10 (3) verifying the sources of financing for license applicants;

11 (4) establishing policies and procedures for the reporting and tracking  
12 of:

13 (A) Adverse events;

14 (B) product recalls; and

15 (C) complaints; and

16 (5) any other policies and procedures recommended by the Kansas  
17 medical cannabis advisory board.

18 (b) It is intended by this act that the director shall have broad  
19 discretionary powers to govern the traffic in medical cannabis in this state  
20 and to strictly enforce all the provisions of this act in the interest of  
21 sanitation, purity of products, truthful representation and honest dealings  
22 in such manner as generally will promote the public health and welfare.  
23 All valid rules and regulations adopted under the provisions of this act  
24 shall be absolutely binding upon all licensees and enforceable by the  
25 director through the power of suspension or revocation of licenses.

26 New Sec. 31. The director shall establish and maintain an electronic  
27 database to monitor medical cannabis from its seed source through its  
28 cultivation, testing, processing, distribution and dispensing. The director  
29 may contract with a separate entity to establish and maintain all or any  
30 portion of the electronic database on behalf of the agency.

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

1 reports issued pursuant to vouchers approved by the director, or the  
2 director's designee.

3 (b) Moneys in the medical cannabis regulation fund shall be used for  
4 costs related to the regulation and enforcement of the cultivation,  
5 possession, processing and sale of medical cannabis by the Kansas medical  
6 cannabis agency.

7 New Sec. 33. (a) In addition to or in lieu of any other civil or criminal  
8 penalty as provided by law, the director may impose a civil penalty or  
9 suspend or revoke a license upon a finding that the licensee committed a  
10 violation as provided in this section.

11 (b) (1) Upon a finding that a licensee has sold, transferred or  
12 otherwise distributed medical cannabis in violation of this act, the director  
13 may impose a civil fine not to exceed \$1,000 for a first offense and not to  
14 exceed \$5,000 for a second or subsequent offense.

15 (2) Upon a showing that a licensee acted willfully or with gross  
16 negligence in selling, transferring or otherwise distributing medical  
17 cannabis in violation of this act, the director may suspend or revoke such  
18 licensee's license.

19 (c) (1) Upon a finding that a patient or caregiver intentionally  
20 diverted medical cannabis or medical cannabis products to an unauthorized  
21 person in violation of this act, the director may impose a civil fine not to  
22 exceed \$2,000 for a first offense and not to exceed \$5,000 for a second or  
23 subsequent offense.

24 (2) Upon a showing that a patient or caregiver acted willfully or with  
25 gross negligence in intentionally diverting medical cannabis or medical  
26 cannabis products to an unauthorized person in violation of this act, the  
27 director may suspend or revoke such patient's or caregiver's identification  
28 card.

29 (d) Upon a showing that a patient or caregiver violated any reporting  
30 requirements with respect to medical cannabis cultivated by such patient  
31 or caregiver, the director may impose a civil fine not to exceed \$250.

32 New Sec. 34. (a) A tax is hereby imposed upon the privilege of  
33 selling medical cannabis and medical cannabis products in this state by  
34 any retailer at the rate of 4% on the gross receipts received from the sale of  
35 medical cannabis to patients and caregivers holding an identification card  
36 issued pursuant to section 9, and amendments thereto. The tax imposed by  
37 this section shall be paid by the patient or caregiver at the time of  
38 purchase.

39 (b) On or before the 20<sup>th</sup> day of each calendar month, every retailer  
40 shall file a return with the director of taxation showing the quantity of  
41 medical cannabis and medical cannabis products sold to patients and  
42 caregivers within this state during the preceding calendar month. Each  
43 return shall be accompanied by a remittance for the full tax liability



1 shown.

2 (c) All moneys received by the director of taxation, or the director's  
3 designee, from taxes imposed by this section shall be remitted to the state  
4 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
5 amendments thereto. Upon receipt of each such remittance, the state  
6 treasurer shall deposit the entire amount in the state treasury to the credit  
7 of the medical cannabis revenues fund, established by section 37, and  
8 amendments thereto.

9 New Sec. 35. The director of taxation shall have the power to:

10 (a) Require any retailer to furnish additional information deemed  
11 necessary for the purpose of computing the amount of the taxes due  
12 pursuant to section 34, and amendments thereto;

13 (b) examine all books, records and files of such persons or entities;  
14 and

15 (c) issue subpoenas and examine witnesses under oath, and if any  
16 witness fails or refuses to appear at the request of the director, or refuses  
17 access to books, records and files, the district court of the proper county, or  
18 the judge thereof, on application of the director, shall compel obedience by  
19 proceedings for contempt, as in the case of disobedience of the  
20 requirements of a subpoena issued from such court or a refusal to testify  
21 therein.

22 New Sec. 36. The provisions of K.S.A. 75-5133, 79-3610, 79-3611,  
23 79-3612, 79-3613, 79-3615 and 79-3617, and amendments thereto,  
24 relating to the assessment, collection, appeal and administration of the  
25 retailers' sales tax, insofar as practical, shall have full force and effect with  
26 respect to taxes, penalties and fines imposed by section 34, and  
27 amendments thereto.

28 New Sec. 37. (a) There is hereby established the medical cannabis  
29 revenues fund in the state treasury. All expenditures and transfers from  
30 such fund shall be made in accordance with appropriation acts. All moneys  
31 credited to such Kfund shall be expended or transferred only for the  
32 purposes of medical cannabis research, public health programs, mental  
33 health programs, telemedicine programs, drug and alcohol abuse and  
34 prevention programs, elementary and secondary school health programs,  
35 broadband or high-speed internet connectivity initiatives, expenditures  
36 from the state water plan fund and property tax relief for individuals who  
37 are 60 years of age or older.

38 (b) (1) On July 1, 2024, and each July 1 thereafter, or as soon  
39 thereafter such date as moneys are available, the first \$4,000,000 credited  
40 to the medical cannabis revenues fund shall be transferred by the director  
41 of accounts and reports from the medical cannabis revenues fund to the  
42 operating grant, including official hospitality, account of the department of  
43 commerce in the state general fund to be expended for the expansion of

1 broadband internet connectivity.

2 (2) On July 1, 2024, and each July 1 thereafter, or as soon thereafter  
3 such date as moneys are available, after the transfer has been made under  
4 paragraph (1), the next \$4,000,000 credited to the medical cannabis  
5 revenues fund shall be transferred by the director of accounts and reports  
6 from the medical cannabis revenues fund to the community crisis  
7 stabilization centers fund of the Kansas department for aging and disability  
8 services.

9 (3) On July 1, 2024, and each July 1 thereafter, or as soon thereafter  
10 such date as moneys are available, after the transfers have been made  
11 under paragraphs (1) and (2), the next \$4,000,000 credited to the medical  
12 cannabis revenues fund shall be transferred by the director of accounts and  
13 reports from the medical cannabis revenues fund to the state water plan  
14 fund established by K.S.A. 82a-951, and amendments thereto.

15 (c) There is hereby established in the state treasury the medical  
16 cannabis refund fund. The medical cannabis refund fund shall be held by  
17 the state treasurer for prompt refunding of all overpayments of the tax  
18 levied and collected pursuant to section 34, and amendments thereto. The  
19 medical cannabis refund fund shall be maintained in an amount  
20 determined by the secretary of revenue as necessary to meet current  
21 refunding requirements, but such amount shall not exceed \$10,000.

22 New Sec. 38. No state or municipal law enforcement agency, or any  
23 officer or employee thereof, shall provide any identifying information  
24 concerning a patient or caregiver who has been issued an identification  
25 card pursuant to section 9, and amendments thereto, to any federal law  
26 enforcement agency or law enforcement agency of another jurisdiction for  
27 the purpose of any investigation of a crime involving possession of  
28 cannabis, unless such law enforcement agency recognizes the lawful  
29 purchase, possession and consumption of medical cannabis under the  
30 Kansas medical cannabis act.

31 New Sec. 39. Nothing in this act shall prohibit a commercial real  
32 property owner or a business owner from prohibiting the consumption of  
33 medical cannabis or medical cannabis products on such owner's premises  
34 or within 10 feet of any entryway to such premises.

35 New Sec. 40. (a) No rental agreement for subsidized housing shall  
36 contain a provision or impose a rule that prohibits a patient or caregiver  
37 who has been issued an identification card pursuant to section 9, and  
38 amendments thereto, to agree, as a condition of tenancy, to a prohibition or  
39 restriction on the possession or use of medical cannabis in such person's  
40 residence. A landlord may impose reasonable restrictions related to the use  
41 of medical cannabis by any person in public areas of the premises and such  
42 possession and use shall be in accordance with this act.

43 (b) As used in this section:

1 (1) "Rental agreement" means an agreement, written or oral, and  
2 valid rules and regulations embodying the terms and conditions concerning  
3 the use and occupancy of a dwelling unit; and

4 (2) (A) "Subsidized housing" means a rental unit for which the  
5 landlord receives rental assistance payments under a rental assistance  
6 agreement administered by the United States department of agriculture  
7 under the multi-family housing rental assistance program under title V of  
8 the federal housing act of 1949 or receives housing assistance payments  
9 under a housing assistance payment contract administered by the United  
10 States department of housing and urban development under the housing  
11 choice voucher program, the new construction program, the substantial  
12 rehabilitation program or the moderate rehabilitation program under  
13 section 8 of the United States housing act of 1937.

14 (B) "Subsidized housing" does not include owner-occupied housing  
15 accommodations of four units or fewer.

16 New Sec. 41. No patient or caregiver who has been issued an  
17 identification card pursuant to section 9, and amendments thereto, shall be  
18 denied the ability to purchase or possess a firearm, ammunition or firearm  
19 accessories solely on the basis that such individual purchases, possesses or  
20 consumes medical cannabis in accordance with the provisions of this act.

21 New Sec. 42. (a) A patient or caregiver who has been issued an  
22 identification card pursuant to section 9, and amendments thereto, shall not  
23 be denied eligibility in any public assistance or social welfare programs,  
24 including, but not limited to, the state medical assistance program, the  
25 supplemental nutrition assistance program, the women, infants and  
26 children nutrition program and the temporary assistance for needy families  
27 program solely on the basis that such individual purchases, possesses or  
28 consumes medical cannabis in accordance with this act.

29 (b) Nothing in this section shall be construed to require the state  
30 medical assistance program or any other public assistance program to  
31 reimburse an individual for the costs associated with the purchase,  
32 possession or consumption of medical cannabis, unless otherwise required  
33 by federal law.

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

40 New Sec. 43. (a) The board of education of a school district may  
41 prohibit the consumption of medical cannabis on the premises of any  
42 school operated by such school district except by patients who have been  
43 issued an identification card pursuant to section 9, and amendments

1 thereto, and who consume medical cannabis through any means other than  
2 smoking in accordance with the provisions of this act.

3 (b) No student shall be denied participation in any curricular or  
4 extracurricular activities solely on the basis that such student possesses or  
5 consumes medical cannabis in accordance with the provisions of this act.

6 New Sec. 44. (a) The governing body or the chief administrative  
7 officer, if no governing body exists, of a postsecondary educational  
8 institution, as defined in K.S.A. 74-3201b, and amendments thereto, shall  
9 permit any student enrolled in such postsecondary educational institution  
10 who is a patient that has been issued an identification card pursuant to  
11 section 9, and amendments thereto, to possess and consume medical  
12 cannabis in accordance with the provisions of this act.

13 (b) No student shall be denied participation in any curricular or  
14 extracurricular activities solely on the basis that such student possesses or  
15 consumes medical cannabis in accordance with the provisions of this act.

16 New Sec. 45. The provisions of the Kansas medical cannabis act are  
17 hereby declared to be severable. If any part or provision of the Kansas  
18 medical cannabis act is held to be void, invalid or unconstitutional, such  
19 part or provision shall not affect or impair any of the remaining parts or  
20 provisions of the Kansas medical cannabis act and any such remaining  
21 parts or provisions shall continue in full force and effect.

22 New Sec. 46. The provisions of sections 46 through 67, and  
23 amendments thereto, shall be known and may be cited as the Kansas  
24 cannabidiol regulation act.

25 New Sec. 47. As used in the Kansas cannabidiol regulation act:

26 (a) "Cannabidiol" means the compound (other trade name: 2-[(3-  
27 methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-  
28 benzenediol)) derived from any part of the cannabis sativa plant that  
29 contains not more than 0.3% tetrahydrocannabinol.

30 (b) (1) "Cannabidiol products" means any product that contains  
31 cannabidiol that is intended for consumption or topical application,  
32 including, but not limited to, oils, lotions, tinctures, edibles and capsules.

33 (2) "Cannabidiol products" does not include medical cannabis,  
34 medical cannabis concentrate or medical cannabis products, as such terms  
35 are defined in section 2, and amendments thereto, or hemp products, as  
36 defined in K.S.A. 2-3901, and amendments thereto.

37 (c) "Director" means the director of the division of alcoholic beverage  
38 control.

39 (d) "Person" means any natural person, corporation, partnership, trust,  
40 association or other form of business organization.

41 (e) "Retailer" means a person licensed pursuant to this act that  
42 engages in the retail sale of cannabidiol products.

43 (f) "Sale" means any transfer, exchange or barter in any manner or by

1 any means whatsoever for a consideration and includes all sales made by  
2 any person, whether principal, proprietor, agent, servant or employee of a  
3 retailer.

4 (g) "Secretary" means the secretary of revenue.

5 New Sec. 48. (a) No person shall engage in the retail sale of  
6 cannabidiol products in this state except as specifically authorized in this  
7 act.

8 (b) Nothing in this act shall prohibit:

9 (1) The possession and transportation of cannabidiol products for the  
10 personal use of the possessor, the possessor's family and guests;

11 (2) any licensed practicing physician or dentist from possessing or  
12 using cannabidiol products in the strict practice of the medical or dental  
13 profession, including any cannabidiol treatment preparations, as defined in  
14 K.S.A. 2023 Supp. 65-6235, and amendments thereto;

15 (3) any hospital or other institution caring for sick and diseased  
16 persons, from possessing and using cannabidiol products for the treatment  
17 of bona fide patients of such hospital or institution, including any  
18 cannabidiol treatment preparations, as defined in K.S.A. 2023 Supp. 65-  
19 6235, and amendments thereto; or

20 (4) any pharmacy employing a licensed pharmacist from possessing  
21 and using cannabidiol products in the compounding of prescriptions,  
22 including any cannabidiol treatment preparations, as defined in K.S.A.  
23 2023 Supp. 65-6235, and amendments thereto.

24 (c) For purposes of this section, "guest" means a natural person who  
25 is known to the host and receives a personal invitation to an event  
26 conducted by the host. "Guest" does not mean a natural person who  
27 receives an invitation to an event conducted by the host when such  
28 invitation has been made available to the general public.

29 New Sec. 49. (a) A license shall allow a retailer to engage in the retail  
30 sale of cannabidiol products. A license shall permit the retail sale of  
31 cannabidiol products only on the licensed premises and shall not permit  
32 the sale of such products for resale in any form.

33 (b) A licensee may:

34 (1) Charge a delivery fee for delivery of cannabidiol products;

35 (2) distribute to the public, without charge, consumer advertising  
36 specialties bearing advertising matter, subject to rules and regulations of  
37 the secretary limiting the form and distribution of such specialties so that  
38 they are not conditioned on or an inducement to the purchase of  
39 cannabidiol products; and

40 (3) sell any other good or service on the licensed premises.

41 New Sec. 50. (a) No license shall be issued to a person who:

42 (1) Is not a citizen of the United States;

43 (2) has been convicted of a felony under the laws of this state, any

1 other state or the United States, except for any cannabis-related offenses or  
2 any conviction that has been expunged;

3 (3) has had a license revoked for cause under the provisions of this  
4 act;

5 (4) is not at least 21 years of age;

6 (5) intends to carry on the business authorized by the license as agent  
7 of another;

8 (6) at the time of application for renewal of any license issued under  
9 this act would not be eligible for the license upon a first application;

10 (7) does not own the premises for which a license is sought, or does  
11 not, at the time of application, have a written lease thereon;

12 (8) does not provide any data or information required by section 51,  
13 and amendments thereto;

14 (9) is a copartnership, unless all of the copartners are qualified to  
15 obtain a license;

16 (10) is a corporation or limited liability company, except as provided  
17 in subsection (b) or (c); or

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

22 (b) Any limited liability company applying for a license shall be  
23 required to meet the qualifications for licensure of a corporation. Such  
24 applicant shall submit a copy of its articles of organization and operating  
25 agreement to the director in such form and manner as prescribed by the  
26 director.

27 (c) (1) No corporation, either organized under the laws of this state,  
28 any other state or a foreign country, shall be issued a license unless the  
29 corporation has first procured a certificate of authority from the secretary  
30 of state to do business in this state as provided by law, appointed a citizen  
31 of the United States who is a resident of Kansas as its agent and filed with  
32 the director a duly authenticated copy of a duly executed power of  
33 attorney, authorizing the agent to accept service of process from the  
34 director and the courts of this state and to exercise full authority of the  
35 corporation and full authority, control and responsibility for the conduct of  
36 all business and transactions of the corporation within the state relative to  
37 the business licensed and the retail sale of cannabidiol products. The agent  
38 shall be satisfactory to and approved by the director with respect to the  
39 agent's character. The agent shall at all times be maintained by the  
40 corporation.

41 (2) As a condition precedent to the issuance of a license to a  
42 corporation, such corporation shall file with the secretary of state of the  
43 state of Kansas, a duly authorized and executed power of attorney,

1 authorizing the secretary of state to accept service of process from the  
2 director and the courts of this state and to accept service of any notice or  
3 order provided for in this act. Such acts by the secretary of state shall be  
4 fully binding upon the corporation.

5 New Sec. 51. (a) If an applicant for licensure is not a resident of the  
6 state of Kansas on the date of submission of such application, the director  
7 may require the individual applicant, or if the applicant is a corporation,  
8 partnership or trust, each individual officer, director, stockholder, copartner  
9 or trustee to:

10 (1) Submit to a national criminal history record check and provide the  
11 director with a legible set of fingerprints;

12 (2) disclose to the director any substantial financial interest the  
13 applicant owns in any entity that receives proceeds from the sale of  
14 cannabidiol products; and

15 (3) submit a release allowing the director to have access to and  
16 review of the applicant's financial records to verify ownership and to  
17 ensure that the applicant is not an agent of another person. Such release  
18 shall remain in effect after the license has been issued until the license is  
19 canceled or revoked.

20 (b) The director shall submit the fingerprints provided under  
21 subsection (a) to the Kansas bureau of investigation and to the federal  
22 bureau of investigation and receive a reply to enable the director to verify  
23 the identity of such applicant or such individuals specified in subsection  
24 (a) and whether such applicant or such individuals have been convicted of  
25 any crimes that would disqualify the applicant or such individuals from  
26 holding a license under this act. The director is authorized to use the  
27 information obtained from the national criminal history record check to  
28 determine such applicant's or individual's eligibility to hold such license.

29 (c) All costs incurred pursuant to this section to ensure that the  
30 applicant is qualified for licensure shall be paid by the applicant.

31 (d) If the applicant is not a Kansas resident, no license shall be issued  
32 until the applicant has appointed a citizen of the United States who is a  
33 resident of Kansas as the applicant's agent and filed with the director a  
34 duly authenticated copy of a duly executed power of attorney, authorizing  
35 the agent to accept service of process from the director and the courts of  
36 this state and to exercise full authority, control and responsibility for the  
37 conduct of all business and transactions within the state relative to the  
38 business licensed and the retail sale of cannabidiol products. The agent  
39 shall be satisfactory to and approved by the director, except that the  
40 director shall not approve as an agent any person who:

41 (1) Has been convicted of a felony under the laws of this state, any  
42 other state or the United States, except for any cannabis-related offenses or  
43 any conviction that has been expunged;

1 (2) has had a license issued under this act revoked for cause; or

2 (3) is less than 21 years of age.

3 (e) As a condition precedent to the issuance of a license to a  
4 nonresident applicant, such applicant shall file with the secretary of state a  
5 written irrevocable consent that any action or garnishment proceeding may  
6 be commenced against such applicant in the proper court of any county in  
7 this state in which the cause of action arises or in which the plaintiff  
8 resides by the service of process on the resident agent specified in  
9 subsection (d), and stipulating and agreeing that such service shall be  
10 taken and held in all courts to be as valid and binding as if due service had  
11 been made upon the applicant. The written consent shall state that the  
12 courts of this state have jurisdiction over the person of such applicant and  
13 are the proper and convenient forum for such action and shall waive the  
14 right to request a change of jurisdiction or venue to a court outside this  
15 state and that all actions arising under this act and commenced by the  
16 applicant shall be brought in this state's courts as the proper and  
17 convenient forum. Such consent shall be executed by the applicant and if a  
18 corporation, by the president and secretary of the corporate applicant, and  
19 shall be accompanied by a duly certified copy of the order or resolution of  
20 the board of directors, trustees or managers authorizing the president and  
21 secretary to execute such consent.

22 New Sec. 52. (a) Applications for a license shall be completed and  
23 submitted to the director in such form and manner as prescribed by the  
24 director. Each applicant shall submit an application fee of \$25 for each  
25 application or renewal application to defray the cost of processing the  
26 application. Any license fee paid by an applicant shall be returned to the  
27 applicant if the application is denied.

