

Journal of the House

SIXTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 5, 2021, 10:00 a.m.

The House met pursuant to adjournment with Speaker Ryckman in the chair.

The roll was called with 122 members present.

Reps. Howard and Neighbor were excused on verified illness.

Rep. Awerkamp was excused on excused absence by the Speaker.

Excused later: Rep. Samsel.

Prayer by Chaplain Brubaker:

Loving and Merciful God,
Thank You for the privilege of another day of life.
Today I ask that You show mercy upon our leaders
as they continue to face the many challenges.
As they continue the pace of their schedules
and juggle their obligations,
help them to find their strength and encouragement in You.
Help them to walk in Your light.
May they place their trust in You and allow You to guide their decisions.
Keep them in Your care, confident of Your watchfulness.
We thank You for the way you are using them
in working together on key decisions for our state.
Continue to show mercy and grace to them.
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Thompson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2454, AN ACT concerning crimes, punishment and criminal procedure; relating to the criminal discharge of a firearm; creating additional violations for discharges near a school and certain projectiles; amending K.S.A. 2020 Supp. 21-6308 and repealing the existing section, by Committee on Federal and State Affairs.

MESSAGES FROM THE SENATE

Announcing the Senate here with transmits the veto message from the Governor on **SB 55**, AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students;

providing a cause of action for violations, which was received on April 22, 2021 and read on May 3, 2021.

REGARDING VETO ON SENATE BILL 55

This legislation sends a devastating message that Kansas is not welcoming to all children and their families, including those who are transgender – who are already at a higher risk of bullying, discrimination, and suicide.

As Kansans, we should be focused on how to include all students in extracurricular activities rather than how to exclude those who may be different than us. Kansas is an inclusive state and our laws should reflect our values. This law does not do that.

This bill would also undoubtedly harm our ability to attract and retain businesses. It would send a signal to prospective companies that Kansas is more focused on unnecessary and divisive legislation, than strategic, pro-growth lawmaking.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 55**.

Date: April 22, 2021

By The Governor

LAURA KELLY

A motion was made that **SB 55** be passed notwithstanding the Governor's veto. By a vote of 26 Yeas and 14 Nays, the motion failed to receive the required two-thirds constitutional majority of the elected members or appointed to the Senate and the veto was sustained.

Announcing passage of **HB 2187**, as amended.

Announcing passage of **HB 2313**, as amended by **S Sub HB 2313**.

Announcing passage of **Sub SB 286**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 286.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Ralph, **HR 6017**, by Reps. Ralph, Carlin, Carmichael, Concannon, Curtis, Finney, Francis, Miller, Patton, Probst, Rahjes, S. Ruiz, Sawyer, Schreiber, Tarwater, Toplikar, Victors and Woodard, as follows, was introduced and adopted:

HR 6017—A RESOLUTION supporting the full development, funding and implementation of the Heartland Flyer Extension between Oklahoma City, Oklahoma, and Newton, Kansas.

WHEREAS, The Kansas Secretary of Transportation, Julie Lorenz, presented to the 2021 Passenger Rail Coalition her discussion with Oklahoma Secretary of Transportation, Tim Gatz, about both Kansas and Oklahoma's desire to have Amtrak's Heartland Flyer route extended north, through Oklahoma and Kansas, which, however, would require federal funding for both states to develop the passenger rail corridor; and

WHEREAS, At the Passenger Rail Coalition Forum held on February 10, 2021,

Amtrak presented a proposal for the state of Kansas to request 100% federal funding for the Heartland Flyer Extension capital costs, as well as three to five years of operational costs, through the federal reauthorization of the Surface Transportation Act; and

WHEREAS, Amtrak has approached the state of Kansas about entering into a multi-state operational partnership for extending the Heartland Flyer, with connecting service between Amtrak's Southwest Chief and Texas Eagle; and

WHEREAS, Amtrak has received a Reauthorization Act request from the Midwest Interstate Passenger Rail Commission concerning the incorporation of additional frequencies and a second train for this corridor, specifically, a daytime frequency that will operate between Fort Worth, Texas, and Kansas City, Missouri; and