28 (b) Payment of all fees required to be paid pursuant to this section  
29 may be made by personal, certified or cashier's check, United States post  
30 office money order, debit or credit card or cash, or by electronic payment  
31 authorized by the applicant in a manner prescribed by the director.

32 (c) All fees received by the director pursuant to this section shall be  
33 remitted by the director to the state treasurer in accordance with the  
34 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
35 each such remittance, the state treasurer shall deposit the entire amount in  
36 the state treasury to the credit of the state general fund.

37 (d) The license fee shall be \$50.

38 New Sec. 53. (a) Except as provided by subsection (b), within 30  
39 days after an application is filed for a license, the director shall enter an  
40 order either denying or granting such license. If the director does not enter  
41 an order within the time prescribed, the license applied for shall be deemed  
42 to have been denied. The director, with the written consent of the  
43 applicant, may delay entering an order on an application for an additional



1 period of not to exceed 30 days. A license shall be issued and renewed by  
2 the director to qualified applicants upon written application, receipt of  
3 bond properly executed and payment in advance of the application fee and  
4 the required portion of the license fee.

5 (b) In order to complete any national criminal history record check of  
6 an applicant, and if the applicant is not a resident of the state of Kansas on  
7 the date of submission of such application or has not been a resident for at  
8 least one year immediately preceding the date of submission of such  
9 application, the director shall enter an order either denying or granting the  
10 license within 90 days after such application is filed. If the director does  
11 not enter an order within the time prescribed, the license applied for shall  
12 be deemed to have been denied. The director, with the written consent of  
13 the applicant, may delay entering an order on an application for an  
14 additional period of not to exceed 30 days.

15 New Sec. 54. (a) A license shall apply only to the premises described  
16 in the application and in the license issued. Only one location shall be  
17 described in each license. After such license has been granted for such  
18 premises, the director may endorse such license with the permission to  
19 abandon such premises. To obtain such permission the licensee shall file a  
20 written request for such permission with the director that includes a  
21 statement under oath that the new premises to be specified on the license is  
22 in compliance with the requirements of this act. No such change in  
23 premises shall be made by any licensee until such license has been  
24 endorsed to that effect in writing by the director.

25 (b) Each licensee shall cause such license to be framed and displayed  
26 in plain view in a conspicuous location on the licensed premises.

27 New Sec. 55. (a) The license term for a license shall commence on  
28 the effective date as specified on the license and shall end two years after  
29 that date unless sooner suspended, involuntarily canceled or revoked. The  
30 director may, at the director's sole discretion and after examination of the  
31 circumstances, extend the license term of any license for not more than 30  
32 days beyond the date such license would expire pursuant to this section.

33 (b) A license shall be purely a personal privilege and shall not: (1)  
34 constitute property; (2) be subject to attachment, garnishment or  
35 execution; (3) be alienable or transferable, voluntarily or involuntarily; or  
36 (4) be subject to being encumbered or hypothecated. A license shall not  
37 descend by the laws of testate or intestate devolution but shall cease and  
38 expire upon the death of the licensee, except that executors, administrators  
39 or representatives of the estate of any deceased licensee and the trustee of  
40 any insolvent or bankrupt licensee, when such estate consists in part of  
41 cannabidiol products, may continue the business of the sale of cannabidiol  
42 products under order of the appropriate court and may exercise the  
43 privilege of the deceased, insolvent or bankrupt licensee after the death of

1 such decedent, or after such insolvency or bankruptcy, until the expiration  
2 of such license but not longer than one year after the death, bankruptcy or  
3 insolvency of such licensee.

4 (c) When the licensee pays the full amount of the license fee upon  
5 application and is prevented from operating under such license in  
6 accordance with the provisions of this act for the entire second year of the  
7 license term, a refund shall be made of  $\frac{1}{2}$  of the license fee paid by such  
8 licensee. The secretary of revenue may adopt rules and regulations that  
9 provide for the authorization of refunds of  $\frac{1}{2}$  of the license fee paid when  
10 the licensee does not use such license for the entire second year of the  
11 license term as a result of the cancellation of the license upon the request  
12 of the licensee for voluntary reasons.

13 (d) Any licensee may renew such license at the expiration thereof if  
14 such licensee is qualified to receive a license and the premises for which  
15 such renewal license is sought are suitable for such purpose.

16 New Sec. 56. (a) The director shall propose rules and regulations as  
17 necessary to develop acceptable testing and research practices in  
18 consultation with the laboratory the director has contracted with under  
19 section 27, and amendments thereto, including, but not limited to, testing,  
20 standards, quality control analysis, equipment certification and calibration  
21 and chemical identification and substances used in bona fide research  
22 methods.

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

25 (1) The cleanliness and orderliness of the premises of a laboratory  
26 facility and the establishing of such facilities in secure locations;

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

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

32 (4) controlled access areas for storage of cannabidiol product test  
33 samples, cannabidiol waste and reference standards;

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

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

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

39 (8) the transport and disposal of unused cannabidiol products and  
40 waste;

41 (9) the mandatory use by a laboratory facility of an inventory tracking  
42 system to ensure all test harvest and production batches or samples  
43 containing cannabidiol products are identified and tracked from the point

1 where such batches or samples are transferred from a retailer through the  
2 point of transfer, destruction or disposal. The inventory tracking system  
3 reporting shall include the results of any tests that are conducted;

4 (10) the employment of laboratory personnel;

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

7 (12) the successful participation in a proficiency testing program  
8 approved by the director for conducting testing in order to obtain and  
9 maintain certification;

10 (13) the establishment of and adherence to a quality assurance and  
11 quality control program to ensure sufficient monitoring of laboratory  
12 processes and the quality of results reported;

13 (14) the immediate recall of cannabidiol products that test above  
14 allowable thresholds or are otherwise determined to be unsafe;

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

17 (16) the establishment by the laboratory facility of a system to retain  
18 and maintain all required records, including business records, and  
19 processes to ensure results are reported in a timely and accurate manner;  
20 and

21 (17) any other aspect of laboratory testing of cannabidiol products  
22 deemed necessary by the director.

23 New Sec. 57. (a) The director shall approve one or more laboratory  
24 facilities for the testing of cannabidiol products in accordance with this  
25 act.

26 (b) A laboratory facility shall:

27 (1) Not be owned by a person who is a direct or indirect beneficial  
28 owner of a retailer;

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

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

40 (4) not test samples for any retailer in which an owner, employee or  
41 agent of the laboratory facility has any form of ownership or financial  
42 interest in such retailer that submitted the sample for testing;

43 (5) promptly provide the director access to:

- 1 (A) A report of a test and any underlying data that is conducted on a  
2 sample; and
- 3 (B) laboratory premises and to any material or information requested  
4 by the director to determine compliance with the requirements of this  
5 section;
- 6 (6) retain all results of laboratory tests conducted on cannabidiol  
7 products for a period of at least two years and make such results available  
8 to the director upon request;
- 9 (7) establish standards, policies and procedures for laboratory testing  
10 procedures;
- 11 (8) (A) test samples from each harvest batch or product batch, as  
12 appropriate, of cannabidiol product for each of the following categories of  
13 testing, consistent with standards developed by the director:
- 14 (i) Microbials;  
15 (ii) mycotoxins;  
16 (iii) residual solvents;  
17 (iv) pesticides;  
18 (v) tetrahydrocannabinol and other cannabinoid potency;  
19 (vi) terpenoid potency type and concentration;  
20 (vii) moisture content;  
21 (viii) homogeneity; and  
22 (ix) heavy metals; and
- 23 (B) only accept a test batch of usable cannabidiol product for testing  
24 purposes from a retailer that has separated each cannabidiol production lot  
25 into production batches containing not more than 10 pounds.
- 26 (c) A laboratory facility may:
- 27 (1) Transfer samples to another laboratory facility for testing. All  
28 laboratory reports provided to a retailer shall identify the laboratory  
29 facility that performed the testing of the sample; and
- 30 (2) transport samples of cannabidiol product for testing between the  
31 retailer requesting testing services and the laboratory facility performing  
32 testing services.
- 33 (d) (1) A laboratory facility shall be inspected prior to initial approval  
34 and up to six times annually by an inspector approved by the director. The  
35 director may enter the laboratory facility to conduct investigations and  
36 additional inspections when the director believes an investigation or  
37 additional inspection is necessary due to a possible violation of this act.
- 38 (2) After January 1, 2025, accreditation by the national environmental  
39 laboratory accreditation program, ANSI/ASQ national accreditation board  
40 or another accrediting body approved by the director shall be required for  
41 approval of a laboratory facility.
- 42 New Sec. 58. (a) All cannabidiol products sold at retail in this state  
43 shall be from a batch of such product that has been tested in accordance

1 with this act and any rules and regulations adopted pursuant thereto.

2 (b) A sample of each batch shall be submitted to an approved  
3 laboratory facility for testing by either the manufacturer of such  
4 cannabidiol product or the retailer. The laboratory facility shall certify  
5 each batch that satisfies the definition of cannabidiol product under section  
6 47, and amendments thereto, and any requirements of the director  
7 regarding purity of the product. Any batch that is not certified shall be  
8 destroyed or returned to the manufacturer.

9 New Sec. 59. (a) Cannabidiol products shall not be sold, conveyed or  
10 otherwise transferred by a retailer to any individual who is less than 18  
11 years of age.

12 (b) All cannabidiol products shall be sold in sealed, child-proof  
13 packaging that is properly labeled in accordance with rules and regulations  
14 adopted by the secretary. Such packaging shall not contain any words,  
15 images, symbols or other markings that would make the cannabidiol  
16 product appealing to minors.

17 (c) All cannabidiol products shall be tracked through an electronic  
18 product tracking system approved by the director with each product label  
19 containing a unique quick-response code or other unique identifier for easy  
20 identification in the tracking system.

21 New Sec. 60. (a) Any citation issued by an agent of the division of  
22 alcoholic beverage control for a violation of this act shall be delivered to  
23 the licensee or a person in charge of the licensed premises at the time of  
24 the alleged violation. A copy of such citation also shall be delivered by  
25 United States mail to the licensee within 30 days of the alleged violation.

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

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

- 39 (1) The name of the licensee;
- 40 (2) the date and time of the alleged violation;
- 41 (3) a description of the alleged violation; and
- 42 (4) a statement that a report of the alleged violation will be submitted  
43 to the division of alcoholic beverage control for review.

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

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

8 New Sec. 61. Any licensee who has been the subject of an operation  
9 conducted by the division of alcoholic beverage control or any local law  
10 enforcement agency to determine compliance with the provisions of laws  
11 relating to the retail sale of cannabidiol products shall be issued a written  
12 notice of compliance with such laws within 30 days of the date of such  
13 operation.

14 New Sec. 62. (a) In addition to or in lieu of any other civil or criminal  
15 penalty provided by law, the director, upon a finding that a licensee has  
16 violated any provision of this act, may impose on such licensee a civil fine  
17 not to exceed \$1,000 for each violation.

18 (b) No fine shall be imposed pursuant to this section except upon the  
19 written order of the director to the licensee who committed the violation.  
20 Such order shall state the violation, the fine to be imposed and the right of  
21 the licensee to appeal the order. Such order shall be subject to appeal and  
22 review in accordance with the provisions of the Kansas administrative  
23 procedure act and K.S.A. 41-321, and amendments thereto.

24 (c) Any fine imposed pursuant to this section shall be remitted to the  
25 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
26 amendments thereto. Upon receipt of each such remittance, the state  
27 treasurer shall deposit the entire amount in the state treasury to the credit  
28 of the state general fund.

29 New Sec. 63. (a) The director may suspend, involuntarily cancel or  
30 revoke any license issued pursuant to this act if the director determines  
31 that:

32 (1) The licensee has:

33 (A) Fraudulently obtained the license by providing false information  
34 on the application therefor, or at any hearing thereon;

35 (B) violated any of the provisions of the Kansas cannabidiol  
36 regulation act, any rules or regulations adopted pursuant to such act or any  
37 lawful order issued by the director; or

38 (C) become ineligible to obtain a license or permit under section 50,  
39 and amendments thereto.

40 (2) the licensee or the licensee's spouse has been convicted of a  
41 violation of the laws of any state or the laws of the United States relating  
42 to controlled substances or has forfeited a bond to appear in court to  
43 answer charges for any such violation within the 10 years immediately

1 preceding the date of application for renewal of such license or the date of  
2 revocation of such licensee.

3 (b) Except as provided in subsection (c), no license shall be  
4 suspended, involuntarily canceled or revoked unless there is an  
5 opportunity for a hearing before the director.

6 (c) When proceedings for the suspension, involuntary cancellation or  
7 revocation of a license are filed and the licensee has been issued more than  
8 one license for premises in this state, any order of the director suspending  
9 or revoking the license at any one place of business shall suspend or  
10 revoke all licenses issued to the distributor. When one person is the holder  
11 of stock or an ownership interest in two or more corporations licensed  
12 under the provisions of this act, any order of the director suspending or  
13 revoking the license of any such corporation shall operate as a suspension  
14 or revocation of the license of all corporation licensees of which the  
15 person is a stockholder.

16 (d) Whenever the director denies an application for any license or  
17 suspends, involuntarily cancels or revokes any license, the director shall  
18 prepare an order so providing that shall be signed by the director, or the  
19 director's designee, and the seal of the director shall be affixed thereto. The  
20 order shall state the reason or reasons for the denial, suspension,  
21 involuntary cancellation or revocation. The order shall be served in  
22 accordance with the provisions of K.S.A. 77-531, and amendments  
23 thereto.

24 (e) Notwithstanding any provision of the law to the contrary, the  
25 secretary may designate the director to be the presiding officer in any  
26 proceeding conducted pursuant to this section.

27 New Sec. 64. Notwithstanding the provisions of the Kansas  
28 administrative procedure act governing the issuance of any written  
29 administrative notice or order concerning the imposition of any proposed  
30 civil fine or other penalty to be imposed for a violation of any of the  
31 provisions of the Kansas cannabidiol regulation act, such notice or order  
32 shall be issued not later than 90 days after the date that a citation for such  
33 violation was issued.

34 New Sec. 65. (a) Any applicant or licensee aggrieved by any order of  
35 the director may appeal from such order to the secretary by filing a notice  
36 of appeal with the secretary. Such notice of appeal shall be either mailed to  
37 the secretary by certified mail or filed with the secretary within 15 days  
38 after service of the order being appealed or, if such appeal is taken because  
39 the director has failed to enter the order on an application for a license,  
40 within 15 days after the date that an application for a license is considered  
41 to have been denied as provided in section 53, and amendments thereto.  
42 The notice of appeal shall be filed in such form and manner as prescribed  
43 by the secretary. Whenever any such notice of appeal is filed, the secretary

1 shall notify, in writing, the director of such appeal.

2 (b) For the purpose of hearing or conducting any appeal authorized to  
3 be heard by the secretary, the secretary shall have the power to:

4 (1) Examine or cause to be examined, under oath, any licensee, the  
5 director or other person and to examine or cause to be examined books and  
6 records of any such licensee;

7 (2) hear testimony and take proof material for such testimony's  
8 information in hearing such appeal;

9 (3) administer or cause to be administered oaths; and

10 (4) issue subpoenas to require the attendance of witnesses and the  
11 production of books that shall be effective in any part of this state.

12 (c) Any district court may, by order duly entered, require the  
13 attendance of witnesses and the production of relevant books subpoenaed  
14 by the secretary. The district court may compel obedience to the order by  
15 proceedings for contempt.

16 (d) The provisions of the Kansas administrative procedure act shall  
17 apply to all proceedings involving the following:

18 (1) Denial of an application for any license to be issued pursuant to  
19 this act;

20 (2) suspension, involuntary cancellation or revocation of any such  
21 license; and

22 (3) assessment of any civil fine pursuant to section 15, and  
23 amendments thereto.

24 New Sec. 66. (a) The director shall propose such rules and  
25 regulations as necessary to carry out the intent and purposes of this act.  
26 After the hearing on a proposed rule and regulation has been held as  
27 required by law, the director shall submit the proposed rule and regulation  
28 to the secretary of revenue who, if the secretary approves it, shall adopt the  
29 rule and regulation.

30 (b) It is intended by this act that the director of alcoholic beverage  
31 control shall have broad discretionary powers to govern the retail sale of  
32 cannabidiol products and to strictly enforce all the provisions of this act in  
33 the interest of sanitation, purity of products, truthful representation and  
34 honest dealings in such manner as generally will promote the public health  
35 and welfare. All valid rules and regulations adopted under the provisions  
36 of this act shall be absolutely binding upon all licensees and enforceable  
37 by the director of alcoholic beverage control through the power of  
38 suspension, involuntary cancellation or revocation of licenses.

39 (c) The rules and regulations adopted by the secretary of revenue  
40 shall include:

41 (1) Prescribing the nature, form and capacity of all cannabidiol  
42 products for sale at retail;

43 (2) prescribing the nature of and the representations to be shown on



1 the labels attached to any cannabidiol products and requiring that such  
2 labels shall set forth in plain and legible print in the English language the  
3 concentration of tetrahydrocannabinol in such cannabidiol product;

4 (3) prescribing administrative procedures for the issuance of licenses  
5 and the investigation of license applications;

6 (4) prescribing conditions for the issuance of duplicate licenses in lieu  
7 of those lost or destroyed;

8 (5) prescribing those violations of the rules and regulations for which  
9 licenses shall be suspended, involuntarily canceled or revoked;

10 (6) establishing standards of purity, sanitation and honest advertising  
11 and representations;

12 (7) establishing standards for testing cannabidiol products for  
13 tetrahydrocannabinol concentration and any impurities in such products;  
14 and

15 (8) providing for such other details as are necessary or convenient to  
16 the administration and enforcement of this act.

17 New Sec. 67. If any provision of the Kansas cannabidiol regulation  
18 act, or its application to any person or circumstance, is determined by a  
19 court to be invalid or unconstitutional, the remaining provisions shall be  
20 construed in accordance with the intent of the legislature to further limit  
21 rather than to expand commerce in cannabidiol products and to enhance  
22 strict regulatory control over the retail sale of cannabidiol products  
23 through the licensure regulatory system imposed by the Kansas  
24 cannabidiol regulation act upon all cannabidiol products.

25 New Sec. 68. (a) A covered entity, solely on the basis that an  
26 individual consumes medical cannabis in accordance with the provisions  
27 of the Kansas medical cannabis act, section 1 et seq., and amendments  
28 thereto, shall not:

29 (1) Consider such individual ineligible to receive an anatomical gift  
30 or organ transplant;

31 (2) deny medical and other services related to organ transplantation,  
32 including evaluation, surgery, counseling and post-transplantation  
33 treatment and services;

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

36 (4) refuse to place such individual on an organ transplant waiting list;  
37 or

38 (5) place such individual at a lower-priority position on an organ  
39 transplant waiting list than the position at which such individual would  
40 have been placed if not for such individual's consumption of medical  
41 cannabis.

42 (b) A covered entity may take into account an individual's  
43 consumption of medical cannabis when making treatment or coverage

1 recommendations or decisions, solely to the extent that such consumption  
2 has been found by a physician, following an individualized evaluation of  
3 the individual, to be medically significant to the provision of the  
4 anatomical gift.

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

8 (d) As used in this section:

9 (1) The terms "anatomical gift," "covered entity" and "organ  
10 transplant" mean the same as such terms are defined in K.S.A. 65-3276,  
11 and amendments thereto; and

12 (2) the term "medical cannabis" means the same as defined in section  
13 2, and amendments thereto.

14 New Sec. 69. (a) No order shall be issued pursuant to K.S.A. 38-  
15 2242, 38-2243 or 38-2244, and amendments thereto, if the sole basis for  
16 the threat to the child's safety or welfare is that the child resides with an  
17 individual who consumes medical cannabis in accordance with the  
18 provisions of the Kansas medical cannabis act, section 1 et seq., and  
19 amendments thereto, or the child consumes medical cannabis in  
20 accordance with such act.

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

23 New Sec. 70. (a) Notwithstanding any other provision of law, any  
24 person, board, commission or similar body that determines the  
25 qualifications of individuals for licensure, certification or registration shall  
26 not disqualify an individual from licensure, certification or registration  
27 solely because such individual consumes medical cannabis in accordance  
28 with the Kansas medical cannabis act, section 1 et seq., and amendments  
29 thereto.

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

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

32 (2) Kansas highway patrol;

33 (3) office of the attorney general;

34 (4) department of health and environment; or

35 (5) division of alcoholic beverage control.

36 New Sec. 71. (a) Subject to the provisions of K.S.A. 44-1018, and  
37 amendments thereto, it shall be unlawful for any person:

38 (1) To refuse to sell or rent after the making of a bona fide offer, to  
39 fail to transmit a bona fide offer or refuse to negotiate in good faith for the  
40 sale or rental of, or otherwise make unavailable or deny, real property to  
41 any person because such person consumes medical cannabis in accordance  
42 with the provisions of the Kansas medical cannabis act, section 1 et seq.,  
43 and amendments thereto;

1 (2) to discriminate against any person in the terms, conditions or  
2 privileges of sale or rental of real property, or in the provision of services  
3 or facilities in connection therewith, because such person consumes  
4 medical cannabis in accordance with the provisions of the Kansas medical  
5 cannabis act, section 1 et seq., and amendments thereto; and

6 (3) to discriminate against any person in such person's use or  
7 occupancy of real property because such person associates with another  
8 person who consumes medical cannabis in accordance with the provisions  
9 of the Kansas medical cannabis act, section 1 et seq., and amendments  
10 thereto.