WHEREAS, The Kansas Passenger Rail Service Development Plan of 2010 includes an option for additional frequencies and a second train, known as Alternative #3, to transit within the Heartland Flyer and Southwest Chief corridors; and

WHEREAS, An accompanying improvement of ridership and financial performance would be realized by an extension and second frequency of the Heartland Flyer; and

WHEREAS, The Amtrak Southwest Chief and Sunset Limited routes would realize a dramatic increase in ridership and financial performance from a two-frequency Heartland Flyer connection with hubs in Newton, Kansas, and Fort Worth, Texas; and

WHEREAS, Ridership on the Heartland Flyer Extension from Oklahoma City, Oklahoma, to Newton, Kansas, is anticipated to double when connected with the Southwest Chief in Newton, Kansas; and

WHEREAS, Fully-funded maintenance of the Southwest Chief is an integral and vital component of the Heartland Flyer Extension; and

WHEREAS, The Kansas Department of Transportation identifies passenger rail development in the State Rail Plan; and

Be it resolved by the House of Representatives of the State of Kansas: That we support and endorse the extension of Amtrak service between Oklahoma City, Oklahoma, and Newton, Kansas; and

Be it further resolved: That we urge the Kansas Congressional delegation to support the inclusion of full federal funding for the complete implementation and development of the Heartland Flyer Extension from Oklahoma City, Oklahoma, to Newton, Kansas, as well as a second frequency directly connecting Kansas City, Missouri, and Fort Worth, Texas, in the upcoming reauthorization of the Surface Transportation Act; and

Be it further resolved: That we urge the Kansas Congressional delegation to support the inclusion of full federal funding for the maintenance and future development of the Southwest Chief in the upcoming reauthorization of the Surface Transportation Act; and

Be it further resolved: That we approve a multi-state partnership among Amtrak and the several states through which the service will operate; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to the Governor of Kansas, the Governor of Oklahoma, the Oklahoma Secretary of Transportation, the Kansas Secretary of Transportation, each member of the Kansas Congressional delegation and the U.S. Secretary of Transportation.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Ralph are spread upon the Journal:

HR 6017 allows this body to express its support for the transportation needs of this State by seeking the assistance of our Congressional delegation to include full federal funding for the Heartland Flyer Extension as well as the Southwest Chief as modes of passenger rail service.

Establishing and maintaining all modes of transportation is vital to all residents of Kansas, both urban and rural. To that end, passenger rail service provides a unique and affordable means of interstate and intrastate transportation to our citizens and tourism visitors. The Heartland Flyer Extension will provide a much needed connection of passenger rail service between Oklahoma City and Newton, Kansas. The connection with points south will benefit our local communities and will invigorate and enhance our existing passenger rail service on the Southwest Chief for points between Chicago and Los Angeles. Supporting full federal funding for these routes in the reauthorization of the Surface Transportation Act will be another means by which we can continue our recovery from the last year's economic difficulties.

I would ask that you please join me in support of this resolution to emphasize this point for our Congressional delegation, knowing that the delegation has been more than supportive of passenger rail in the past for this great State of Kansas. Thank you

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **House Substitute for SB 158**, as reported in the Journal of the House on March 31, 2021, and the bill, as printed as Substitute Bill by House Committee, be further amended on page 1, in line 18, by striking "52" and inserting "47"; in line 29, after "(d)" by inserting "'Cannabinoid" means any of the diverse chemical compounds that can act on cannabinoid receptors in cells and alter neurotransmitter release in the brain, including phytocannabinoids that are produced naturally by marijuana and some other plants.

(e)";

Also on page 1, in line 32, after "(e)" by inserting "'Cultivate" means the same as defined in K.S.A. 65-4101, and amendments thereto.

(g)";

Also on page 1, in line 33, by striking "21" and inserting "26"; in line 34, by striking "22" and inserting "21"; in line 36, by striking "31" and inserting "26";

On page 2, in line 1, by striking "33" and inserting "28"; in line 10, after "(k)" by inserting "'Medical marijuana product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a registered patient.