11 (b) (1) It shall be unlawful for any person or other entity whose  
12 business includes engaging in real estate-related transactions to  
13 discriminate against any person in making available such a transaction, or  
14 in the terms or conditions of such a transaction, because such person or  
15 any person associated with such person in connection with any real estate  
16 related transaction consumes medical cannabis in accordance with the  
17 provisions of the Kansas medical cannabis act, section 1 et seq., and  
18 amendments thereto.

19 (2) Nothing in this subsection prohibits a person engaged in the  
20 business of furnishing appraisals of real property to take into consideration  
21 factors other than an individual's consumption of medical cannabis in  
22 accordance with the provisions of the Kansas medical cannabis act, section  
23 1 et seq., and amendments thereto.

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

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

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

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

40 New Sec. 72. (a) Any individual or group health insurance policy,  
41 medical service plan, contract, hospital service corporation contract,  
42 hospital and medical service corporation contract, fraternal benefit society  
43 or health maintenance organization, municipal group-funded pool and the

1 state employee healthcare benefits plan shall not exclude coverage for an  
2 insured individual solely on the basis that such insured individual  
3 purchases, possesses or consumes medical cannabis in accordance with the  
4 provisions of the Kansas medical cannabis act, section 1 et seq., and  
5 amendments thereto.

6 (b) No health insurance exchange established within this state or any  
7 health insurance exchange administered by the federal government or its  
8 agencies within this state shall exclude from coverage an insured  
9 individual solely on the basis that such insured individual purchases,  
10 possesses or consumes medical cannabis in accordance with the provisions  
11 of the Kansas medical cannabis act, section 1 et seq., and amendments  
12 thereto.

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

19 Sec. 73. K.S.A. 2-3901 is hereby amended to read as follows: 2-3901.

20 (a) K.S.A. 2-3901 et seq., and amendments thereto, shall be known and  
21 may be cited as the commercial industrial hemp act.

22 (b) As used in the commercial industrial hemp act:

23 (1) "Commercial" means the cultivation or production of industrial  
24 hemp for any purpose authorized under K.S.A. 2-3906, and amendments  
25 thereto.

26 (2) "Delta-9 tetrahydrocannabinol concentration" means the  
27 ~~combined total~~ percentage of delta-9 tetrahydrocannabinol ~~and its optical~~  
28 ~~isomers, their salts and acids, and salts of their acids, reported as free~~  
29 ~~THC:~~

30 (A) On a dry weight basis, of any part of the plant cannabis sativa L.;  
31 or

32 (B) on a percentage by weight basis in hemp products, waste or  
33 substances resulting from the production or processing of industrial hemp.

34 (3) "Effective disposal" includes, but is not limited to:

35 (A) Destruction; or

36 (B) any other method of disposing of industrial hemp or hemp  
37 products found to be in violation of this act that is permitted under the  
38 provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations  
39 adopted thereunder.

40 (4) "Hemp products" means all products made from industrial hemp,  
41 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,  
42 particleboard, plastics, seed, seed meal and seed oil for consumption and  
43 any extract from industrial hemp intended for further processing. Final

1 "hemp products" may contain a tetrahydrocannabinol concentration of not  
2 more than 0.3%. ~~As used in this paragraph, "tetrahydrocannabinol~~  
3 ~~concentration" means the same as in K.S.A. 65-6235(b)(3), and~~  
4 ~~amendments thereto.~~

5 (5) "Hemp producer" means any individual, licensed or otherwise,  
6 engaging in the cultivation or production of industrial hemp for  
7 commercial purposes pursuant to K.S.A. 2-3906, and amendments thereto.

8 (6) "Hemp processor" means a person registered under K.S.A. 2-  
9 3907, and amendments thereto, to process and manufacture industrial  
10 hemp and hemp products.

11 (7) "Industrial hemp" means all parts and varieties of the plant  
12 cannabis sativa L., whether growing or not, that contain a delta-9  
13 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight  
14 basis.

15 (8) "Person" means an individual, corporation, partnership,  
16 association, joint stock company, trust, unincorporated organization or any  
17 similar entity or any combination of the foregoing acting in concert.

18 (9) "State educational institution" means the university of Kansas,  
19 Kansas state university, Wichita state university, Emporia state university,  
20 Pittsburg state university, Fort Hays state university, or any other  
21 accredited college, university, technical college or community college  
22 within Kansas.

23 (10) "Authorized seed or clone plants" means a source of industrial  
24 hemp seeds or clone plants that:

25 (A) Has been certified by a certifying agency, as defined by K.S.A. 2-  
26 1415, and amendments thereto;

27 (B) has been produced from plants that were tested during the active  
28 growing season and were found to produce industrial hemp having a  
29 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry  
30 weight basis and has been certified in writing by the grower or distributor  
31 of such seeds or clone plants to possess such qualities; or

32 (C) meets any other authorized standards approved by the Kansas  
33 department of agriculture through rules and regulations, except that no  
34 seed or clone plants shall be considered authorized seed or clone plants if  
35 they do not meet any standard adopted by the United States department of  
36 agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.

37 Sec. 74. K.S.A. 8-1567 is hereby amended to read as follows: 8-1567.  
38 (a) Driving under the influence is operating or attempting to operate any  
39 vehicle within this state while:

40 (1) The alcohol concentration in the person's blood or breath as  
41 shown by any competent evidence, including other competent evidence, as  
42 defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

43 (2) the alcohol concentration in the person's blood or breath, as

1 measured within three hours of the time of operating or attempting to  
2 operate a vehicle, is 0.08 or more;

3 (3) under the influence of alcohol to a degree that renders the person  
4 incapable of safely driving a vehicle;

5 (4) under the influence of any drug or combination of drugs to a  
6 degree that renders the person incapable of safely driving a vehicle; or

7 (5) under the influence of a combination of alcohol and any drug or  
8 drugs to a degree that renders the person incapable of safely driving a  
9 vehicle.

10 (b) (1) Driving under the influence is:

11 (A) On a first conviction, a class B, nonperson misdemeanor. The  
12 person convicted shall be sentenced to not less than 48 consecutive hours  
13 nor more than six months' imprisonment, or in the court's discretion 100  
14 hours of public service, and fined not less than \$750 nor more than \$1,000;

15 (B) on a second conviction, a class A, nonperson misdemeanor. The  
16 person convicted shall be sentenced to not less than 90 days nor more than  
17 one year's imprisonment and fined not less than \$1,250 nor more than  
18 \$1,750. The following conditions shall apply to such sentence:

19 (i) As a condition of any probation granted under this subsection, the  
20 person shall serve at least 120 hours of confinement. The hours of  
21 confinement shall include at least 48 hours of imprisonment and otherwise  
22 may be served by a combination of: Imprisonment; a work release  
23 program, if such work release program requires such person to return to  
24 the confinement at the end of each day in the work release program; or a  
25 house arrest program pursuant to K.S.A. 21-6609, and amendments  
26 thereto;

27 (ii) (a) if the person is placed into a work release program or placed  
28 under a house arrest program for any portion of the minimum of 120 hours  
29 of confinement mandated by this subsection, the person shall receive hour-  
30 for-hour credit for time served in such program until the minimum  
31 sentence is met. If the person is placed into a work release program or  
32 placed under a house arrest program for more than the minimum of 120  
33 hours of confinement mandated by this subsection, the person shall receive  
34 hour-for-hour credit for time served in such program until the minimum of  
35 120 hours of confinement is completed, and thereafter, the person shall  
36 receive day-for-day credit for time served in such program unless  
37 otherwise ordered by the court; and

38 (b) when in a work release program, the person shall only be given  
39 credit for the time served in confinement at the end of and continuing to  
40 the beginning of the person's work day. When under a house arrest  
41 program, the person shall be monitored by an electronic monitoring device  
42 that verifies the person's location and shall only be given credit for the  
43 time served within the boundaries of the person's residence;

1 (C) on a third conviction, a class A, nonperson misdemeanor, except  
2 as provided in subsection (b)(1)(D). The person convicted shall be  
3 sentenced to not less than 90 days nor more than one year's imprisonment  
4 and fined not less than \$1,750 nor more than \$2,500. The following  
5 conditions shall apply to such sentence:

6 (i) As a condition of any probation granted under this subsection, the  
7 person shall serve at least 30 days of confinement. After at least 48  
8 consecutive hours of imprisonment, the remainder of the period of  
9 confinement may be served by a combination of: Imprisonment; a work  
10 release program, if such work release program requires such person to  
11 return to the confinement at the end of each day in the work release  
12 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
13 amendments thereto; and

14 (ii) (a) if the person is placed into a work release program or placed  
15 under a house arrest program for any portion of the minimum of 30 days  
16 of confinement mandated by this subsection, the person shall receive hour-  
17 for-hour credit for time served in such program for the first 240 hours of  
18 confinement, and thereafter, the person shall receive day-for-day credit for  
19 time served in such program unless otherwise ordered by the court; and

20 (b) when in a work release program, the person shall only be given  
21 credit for the time served in confinement at the end of and continuing to  
22 the beginning of the person's work day. When under a house arrest  
23 program, the person shall be monitored by an electronic monitoring device  
24 that verifies the person's location and shall only be given credit for the  
25 time served within the boundaries of the person's residence;

26 (D) on a third conviction, a severity level 6, nonperson felony if the  
27 person has a prior conviction which occurred within the preceding 10  
28 years, not including any period of incarceration. The following conditions  
29 shall apply to such sentence:

30 (i) As a condition of any probation granted under this subsection, the  
31 person shall serve at least 30 days of confinement. After at least 48  
32 consecutive hours of imprisonment, the remainder of the period of  
33 confinement may be served by a combination of: Imprisonment; a work  
34 release program, if such work release program requires such person to  
35 return to the confinement at the end of each day in the work release  
36 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
37 amendments thereto; and

38 (ii) (a) if the person is placed into a work release program or placed  
39 under a house arrest program for any portion of the minimum of 30 days  
40 of confinement mandated by this subsection, the person shall receive hour-  
41 for-hour credit for time served in such program for the first 240 hours of  
42 confinement, and thereafter, the person shall receive day-for-day credit for  
43 time served in such program unless otherwise ordered by the court; and

1 (b) when in a work release program, the person shall only be given  
2 credit for the time served in confinement at the end of and continuing to  
3 the beginning of the person's work day. When under a house arrest  
4 program, the person shall be monitored by an electronic monitoring device  
5 that verifies the person's location and shall only be given credit for the  
6 time served within the boundaries of the person's residence; and

7 (E) on a fourth or subsequent conviction, a severity level 6,  
8 nonperson felony. The following conditions shall apply to such sentence:

9 (i) As a condition of any probation granted under this subsection, the  
10 person shall serve at least 30 days of confinement. After at least 48  
11 consecutive hours of imprisonment, the remainder of the period of  
12 confinement may be served by a combination of: Imprisonment; a work  
13 release program, if such work release program requires such person to  
14 return to the confinement at the end of each day in the work release  
15 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
16 amendments thereto; and

17 (ii) (a) if the person is placed into a work release program or placed  
18 under a house arrest program for any portion of the minimum of 30 days  
19 of confinement mandated by this subsection, the person shall receive hour-  
20 for-hour credit for time served in such program for the first 240 hours of  
21 confinement, and thereafter, the person shall receive day-for-day credit for  
22 time served in such program unless otherwise ordered by the court; and

23 (b) when in a work release program, the person shall only be given  
24 credit for the time served in confinement at the end of and continuing to  
25 the beginning of the person's work day. When under a house arrest  
26 program, the person shall be monitored by an electronic monitoring device  
27 that verifies the person's location and shall only be given credit for the  
28 time served within the boundaries of the person's residence.

29 (2) The court may order that the term of imprisonment imposed  
30 pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in  
31 the custody of the secretary of corrections in a facility designated by the  
32 secretary for the provision of substance abuse treatment pursuant to the  
33 provisions of K.S.A. 21-6804, and amendments thereto. The secretary of  
34 corrections may refuse to admit the person to the designated facility and  
35 place the person in a different state facility, or admit the person and  
36 subsequently transfer the person to a different state facility, if the secretary  
37 determines: (A) That substance abuse treatment resources or the capacity  
38 of the facility designated by the secretary for the incarceration and  
39 treatment of the person is not available; (B) the person has failed to  
40 meaningfully participate in the treatment program of the designated  
41 facility; (C) the person is disruptive to the security or operation of the  
42 designated facility; or (D) the medical or mental health condition of the  
43 person renders the person unsuitable for confinement at the designated



1 facility. The determination by the secretary that the person either is not to  
2 be admitted into the designated facility or is to be transferred from the  
3 designated facility is not subject to review.

4 (3) In addition, for any conviction pursuant to subsection (b)(1)(C), at  
5 the time of the filing of the judgment form or journal entry as required by  
6 K.S.A. 22-3426 or K.S.A. 21-6711, and amendments thereto, the court  
7 shall cause a certified copy to be sent to the officer having the offender in  
8 charge. The court shall determine whether the offender, upon release from  
9 imprisonment, shall be supervised by community correctional services or  
10 court services based upon the risk and needs of the offender. The risk and  
11 needs of the offender shall be determined by use of a risk assessment tool  
12 specified by the Kansas sentencing commission. The law enforcement  
13 agency maintaining custody and control of a defendant for imprisonment  
14 shall cause a certified copy of the judgment form or journal entry to be  
15 sent to the supervision office designated by the court and upon expiration  
16 of the term of imprisonment shall deliver the defendant to a location  
17 designated by the supervision office designated by the court. After the term  
18 of imprisonment imposed by the court, the person shall be placed on  
19 supervision to community correctional services or court services, as  
20 determined by the court, for a mandatory one-year period of supervision,  
21 which such period of supervision shall not be reduced. During such  
22 supervision, the person shall be required to participate in a  
23 multidisciplinary model of services for substance use disorders facilitated  
24 by a Kansas department for aging and disability services designated care  
25 coordination agency to include assessment and, if appropriate, referral to a  
26 community based substance use disorder treatment including recovery  
27 management and mental health counseling as needed. The  
28 multidisciplinary team shall include the designated care coordination  
29 agency, the supervision officer, the Kansas department for aging and  
30 disability services designated treatment provider and the offender. An  
31 offender for whom a warrant has been issued by the court alleging a  
32 violation of this supervision shall be considered a fugitive from justice if it  
33 is found that the warrant cannot be served. If it is found the offender has  
34 violated the provisions of this supervision, the court shall determine  
35 whether the time from the issuing of the warrant to the date of the court's  
36 determination of an alleged violation, or any part of it, shall be counted as  
37 time served on supervision. Any violation of the conditions of such  
38 supervision may subject such person to revocation of supervision and  
39 imprisonment in jail for the remainder of the period of imprisonment, the  
40 remainder of the supervision period, or any combination or portion  
41 thereof. The term of supervision may be extended at the court's discretion  
42 beyond one year, and any violation of the conditions of such extended term  
43 of supervision may subject such person to the revocation of supervision

1 and imprisonment in jail of up to the remainder of the original sentence,  
2 not the term of the extended supervision.

3 (4) In addition, prior to sentencing for any conviction pursuant to  
4 subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to  
5 participate in an alcohol and drug evaluation conducted by a provider in  
6 accordance with K.S.A. 8-1008, and amendments thereto. The person shall  
7 be required to follow any recommendation made by the provider after such  
8 evaluation, unless otherwise ordered by the court.

9 (c) Any person 18 years of age or older convicted of violating this  
10 section or an ordinance which prohibits the acts that this section prohibits  
11 who had one or more children under the age of 18 years in the vehicle at  
12 the time of the offense shall have such person's punishment enhanced by  
13 one month of imprisonment. This imprisonment must be served  
14 consecutively to any other minimum mandatory penalty imposed for a  
15 violation of this section or an ordinance which prohibits the acts that this  
16 section prohibits. Any enhanced penalty imposed shall not exceed the  
17 maximum sentence allowable by law. During the service of the enhanced  
18 penalty, the judge may order the person on house arrest, work release or  
19 other conditional release.

20 (d) (1) If a person is charged with a violation of subsection (a)(4) or  
21 (a)(5), the fact that the person is or has been entitled to use the drug under  
22 the laws of this state shall not constitute a defense against the charge.

23 (2) *The fact that a person tests positive for the presence of cannabis*  
24 *metabolites shall not constitute a violation of subsection (a)(4) or (a)(5).*

25 (e) The court may establish the terms and time for payment of any  
26 fines, fees, assessments and costs imposed pursuant to this section. Any  
27 assessment and costs shall be required to be paid not later than 90 days  
28 after imposed, and any remainder of the fine shall be paid prior to the final  
29 release of the defendant by the court.

30 (f) (1) In lieu of payment of a fine imposed pursuant to this section,  
31 the court may order that the person perform community service specified  
32 by the court. The person shall receive a credit on the fine imposed in an  
33 amount equal to \$5 for each full hour spent by the person in the specified  
34 community service. The community service ordered by the court shall be  
35 required to be performed not later than one year after the fine is imposed  
36 or by an earlier date specified by the court. If by the required date the  
37 person performs an insufficient amount of community service to reduce to  
38 zero the portion of the fine required to be paid by the person, the  
39 remaining balance of the fine shall become due on that date.

40 (2) The court may, in its discretion, waive any portion of a fine  
41 imposed pursuant to this section, except the \$250 required to be remitted  
42 to the state treasurer pursuant to subsection (q)(2), upon a showing that the  
43 person successfully completed court-ordered education or treatment.

1 (g) Prior to filing a complaint alleging a violation of this section, a  
2 prosecutor shall request and shall receive from the:

3 (1) Division a record of all prior convictions obtained against such  
4 person for any violations of any of the motor vehicle laws of this state; and

5 (2) Kansas bureau of investigation central repository all criminal  
6 history record information concerning such person.

7 (h) The court shall electronically report every conviction of a  
8 violation of this section and every diversion agreement entered into in lieu  
9 of further criminal proceedings on a complaint alleging a violation of this  
10 section to the division including any finding regarding the alcohol  
11 concentration in the offender's blood or breath. Prior to sentencing under  
12 the provisions of this section, the court shall request and shall receive from  
13 the division a record of all prior convictions obtained against such person  
14 for any violations of any of the motor vehicle laws of this state.

15 (i) For the purpose of determining whether a conviction is a first,  
16 second, third, fourth or subsequent conviction in sentencing under this  
17 section:

18 (1) Convictions for a violation of this section, or a violation of an  
19 ordinance of any city or resolution of any county that prohibits the acts  
20 that this section prohibits, or entering into a diversion agreement in lieu of  
21 further criminal proceedings on a complaint alleging any such violations,  
22 shall be taken into account, but only convictions or diversions occurring  
23 on or after July 1, 2001. Nothing in this provision shall be construed as  
24 preventing any court from considering any convictions or diversions  
25 occurring during the person's lifetime in determining the sentence to be  
26 imposed within the limits provided for a first, second, third, fourth or  
27 subsequent offense;

28 (2) any convictions for a violation of the following sections occurring  
29 during a person's lifetime shall be taken into account:

30 (A) Driving a commercial motor vehicle under the influence, K.S.A.  
31 8-2,144, and amendments thereto;

32 (B) operating a vessel under the influence of alcohol or drugs, K.S.A.  
33 32-1131, and amendments thereto;

34 (C) involuntary manslaughter while driving under the influence of  
35 alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)  
36 (3) or (a)(5), and amendments thereto;

37 (D) aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)  
38 (4), and amendments thereto; and

39 (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its  
40 repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the  
41 crime was committed while committing a violation of K.S.A. 8-1567, and  
42 amendments thereto;

43 (3) "conviction" includes:

1 (A) Entering into a diversion agreement in lieu of further criminal  
2 proceedings on a complaint alleging an offense described in subsection (i)  
3 (2); and

4 (B) conviction of a violation of an ordinance of a city in this state, a  
5 resolution of a county in this state or any law of another jurisdiction that  
6 would constitute an offense that is comparable to the offense described in  
7 subsection (i)(1) or (i)(2);

8 (4) multiple convictions of any crime described in subsection (i)(1) or  
9 (i)(2) arising from the same arrest shall only be counted as one conviction;

10 (5) it is irrelevant whether an offense occurred before or after  
11 conviction for a previous offense; and

12 (6) a person may enter into a diversion agreement in lieu of further  
13 criminal proceedings for a violation of this section, and amendments  
14 thereto, or an ordinance which prohibits the acts of this section, and  
15 amendments thereto, only once during the person's lifetime.

16 (j) For the purposes of determining whether an offense is comparable,  
17 the following shall be considered:

18 (1) The name of the out-of-jurisdiction offense;

19 (2) the elements of the out-of-jurisdiction offense; and

20 (3) whether the out-of-jurisdiction offense prohibits similar conduct  
21 to the conduct prohibited by the closest approximate Kansas offense.

22 (k) Upon conviction of a person of a violation of this section or a  
23 violation of a city ordinance or county resolution prohibiting the acts  
24 prohibited by this section, the division, upon receiving a report of  
25 conviction, shall suspend, restrict or suspend and restrict the person's  
26 driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

27 (l) (1) Nothing contained in this section shall be construed as  
28 preventing any city from enacting ordinances, or any county from adopting  
29 resolutions, declaring acts prohibited or made unlawful by this act as  
30 unlawful or prohibited in such city or county and prescribing penalties for  
31 violation thereof.

32 (2) The minimum penalty prescribed by any such ordinance or  
33 resolution shall not be less than the minimum penalty prescribed by this  
34 section for the same violation, and the maximum penalty in any such  
35 ordinance or resolution shall not exceed the maximum penalty prescribed  
36 for the same violation.

37 (3) On and after July 1, 2007, and retroactive for ordinance violations  
38 committed on or after July 1, 2006, an ordinance may grant to a municipal  
39 court jurisdiction over a violation of such ordinance which is concurrent  
40 with the jurisdiction of the district court over a violation of this section,  
41 notwithstanding that the elements of such ordinance violation are the same  
42 as the elements of a violation of this section that would constitute, and be  
43 punished as, a felony.

1 (4) Any such ordinance or resolution shall authorize the court to order  
2 that the convicted person pay restitution to any victim who suffered loss  
3 due to the violation for which the person was convicted.

4 (m) (1) Upon the filing of a complaint, citation or notice to appear  
5 alleging a person has violated a city ordinance prohibiting the acts  
6 prohibited by this section, and prior to conviction thereof, a city attorney  
7 shall request and shall receive from the:

8 (A) Division a record of all prior convictions obtained against such  
9 person for any violations of any of the motor vehicle laws of this state; and

10 (B) Kansas bureau of investigation central repository all criminal  
11 history record information concerning such person.

12 (2) If the elements of such ordinance violation are the same as the  
13 elements of a violation of this section that would constitute, and be  
14 punished as, a felony, the city attorney shall refer the violation to the  
15 appropriate county or district attorney for prosecution.

16 (n) No plea bargaining agreement shall be entered into nor shall any  
17 judge approve a plea bargaining agreement entered into for the purpose of  
18 permitting a person charged with a violation of this section, or a violation  
19 of any ordinance of a city or resolution of any county in this state which  
20 prohibits the acts prohibited by this section, to avoid the mandatory  
21 penalties established by this section or by the ordinance. For the purpose  
22 of this subsection, entering into a diversion agreement pursuant to K.S.A.  
23 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not  
24 constitute plea bargaining. This subsection shall not be construed to  
25 prohibit an amendment or dismissal of any charge where the admissible  
26 evidence is not sufficient to support a conviction beyond a reasonable  
27 doubt on such charge.

28 (o) The alternatives set out in subsection (a) may be pleaded in the  
29 alternative, and the state, city or county may, but shall not be required to,  
30 elect one or more of such alternatives prior to submission of the case to the  
31 fact finder.

32 (p) As used in this section:

33 (1) "Alcohol concentration" means the number of grams of alcohol  
34 per 100 milliliters of blood or per 210 liters of breath;

35 (2) "imprisonment" includes any restrained environment in which the  
36 court and law enforcement agency intend to retain custody and control of a  
37 defendant and such environment has been approved by the board of county  
38 commissioners or the governing body of a city; and

39 (3) "drug" includes toxic vapors as such term is defined in K.S.A. 21-  
40 5712, and amendments thereto.

41 (q) (1) The amount of the increase in fines as specified in this section  
42 shall be remitted by the clerk of the district court to the state treasurer in  
43 accordance with the provisions of K.S.A. 75-4215, and amendments

1 thereto. Upon receipt of remittance of the increase provided in this act, the  
2 state treasurer shall deposit the entire amount in the state treasury and the  
3 state treasurer shall credit 50% to the community alcoholism and  
4 intoxication programs fund and 50% to the department of corrections  
5 alcohol and drug abuse treatment fund, which is hereby created in the state  
6 treasury.

7 (2) On and after July 1, 2011, the amount of \$250 from each fine  
8 imposed pursuant to this section shall be remitted by the clerk of the  
9 district court to the state treasurer in accordance with the provisions of  
10 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
11 remittance, the state treasurer shall credit the entire amount to the  
12 community corrections supervision fund established by K.S.A. 75-52,113,  
13 and amendments thereto.

14 Sec. 75. K.S.A. 21-5703 is hereby amended to read as follows: 21-  
15 5703. (a) It shall be unlawful for any person to manufacture any controlled  
16 substance or controlled substance analog.

17 (b) Violation or attempted violation of subsection (a) is a:

18 (1) Drug severity level 2 felony, except as provided in subsections (b)  
19 (2) and (b)(3);

20 (2) drug severity level 1 felony if:

21 (A) The controlled substance is not methamphetamine, as defined by  
22 K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog  
23 thereof;

24 (B) the controlled substance is not a fentanyl-related controlled  
25 substance; and

26 (C) the offender has a prior conviction for unlawful manufacturing of  
27 a controlled substance under this section, K.S.A. 65-4159, prior to its  
28 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially  
29 similar offense from another jurisdiction and the substance was not  
30 methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and  
31 amendments thereto, or an analog thereof, in any such prior conviction;  
32 and

33 (3) drug severity level 1 felony if the controlled substance is  
34 methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and  
35 amendments thereto, or an analog thereof, or is a fentanyl-related  
36 controlled substance.

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

41 (d) For persons arrested and charged under this section, bail shall be  
42 at least \$50,000 cash or surety, and such person shall not be released upon  
43 the person's own recognizance pursuant to K.S.A. 22-2802, and

1 amendments thereto, unless the court determines, on the record, that the  
 2 defendant is not likely to re-offend, the court imposes pretrial supervision,  
 3 or the defendant agrees to participate in a licensed or certified drug  
 4 treatment program.

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

8 (f) The sentence of a person who violates this section, K.S.A. 65-  
 9 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its  
 10 transfer, shall not be reduced because these sections prohibit conduct  
 11 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their  
 12 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 21-  
 13 5705, and amendments thereto.

14 (g) *The provisions of this section shall not apply to a licensee, as*  
 15 *such term is defined in section 2, and amendments thereto, that is*  
 16 *producing medical cannabis or medical cannabis products, as such terms*  
 17 *are defined in section 2, and amendments thereto, when used for acts*  
 18 *authorized by the Kansas medical cannabis act, section 1 et seq., and*  
 19 *amendments thereto.*

20 Sec. 76. K.S.A. 21-5705 is hereby amended to read as follows: 21-  
 21 5705. (a) It shall be unlawful for any person to distribute or possess with  
 22 the intent to distribute any of the following controlled substances or  
 23 controlled substance analogs thereof:

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

27 (2) any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e),~~  
 28 ~~subsection (e) of K.S.A. 65-4107(e), subsection (b) or (c) of K.S.A. 65-~~  
 29 ~~4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b),~~ and amendments  
 30 thereto;

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

35 (4) any hallucinogenic drug designated in ~~subsection (d) of K.S.A.~~  
 36 ~~65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of~~  
 37 ~~K.S.A. 65-4109(g),~~ and amendments thereto;

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

41 (6) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-~~  
 42 ~~4109(f),~~ and amendments thereto; or

43 (7) any substance designated in ~~subsection (h) of K.S.A. 65-4105(h),~~

1 and amendments thereto.

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

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

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

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

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

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

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

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

18 (A) Drug severity level 4 felony if the quantity of the material was  
19 less than 25 grams;

20 (B) drug severity level 3 felony if the quantity of the material was at  
21 least 25 grams but less than 450 grams;

22 (C) drug severity level 2 felony if the quantity of the material was at  
23 least 450 grams but less than 30 kilograms; and

24 (D) drug severity level 1 felony if the quantity of the material was 30  
25 kilograms or more.

26 (3) Violation of subsection (a) with respect to material containing any  
27 quantity of heroin, as defined by ~~subsection (c)(1) of~~ K.S.A. 65-4105(c)  
28 (1), and amendments thereto, or methamphetamine, as defined by  
29 ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-4107(d)(3) or (f)(1), and  
30 amendments thereto, or an analog thereof, is a:

31 (A) Drug severity level 4 felony if the quantity of the material was  
32 less than 1 gram;

33 (B) drug severity level 3 felony if the quantity of the material was at  
34 least 1 gram but less than 3.5 grams;

35 (C) drug severity level 2 felony if the quantity of the material was at  
36 least 3.5 grams but less than 100 grams; and

37 (D) drug severity level 1 felony if the quantity of the material was  
38 100 grams or more.

39 (4) Violation of subsection (a) with respect to material containing any  
40 quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107,  
41 65-4109 or 65-4111, and amendments thereto, or an analog thereof,  
42 distributed by dosage unit, is a:

43 (A) Drug severity level 4 felony if the number of dosage units was



1 fewer than 10;

2 (B) drug severity level 3 felony if the number of dosage units was at  
3 least 10 but less than 100;

4 (C) drug severity level 2 felony if the number of dosage units was at  
5 least 100 but less than 1,000; and

6 (D) drug severity level 1 felony if the number of dosage units was  
7 1,000 or more.

8 (5) For any violation of subsection (a), the severity level of the  
9 offense shall be increased one level if the controlled substance or  
10 controlled substance analog was distributed or possessed with the intent to  
11 distribute on or within 1,000 feet of any school property.

12 (6) Violation of subsection (b) is a:

13 (A) Class A person misdemeanor, except as provided in ~~subsection~~  
14 ~~(4)(6)(B)~~ *subparagraph (B)*; and

15 (B) nondrug severity level 7, person felony if the substance was  
16 distributed to or possessed with the intent to distribute to a minor.

17 (7) Violation of subsection (c) is a:

18 (A) Drug severity level 3 felony if the number of plants cultivated  
19 was more than 4 but fewer than 50;

20 (B) drug severity level 2 felony if the number of plants cultivated was  
21 at least 50 but fewer than 100; and

22 (C) drug severity level 1 felony if the number of plants cultivated was  
23 100 or more.

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

27 (1) 450 grams or more of marijuana;

28 (2) 3.5 grams or more of heroin or methamphetamine;

29 (3) 100 dosage units or more containing a controlled substance; or

30 (4) 100 grams or more of any other controlled substance.

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

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

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

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

41 (g) *The provisions of (a)(4) and (a)(5) shall not apply to a licensee,*  
42 *as such term is defined in section 2, and amendments thereto, or any*  
43 *employee or agent thereof that is growing, testing, processing, distributing*

1 *or selling medical cannabis or medical cannabis products, as such terms*  
2 *are defined in section 2, and amendments thereto, in accordance with the*  
3 *Kansas medical cannabis act, section 1 et seq., and amendments thereto.*

4 (h) As used in this section:

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

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

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

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

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

25 Sec. 77. K.S.A. 21-5706 is hereby amended to read as follows: 21-  
26 5706. (a) It shall be unlawful for any person to possess any opiates, opium  
27 or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)  
28 (3) or (f)(1), and amendments thereto, or a controlled substance analog  
29 thereof.

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

32 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-  
33 4109(b) or (c) or 65-4111(b), and amendments thereto;

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

36 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-  
37 4107(g) or 65-4109(g), and amendments thereto;

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

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

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

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

3 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.

4 (2) Except as provided in subsection (c)(3):

5 (A) Violation of subsection (b) is a class A nonperson misdemeanor,  
6 except as provided in subparagraph (B); and

7 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug  
8 severity level 5 felony if that person has a prior conviction under such  
9 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially  
10 similar offense from another jurisdiction, or under any city ordinance or  
11 county resolution for a substantially similar offense if the substance  
12 involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana  
13 as designated in K.S.A. 65-4105(d), and amendments thereto, or any  
14 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an  
15 analog thereof.

16 (3) If the substance involved is marijuana, as designated in K.S.A.  
17 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as  
18 designated in K.S.A. 65-4105(h), and amendments thereto, violation of  
19 subsection (b) is a:

20 (A) Class B nonperson misdemeanor, except as provided in  
21 subparagraphs (B) and (C);

22 (B) class A nonperson misdemeanor if that person has a prior  
23 conviction under such subsection, under K.S.A. 65-4162, prior to its  
24 repeal, under a substantially similar offense from another jurisdiction, or  
25 under any city ordinance or county resolution for a substantially similar  
26 offense; and

27 (C) drug severity level 5 felony if that person has two or more prior  
28 convictions under such subsection, under K.S.A. 65-4162, prior to its  
29 repeal, under a substantially similar offense from another jurisdiction, or  
30 under any city ordinance or county resolution for a substantially similar  
31 offense.

32 ~~(d) It shall be an affirmative defense to prosecution under this section  
33 arising out of a person's possession of any cannabidiol treatment  
34 preparation if the person:~~

35 ~~(1) Has a debilitating medical condition, as defined in K.S.A. 2023  
36 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a  
37 minor child who has such debilitating medical condition;~~

38 ~~(2) is possessing a cannabidiol treatment preparation, as defined in  
39 K.S.A. 2023 Supp. 65-6235, and amendments thereto, that is being used to  
40 treat such debilitating medical condition; and~~

41 ~~(3) has possession of a letter, at all times while the person has  
42 possession of the cannabidiol treatment preparation, that:~~

43 ~~(A) Shall be shown to a law enforcement officer on such officer's-~~

1 request;

2 ~~(B) is dated within the preceding 15 months and signed by the~~  
3 ~~physician licensed to practice medicine and surgery in Kansas who~~  
4 ~~diagnosed the debilitating medical condition;~~

5 ~~(C) is on such physician's letterhead; and~~

6 ~~(D) identifies the person or the person's minor child as such~~  
7 ~~physician's patient and identifies the patient's debilitating medical~~  
8 ~~condition~~

9 *If the substance involved is medical cannabis or a medical*  
10 *cannabis product, as such terms are defined in section 2, and amendments*  
11 *thereto, the provisions of subsections (b) and (c) shall not apply to any*  
12 *person who has been issued a valid identification card pursuant to section*  
13 *9, and amendments thereto, and whose possession is authorized by the*  
14 *Kansas medical cannabis act, section 1 et seq., and amendments thereto.*

15 (e) It shall not be a defense to charges arising under this section that  
16 the defendant was acting in an agency relationship on behalf of any other  
17 party in a transaction involving a controlled substance or controlled  
18 substance analog.

19 Sec. 78. K.S.A. 21-5707 is hereby amended to read as follows: 21-  
20 5707. (a) It shall be unlawful for any person to knowingly or intentionally  
21 use any communication facility:

22 (1) In committing, causing, or facilitating the commission of any  
23 felony under K.S.A. 21-5703, 21-5705 or 21-5706, and amendments  
24 thereto; or

25 (2) in any attempt to commit, any conspiracy to commit, or any  
26 criminal solicitation of any felony under K.S.A. 21-5703, 21-5705 or 21-  
27 5706, and amendments thereto. Each separate use of a communication  
28 facility may be charged as a separate offense under this subsection.

29 (b) Violation of subsection (a) is a nondrug severity level 8,  
30 nonperson felony.

31 (c) *The provisions of this section shall not apply to any person using*  
32 *communication facilities for activities authorized by the Kansas medical*  
33 *cannabis act, section 1 et seq., and amendments thereto.*

34 (d) As used in this section, "communication facility" means any and  
35 all public and private instrumentalities used or useful in the transmission  
36 of writing, signs, signals, pictures or sounds of all kinds and includes  
37 telephone, wire, radio, computer, computer networks, beepers, pagers and  
38 all other means of communication.

39 Sec. 79. K.S.A. 21-5709 is hereby amended to read as follows: 21-  
40 5709. (a) It shall be unlawful for any person to possess ephedrine,  
41 pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine,  
42 anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or  
43 their salts, isomers or salts of isomers with an intent to use the product to  
manufacture a controlled substance.

- 1 (b) It shall be unlawful for any person to use or possess with intent to  
2 use any drug paraphernalia to:
  - 3 (1) Manufacture, cultivate, plant, propagate, harvest, test, analyze or  
4 distribute a controlled substance; or
  - 5 (2) store, contain, conceal, inject, ingest, inhale or otherwise  
6 introduce a controlled substance into the human body.
- 7 (c) It shall be unlawful for any person to use or possess with intent to  
8 use anhydrous ammonia or pressurized ammonia in a container not  
9 approved for that chemical by the Kansas department of agriculture.
- 10 (d) It shall be unlawful for any person to purchase, receive or  
11 otherwise acquire at retail any compound, mixture or preparation  
12 containing more than 3.6 grams of pseudoephedrine base or ephedrine  
13 base in any single transaction or any compound, mixture or preparation  
14 containing more than nine grams of pseudoephedrine base or ephedrine  
15 base within any 30-day period.
  - 16 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;
  - 17 (2) violation of subsection (b)(1) is a:
    - 18 (A) Drug severity level 5 felony, except as provided in subsection (e)
    - 19 (2)(B); and
    - 20 (B) class B nonperson misdemeanor if the drug paraphernalia was  
21 used to cultivate fewer than five marijuana plants;
    - 22 (3) violation of subsection (b)(2) is a class B nonperson  
23 misdemeanor;
    - 24 (4) violation of subsection (c) is a drug severity level 5 felony; and
    - 25 (5) violation of subsection (d) is a class A nonperson misdemeanor.
  - 26 (f) For persons arrested and charged under subsection (a) or (c), bail  
27 shall be at least \$50,000 cash or surety, and such person shall not be  
28 released upon the person's own recognizance pursuant to K.S.A. 22-2802,  
29 and amendments thereto, unless the court determines, on the record, that  
30 the defendant is not likely to reoffend, the court imposes pretrial  
31 supervision or the defendant agrees to participate in a licensed or certified  
32 drug treatment program.
  - 33 (g) *The provisions of subsection (b) shall not apply to any person*  
34 *who has been issued a valid identification card pursuant to section 9, and*  
35 *amendments thereto, and whose possession of such equipment or material*  
36 *is used solely to produce or for the administration of medical cannabis or*  
37 *medical cannabis products, as such terms are defined in section 2, and*  
38 *amendments thereto, in a manner authorized by the Kansas medical*  
39 *cannabis act, section 1 et seq., and amendments thereto.*
- 40 Sec. 80. K.S.A. 21-5710 is hereby amended to read as follows: 21-  
41 5710. (a) It shall be unlawful for any person to advertise, market, label,  
42 distribute or possess with the intent to distribute:
  - 43 (1) Any product containing ephedrine, pseudoephedrine, red

1 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,  
 2 pressurized ammonia or phenylpropanolamine or their salts, isomers or  
 3 salts of isomers if the person knows or reasonably should know that the  
 4 purchaser will use the product to manufacture a controlled substance or  
 5 controlled substance analog; or

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

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

18 (c) It shall be unlawful for any person to distribute, possess with  
 19 intent to distribute or manufacture with intent to distribute any drug  
 20 paraphernalia, knowing or under circumstances where one reasonably  
 21 should know, that it will be used as such in violation of K.S.A. 21-5701  
 22 through 21-5717, and amendments thereto, except ~~subsection (b) of~~ K.S.A.  
 23 21-5706(b), and amendments thereto.

24 (d) It shall be unlawful for any person to distribute, possess with  
 25 intent to distribute or manufacture with intent to distribute any drug  
 26 paraphernalia, knowing, or under circumstances where one reasonably  
 27 should know, that it will be used as such in violation of ~~subsection (b) of~~  
 28 K.S.A. 21-5706(b), and amendments thereto.

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

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

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

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

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

37 (A) Nondrug severity level 9, nonperson felony, except as provided in  
 38 ~~subsection (c)(3)(B)~~ *subparagraph (B)*; and

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

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

43 (A) Class A nonperson misdemeanor, except as provided in

1 ~~subsection (c)(4)(B)~~ *subparagraph (B)*; and

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

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

13 (g) *The provisions of subsection (c) shall not apply to any licensee, as*  
14 *such term is defined in section 2, and amendments thereto, whose*  
15 *distribution or manufacture is used solely to distribute or produce medical*  
16 *cannabis or medical cannabis products, as such terms are defined in*  
17 *section 2, and amendments thereto, in a manner authorized by the Kansas*  
18 *medical cannabis act, section 1 et seq., and amendments thereto.*

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

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

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

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

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

32 Sec. 81. K.S.A. 21-6109 is hereby amended to read as follows: 21-  
33 6109. As used in K.S.A. 21-6109 through 21-6116, and amendments  
34 thereto:

35 (a) "Access point" means the area within a ten foot radius outside of  
36 any doorway, open window or air intake leading into a building or facility  
37 that is not exempted pursuant to K.S.A. 21-6110(d), and amendments  
38 thereto.

39 (b) "Bar" means any indoor area that is operated and licensed for the  
40 sale and service of alcoholic beverages, including alcoholic liquor as  
41 defined in K.S.A. 41-102, and amendments thereto, or cereal malt  
42 beverages as defined in K.S.A. 41-2701, and amendments thereto, for on-  
43 premises consumption.

1 (c) "*Cannabis*" means the same as defined in section 2, and  
2 amendments thereto.

3 (d) "*Electronic cigarette*" means the same as defined in K.S.A. 79-  
4 3301, and amendments thereto.

5 (e) "Employee" means any person who is employed by an employer  
6 in consideration for direct or indirect monetary wages or profit and any  
7 person who volunteers their services for a nonprofit entity.

8 ~~(d)~~(f) "Employer" means any person, partnership, corporation,  
9 association or organization, including municipal or nonprofit entities, that  
10 employs one or more individual persons.