(n) "Medical marijuana waste" means:

- (1) Unused, surplus, returned or out-of-date marijuana;
- (2) recalled marijuana;
- (3) plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots; and
- (4) any wastewater generated during growing and processing.

(o)";

Also on page 2, in line 18, after "(m)" by inserting "'Person" means any natural person, corporation, partnership, trust or association.

(r) "Plant material" means the leaves, stems, buds and flowers of the marijuana plant and does not include seedlings, seeds, clones, stalks or roots of the plant or the

weight of any non-marijuana ingredients combined with marijuana.

(s)";

Also on page 2, in line 22, by striking "32" and inserting "27";

On page 3, in line 17, by striking all after "(21)"; by striking all in lines 18 through 27; in line 28, by striking all before the period and inserting "pain that is either chronic and severe or intractable; or

(22) any other disease or condition adopted by the secretary of health and environment upon petition recommended for approval by the medical marijuana advisory committee pursuant to section 5, and amendments thereto";

Also on page 3, in line 30, by striking "34" and inserting "26"; in line 31, by striking "35" and inserting "30"; in line 38, after "(u)" by inserting "'Tetrahydrocannabinol" means the primary psychoactive cannabinoid in marijuana formed by decarboxylation of naturally occurring tetrahydrocannabinolic acid that generally takes place by heating.

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

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

(dd)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 5, in line 38, after "serve" by inserting "for a period of two years"; also in line 38, by striking "until the"; in line 39, by striking all before the comma;

On page 6, in line 14, after "(g)" by inserting "(1) Any person may submit a petition to the medical marijuana advisory committee requesting that a disease or condition be added as a qualifying medical condition for the purposes of this act. The petition shall be submitted in such form and manner as prescribed by the secretary of health and environment. A petition shall not seek to add a broad category of diseases or conditions but shall be limited to one disease or condition and include a description of such disease or condition.

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

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

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

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

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

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

(3) Upon completion of its review, the committee shall make a recommendation to the secretary of health and environment whether to approve or deny the addition of the

disease or condition to the list of qualifying medical conditions. The secretary shall adopt rules and regulations in accordance with the recommendation of the committee.

(h)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 9, in line 7, after "an" by inserting "electronically scannable"; also in line 7, after the period by inserting "Upon scanning such identification card or entering such identification number,"; in line 8, by striking "may request" and inserting "shall obtain";

On page 10, in line 37, by striking "2022" and inserting "2023";

On page 11, in line 10, after the semicolon by inserting "and"; in line 11, by striking all after "(6)"; by striking all in lines 12 and 13; in line 14, by striking "(7)"; in line 26, by striking "2022" and inserting "2023";

On page 12, in line 25, by striking all after "has"; in line 26, by striking all before the semicolon and inserting "existed for a minimum of six months, or as specified by rules and regulations adopted by the board, unless the patient:

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

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

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

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

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

(ii) recommending physician is deceased; or

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

On page 14, in line 35, after "media" by inserting ", or displayed in print or on any sign or billboard,";

On page 16, following line 24, by inserting:

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

Also on page 16, in line 33, by striking the colon; by striking all in lines 34 through 37; in line 38, by striking "(3)"; in line 40, by striking all after "located"; in line 41, by striking "(4) not" and inserting "or"; in line 43, after "(i)" by inserting "The price of";

On page 17, in line 1, by striking "For sale"; in line 3, by striking "a" and inserting "any interstate highway, federal highway or"; following line 3, by inserting:

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

On page 18, in line 15, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; in line 16, by striking "corporation" and inserting "entity"; in line 17, by striking "two" and inserting "four"; in line 20, by striking "corporation" and inserting "entity"; in line 27, after "corporation" by inserting

", limited liability company, limited partnership or limited liability partnership"; in line 30, by striking "corporation" and inserting "entity"; in line 31, by striking "two" and inserting "four";