11 ~~(e)~~(g) "Enclosed area" means all space between a floor and ceiling  
12 that is enclosed on all sides by solid walls, windows or doorways that  
13 extend from the floor to the ceiling, including all space therein screened by  
14 partitions that do not extend to the ceiling or are not solid or similar  
15 structures. For purposes of this section, the following shall not be  
16 considered an "enclosed area": (1) Rooms or areas, enclosed by walls,  
17 windows or doorways, having neither a ceiling nor a roof and that are  
18 completely open to the elements and weather at all times; and (2) rooms or  
19 areas, enclosed by walls, fences, windows or doorways and a roof or  
20 ceiling, having openings that are permanently open to the elements and  
21 weather and that comprise an area that is at least 30% of the total  
22 perimeter wall area of such room or area.

23 ~~(f)~~(h) "Food service establishment" means any place in which food is  
24 served or is prepared for sale or service on the premises. Such term shall  
25 include, but not be limited to, fixed or mobile restaurants, coffee shops,  
26 cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich  
27 shops, soda fountains, taverns, private clubs, roadside kitchens,  
28 commissaries and any other private, public or nonprofit organization or  
29 institution routinely serving food and any other eating or drinking  
30 establishment or operation where food is served or provided for the public  
31 with or without charge.

32 ~~(g)~~(i) "Gaming floor" means the area of a lottery gaming facility or  
33 racetrack gaming facility, as those terms are defined in K.S.A. 74-8702,  
34 and amendments thereto, where patrons engage in Class III gaming. The  
35 gaming floor shall not include any areas used for accounting, maintenance,  
36 surveillance, security, administrative offices, storage, cash or cash  
37 counting, records, food service, lodging or entertainment, except that the  
38 gaming floor may include a bar where alcoholic beverages are served so  
39 long as the bar is located entirely within the area where Class III gaming is  
40 conducted.

41 ~~(h)~~(j) "Medical care facility" means a physician's office, general  
42 hospital, special hospital, ambulatory surgery center or recuperation center,  
43 as defined by K.S.A. 65-425, and amendments thereto, and any psychiatric



1 hospital licensed under K.S.A. 39-2001 et seq., and amendments thereto.

2 ~~(j)~~(k) "Outdoor recreational facility" means a hunting, fishing,  
3 shooting or golf club, business or enterprise operated primarily for the  
4 benefit of its owners, members and their guests and not normally open to  
5 the general public.

6 ~~(j)~~(l) "Place of employment" means any enclosed area under the  
7 control of a public or private employer, including, but not limited to, work  
8 areas, auditoriums, elevators, private offices, employee lounges and  
9 restrooms, conference and meeting rooms, classrooms, employee  
10 cafeterias, stairwells and hallways, that is used by employees during the  
11 course of employment. For purposes of this section, a private residence  
12 shall not be considered a "place of employment" unless such residence is  
13 used as a day care home, as defined in K.S.A. 65-530, and amendments  
14 thereto.

15 ~~(k)~~(m) "Private club" means an outdoor recreational facility operated  
16 primarily for the use of its owners, members and their guests that in its  
17 ordinary course of business is not open to the general public for which use  
18 of its facilities has substantial dues or membership fee requirements for its  
19 members.

20 ~~(l)~~(n) "Public building" means any building owned or operated by: (1)  
21 The state, including any branch, department, agency, bureau, commission,  
22 authority or other instrumentality thereof; (2) any county, city, township,  
23 other political subdivision, including any commission, authority, agency or  
24 instrumentality thereof; or (3) any other separate corporate instrumentality  
25 or unit of the state or any municipality.

26 ~~(m)~~(o) "Public meeting" means any meeting open to the public  
27 pursuant to K.S.A. 75-4317 et seq., and amendments thereto, or any other  
28 law of this state.

29 ~~(n)~~(p) "Public place" means any enclosed areas open to the public or  
30 used by the general public including, but not limited to: Banks, bars, food  
31 service establishments, retail service establishments, retail stores, public  
32 means of mass transportation, passenger elevators, health care institutions  
33 or any other place where health care services are provided to the public,  
34 medical care facilities, educational facilities, libraries, courtrooms, public  
35 buildings, restrooms, grocery stores, school buses, museums, theaters,  
36 auditoriums, arenas and recreational facilities. For purposes of this section,  
37 a private residence shall not be considered a "public place" unless such  
38 residence is used as a day care home, as defined in K.S.A. 65-530, and  
39 amendments thereto.

40 ~~(o)~~(q) "Smoking" means possession of a lighted cigarette, cigar, pipe  
41 *or the use of an electronic cigarette*, or burning tobacco *or cannabis* in any  
42 other form or device designed for the use of tobacco *or cannabis*,  
43 *including for the consumption of a medical cannabis product, as defined*

1 *in section 2, and amendments thereto.*

2 ~~(p)~~(r) "Tobacco shop" means any indoor area operated primarily for  
3 the retail sale of tobacco, tobacco products or smoking devices or  
4 accessories, and that derives not less than 65% of its gross receipts from  
5 the sale of tobacco.

6 ~~(q)~~(s) "Substantial dues or membership fee requirements" means  
7 initiation costs, dues or fees proportional to the cost of membership in  
8 similarly-situated outdoor recreational facilities that are not considered  
9 nominal and implemented to otherwise avoid or evade restrictions of a  
10 statewide ban on smoking.

11 Sec. 82. K.S.A. 21-6607 is hereby amended to read as follows: 21-  
12 6607. (a) Except as required by subsection (c), nothing in this section shall  
13 be construed to limit the authority of the court to impose or modify any  
14 general or specific conditions of probation, suspension of sentence or  
15 assignment to a community correctional services program. The court  
16 services officer or community correctional services officer may  
17 recommend, and the court may order, the imposition of any conditions of  
18 probation, suspension of sentence or assignment to a community  
19 correctional services program. For crimes committed on or after July 1,  
20 1993, in presumptive nonprison cases, the court services officer or  
21 community correctional services officer may recommend, and the court  
22 may order, the imposition of any conditions of probation or assignment to  
23 a community correctional services program. The court may at any time  
24 order the modification of such conditions, after notice to the court services  
25 officer or community correctional services officer and an opportunity for  
26 such officer to be heard thereon. The court shall cause a copy of any such  
27 order to be delivered to the court services officer and the probationer or to  
28 the community correctional services officer and the community corrections  
29 participant, as the case may be. The provisions of K.S.A. 75-5291, and  
30 amendments thereto, shall be applicable to any assignment to a community  
31 correctional services program pursuant to this section.

32 (b) *Except as provided in subsection (d)*, the court may impose any  
33 conditions of probation, suspension of sentence or assignment to a  
34 community correctional services program that the court deems proper,  
35 including, but not limited to, requiring that the defendant:

36 (1) Avoid such injurious or vicious habits, as directed by the court,  
37 court services officer or community correctional services officer;

38 (2) avoid such persons or places of disreputable or harmful character,  
39 as directed by the court, court services officer or community correctional  
40 services officer;

41 (3) report to the court services officer or community correctional  
42 services officer as directed;

43 (4) permit the court services officer or community correctional

- 1 services officer to visit the defendant at home or elsewhere;
- 2 (5) work faithfully at suitable employment insofar as possible;
- 3 (6) remain within the state unless the court grants permission to  
4 leave;
- 5 (7) pay a fine or costs, applicable to the offense, in one or several  
6 sums and in the manner as directed by the court;
- 7 (8) support the defendant's dependents;
- 8 (9) reside in a residential facility located in the community and  
9 participate in educational, counseling, work and other correctional or  
10 rehabilitative programs;
- 11 (10) perform community or public service work for local  
12 governmental agencies, private corporations organized not for profit, or  
13 charitable or social service organizations performing services for the  
14 community;
- 15 (11) perform services under a system of day fines whereby the  
16 defendant is required to satisfy fines, costs or reparation or restitution  
17 obligations by performing services for a period of days, determined by the  
18 court on the basis of ability to pay, standard of living, support obligations  
19 and other factors;
- 20 (12) participate in a house arrest program pursuant to K.S.A. 21-  
21 6609, and amendments thereto;
- 22 (13) order the defendant to pay the administrative fee authorized by  
23 K.S.A. 22-4529, and amendments thereto, unless waived by the court; or
- 24 (14) in felony cases, except for violations of K.S.A. 8-1567, and  
25 amendments thereto, be confined in a county jail not to exceed 60 days,  
26 which need not be served consecutively.
- 27 (c) *Except as provided in subsection (d)*, in addition to any other  
28 conditions of probation, suspension of sentence or assignment to a  
29 community correctional services program, the court shall order the  
30 defendant to comply with each of the following conditions:
- 31 (1) The defendant shall obey all laws of the United States, the state of  
32 Kansas and any other jurisdiction to the laws of which the defendant may  
33 be subject;
- 34 (2) make reparation or restitution to the aggrieved party for the  
35 damage or loss caused by the defendant's crime in accordance with K.S.A.  
36 21-6604(b), and amendments thereto;
- 37 (3) (A) pay a correctional supervision fee of \$60 if the person was  
38 convicted of a misdemeanor or a fee of \$120 if the person was convicted  
39 of a felony. In any case the amount of the correctional supervision fee  
40 specified by this paragraph may be reduced or waived by the judge if the  
41 person is unable to pay that amount;
- 42 (B) the correctional supervision fee imposed by this paragraph shall  
43 be charged and collected by the district court. The clerk of the district

1 court shall remit all revenues received under this paragraph from  
2 correctional supervision fees to the state treasurer in accordance with the  
3 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
4 each such remittance, the state treasurer shall deposit the entire amount in  
5 the state treasury to the credit of the state general fund, a sum equal to  
6 41.67% of such remittance, and to the correctional supervision fund, a sum  
7 equal to 58.33% of such remittance;

8 (C) this paragraph shall apply to persons placed on felony or  
9 misdemeanor probation or released on misdemeanor parole to reside in  
10 Kansas and supervised by Kansas court services officers under the  
11 interstate compact for offender supervision; and

12 (D) this paragraph shall not apply to persons placed on probation or  
13 released on parole to reside in Kansas under the uniform act for out-of-  
14 state parolee supervision;

15 (4) reimburse the state general fund for all or a part of the  
16 expenditures by the state board of indigents' defense services to provide  
17 counsel and other defense services to the defendant. In determining the  
18 amount and method of payment of such sum, the court shall take account  
19 of the financial resources of the defendant and the nature of the burden that  
20 payment of such sum will impose. A defendant who has been required to  
21 pay such sum and who is not willfully in default in the payment thereof  
22 may at any time petition the court which sentenced the defendant to waive  
23 payment of such sum or of any unpaid portion thereof. If it appears to the  
24 satisfaction of the court that payment of the amount due will impose  
25 manifest hardship on the defendant or the defendant's immediate family,  
26 the court may waive payment of all or part of the amount due or modify  
27 the method of payment. The amount of attorney fees to be included in the  
28 court order for reimbursement shall be the amount claimed by appointed  
29 counsel on the payment voucher for indigents' defense services or the  
30 amount prescribed by the board of indigents' defense services  
31 reimbursement tables as provided in K.S.A. 22-4522, and amendments  
32 thereto, whichever is less;

33 (5) be subject to searches of the defendant's person, effects, vehicle,  
34 residence and property by a court services officer, a community  
35 correctional services officer and any other law enforcement officer based  
36 on reasonable suspicion of the defendant violating conditions of probation  
37 or criminal activity; and

38 (6) be subject to random, but reasonable, tests for drug and alcohol  
39 consumption as ordered by a court services officer or community  
40 correctional services officer.

41 (d) *For any defendant who has been issued a valid identification card*  
42 *pursuant to section 9, and amendments thereto, the court shall not order*  
43 *any condition that prohibits such defendant from purchasing, possessing*

1 *or consuming medical cannabis or medical cannabis products, as such*  
2 *terms are defined in section 2, and amendments thereto, in accordance*  
3 *with the Kansas medical cannabis act, section 1 et seq., and amendments*  
4 *thereto.*

5 (e) Any law enforcement officer conducting a search pursuant to  
6 subsection (c)(5) shall submit a written report to the appropriate court  
7 services officer or community correctional services officer no later than  
8 the close of the next business day after such search. The written report  
9 shall include the facts leading to such search, the scope of such search and  
10 any findings resulting from such search.

11 ~~(e)~~(f) There is hereby established in the state treasury the correctional  
12 supervision fund. All moneys credited to the correctional supervision fund  
13 shall be used for: (1) The implementation of and training for use of a  
14 statewide, mandatory, standardized risk assessment tool or instrument as  
15 specified by the Kansas sentencing commission, pursuant to K.S.A. 75-  
16 5291, and amendments thereto; (2) the implementation of and training for  
17 use of a statewide, mandatory, standardized risk assessment tool or  
18 instrument for juveniles adjudicated to be juvenile offenders; and (3)  
19 evidence-based adult and juvenile offender supervision programs by  
20 judicial branch personnel. If all expenditures for the program have been  
21 paid and moneys remain in the correctional supervision fund for a fiscal  
22 year, remaining moneys may be expended from the correctional  
23 supervision fund to support adult and juvenile offender supervision by  
24 court services officers. All expenditures from the correctional supervision  
25 fund shall be made in accordance with appropriation acts upon warrants of  
26 the director of accounts and reports issued pursuant to vouchers approved  
27 by the chief justice of the Kansas supreme court or by a person or persons  
28 designated by the chief justice.

29 Sec. 83. K.S.A. 22-3717 is hereby amended to read as follows: 22-  
30 3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp.  
31 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638 and  
32 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-6623, 21-  
33 6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567,  
34 and amendments thereto; an inmate, including an inmate sentenced  
35 pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and  
36 amendments thereto, shall be eligible for parole after serving the entire  
37 minimum sentence imposed by the court, less good time credits.

38 (b) (1) An inmate sentenced to imprisonment for life without the  
39 possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto,  
40 shall not be eligible for parole.

41 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to  
42 their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and  
43 amendments thereto, an inmate sentenced to imprisonment for the crime

1 of: (A) Capital murder committed on or after July 1, 1994, shall be eligible  
2 for parole after serving 25 years of confinement, without deduction of any  
3 good time credits; (B) murder in the first degree based upon a finding of  
4 premeditated murder committed on or after July 1, 1994, but prior to July  
5 1, 2014, shall be eligible for parole after serving 25 years of confinement,  
6 without deduction of any good time credits; and (C) murder in the first  
7 degree as described in K.S.A. 21-5402(a)(2), and amendments thereto,  
8 committed on or after July 1, 2014, shall be eligible for parole after  
9 serving 25 years of confinement, without deduction of any good time  
10 credits.

11 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),  
12 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through  
13 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and  
14 21-6625, and amendments thereto, an inmate sentenced to imprisonment  
15 for an off-grid offense committed on or after July 1, 1993, but prior to July  
16 1, 1999, shall be eligible for parole after serving 15 years of confinement,  
17 without deduction of any good time credits and an inmate sentenced to  
18 imprisonment for an off-grid offense committed on or after July 1, 1999,  
19 shall be eligible for parole after serving 20 years of confinement without  
20 deduction of any good time credits.

21 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
22 repeal, an inmate sentenced for a class A felony committed before July 1,  
23 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to  
24 its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for  
25 parole after serving 15 years of confinement, without deduction of any  
26 good time credits.

27 (5) An inmate sentenced to imprisonment for a violation of K.S.A.  
28 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but  
29 prior to July 1, 1999, shall be eligible for parole after serving 10 years of  
30 confinement without deduction of any good time credits.

31 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
32 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto,  
33 committed on or after July 1, 2006, shall be eligible for parole after  
34 serving the mandatory term of imprisonment without deduction of any  
35 good time credits.

36 (c) (1) Except as provided in subsection (e), if an inmate is sentenced  
37 to imprisonment for more than one crime and the sentences run  
38 consecutively, the inmate shall be eligible for parole after serving the total  
39 of:

40 (A) The aggregate minimum sentences, as determined pursuant to  
41 K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments  
42 thereto, less good time credits for those crimes which are not class A  
43 felonies; and

1 (B) an additional 15 years, without deduction of good time credits,  
2 for each crime which is a class A felony.

3 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-  
4 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for  
5 crimes committed on or after July 1, 2006, the inmate shall be eligible for  
6 parole after serving the mandatory term of imprisonment.

7 (d) (1) Persons sentenced for crimes, other than off-grid crimes,  
8 committed on or after July 1, 1993, or persons subject to subparagraph  
9 (G), will not be eligible for parole, but will be released to a mandatory  
10 period of postrelease supervision upon completion of the prison portion of  
11 their sentence as follows:

12 (A) Except as provided in subparagraphs (D) and (E), persons  
13 sentenced for nondrug severity levels 1 through 4 crimes, drug severity  
14 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July  
15 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after  
16 July 1, 2012, must serve 36 months on postrelease supervision.

17 (B) Except as provided in subparagraphs (D) and (E), persons  
18 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3  
19 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and  
20 drug severity level 4 crimes committed on or after July 1, 2012, must serve  
21 24 months on postrelease supervision.

22 (C) Except as provided in subparagraphs (D) and (E), persons  
23 sentenced for nondrug severity levels 7 through 10 crimes, drug severity  
24 level 4 crimes committed on or after July 1, 1993, but prior to July 1,  
25 2012, and drug severity level 5 crimes committed on or after July 1, 2012,  
26 must serve 12 months on postrelease supervision.

27 (D) Persons sentenced to a term of imprisonment that includes a  
28 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and  
29 amendments thereto, committed on or after July 1, 1993, but prior to July  
30 1, 2006, a sexually motivated crime in which the offender has been  
31 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and  
32 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its  
33 repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual  
34 relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and  
35 amendments thereto, shall serve the period of postrelease supervision as  
36 provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount  
37 of good time and program credit earned and retained pursuant to K.S.A.  
38 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto,  
39 on postrelease supervision.

40 (i) If the sentencing judge finds substantial and compelling reasons to  
41 impose a departure based upon a finding that the current crime of  
42 conviction was sexually motivated, departure may be imposed to extend  
43 the postrelease supervision to a period of up to 60 months.

1 (ii) If the sentencing judge departs from the presumptive postrelease  
2 supervision period, the judge shall state on the record at the time of  
3 sentencing the substantial and compelling reasons for the departure.  
4 Departures in this section are subject to appeal pursuant to K.S.A. 21-  
5 4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

6 (iii) In determining whether substantial and compelling reasons exist,  
7 the court shall consider:

8 (a) Written briefs or oral arguments submitted by either the defendant  
9 or the state;

10 (b) any evidence received during the proceeding;

11 (c) the presentence report, the victim's impact statement and any  
12 psychological evaluation as ordered by the court pursuant to K.S.A. 21-  
13 4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto;  
14 and

15 (d) any other evidence the court finds trustworthy and reliable.

16 (iv) The sentencing judge may order that a psychological evaluation  
17 be prepared and the recommended programming be completed by the  
18 offender. The department of corrections or the prisoner review board shall  
19 ensure that court ordered sex offender treatment be carried out.

20 (v) In carrying out the provisions of subsection (d)(1)(D), the court  
21 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and  
22 amendments thereto.

23 (vi) Upon petition and payment of any restitution ordered pursuant to  
24 K.S.A. 21-6604, and amendments thereto, the prisoner review board may  
25 provide for early discharge from the postrelease supervision period  
26 imposed pursuant to subsection (d)(1)(D)(i) upon completion of court  
27 ordered programs and completion of the presumptive postrelease  
28 supervision period, as determined by the crime of conviction, pursuant to  
29 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
30 postrelease supervision is at the discretion of the board.

31 (vii) Persons convicted of crimes deemed sexually violent or sexually  
32 motivated shall be registered according to the offender registration act,  
33 K.S.A. 22-4901 through 22-4910, and amendments thereto.

34 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their  
35 repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to  
36 participate in a treatment program for sex offenders during the postrelease  
37 supervision period.

38 (E) The period of postrelease supervision provided in subparagraphs  
39 (A) and (B) may be reduced by up to 12 months and the period of  
40 postrelease supervision provided in subparagraph (C) may be reduced by  
41 up to six months based on the offender's compliance with conditions of  
42 supervision and overall performance while on postrelease supervision. The  
43 reduction in the supervision period shall be on an earned basis pursuant to



1 rules and regulations adopted by the secretary of corrections.

2 (F) In cases where sentences for crimes from more than one severity  
3 level have been imposed, the offender shall serve the longest period of  
4 postrelease supervision as provided by this section available for any crime  
5 upon which sentence was imposed irrespective of the severity level of the  
6 crime. Supervision periods will not aggregate.

7 (G) (i) Except as provided in subsection (u), persons sentenced to  
8 imprisonment for a sexually violent crime committed on or after July 1,  
9 2006, when the offender was 18 years of age or older, and who are  
10 released from prison, shall be released to a mandatory period of  
11 postrelease supervision for the duration of the person's natural life.

12 (ii) Persons sentenced to imprisonment for a sexually violent crime  
13 committed on or after the effective date of this act, when the offender was  
14 under 18 years of age, and who are released from prison, shall be released  
15 to a mandatory period of postrelease supervision for 60 months, plus the  
16 amount of good time and program credit earned and retained pursuant to  
17 K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments  
18 thereto.

19 (2) Persons serving a period of postrelease supervision pursuant to  
20 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner  
21 review board for early discharge. Upon payment of restitution, the prisoner  
22 review board may provide for early discharge.

23 (3) Persons serving a period of incarceration for a supervision  
24 violation shall not have the period of postrelease supervision modified  
25 until such person is released and returned to postrelease supervision.

26 (4) Offenders whose crime of conviction was committed on or after  
27 July 1, 2013, and whose probation, assignment to a community  
28 correctional services program, suspension of sentence or nonprison  
29 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments  
30 thereto, or whose underlying prison term expires while serving a sanction  
31 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a  
32 period of postrelease supervision upon the completion of the underlying  
33 prison term.

34 (5) As used in this subsection, "sexually violent crime" means:

35 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and  
36 amendments thereto;

37 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,  
38 or K.S.A. 21-5506(a), and amendments thereto;

39 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior  
40 to its repeal, or K.S.A. 21-5506(b), and amendments thereto;

41 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its  
42 repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;

43 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,

1 or K.S.A. 21-5504(b), and amendments thereto;

2 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,  
3 or K.S.A. 21-5508(a), and amendments thereto;

4 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior  
5 to its repeal, or K.S.A. 21-5508(b), and amendments thereto;

6 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,  
7 or K.S.A. 21-5510, and amendments thereto;

8 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or  
9 K.S.A. 21-5505(b), and amendments thereto;

10 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.  
11 21-5604(b), and amendments thereto;

12 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,  
13 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if  
14 committed in whole or in part for the purpose of the sexual gratification of  
15 the defendant or another;

16 (L) internet trading in child pornography, as defined in K.S.A. 21-  
17 5514(a), and amendments thereto;

18 (M) aggravated internet trading in child pornography, as defined in  
19 K.S.A. 21-5514(b), and amendments thereto;

20 (N) commercial sexual exploitation of a child, as defined in K.S.A.  
21 21-6422, and amendments thereto; or

22 (O) an attempt, conspiracy or criminal solicitation, as defined in  
23 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-  
24 5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent  
25 crime as defined in this section.

26 (6) As used in this subsection, "sexually motivated" means that one of  
27 the purposes for which the defendant committed the crime was for the  
28 purpose of the defendant's sexual gratification.

29 (e) If an inmate is sentenced to imprisonment for a crime committed  
30 while on parole or conditional release, the inmate shall be eligible for  
31 parole as provided by subsection (c), except that the prisoner review board  
32 may postpone the inmate's parole eligibility date by assessing a penalty not  
33 exceeding the period of time which could have been assessed if the  
34 inmate's parole or conditional release had been violated for reasons other  
35 than conviction of a crime.

36 (f) If a person is sentenced to prison for a crime committed on or after  
37 July 1, 1993, while on probation, parole, conditional release or in a  
38 community corrections program, for a crime committed prior to July 1,  
39 1993, and the person is not eligible for retroactive application of the  
40 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
41 4724, prior to its repeal, the new sentence shall not be aggregated with the  
42 old sentence, but shall begin when the person is paroled or reaches the  
43 conditional release date on the old sentence. If the offender was past the

1 offender's conditional release date at the time the new offense was  
2 committed, the new sentence shall not be aggregated with the old sentence  
3 but shall begin when the person is ordered released by the prisoner review  
4 board or reaches the maximum sentence expiration date on the old  
5 sentence, whichever is earlier. The new sentence shall then be served as  
6 otherwise provided by law. The period of postrelease supervision shall be  
7 based on the new sentence, except that those offenders whose old sentence  
8 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.  
9 21-4628, prior to its repeal, or an indeterminate sentence with a maximum  
10 term of life imprisonment, for which there is no conditional release or  
11 maximum sentence expiration date, shall remain on postrelease  
12 supervision for life or until discharged from supervision by the prisoner  
13 review board.

14 (g) Subject to the provisions of this section, the prisoner review board  
15 may release on parole those persons confined in institutions who are  
16 eligible for parole when: (1) The board believes that the inmate should be  
17 released for hospitalization, deportation or to answer the warrant or other  
18 process of a court and is of the opinion that there is reasonable probability  
19 that the inmate can be released without detriment to the community or to  
20 the inmate; or (2) the secretary of corrections has reported to the board in  
21 writing that the inmate has satisfactorily completed the programs required  
22 by any agreement entered under K.S.A. 75-5210a, and amendments  
23 thereto, or any revision of such agreement, and the board believes that the  
24 inmate is able and willing to fulfill the obligations of a law abiding citizen  
25 and is of the opinion that there is reasonable probability that the inmate  
26 can be released without detriment to the community or to the inmate.  
27 Parole shall not be granted as an award of clemency and shall not be  
28 considered a reduction of sentence or a pardon.

29 (h) The prisoner review board shall hold a parole hearing at least the  
30 month prior to the month an inmate will be eligible for parole under  
31 subsections (a), (b) and (c). At least one month preceding the parole  
32 hearing, the county or district attorney of the county where the inmate was  
33 convicted shall give written notice of the time and place of the public  
34 comment sessions for the inmate to any victim of the inmate's crime who  
35 is alive and whose address is known to the county or district attorney or, if  
36 the victim is deceased, to the victim's family if the family's address is  
37 known to the county or district attorney. Except as otherwise provided,  
38 failure to notify pursuant to this section shall not be a reason to postpone a  
39 parole hearing. In the case of any inmate convicted of an off-grid felony or  
40 a class A felony, the secretary of corrections shall give written notice of the  
41 time and place of the public comment session for such inmate at least one  
42 month preceding the public comment session to any victim of such  
43 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and

1 amendments thereto. If notification is not given to such victim or such  
2 victim's family in the case of any inmate convicted of an off-grid felony or  
3 a class A felony, the board shall postpone a decision on parole of the  
4 inmate to a time at least 30 days after notification is given as provided in  
5 this section. Nothing in this section shall create a cause of action against  
6 the state or an employee of the state acting within the scope of the  
7 employee's employment as a result of the failure to notify pursuant to this  
8 section. If granted parole, the inmate may be released on parole on the date  
9 specified by the board, but not earlier than the date the inmate is eligible  
10 for parole under subsections (a), (b) and (c). At each parole hearing and, if  
11 parole is not granted, at such intervals thereafter as it determines  
12 appropriate, the board shall consider: (1) Whether the inmate has  
13 satisfactorily completed the programs required by any agreement entered  
14 under K.S.A. 75-5210a, and amendments thereto, or any revision of such  
15 agreement; and (2) all pertinent information regarding such inmate,  
16 including, but not limited to, the circumstances of the offense of the  
17 inmate; the presentence report; the previous social history and criminal  
18 record of the inmate; the conduct, employment, and attitude of the inmate  
19 in prison; the reports of such physical and mental examinations as have  
20 been made, including, but not limited to, risk factors revealed by any risk  
21 assessment of the inmate; comments of the victim and the victim's family  
22 including in person comments, contemporaneous comments and  
23 prerecorded comments made by any technological means; comments of  
24 the public; official comments; any recommendation by the staff of the  
25 facility where the inmate is incarcerated; proportionality of the time the  
26 inmate has served to the sentence a person would receive under the Kansas  
27 sentencing guidelines for the conduct that resulted in the inmate's  
28 incarceration; and capacity of state correctional institutions.

29 (i) In those cases involving inmates sentenced for a crime committed  
30 after July 1, 1993, the prisoner review board will review the inmate's  
31 proposed release plan. The board may schedule a hearing if they desire.  
32 The board may impose any condition they deem necessary to insure public  
33 safety, aid in the reintegration of the inmate into the community, or items  
34 not completed under the agreement entered into under K.S.A. 75-5210a,  
35 and amendments thereto. The board may not advance or delay an inmate's  
36 release date. Every inmate while on postrelease supervision shall remain in  
37 the legal custody of the secretary of corrections and is subject to the orders  
38 of the secretary.

39 (j) (1) Before ordering the parole of any inmate, the prisoner review  
40 board shall have the inmate appear either in person or via a video  
41 conferencing format and shall interview the inmate unless impractical  
42 because of the inmate's physical or mental condition or absence from the  
43 institution. Every inmate while on parole shall remain in the legal custody

1 of the secretary of corrections and is subject to the orders of the secretary.  
2 Whenever the board formally considers placing an inmate on parole and  
3 no agreement has been entered into with the inmate under K.S.A. 75-  
4 5210a, and amendments thereto, the board shall notify the inmate in  
5 writing of the reasons for not granting parole. If an agreement has been  
6 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate  
7 has not satisfactorily completed the programs specified in the agreement,  
8 or any revision of such agreement, the board shall notify the inmate in  
9 writing of the specific programs the inmate must satisfactorily complete  
10 before parole will be granted. If parole is not granted only because of a  
11 failure to satisfactorily complete such programs, the board shall grant  
12 parole upon the secretary's certification that the inmate has successfully  
13 completed such programs. If an agreement has been entered under K.S.A.  
14 75-5210a, and amendments thereto, and the secretary of corrections has  
15 reported to the board in writing that the inmate has satisfactorily  
16 completed the programs required by such agreement, or any revision  
17 thereof, the board shall not require further program participation.  
18 However, if the board determines that other pertinent information  
19 regarding the inmate warrants the inmate's not being released on parole,  
20 the board shall state in writing the reasons for not granting the parole. If  
21 parole is denied for an inmate sentenced for a crime other than a class A or  
22 class B felony or an off-grid felony, the board shall hold another parole  
23 hearing for the inmate not later than one year after the denial unless the  
24 board finds that it is not reasonable to expect that parole would be granted  
25 at a hearing if held in the next three years or during the interim period of a  
26 deferral. In such case, the board may defer subsequent parole hearings for  
27 up to three years but any such deferral by the board shall require the board  
28 to state the basis for its findings. If parole is denied for an inmate  
29 sentenced for a class A or class B felony or an off-grid felony, the board  
30 shall hold another parole hearing for the inmate not later than three years  
31 after the denial unless the board finds that it is not reasonable to expect  
32 that parole would be granted at a hearing if held in the next 10 years or  
33 during the interim period of a deferral. In such case, the board may defer  
34 subsequent parole hearings for up to 10 years, but any such deferral shall  
35 require the board to state the basis for its findings.

36 (2) Inmates sentenced for a class A or class B felony who have not  
37 had a board hearing in the five years prior to July 1, 2010, shall have such  
38 inmates' cases reviewed by the board on or before July 1, 2012. Such  
39 review shall begin with the inmates with the oldest deferral date and  
40 progress to the most recent. Such review shall be done utilizing existing  
41 resources unless the board determines that such resources are insufficient.  
42 If the board determines that such resources are insufficient, then the  
43 provisions of this paragraph are subject to appropriations therefor.

1 (k) (1) Parolees and persons on postrelease supervision shall be  
2 assigned, upon release, to the appropriate level of supervision pursuant to  
3 the criteria established by the secretary of corrections.

4 (2) Parolees and persons on postrelease supervision are, and shall  
5 agree in writing to be, subject to searches of the person and the person's  
6 effects, vehicle, residence and property by a parole officer or a department  
7 of corrections enforcement, apprehension and investigation officer, at any  
8 time of the day or night, with or without a search warrant and with or  
9 without cause. Nothing in this subsection shall be construed to authorize  
10 such officers to conduct arbitrary or capricious searches or searches for the  
11 sole purpose of harassment.

12 (3) Parolees and persons on postrelease supervision are, and shall  
13 agree in writing to be, subject to searches of the person and the person's  
14 effects, vehicle, residence and property by any law enforcement officer  
15 based on reasonable suspicion of the person violating conditions of parole  
16 or postrelease supervision or reasonable suspicion of criminal activity. Any  
17 law enforcement officer who conducts such a search shall submit a written  
18 report to the appropriate parole officer no later than the close of the next  
19 business day after such search. The written report shall include the facts  
20 leading to such search, the scope of such search and any findings resulting  
21 from such search.

22 (l) The prisoner review board shall promulgate rules and regulations  
23 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not  
24 inconsistent with the law and as it may deem proper or necessary, with  
25 respect to the conduct of parole hearings, postrelease supervision reviews,  
26 revocation hearings, orders of restitution, reimbursement of expenditures  
27 by the state board of indigents' defense services and other conditions to be  
28 imposed upon parolees or releasees. Whenever an order for parole or  
29 postrelease supervision is issued it shall recite the conditions thereof.

30 (m) Whenever the prisoner review board orders the parole of an  
31 inmate or establishes conditions for an inmate placed on postrelease  
32 supervision, the board:

33 (1) Unless it finds compelling circumstances that would render a plan  
34 of payment unworkable, shall order as a condition of parole or postrelease  
35 supervision that the parolee or the person on postrelease supervision pay  
36 any transportation expenses resulting from returning the parolee or the  
37 person on postrelease supervision to this state to answer criminal charges  
38 or a warrant for a violation of a condition of probation, assignment to a  
39 community correctional services program, parole, conditional release or  
40 postrelease supervision;

41 (2) to the extent practicable, shall order as a condition of parole or  
42 postrelease supervision that the parolee or the person on postrelease  
43 supervision make progress towards or successfully complete the

1 equivalent of a secondary education if the inmate has not previously  
2 completed such educational equivalent and is capable of doing so;

3 (3) may order that the parolee or person on postrelease supervision  
4 perform community or public service work for local governmental  
5 agencies, private corporations organized not-for-profit or charitable or  
6 social service organizations performing services for the community;

7 (4) may order the parolee or person on postrelease supervision to pay  
8 the administrative fee imposed pursuant to K.S.A. 22-4529, and  
9 amendments thereto, unless the board finds compelling circumstances that  
10 would render payment unworkable;

11 (5) unless it finds compelling circumstances that would render a plan  
12 of payment unworkable, shall order that the parolee or person on  
13 postrelease supervision reimburse the state for all or part of the  
14 expenditures by the state board of indigents' defense services to provide  
15 counsel and other defense services to the person. In determining the  
16 amount and method of payment of such sum, the prisoner review board  
17 shall take account of the financial resources of the person and the nature of  
18 the burden that the payment of such sum will impose. Such amount shall  
19 not exceed the amount claimed by appointed counsel on the payment  
20 voucher for indigents' defense services or the amount prescribed by the  
21 board of indigents' defense services reimbursement tables as provided in  
22 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any  
23 previous payments for such services;

24 (6) shall order that the parolee or person on postrelease supervision  
25 agree in writing to be subject to searches of the person and the person's  
26 effects, vehicle, residence and property by a parole officer or a department  
27 of corrections enforcement, apprehension and investigation officer, at any  
28 time of the day or night, with or without a search warrant and with or  
29 without cause. Nothing in this subsection shall be construed to authorize  
30 such officers to conduct arbitrary or capricious searches or searches for the  
31 sole purpose of harassment; and

32 (7) shall order that the parolee or person on postrelease supervision  
33 agree in writing to be subject to searches of the person and the person's  
34 effects, vehicle, residence and property by any law enforcement officer  
35 based on reasonable suspicion of the person violating conditions of parole  
36 or postrelease supervision or reasonable suspicion of criminal activity.

37 (n) If the court that sentenced an inmate specified at the time of  
38 sentencing the amount and the recipient of any restitution ordered as a  
39 condition of parole or postrelease supervision, the prisoner review board  
40 shall order as a condition of parole or postrelease supervision that the  
41 inmate pay restitution in the amount and manner provided in the journal  
42 entry unless the board finds compelling circumstances that would render a  
43 plan of restitution unworkable.

1 (o) Whenever the prisoner review board grants the parole of an  
2 inmate, the board, within 14 days of the date of the decision to grant  
3 parole, shall give written notice of the decision to the county or district  
4 attorney of the county where the inmate was sentenced.

5 (p) When an inmate is to be released on postrelease supervision, the  
6 secretary, within 30 days prior to release, shall provide the county or  
7 district attorney of the county where the inmate was sentenced written  
8 notice of the release date.

9 (q) Inmates shall be released on postrelease supervision upon the  
10 termination of the prison portion of their sentence. Time served while on  
11 postrelease supervision will vest.

12 (r) An inmate who is allocated regular good time credits as provided  
13 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
14 good time credits in increments of not more than 90 days per meritorious  
15 act. These credits may be awarded by the secretary of corrections when an  
16 inmate has acted in a heroic or outstanding manner in coming to the  
17 assistance of another person in a life-threatening situation, preventing  
18 injury or death to a person, preventing the destruction of property or taking  
19 actions that result in a financial savings to the state.

20 (s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and  
21 (d)(1)(E) shall be applied retroactively as provided in subsection (t).

22 (t) For offenders sentenced prior to July 1, 2014, who are eligible for  
23 modification of their postrelease supervision obligation, the department of  
24 corrections shall modify the period of postrelease supervision as provided  
25 for by this section:

26 (1) On or before September 1, 2013, for offenders convicted of:

27 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid  
28 for nondrug crimes;

29 (B) severity level 4 crimes on the sentencing guidelines grid for drug  
30 crimes committed prior to July 1, 2012; and

31 (C) severity level 5 crimes on the sentencing guidelines grid for drug  
32 crimes committed on and after July 1, 2012;

33 (2) on or before November 1, 2013, for offenders convicted of:

34 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines  
35 grid for nondrug crimes;

36 (B) level 3 crimes on the sentencing guidelines grid for drug crimes  
37 committed prior to July 1, 2012; and

38 (C) level 4 crimes on the sentencing guidelines grid for drug crimes  
39 committed on or after July 1, 2012; and

40 (3) on or before January 1, 2014, for offenders convicted of:

41 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing  
42 guidelines grid for nondrug crimes;

43 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid



1 for drug crimes committed at any time; and

2 (C) severity level 3 crimes on the sentencing guidelines grid for drug  
3 crimes committed on or after July 1, 2012.

4 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
5 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for  
6 crimes committed on or after July 1, 2006, shall be placed on parole for  
7 life and shall not be discharged from supervision by the prisoner review  
8 board. When the board orders the parole of an inmate pursuant to this  
9 subsection, the board shall order as a condition of parole that the inmate be  
10 electronically monitored for the duration of the inmate's natural life.

11 (v) Whenever the prisoner review board orders a person to be  
12 electronically monitored pursuant to this section, or the court orders a  
13 person to be electronically monitored pursuant to K.S.A. 21-6604(r), and  
14 amendments thereto, the board shall order the person to reimburse the state  
15 for all or part of the cost of such monitoring. In determining the amount  
16 and method of payment of such sum, the board shall take account of the  
17 financial resources of the person and the nature of the burden that the  
18 payment of such sum will impose.

19 (w) (1) On and after July 1, 2012, for any inmate who is a sex  
20 offender, as defined in K.S.A. 22-4902, and amendments thereto,  
21 whenever the prisoner review board orders the parole of such inmate or  
22 establishes conditions for such inmate placed on postrelease supervision,  
23 such inmate shall agree in writing to not possess pornographic materials.

24 (A) As used in this subsection, "pornographic materials" means any  
25 obscene material or performance depicting sexual conduct, sexual contact  
26 or a sexual performance; and any visual depiction of sexually explicit  
27 conduct.

28 (B) As used in this subsection, all other terms have the meanings  
29 provided by K.S.A. 21-5510, and amendments thereto.

30 (2) The provisions of this subsection shall be applied retroactively to  
31 every sex offender, as defined in K.S.A. 22-4902, and amendments  
32 thereto, who is on parole or postrelease supervision on July 1, 2012. The  
33 prisoner review board shall obtain the written agreement required by this  
34 subsection from such offenders as soon as practicable.

35 (x) *For any parolee or person on postrelease supervision who has  
36 been issued a valid identification card pursuant to section 9, and  
37 amendments thereto, the prisoner review board shall not order any  
38 condition that prohibits such parolee or person on postrelease supervision  
39 from purchasing, possessing or consuming medical cannabis or medical  
40 cannabis products, as such terms are defined in section 2, and  
41 amendments thereto, in accordance with the Kansas medical cannabis act,  
42 section 1 et seq., and amendments thereto.*

43 Sec. 84. K.S.A. 23-3201 is hereby amended to read as follows: 23-

1 3201. (a) The court shall determine legal custody, residency and parenting  
2 time of a child in accordance with the best interests of the child.

3 (b) *The court shall not consider the fact that a parent consumes*  
4 *medical cannabis or medical cannabis products, as defined in section 2,*  
5 *and amendments thereto, in accordance with the Kansas medical cannabis*  
6 *act, section 1 et seq., and amendments thereto, when determining the legal*  
7 *custody, residency or parenting time of a child.*

8 Sec. 85. K.S.A. 38-2269 is hereby amended to read as follows: 38-  
9 2269. (a) When the child has been adjudicated to be a child in need of  
10 care, the court may terminate parental rights or appoint a permanent  
11 custodian when the court finds by clear and convincing evidence that the  
12 parent is unfit by reason of conduct or condition which renders the parent  
13 unable to care properly for a child and the conduct or condition is unlikely  
14 to change in the foreseeable future.