On page 19, in line 17, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; in line 20, by striking "(a)(6)" and inserting "(a)(1)(F)"; in line 23, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; in line 24, by striking the third "the"; in line 25, by striking "corporation" and inserting "such entity"; in line 27, by striking "five" and inserting "four"; in line 32, by striking "(a)(6)" and inserting "(a)(1)(F)"; in line 35, by striking "five" and inserting "four"; in line 37, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; also in line 37, by striking "the"; in line 38, by striking "corporation" and inserting "such entity"; in line 39, by striking "a corporation" and inserting "an entity"; in line 40, by striking "the corporation" and inserting "such entity"; in line 43, by striking "the corporation" and inserting "such entity";

On page 20, in line 1, by striking "the corporation" and inserting "such entity"; in line 8, by striking "corporation" and inserting "entity"; in line 15, by striking the third "the"; in line 16, by striking the first "corporation" and inserting "such entity"; also in line 16, by striking "the corporation" and inserting "such entity"; in line 18, by striking "the corporation" and inserting "such entity"; in line 19, by striking "the"; in line 20, by striking "corporation" and inserting "such entity"; in line 26, by striking "(a)(6)" and inserting "(a)(1)(F)"; in line 31, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; also in line 31, by striking "50%" and inserting "75%"; in line 32, by striking "the corporation" and inserting "such entity"; in line 37, by striking "(a)(6)" and inserting "(a)(1)(F)"; by striking all in lines 39 through 43;

On page 21, by striking all in lines 1 through 32; in line 33, by striking "may" and inserting "shall"; in line 34, by striking "either on open farmland or"; also in line 34, by striking "and" and inserting "that is";

On page 22, in line 22, by striking "2022" and inserting "2023";

On page 23, in line 32, after "or" by inserting "medical"; in line 35, after "with" by inserting "rules and regulations adopted under"; also in line 35, by striking "23" and inserting "24";

On page 24, in line 6, after "or" by inserting "medical"; in line 18, by striking "50" and inserting "45"; in line 24, by striking "50" and inserting "45"; in line 41, by striking "23" and inserting "22";

On page 25, in line 20, after the comma by inserting "medical marijuana"; in line 26, after "unused" by inserting "medical"; also in line 26, after the comma by inserting "medical"; in line 27, after "and" by inserting "medical marijuana"; in line 40, by striking "24" and inserting "23";

On page 26, in line 15, by striking "24" and inserting "23"; by striking all in lines 30 through 43;

By striking all on page 27;

On page 28, by striking all in lines 1 through 18; in line 19, after "(a)" by inserting "(1) An application for the appropriate license shall be submitted to the director of alcoholic beverage control in such form and manner as prescribed by the director by"; also in line 19, after "Any" by inserting "person or"; also in line 19, after "to" by

inserting ":

- (A) Cultivate medical marijuana;
- (B) conduct laboratory testing of medical marijuana;
- (C)";

Also on page 28, in line 20, by striking all after "marijuana"; by striking all in line 21; in line 22, by striking all before the period and inserting ";

- (D) dispense medical marijuana at retail; or
- (E) be an associated employee, key employee or support employee";

Also on page 28, also in line 22, before "A" by inserting "(2)"; in line 26, by striking "48" and inserting "43"; in line 29, after "applicant" by inserting "is not applying for a laboratory license and"; also in line 29, after "not" by inserting ":

(A)";

Also on page 28, in line 30, after "a" by inserting "licensed"; in line 31, by striking all before "or"; in line 32, after the semicolon by inserting "or"; in line 33, by striking all before "share" and inserting "(B)"; in line 34, after "a" by inserting "licensed"; also in line 34, by striking all after "laboratory"; in line 35, by striking all before "or"; in line 37, by striking "47" and inserting "42"; in line 39, by striking "and" and inserting:

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

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

Also on page 28, in line 43, after "of" by inserting "cultivator, laboratory,"; also in line 43, by striking "and" and inserting a comma;

On page 29, in line 1, after "distributor" by inserting "and retail dispensary"; in line 8, after "(d)" by inserting "(1)"; also in line 8, after "of" by inserting ":