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

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

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

23 (3) the use of intoxicating liquors or narcotic or dangerous drugs of  
24 such duration or nature as to render the parent unable to care for the  
25 ongoing physical, mental or emotional needs of the child, *except that the*  
26 *use of medical cannabis or medical cannabis products, as defined in*  
27 *section 2, and amendments thereto, in accordance with the Kansas*  
28 *medical cannabis act, section 1 et seq., and amendments thereto, shall not*  
29 *be considered to render the parent unable to care for the ongoing physical,*  
30 *mental or emotional needs of the child;*

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

33 (5) conviction of a felony and imprisonment;

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

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

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

40 (9) whether, as a result of the actions or inactions attributable to the  
41 parent and one or more of the factors listed in subsection (c) apply, the  
42 child has been in the custody of the secretary and placed with neither  
43 parent for 15 of the most recent 22 months beginning 60 days after the

1 date on which a child in the secretary's custody was removed from the  
2 child's home.

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

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

8 (2) failure to maintain regular visitation, contact or communication  
9 with the child or with the custodian of the child;

10 (3) failure to carry out a reasonable plan approved by the court  
11 directed toward the integration of the child into a parental home; and

12 (4) failure to pay a reasonable portion of the cost of substitute  
13 physical care and maintenance based on ability to pay.

14 In making the above determination, the court may disregard incidental  
15 visitations, contacts, communications or contributions.

16 (d) A finding of unfitness may be made as provided in this section if  
17 the court finds that the parents have abandoned the child, the custody of  
18 the child was surrendered pursuant to K.S.A. 38-2282, and amendments  
19 thereto, or the child was left under such circumstances that the identity of  
20 the parents is unknown and cannot be ascertained, despite diligent  
21 searching, and the parents have not come forward to claim the child within  
22 three months after the child is found.

23 (e) If a person is convicted of a felony in which sexual intercourse  
24 occurred, or if a juvenile is adjudicated a juvenile offender because of an  
25 act which, if committed by an adult, would be a felony in which sexual  
26 intercourse occurred, and as a result of the sexual intercourse, a child is  
27 conceived, a finding of unfitness may be made.

28 (f) The existence of any one of the above factors standing alone may,  
29 but does not necessarily, establish grounds for termination of parental  
30 rights.

31 (g) (1) If the court makes a finding of unfitness, the court shall  
32 consider whether termination of parental rights as requested in the petition  
33 or motion is in the best interests of the child. In making the determination,  
34 the court shall give primary consideration to the physical, mental and  
35 emotional health of the child. If the physical, mental or emotional needs of  
36 the child would best be served by termination of parental rights, the court  
37 shall so order. A termination of parental rights under the code shall not  
38 terminate the right of a child to inherit from or through a parent. Upon  
39 such termination all rights of the parent to such child, including, such  
40 parent's right to inherit from or through such child, shall cease.

41 (2) If the court terminates parental rights, the court may authorize  
42 adoption pursuant to K.S.A. 38-2270, and amendments thereto,  
43 appointment of a permanent custodian pursuant to K.S.A. 38-2272, and

1 amendments thereto, or continued permanency planning.

2 (3) If the court does not terminate parental rights, the court may  
3 authorize appointment of a permanent custodian pursuant to K.S.A. 38-  
4 2272, and amendments thereto, or continued permanency planning.

5 (h) If a parent is convicted of an offense as provided in K.S.A. 38-  
6 2271(a)(7), and amendments thereto, or is adjudicated a juvenile offender  
7 because of an act which if committed by an adult would be an offense as  
8 provided in K.S.A. 38-2271(a)(7), and amendments thereto, and if the  
9 victim was the other parent of a child, the court may disregard such  
10 convicted or adjudicated parent's opinions or wishes in regard to the  
11 placement of such child.

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

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

18 Sec. 86. K.S.A. 44-501 is hereby amended to read as follows: 44-501.

19 (a) (1) Compensation for an injury shall be disallowed if such injury to the  
20 employee results from:

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

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

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

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

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

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

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

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

8 (ii) *In the case of cannabis, including any cannabis derivatives,*  
 9 *compensation shall not be denied if the employee has been issued a valid*  
 10 *identification card pursuant to the Kansas medical cannabis act, section 1*  
 11 *et seq., and amendments thereto, such cannabis or cannabis derivative*  
 12 *was used in accordance with such act, and there has been no prior*  
 13 *incidence of the employee's impairment on the job as a result of the use of*  
 14 *such cannabis or cannabis derivative within the immediately preceding 24*  
 15 *months.*

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

	Confirmatory test cutoff levels (ng/ml)
24 Marijuana metabolite <sup>1</sup> .....	15
25 Cocaine metabolite <sup>2</sup> .....	150
26 Opiates:	
27     Morphine .....	2000
28     Codeine .....	2000
29 6-Acetylmorphine <sup>4,3</sup> .....	10 ng/ml
30 Phencyclidine .....	25
31 Amphetamines:	
32     Amphetamine .....	500
33     Methamphetamine <sup>3,4</sup> .....	500

34 <sup>1</sup> Delta-9-tetrahydrocannabinol-9-carboxylic acid.

35 <sup>2</sup> Benzoyllecgonine.

36 <sup>3</sup> ~~Specimen must also contain amphetamine at a concentration greater~~  
 37 ~~than or equal to 200 ng/ml~~ *Test for 6-AM when morphine concentration*  
 38 *exceeds 2,000 ng/ml.*

39 <sup>4</sup> ~~Test for 6-AM when morphine concentration exceeds 2,000-~~  
 40 ~~ng/ml~~ *Specimen must also contain amphetamine at a concentration*  
 41 *greater than or equal to 200 ng/ml.*

42 (D) If it is shown that the employee was impaired pursuant to  
 43 subsection (b)(1)(C) at the time of the injury, there shall be a rebuttable

1 presumption that the accident, injury, disability or death was contributed to  
2 by such impairment. The employer may overcome the presumption of  
3 contribution by clear and convincing evidence.

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

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

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

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

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

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

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

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

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

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

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

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

43 (E) the foundation evidence must establish, beyond a reasonable

1 doubt, that the test results were from the sample taken from the employee;  
2 and

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

5 (c) (1) Except as provided in paragraph (2), compensation shall not  
6 be paid in case of coronary or coronary artery disease or cerebrovascular  
7 injury unless it is shown that the exertion of the work necessary to  
8 precipitate the disability was more than the employee's usual work in the  
9 course of the employee's regular employment.

10 (2) For events occurring on or after July 1, 2014, in the case of a  
11 firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto,  
12 or a law enforcement officer as defined by K.S.A. 74-5602, and  
13 amendments thereto, coronary or coronary artery disease or  
14 cerebrovascular injury shall be compensable if:

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

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

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

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

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

38 (1) Where workers compensation benefits have previously been  
39 awarded through settlement or judicial or administrative determination in  
40 Kansas, the percentage basis of the prior settlement or award shall  
41 conclusively establish the amount of functional impairment determined to  
42 be preexisting. Where workers compensation benefits have not previously  
43 been awarded through settlement or judicial or administrative

1 determination in Kansas, the amount of preexisting functional impairment  
2 shall be established by competent evidence.

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

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

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

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

33 Sec. 87. K.S.A. 44-706 is hereby amended to read as follows: 44-706.  
34 The secretary shall examine whether an individual has separated from  
35 employment for each week claimed. The secretary shall apply the  
36 provisions of this section to the individual's most recent employment prior  
37 to the week claimed. An individual shall be disqualified for benefits:

38 (a) If the individual left work voluntarily without good cause  
39 attributable to the work or the employer, subject to the other provisions of  
40 this subsection. For purposes of this subsection, "good cause" is cause of  
41 such gravity that would impel a reasonable, not supersensitive, individual  
42 exercising ordinary common sense to leave employment. Good cause  
43 requires a showing of good faith of the individual leaving work, including



1 the presence of a genuine desire to work. Failure to return to work after  
2 expiration of approved personal or medical leave, or both, shall be  
3 considered a voluntary resignation. After a temporary job assignment,  
4 failure of an individual to affirmatively request an additional assignment  
5 on the next succeeding workday, if required by the employment  
6 agreement, after completion of a given work assignment, shall constitute  
7 leaving work voluntarily. The disqualification shall begin the day  
8 following the separation and shall continue until after the individual has  
9 become reemployed and has had earnings from insured work of at least  
10 three times the individual's weekly benefit amount. An individual shall not  
11 be disqualified under this subsection if:

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

23 (2) the individual left temporary work to return to the regular  
24 employer;

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

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

35 (5) the individual left work because of hazardous working conditions;  
36 in determining whether or not working conditions are hazardous for an  
37 individual, the degree of risk involved to the individual's health, safety and  
38 morals, the individual's physical fitness and prior training and the working  
39 conditions of workers engaged in the same or similar work for the same  
40 and other employers in the locality shall be considered; as used in this  
41 paragraph, "hazardous working conditions" means working conditions that  
42 could result in a danger to the physical or mental well-being of the  
43 individual; each determination as to whether hazardous working

1 conditions exist shall include, but shall not be limited to, a consideration  
2 of: (A) The safety measures used or the lack thereof; and (B) the condition  
3 of equipment or lack of proper equipment; no work shall be considered  
4 hazardous if the working conditions surrounding the individual's work are  
5 the same or substantially the same as the working conditions generally  
6 prevailing among individuals performing the same or similar work for  
7 other employers engaged in the same or similar type of activity;

8 (6) the individual left work to enter training approved under section  
9 236(a)(1) of the federal trade act of 1974, provided the work left is not of a  
10 substantially equal or higher skill level than the individual's past adversely  
11 affected employment, as defined for purposes of the federal trade act of  
12 1974, and wages for such work are not less than 80% of the individual's  
13 average weekly wage as determined for the purposes of the federal trade  
14 act of 1974;

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

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

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

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

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

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

43 (i) The individual's reasonable fear of future domestic violence at or

1 en route to or from the individual's place of employment;

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

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

6 (iv) the individual's need to leave employment as a condition of  
7 receiving services or shelter from an agency which provides support  
8 services or shelter to victims of domestic violence; or

9 (v) the individual's reasonable belief that termination of employment  
10 is necessary to avoid other situations which may cause domestic violence  
11 and to provide for the future safety of the individual or the individual's  
12 family.

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

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

17 (ii) a police record documenting the abuse;

18 (iii) documentation that the abuser has been convicted of one or more  
19 of the offenses enumerated in articles 34 and 35 of chapter 21 of the  
20 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of  
21 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325,  
22 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the  
23 victim was a family or household member;

24 (iv) medical documentation of the abuse;

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

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

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

35 (b) If the individual has been discharged or suspended for misconduct  
36 connected with the individual's work. The disqualification shall begin the  
37 day following the separation and shall continue until after the individual  
38 becomes reemployed and in cases where the disqualification is due to  
39 discharge for misconduct has had earnings from insured work of at least  
40 three times the individual's determined weekly benefit amount, except that  
41 if an individual is discharged for gross misconduct connected with the  
42 individual's work, such individual shall be disqualified for benefits until  
43 such individual again becomes employed and has had earnings from

1 insured work of at least eight times such individual's determined weekly  
2 benefit amount. In addition, all wage credits attributable to the  
3 employment from which the individual was discharged for gross  
4 misconduct connected with the individual's work shall be canceled. No  
5 such cancellation of wage credits shall affect prior payments made as a  
6 result of a prior separation.

7 (1) (A) For the purposes of this subsection, "misconduct" is defined as  
8 a violation of a duty or obligation reasonably owed the employer as a  
9 condition of employment including, but not limited to, a violation of a  
10 company rule, including a safety rule, if: ~~(A)~~(i) The individual knew or  
11 should have known about the rule; ~~(B)~~(ii) the rule was lawful and  
12 reasonably related to the job; and ~~(C)~~(iii) the rule was fairly and  
13 consistently enforced.

14 (B) *"Misconduct" does not include any violation of a duty, obligation*  
15 *or company rule, if: (i) The individual is a patient who has been issued a*  
16 *valid identification card pursuant to section 9, and amendments thereto;*  
17 *and (ii) the basis for the violation is the possession of such identification*  
18 *card or the possession or use of medical cannabis or a medical cannabis*  
19 *product, as such terms are defined in section 2, and amendments thereto,*  
20 *in accordance with the Kansas medical cannabis act, section 1 et seq., and*  
21 *amendments thereto.*

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

27 (B) For the purposes of this subsection, misconduct shall include, but  
28 not be limited to, violation of the employer's reasonable attendance  
29 expectations if the facts show:

- 30 (i) The individual was absent or tardy without good cause;  
31 (ii) the individual had knowledge of the employer's attendance  
32 expectation; and  
33 (iii) the employer gave notice to the individual that future absence or  
34 tardiness may or will result in discharge.

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

42 (3) (A) (i) The term "gross misconduct" as used in this subsection  
43 shall be construed to mean conduct evincing extreme, willful or wanton

1 misconduct as defined by this subsection. Gross misconduct shall include,  
2 but not be limited to: ~~(i)~~(a) Theft; ~~(ii)~~(b) fraud; ~~(iii)~~(c) intentional damage  
3 to property; ~~(iv)~~(d) intentional infliction of personal injury; or ~~(v)~~(e) any  
4 conduct that constitutes a felony.

5 *(ii) "Gross misconduct" does not include any conduct of an*  
6 *individual, if: (i) The individual is a patient who has been issued a valid*  
7 *identification card pursuant to section 9, and amendments thereto; and (ii)*  
8 *the basis for the violation is the possession of such identification card or*  
9 *the possession or use of medical cannabis or a medical cannabis product*  
10 *as such terms are defined in section 2, and amendments thereto, in*  
11 *accordance with the Kansas medical cannabis act, section 1 et seq., and*  
12 *amendments thereto.*

13 (B) For the purposes of this subsection, the following shall be  
14 conclusive evidence of gross misconduct:

15 (i) The use of alcoholic liquor, cereal malt beverage or a  
16 nonprescribed controlled substance by an individual while working;

17 (ii) the impairment caused by alcoholic liquor, cereal malt beverage  
18 or a nonprescribed controlled substance by an individual while working;

19 (iii) a positive breath alcohol test or a positive chemical test,  
20 provided:

21 (a) The test was either:

22 (1) Required by law and was administered pursuant to the drug free  
23 workplace act, 41 U.S.C. § 701 et seq.;

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

27 (3) requested pursuant to a written policy of the employer of which  
28 the employee had knowledge and was a required condition of  
29 employment;

30 (4) required by law and the test constituted a required condition of  
31 employment for the individual's job; or

32 (5) there was reasonable suspicion to believe that the individual used,  
33 had possession of, or was impaired by alcoholic liquor, cereal malt  
34 beverage or a nonprescribed controlled substance while working;

35 (b) the test sample was collected either:

36 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et  
37 seq.;

38 (2) as prescribed by an employee assistance program or other drug or  
39 alcohol treatment program in which the employee was participating  
40 voluntarily or as a condition of further employment;

41 (3) as prescribed by the written policy of the employer of which the  
42 employee had knowledge and which constituted a required condition of  
43 employment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (C) For purposes of this subsection:

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

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

6 (iii) "cereal malt beverage" means the same as provided in K.S.A. 41-  
7 2701, and amendments thereto;

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

10 (v) "controlled substance" means the same as provided in K.S.A. 21-  
11 5701, and amendments thereto;

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

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

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

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

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

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

- 1 (i) Inefficiency;
- 2 (ii) unsatisfactory performance due to inability, incapacity or lack of  
3 training or experience;
- 4 (iii) isolated instances of ordinary negligence or inadvertence;
- 5 (iv) ~~good-faith~~*good faith* errors in judgment or discretion; or
- 6 (v) unsatisfactory work or conduct due to circumstances beyond the  
7 individual's control; or
- 8 (C) the individual's refusal to perform work in excess of the contract  
9 of hire.

10 (c) If the individual has failed, without good cause, to either apply for  
11 suitable work when so directed by the employment office of the secretary  
12 of labor, or to accept suitable work when offered to the individual by the  
13 employment office, the secretary of labor, or an employer, such  
14 disqualification shall begin with the week in which such failure occurred  
15 and shall continue until the individual becomes reemployed and has had  
16 earnings from insured work of at least three times such individual's  
17 determined weekly benefit amount. In determining whether or not any  
18 work is suitable for an individual, the secretary of labor, or a person or  
19 persons designated by the secretary, shall consider the degree of risk  
20 involved to health, safety and morals, physical fitness and prior training,  
21 experience and prior earnings, length of unemployment and prospects for  
22 securing local work in the individual's customary occupation or work for  
23 which the individual is reasonably fitted by training or experience, and the  
24 distance of the available work from the individual's residence.  
25 Notwithstanding any other provisions of this act, an otherwise eligible  
26 individual shall not be disqualified for refusing an offer of suitable  
27 employment, or failing to apply for suitable employment when notified by  
28 an employment office, or for leaving the individual's most recent work  
29 accepted during approved training, including training approved under  
30 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying  
31 for suitable employment or continuing such work would require the  
32 individual to terminate approved training and no work shall be deemed  
33 suitable and benefits shall not be denied under this act to any otherwise  
34 eligible individual for refusing to accept new work under any of the  
35 following conditions: (1) If the position offered is vacant due directly to a  
36 strike, lockout or other labor dispute; (2) if the remuneration, hours or  
37 other conditions of the work offered are substantially less favorable to the  
38 individual than those prevailing for similar work in the locality; (3) if as a  
39 condition of being employed, the individual would be required to join or  
40 resign from or refrain from joining any labor organization; and (4) if the  
41 individual left employment as a result of domestic violence, and the  
42 position offered does not reasonably accommodate the individual's  
43 physical, psychological, safety, or legal needs relating to such domestic



1 violence.

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

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

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

38 (g) If the individual, or another in such individual's behalf with the  
39 knowledge of the individual, has knowingly made a false statement or  
40 representation, or has knowingly failed to disclose a material fact to obtain  
41 or increase benefits under this act or any other unemployment  
42 compensation law administered by the secretary of labor, unless the  
43 individual has repaid the full amount of the overpayment as determined by

1 the secretary or the secretary's designee, including, but not limited to, the  
2 total amount of money erroneously paid as benefits or unlawfully  
3 obtained, interest, penalties and any other costs or fees provided by law. If  
4 the individual has made such repayment, the individual shall be  
5 disqualified for a period of one year for the first occurrence or five years  
6 for any subsequent occurrence, beginning with the first day following the  
7 date the department of labor confirmed the individual has successfully  
8 repaid the full amount of the overpayment. In addition to the penalties set  
9 forth in K.S.A. 44-719, and amendments thereto, an individual who has  
10 knowingly made a false statement or representation or who has knowingly  
11 failed to disclose a material fact to obtain or increase benefits under this  
12 act or any other unemployment compensation law administered by the  
13 secretary of labor shall be liable for a penalty in the amount equal to 25%  
14 of the amount of benefits unlawfully received. Notwithstanding any other  
15 provision of law, such penalty shall be deposited into the employment  
16 security trust fund. No person who is a victim of identify theft shall be  
17 subject to the provisions of this subsection. The secretary shall investigate  
18 all cases of an alleged false statement or representation or failure to  
19 disclose a material fact to ensure no victim of identity theft is disqualified,  
20 required to repay or subject to any penalty as provided by this subsection  
21 as a result of identity theft.

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

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

38 (j) For any week of unemployment on the basis of service in any  
39 capacity other than service in an instructional, research, or administrative  
40 capacity in an educational institution, as defined in K.S.A. 44-703(v), and  
41 amendments thereto, if such week begins during the period between two  
42 successive academic years or terms if the individual performs such  
43 services in the first of such academic years or terms and there is a

1 reasonable assurance that the individual will perform such services in the  
2 second of such academic years or terms, except that if benefits are denied  
3 to the individual under this subsection and the individual was not offered  
4 an opportunity to perform such services for the educational institution for  
5 the second of such academic years or terms, such individual shall be  
6 entitled to a retroactive payment of benefits for each week for which the  
7 individual filed a timely claim for benefits and for which benefits were  
8 denied solely by reason of this subsection.

9 (k) For any week of unemployment on the basis of service in any  
10 capacity for an educational institution as defined in K.S.A. 44-703(v), and  
11 amendments thereto, if such week begins during an established and  
12 customary vacation period or holiday recess, if the individual performs  
13 services in the period immediately before such vacation period or holiday  
14 recess and there is a reasonable assurance that such individual will perform  
15 such services in the period immediately following such vacation period or  
16 holiday recess.

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

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

39 (n) For any week in which an individual is receiving a governmental  
40 or other pension, retirement or retired pay, annuity or other similar  
41 periodic payment under a plan maintained by a base period employer and  
42 to which the entire contributions were provided by such employer, except  
43 that: (1) If the entire contributions to such plan were provided by the base

1 period employer but such individual's weekly benefit amount exceeds such  
2 governmental or other pension, retirement or retired pay, annuity or other  
3 similar periodic payment attributable to such week, the weekly benefit  
4 amount payable to the individual shall be reduced, but not below zero, by  
5 an amount equal to the amount of such pension, retirement or retired pay,  
6 annuity or other similar periodic payment which is attributable to such  
7 week;~~or~~ (2) if only a portion of contributions to such plan were provided  
8 by the base period employer, the weekly benefit amount payable to such  
9 individual for such week shall be reduced, but not below zero, by the  
10 prorated weekly amount of the pension, retirement or retired pay, annuity  
11 or other similar periodic payment after deduction of that portion of the  
12 pension, retirement or retired pay, annuity or other similar periodic  
13 payment that is directly attributable to the percentage of the contributions  
14 made to the plan by such individual;~~or~~ (3) if the entire contributions to the  
15 plan were provided by such individual, or by the individual and an  
16 employer, or any person or organization, who is not a base period  
17 employer, no reduction in the weekly benefit amount payable to the  
18 individual for such week shall be made under this subsection; or (4)  
19 whatever portion of contributions to such plan were provided by the base  
20 period employer, if the services performed for the employer by such  
21 individual during the base period, or remuneration received for the  
22 services, did not affect the individual's eligibility for, or increased the  
23 amount of, such pension, retirement or retired pay, annuity or other similar  
24 periodic payment, no reduction in the weekly benefit amount payable to  
25 the individual for such week shall be made under this subsection. No  
26 reduction shall be made for payments made under the social security act or  
27 railroad retirement act of 1974.