(A)";

Also on page 29, in line 9, by striking ", and" and inserting "to a cultivator, laboratory, processor and distributor; and

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

(2) Any license";

Also on page 29, in line 15, by striking "36" and inserting "31"; in line 32, by striking "36" and inserting "31"; in line 39, by striking all after "(a)"; by striking all in lines 40 through 43;

On page 30, by striking all in lines 1 through 27; in line 28, by striking "(d)"; in line 35, by striking "48" and inserting "43";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 31, in line 4, after "(2)" by inserting "unless prohibited pursuant to subsection (f),"; in line 8, by striking "shows" and inserting "provides the dispensary with"; in line 14, by striking "43" and inserting "38"; in line 35, by striking "34" and inserting "26"; in line 37, after "regulations" by inserting "recommended by the director

of alcoholic beverage control and"; in line 39, by striking "44" and inserting "39"; following line 42, by inserting:

"(f) The board of county commissioners of any county may prohibit establishing a dispensary in such county by adoption of a resolution prohibiting the establishment of a dispensary in such county. Any retail dispensary that is lawfully operating at the time such resolution is adopted shall be permitted to continue operating in such county and shall not be denied renewal of any license based upon the adoption of such resolution.";

On page 32, in line 8, by striking "37" and inserting "32"; in line 21, by striking "36" and inserting "31"; in line 34, by striking "recommended for denial" and inserting "denied"; also in line 34, by striking "director" and inserting "secretary"; in line 36, by striking "submitted" and inserting "denied"; in line 37, after "(a)" by inserting "The fees for a cultivator license shall be:

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

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

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

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

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

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

(c)";

Also on page 32, also in line 37, by striking all after "be"; by striking all in line 38; in line 39, by striking all before the colon; in line 40, by striking "a" and inserting "the nonrefundable"; in line 42, by striking all after "be"; by striking all in line 43;

On page 33, in line 1, by striking all before the colon; in line 2, by striking "a" and inserting "the nonrefundable"; in line 4, by striking all after "be"; by striking all in line 5; in line 6, by striking all before the colon; in line 7, by striking "a" and inserting "the nonrefundable";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 33, in line 32, after "has" by inserting "cultivated, tested, processed,";

On page 34, in line 14, after "by" by inserting "licensed cultivator, laboratories,,"; also in line 14, by striking the first "and" and inserting a comma; also in line 14, after "dispensaries" by inserting ", associated employees, key employees and support employees"; in line 29, after "the" by inserting "cultivation, testing, distributing,,"; in line 31, by striking "2022" and inserting "2023"; also in line 31, after "the" by inserting "director of alcoholic beverage control shall propose rules and regulations to administer the Kansas medical marijuana regulation act, and the"; in line 34, by striking the second "the"; in line 35, by striking all before "act" and inserting "this"; in line 37, by striking "sections 21," and inserting "section"; also in line 37, by striking ", 31 and 34";

On page 35, in line 2, by striking "and"; in line 3, after "(6)" by inserting "establish requirements for a cultivator to grow medical marijuana in a secure indoor facility and maintain adequate control against the diversion, theft and loss of all medical marijuana to be grown by the applicant; and

(7)";

On page 37, in line 22, by striking "closed-loop";

On page 38, in line 7, by striking "(1)"; by striking all in lines 12 through 14;

On page 41, in line 34, by striking "35" and inserting "30"; in line 35, after "regulations" by inserting "recommended by the director of alcoholic beverage control and";

On page 42, by striking all in lines 5 through 43;

On page 43, by striking all in lines 1 through 4; following line 4, by inserting:

"New Sec. 49. (a) It shall be unlawful to store or otherwise leave medical marijuana where it is readily accessible to a child under 18 years of age. Such conduct shall be unlawful with no requirement of a culpable mental state.

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

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

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

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

(d) As used in this section:

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

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

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

New Sec. 50. (a) The division of alcoholic beverage control is hereby renamed the division of alcohol and cannabis control. Any reference in law to the division of alcoholic beverage control shall refer to the division of alcohol and cannabis control.

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

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

On page 44, in line 31, after "not" by inserting ":

(1) Require an individual who is a registered patient pursuant to section 8, and amendments thereto, to disclose the fact that such person is a registered patient; or (2)";

Also on page 44, in line 37, by striking "office of the attorney general" and inserting "board of healing arts;

(4) board of pharmacy";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also, on page 44, following line 39, by inserting:

"Sec. 57. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 2 of this act is hereby amended to read as follows: Section 2. As used in the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto:

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) "Medical marijuana waste" means:

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

(2) recalled marijuana;

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

(4) any wastewater generated during growing and processing.

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

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

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

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

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

(t) "Processor" means a person issued a license pursuant to section 31, and amendments thereto, who may purchase, process and sell medical marijuana in accordance with section 27, and amendments thereto.

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

(v) "Physician's designee" means:

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

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

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

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

- (1) Acquired immune deficiency syndrome;
- (2) Alzheimer's disease;
- (3) amyotrophic lateral sclerosis;
- (4) cancer;
- (5) chronic traumatic encephalopathy;
- (6) Crohn's disease;
- (7) epilepsy or another seizure disorder;
- (8) fibromyalgia;
- (9) glaucoma;
- (10) hepatitis C;
- (11) inflammatory bowel disease;
- (12) multiple sclerosis;
- (13) Parkinson's disease;
- (14) positive status for human immunodeficiency virus;
- (15) post-traumatic stress disorder;
- (16) sickle cell anemia;
- (17) spinal cord disease or injury;
- (18) Tourette's syndrome;

(19) traumatic brain injury;
 (20) ulcerative colitis;
 (21) pain that is either chronic and severe or intractable; and
 (22) any other disease or condition adopted by the secretary of health and environment upon petition recommended for approval by the medical marijuana advisory committee pursuant to section 5, and amendments thereto.

(x) "Retail dispensary" means a person issued a license pursuant to section 26, and amendments thereto, who may purchase and sell medical marijuana in accordance with section 30, and amendments thereto.

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

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

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

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

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

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

(ee) "Veteran" means a person who:

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

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

Sec. 58. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 3 of this act is hereby amended to read as follows: Section 3. (a) No person shall grow, harvest, process, sell, barter, transport, deliver, furnish or otherwise possess any form of marijuana, except as specifically provided in the Kansas medical marijuana regulation act or the commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et seq., and amendments thereto.

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

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

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

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

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

(5) prohibit any public place from accommodating a registered patient's use of

medical marijuana;

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

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

Sec. 59. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 4 of this act is hereby amended to read as follows: Section 4. (a) There is hereby established a Kansas medical marijuana regulation program.

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

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

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

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

Sec. 60. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 17 of this act is hereby amended to read as follows: Section 17. (a) Except as provided in subsection (j), a physician seeking to ~~recommend~~ prescribe treatment with medical marijuana shall apply to the board of healing arts for a certificate authorizing such physician to ~~recommend~~ prescribe treatment with medical marijuana. The application shall be submitted in such form and manner as prescribed by the board. The board shall grant a certificate to ~~recommend~~ prescribe if the following conditions are satisfied:

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

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

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

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

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

(2) Renewal of a certificate to ~~recommend~~ prescribe shall be conditioned upon the holder's certification of having met the requirements in subsection (a) and having

completed at least two hours of continuing medical education in medical marijuana annually in accordance with subsection (g).

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

(1) The patient has been diagnosed with a qualifying medical condition;
 (2) an ongoing physician-patient relationship has existed for a minimum of six months, or as specified by rules and regulations adopted by the board, unless the patient:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

another ~~recommendation~~ prescription to the patient only upon a physical examination of the patient.

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

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

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

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

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

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

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

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

(1) A research protocol;

(2) a clinical trial;

(3) an investigational new drug application; or

(4) an expanded access submission.