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

36 (p) For any week of unemployment on the basis of service as a school  
37 bus or other motor vehicle driver employed by a private contractor to  
38 transport pupils, students and school personnel to or from school-related  
39 functions or activities for an educational institution, as defined in K.S.A.  
40 44-703(v), and amendments thereto, if such week begins during the period  
41 between two successive academic years or during a similar period between  
42 two regular terms, whether or not successive, if the individual has a  
43 contract or contracts, or a reasonable assurance thereof, to perform

1 services in any such capacity with a private contractor for any educational  
2 institution for both such academic years or both such terms. An individual  
3 shall not be disqualified for benefits as provided in this subsection for any  
4 week of unemployment on the basis of service as a bus or other motor  
5 vehicle driver employed by a private contractor to transport persons to or  
6 from nonschool-related functions or activities.

7 (q) For any week of unemployment on the basis of services  
8 performed by the individual in any capacity and under any of the  
9 circumstances described in subsection (i), (j), (k) or (o) which are provided  
10 to or on behalf of an educational institution, as defined in K.S.A. 44-  
11 703(v), and amendments thereto, while the individual is in the employ of  
12 an employer which is a governmental entity, Indian tribe or any employer  
13 described in section 501(c)(3) of the federal internal revenue code of 1986  
14 which is exempt from income under section 501(a) of the code.

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

20 (1) The individual was engaged in full-time employment concurrent  
21 with the individual's school attendance;

22 (2) the individual is attending approved training as defined in K.S.A.  
23 44-703(s), and amendments thereto; or

24 (3) the individual is attending evening, weekend or limited day time  
25 classes, which would not affect availability for work, and is otherwise  
26 eligible under K.S.A. 44-705(c), and amendments thereto.

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

34 (1) For any such weeks that an individual receives remuneration in  
35 the form of a back pay award or settlement, an overpayment will be  
36 established in the amount of unemployment benefits paid and shall be  
37 collected from the claimant.

38 (2) If an employer chooses to withhold from a back pay award or  
39 settlement, amounts paid to a claimant while they claimed unemployment  
40 benefits, such employer shall pay the department the amount withheld.  
41 With respect to such amount, the secretary shall have available all of the  
42 collection remedies authorized or provided in K.S.A. 44-717, and  
43 amendments thereto.

1 (t) (1) Any applicant for or recipient of unemployment benefits who  
2 tests positive for unlawful use of a controlled substance or controlled  
3 substance analog shall be required to complete a substance abuse treatment  
4 program approved by the secretary of labor, secretary of commerce or  
5 secretary for children and families, and a job skills program approved by  
6 the secretary of labor, secretary of commerce or the secretary for children  
7 and families. Subject to applicable federal laws, any applicant for or  
8 recipient of unemployment benefits who fails to complete or refuses to  
9 participate in the substance abuse treatment program or job skills program  
10 as required under this subsection shall be ineligible to receive  
11 unemployment benefits until completion of such substance abuse  
12 treatment and job skills programs. Upon completion of both substance  
13 abuse treatment and job skills programs, such applicant for or recipient of  
14 unemployment benefits may be subject to periodic drug screening, as  
15 determined by the secretary of labor. Upon a second positive test for  
16 unlawful use of a controlled substance or controlled substance analog, an  
17 applicant for or recipient of unemployment benefits shall be ordered to  
18 complete again a substance abuse treatment program and job skills  
19 program, and shall be terminated from unemployment benefits for a period  
20 of 12 months, or until such applicant for or recipient of unemployment  
21 benefits completes both substance abuse treatment and job skills programs,  
22 whichever is later. Upon a third positive test for unlawful use of a  
23 controlled substance or controlled substance analog, an applicant for or a  
24 recipient of unemployment benefits shall be terminated from receiving  
25 unemployment benefits, subject to applicable federal law.

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

32 (3) *The provisions of this subsection shall not apply to any individual*  
33 *who is a patient who has been issued a valid identification card pursuant*  
34 *to section 10, and amendments thereto.*

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

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

8 Sec. 88. K.S.A. 44-1009 is hereby amended to read as follows: 44-  
9 1009. (a) It shall be an unlawful employment practice:

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

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

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

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

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

1 disability, national origin or ancestry.

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

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

15 (8) For an employer, labor organization, employment agency or joint  
16 labor-management committee to: (A) Limit, segregate or classify a job  
17 applicant or employee in a way that adversely affects the opportunities or  
18 status of such applicant or employee because of the disability of such  
19 applicant or employee; (B) participate in a contractual or other  
20 arrangement or relationship, including a relationship with an employment  
21 or referral agency, labor union, an organization providing fringe benefits to  
22 an employee or an organization providing training and apprenticeship  
23 programs that has the effect of subjecting a qualified applicant or  
24 employee with a disability to the discrimination prohibited by this act; (C)  
25 utilize standards criteria, or methods of administration that have the effect  
26 of discrimination on the basis of disability or that perpetuate the  
27 discrimination of others who are subject to common administrative  
28 control; (D) exclude or otherwise deny equal jobs or benefits to a qualified  
29 individual because of the known disability of an individual with whom the  
30 qualified individual is known to have a relationship or association; (E) not  
31 make reasonable accommodations to the known physical or mental  
32 limitations of an otherwise qualified individual with a disability who is an  
33 applicant or employee, unless such employer, labor organization,  
34 employment agency or joint labor-management committee can  
35 demonstrate that the accommodation would impose an undue hardship on  
36 the operation of the business thereof; (F) deny employment opportunities  
37 to a job applicant or employee who is an otherwise qualified individual  
38 with a disability, if such denial is based on the need to make reasonable  
39 accommodation to the physical or mental impairments of the employee or  
40 applicant; (G) use qualification standards, employment tests or other  
41 selection criteria that screen out or tend to screen out an individual with a  
42 disability or a class of individuals with disabilities unless the standard, test  
43 or other selection criteria, as used, is shown to be job-related for the



1 position in question and is consistent with business necessity; or (H) fail to  
2 select and administer tests concerning employment in the most effective  
3 manner to ensure that, when such test is administered to a job applicant or  
4 employee who has a disability that impairs sensory, manual or speaking  
5 skills, the test results accurately reflect the skills, aptitude or whatever  
6 other factor of such applicant or employee that such test purports to  
7 measure, rather than reflecting the impaired sensory, manual or speaking  
8 skills of such employee or applicant—(, except where such skills are the  
9 factors that the test purports to measure).

10 (9) For any employer to:

11 (A) Seek to obtain, to obtain or to use genetic screening or testing  
12 information of an employee or a prospective employee to distinguish  
13 between or discriminate against or restrict any right or benefit otherwise  
14 due or available to an employee or a prospective employee; or

15 (B) subject, directly or indirectly, any employee or prospective  
16 employee to any genetic screening or test.

17 *(10) (A) For an employer, because a person is a patient or caregiver  
18 who has been issued a valid identification card pursuant to section 9, and  
19 amendments thereto, or possesses or uses medical cannabis in accordance  
20 with the Kansas medical cannabis act, section 1 et seq., and amendments  
21 thereto, to:*

22 *(i) Refuse to hire or employ a person;*

23 *(ii) bar or discharge such person from employment; or*

24 *(iii) otherwise discriminate against such person in compensation or  
25 in terms, conditions or privileges of employment without a valid business  
26 necessity.*

27 *(B) For a labor organization, because a person is a patient or  
28 caregiver who has been issued a valid identification card pursuant to  
29 section 9, and amendments thereto, or possesses or uses medical cannabis  
30 in accordance with the Kansas medical cannabis act, section 1 et seq., and  
31 amendments thereto, to exclude or expel such person from such labor  
32 organization's membership.*

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

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

42 (c) It shall be an unlawful discriminatory practice:

43 (1) For any person, as defined herein being the owner, operator,

1 lessee, manager, agent or employee of any place of public accommodation  
2 to refuse, deny or make a distinction, directly or indirectly, in offering its  
3 goods, services, facilities, and accommodations to any person as covered  
4 by this act because of race, religion, color, sex, disability, national origin or  
5 ancestry, except where a distinction because of sex is necessary because of  
6 the intrinsic nature of such accommodation.

7 (2) For any person, whether or not specifically enjoined from  
8 discriminating under any provisions of this act, to aid, abet, incite, compel  
9 or coerce the doing of any of the acts forbidden under this act, or to  
10 attempt to do so.

11 (3) For any person, to refuse, deny, make a distinction, directly or  
12 indirectly, or discriminate in any way against persons because of the race,  
13 religion, color, sex, disability, national origin or ancestry of such persons  
14 in the full and equal use and enjoyment of the services, facilities,  
15 privileges and advantages of any institution, department or agency of the  
16 state of Kansas or any political subdivision or municipality thereof.

17 Sec. 89. K.S.A. 44-1015 is hereby amended to read as follows: 44-  
18 1015. As used in this act, unless the context otherwise requires:

19 (a) "Commission" means the Kansas human rights commission.

20 (b) "Real property" means and includes:

21 (1) All vacant or unimproved land; and

22 (2) any building or structure which is occupied or designed or  
23 intended for occupancy, or any building or structure having a portion  
24 thereof which is occupied or designed or intended for occupancy.

25 (c) "Family" includes a single individual.

26 (d) "Person" means an individual, corporation, partnership,  
27 association, labor organization, legal representative, mutual company,  
28 joint-stock company, trust, unincorporated organization, trustee, trustee in  
29 bankruptcy, receiver and fiduciary.

30 (e) "To rent" means to lease, to sublease, to let and otherwise to grant  
31 for a consideration the right to occupy premises not owned by the  
32 occupant.

33 (f) "Discriminatory housing practice" means any act that is unlawful  
34 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, *or*  
35 *section 71, and amendments thereto.*

36 (g) "Person aggrieved" means any person who claims to have been  
37 injured by a discriminatory housing practice or believes that such person  
38 will be injured by a discriminatory housing practice that is about to occur.

39 (h) "Disability" ~~has the meaning provided by~~ *means the same as*  
40 *defined in* K.S.A. 44-1002, and amendments thereto.

41 (i) "Familial status" means having one or more individuals less than  
42 18 years of age domiciled with:

43 (1) A parent or another person having legal custody of such

1 individual or individuals; or

2 (2) the designee of such parent or other person having such custody,  
3 with the written permission of such parent or other person.

4 Sec. 90. K.S.A. 2023 Supp. 65-1120 is hereby amended to read as  
5 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may  
6 deny, revoke, limit or suspend any license or authorization to practice  
7 nursing as a registered professional nurse, as a licensed practical nurse, as  
8 an advanced practice registered nurse or as a registered nurse anesthetist  
9 that is issued by the board or applied for under this act, or may require the  
10 licensee to attend a specific number of hours of continuing education in  
11 addition to any hours the licensee may already be required to attend or  
12 may publicly or privately censure a licensee or holder of a temporary  
13 permit or authorization, if the applicant, licensee or holder of a temporary  
14 permit or authorization is found after hearing:

15 (1) To be guilty of fraud or deceit in practicing nursing or in  
16 procuring or attempting to procure a license to practice nursing;

17 (2) to have been guilty of a felony or to have been guilty of a  
18 misdemeanor involving an illegal drug offense unless the applicant or  
19 licensee establishes sufficient rehabilitation to warrant the public trust,  
20 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
21 license or authorization to practice nursing as a licensed professional  
22 nurse, as a licensed practical nurse, as an advanced practice registered  
23 nurse or registered nurse anesthetist shall be granted to a person with a  
24 felony conviction for a crime against persons as specified in article 34 of  
25 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article  
26 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments*  
27 *thereto*, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418, and  
28 amendments thereto;

29 (3) has been convicted or found guilty or has entered into an agreed  
30 disposition of a misdemeanor offense related to the practice of nursing as  
31 determined on a case-by-case basis;

32 (4) to have committed an act of professional incompetency as defined  
33 in subsection (e);

34 (5) to be unable to practice with skill and safety due to current abuse  
35 of drugs or alcohol;

36 (6) to be a person who has been adjudged in need of a guardian or  
37 conservator, or both, under the act for obtaining a guardian or conservator,  
38 or both, and who has not been restored to capacity under that act;

39 (7) to be guilty of unprofessional conduct as defined by rules and  
40 regulations of the board;

41 (8) to have willfully or repeatedly violated the provisions of the  
42 Kansas nurse practice act or any rules and regulations adopted pursuant to  
43 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

1 (9) to have a license to practice nursing as a registered nurse or as a  
2 practical nurse denied, revoked, limited or suspended, or to be publicly or  
3 privately censured, by a licensing authority of another state, agency of the  
4 United States government, territory of the United States or country or to  
5 have other disciplinary action taken against the applicant or licensee by a  
6 licensing authority of another state, agency of the United States  
7 government, territory of the United States or country. A certified copy of  
8 the record or order of public or private censure, denial, suspension,  
9 limitation, revocation or other disciplinary action of the licensing authority  
10 of another state, agency of the United States government, territory of the  
11 United States or country shall constitute prima facie evidence of such a  
12 fact for purposes of this paragraph (9); or

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

16 (A) A copy of the record of criminal conviction or plea of guilty for a  
17 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-  
18 5407, and amendments thereto;

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

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

24 (b) *Proceedings.* Upon filing of a sworn complaint with the board  
25 charging a person with having been guilty of any of the unlawful practices  
26 specified in subsection (a), two or more members of the board shall  
27 investigate the charges, or the board may designate and authorize an  
28 employee or employees of the board to conduct an investigation. After  
29 investigation, the board may institute charges. If an investigation, in the  
30 opinion of the board, reveals reasonable grounds for believing the  
31 applicant or licensee is guilty of the charges, the board shall fix a time and  
32 place for proceedings, which shall be conducted in accordance with the  
33 provisions of the Kansas administrative procedure act.

34 (c) *Witnesses.* No person shall be excused from testifying in any  
35 proceedings before the board under this act or in any civil proceedings  
36 under this act before a court of competent jurisdiction on the ground that  
37 such testimony may incriminate the person testifying, but such testimony  
38 shall not be used against the person for the prosecution of any crime under  
39 the laws of this state except the crime of perjury as defined in K.S.A. 21-  
40 5903, and amendments thereto.

41 (d) *Costs.* If final agency action of the board in a proceeding under  
42 this section is adverse to the applicant or licensee, the costs of the board's  
43 proceedings shall be charged to the applicant or licensee as in ordinary

1 civil actions in the district court, but if the board is the unsuccessful party,  
 2 the costs shall be paid by the board. Witness fees and costs may be taxed  
 3 by the board according to the statutes relating to procedure in the district  
 4 court. All costs accrued by the board, when it is the successful party, and  
 5 ~~which~~ *that* the attorney general certifies cannot be collected from the  
 6 applicant or licensee shall be paid from the board of nursing fee fund. All  
 7 moneys collected following board proceedings shall be credited in full to  
 8 the board of nursing fee fund.

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

11 (1) One or more instances involving failure to adhere to the  
 12 applicable standard of care to a degree ~~which~~ *that* constitutes gross  
 13 negligence, as determined by the board;

14 (2) repeated instances involving failure to adhere to the applicable  
 15 standard of care to a degree ~~which~~ *that* constitutes ordinary negligence, as  
 16 determined by the board; or

17 (3) a pattern of practice or other behavior ~~which~~ *that* demonstrates a  
 18 manifest incapacity or incompetence to practice nursing.

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

24 (g) *Medical cannabis exemption.* *The board shall not deny, revoke,*  
 25 *limit or suspend the license of any licensee or publicly or privately*  
 26 *censure any licensee for:*

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

30 (2) *any actions as a patient or caregiver who has been issued a valid*  
 31 *identification card pursuant to the Kansas medical cannabis act, section 1*  
 32 *et seq., and amendments thereto, including whether the licensee possesses*  
 33 *or has possessed or uses or has used medical cannabis in accordance with*  
 34 *such act.*

35 Sec. 91. K.S.A. 2023 Supp. 65-28b08 is hereby amended to read as  
 36 follows: 65-28b08. (a) The board may deny, revoke, limit or suspend any  
 37 license or authorization issued to a certified nurse-midwife to engage in  
 38 the independent practice of midwifery that is issued by the board or  
 39 applied for under this act, or may publicly censure a licensee or holder of a  
 40 temporary permit or authorization, if the applicant or licensee is found  
 41 after a hearing:

42 (1) To be guilty of fraud or deceit while engaging in the independent  
 43 practice of midwifery or in procuring or attempting to procure a license to

1 engage in the independent practice of midwifery;

2 (2) to have been found guilty of a felony or to have been found guilty  
3 of a misdemeanor involving an illegal drug offense unless the applicant or  
4 licensee establishes sufficient rehabilitation to warrant the public trust,  
5 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
6 license or authorization to practice and engage in the independent practice  
7 of midwifery shall be granted to a person with a felony conviction for a  
8 crime against persons as specified in article 34 of chapter 21 of the Kansas  
9 Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the  
10 Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104,  
11 21-6325, 21-6326 or 21-6418, and amendments thereto;

12 (3) to have committed an act of professional incompetence as defined  
13 in subsection (c);

14 (4) to be unable to practice the healing arts with reasonable skill and  
15 safety by reason of impairment due to physical or mental illness or  
16 condition or use of alcohol, drugs or controlled substances. All  
17 information, reports, findings and other records relating to impairment  
18 shall be confidential and not subject to discovery or release to any person  
19 or entity outside of a board proceeding;

20 (5) to be a person who has been adjudged in need of a guardian or  
21 conservator, or both, under the act for obtaining a guardian or conservator,  
22 or both, and who has not been restored to capacity under that act;

23 (6) to be guilty of unprofessional conduct as defined by rules and  
24 regulations of the board;

25 (7) to have willfully or repeatedly violated the provisions of the  
26 Kansas nurse practice act or any rules and regulations adopted pursuant to  
27 such act;

28 (8) to have a license to practice nursing as a registered nurse or as a  
29 practical nurse denied, revoked, limited or suspended, or to have been  
30 publicly or privately censured, by a licensing authority of another state,  
31 agency of the United States government, territory of the United States or  
32 country or to have other disciplinary action taken against the applicant or  
33 licensee by a licensing authority of another state, agency of the United  
34 States government, territory of the United States or country. A certified  
35 copy of the record or order of public or private censure, denial, suspension,  
36 limitation, revocation or other disciplinary action of the licensing authority  
37 of another state, agency of the United States government, territory of the  
38 United States or country shall constitute prima facie evidence of such a  
39 fact for purposes of this paragraph; or

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

43 (A) A copy of the record of criminal conviction or plea of guilty to a

1 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-  
2 5407, and amendments thereto;

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

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

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

15 (c) *The board shall not deny, revoke, limit or suspend the license or*  
16 *authorization issued to a certified nurse-midwife or publicly or privately*  
17 *censure a certified nurse-midwife for:*

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

21 (2) *any actions as a patient or caregiver who has been issued a valid*  
22 *identification card pursuant to the Kansas medical cannabis act, section 1*  
23 *et seq., and amendments thereto, including whether the licensee possesses*  
24 *or has possessed or uses or has used medical cannabis in accordance with*  
25 *such act.*

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

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

30 (2) repeated instances involving failure to adhere to the applicable  
31 standard of care to a degree ~~which~~ that constitutes ordinary negligence, as  
32 determined by the board; or

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

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

41 Sec. 92. K.S.A. 79-5201 is hereby amended to read as follows: 79-  
42 5201. As used in ~~this act~~ *article 52 of chapter 79 of the Kansas Statutes*  
43 *Annotated, and amendments thereto:*

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

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

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

15 ~~(d)~~(c) "domestic marijuana plant" means any cannabis plant at any  
 16 level of growth ~~which~~ that is harvested or tended, manicured, irrigated,  
 17 fertilized or where there is other evidence that it has been treated in any  
 18 other way in an effort to enhance growth.

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

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

25 Sec. 93. K.S.A. 79-5210 is hereby amended to read as follows: 79-  
 26 5210. Nothing in this act requires persons registered under article 16 of  
 27 chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*, or  
 28 otherwise lawfully in possession of marijuana, *medical cannabis* or a  
 29 controlled substance to pay the tax required under this act.

30 Sec. 94. K.S.A. 2-3901, 8-1567, 21-5703, 21-5705, 21-5706, 21-  
 31 5707, 21-5709, 21-5710, 21-6109, 21-6607, 22-3717, 23-3201, 38-2269,  
 32 44-501, 44-706, 44-1009, 44-1015, 79-5201 and 79-5210 and K.S.A. 2023  
 33 Supp. 65-1120 and 65-28b08 are hereby repealed.

34 Sec. 95. This act shall take effect and be in force from and after its  
 35 publication in the statute book.