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

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

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

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

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

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

(6) the minimum standards of care when ~~recommending~~ prescribing treatment with

medical marijuana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A retail dispensary shall designate a pharmacist consultant who is a pharmacist licensed in this state and registered pursuant to section 39, and amendments thereto.

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

(f) Pursuant to K.S.A. 19-101a, and amendments thereto, the board of county

commissioners of any county may prohibit the establishing of dispensaries in such county by adoption of a resolution prohibiting the establishing of dispensaries in such county. Any retail dispensary that is lawfully operating at the time such resolution is adopted shall be permitted to continue operating in such county and shall not be denied renewal of any license based upon the adoption of such resolution.

Sec. 63. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 39 of this act is hereby amended to read as follows: Section 39. (a) Any pharmacist that seeks to operate as a pharmacist consultant for a retail dispensary shall register with the board of pharmacy in accordance with rules and regulations adopted by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(31) Counties may not exempt from or effect changes in K.S.A. 2020 Supp. 26-601, and amendments thereto.

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

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

control act.

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

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

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

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

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

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

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

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

(40) Counties may not exempt from or effect changes in the medical marijuana regulation act except as provided in section 30, and amendments thereto.

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

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

On page 45, in line 37, after "cultivator" by inserting "or processor"; in line 39, by striking "21" and inserting "26"; also in line 39, by striking all after the second comma; by striking all in line 40; in line 41, by striking "thereto,";

On page 48, in line 22, after "apply" by inserting "for medical marijuana as defined in section 2, and amendments thereto,"; in line 24, by striking "21" and inserting "26"; in line 26, by striking "22" and inserting "21"; in line 29, by striking "31" and inserting "26"; in line 32, by striking "32" and inserting "27"; in line 34, by striking "31" and inserting "26"; in line 37, by striking "33" and inserting "28"; in line 39, by striking "34" and inserting "26"; in line 41, by striking "35" and inserting "30";

On page 51, following line 19, by inserting:

"Sec. 68. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, K.S.A. 2020 Supp. 21-5706, as amended by section 67 of this act, is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess

any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d) (1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) nonperson misdemeanor punishable by a fine not to exceed \$400, if that person is not a registered patient or caregiver under the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, is found in possession of not more than 1.5 ounces of marijuana and provides a statement from such person's physician recommending prescribing the use of medical marijuana to treat such person's symptoms.

(d) If the substance involved is medical marijuana, as defined in section 2, and amendments thereto, the provisions of subsections (b) and (c) shall not apply to any

person who is registered or licensed pursuant to the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, whose possession is authorized by such act.

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

On page 76, by striking all in lines 2 through 43;

By striking all on pages 77 through 79;

On page 80, by striking all in line 1;

On page 82, in line 23, by striking "under"; by striking all in lines 24 and 25; in line 26, by striking "(2)" and inserting "or"; in line 30, after the semicolon by inserting "or";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 85, following line 13, by inserting:

"Sec. 78. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, K.S.A. 2020 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....9821
- (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).....9815
- (3) Acetylmethadol.....9601
- (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl).....9811
- (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide).....9551
- (6) Allylprodine.....9602
- (7) Alphacetylmethadol.....9603
(except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)
- (8) Alphameprodine.....9604
- (9) Alphamethadol.....9605
- (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).....9814
- (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....9832
- (12) Benzethidine.....9606
- (13) Betacetylmethadol.....9607
- (14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-

	phenylpropanamide).....	9830
(15)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
(16)	Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
(17)	Betameprodine.....	9608
(18)	Betamethadol.....	9609
(19)	Betaprodine.....	9611
(20)	Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide)	9822
(21)	Clonitazene.....	9612
(22)	Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide)	
(23)	Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide).....	9845
(24)	Dextromoramide.....	9613
(25)	Diampromide.....	9615
(26)	Diethylthiambutene.....	9616
(27)	Difenoxin.....	9168
(28)	Dimenoxadol.....	9617
(29)	Dimepheptanol.....	9618
(30)	Dimethylthiambutene.....	9619
(31)	Dioxaphetyl butyrate.....	9621
(32)	Dipipanone.....	9622
(33)	Ethylmethylthiambutene.....	9623
(34)	Etonitazene.....	9624
(35)	Etoxidine.....	9625
(36)	Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide).....	9834
(37)	Furethidine.....	9626
(38)	Hydroxypethidine.....	9627
(39)	Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide)	
(40)	Ketobemidone.....	9628
(41)	Levomoramide.....	9629
(42)	Levophenacilmorphan.....	9631
(43)	Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9825
(44)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813
(45)	3-Methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9833
(46)	Morpheridine.....	9632
(47)	Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide)	
(48)	O-desmethyltramadol Some trade or other names: 2-((dimethylamino)methyl-1-(3-	

	hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
(49)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(50)	MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine)	
(51)	Noracymethadol.....	9633
(52)	Norlevorphanol.....	9634
(53)	Normethadone.....	9635
(54)	Norpipanone.....	9636
(55)	Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl).....	9816
(56)	Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	
(57)	Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	
(58)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide).....	9812
(59)	Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl).....	9824
(60)	Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	
(61)	PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
(62)	Phenadoxone.....	9637
(63)	Phenampramide.....	9638
(64)	Phenomorphane.....	9647
(65)	Phenoperidine.....	9641
(66)	Piritramide.....	9642
(67)	Proheptazine.....	9643
(68)	Propiridine.....	9644
(69)	Propiram.....	9649
(70)	Racemoramide.....	9645
(71)	Tetrahydrofuran fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide).....	9843
(72)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide).....	9835
(73)	Tilidine.....	9750
(74)	Trimeperidine.....	9646
(75)	U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide).....	9547
(76)	Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide)	

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Acetorphine.....	9319
(2)	Acetyldihydrocodeine.....	9051
(3)	Benzylmorphine.....	9052

(4)	Codeine methylbromide.....	9070
(5)	Codeine-N-Oxide.....	9053
(6)	Cyprenorphine.....	9054
(7)	Desomorphine.....	9055
(8)	Dihydromorphine.....	9145
(9)	Drotebanol.....	9335
(10)	Etorphine (except hydrochloride salt).....	9056
(11)	Heroin.....	9200
(12)	Hydromorphanol.....	9301
(13)	Methyldesorphine.....	9302
(14)	Methyldihydromorphine.....	9304
(15)	Morphine methylbromide.....	9305
(16)	Morphine methylsulfonate.....	9306
(17)	Morphine-N-Oxide.....	9307
(18)	Myrophine.....	9308
(19)	Nicocodeine.....	9309
(20)	Nicomorphine.....	9312
(21)	Normorphine.....	9313
(22)	Pholcodine.....	9314
(23)	Thebacon.....	9315

(d) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Alpha-ethyltryptamine 7249 Some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET.	
(2)	4-bromo-2,5-dimethoxy-amphetamine.....7391 Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.	
(3)	2,5-dimethoxyamphetamine.....7396 Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.	
(4)	4-methoxyamphetamine.....7411 Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; paramethoxyamphetamine; PMA.	
(5)	5-methoxy-3,4-methylenedioxy-amphetamine.....7401	
(6)	4-methyl-2,5-dimethoxy-amphetamine.....7395 Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".	
(7)	3,4-methylenedioxy amphetamine.....7400	
(8)	3,4-methylenedioxy-methamphetamine (MDMA).....7405	
(9)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....7404	
(10)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-	

	alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA).....	7402
(11)	3,4,5-trimethoxy amphetamine.....	7390
(12)	Bufotenine.....	7433
	Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.	
(13)	Diethyltryptamine.....	7434
	Some trade or other names: N,N-Diethyltryptamine; DET.	
(14)	Dimethyltryptamine.....	7435
	Some trade or other names: DMT.	
(15)	Ibogaine.....	7260
	Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2]azepino[5,4-b]indole; Tabernanthe iboga	
(16)	Lysergic acid diethylamide.....	7315
(17)	Marijuana.....	7360
(18) (17)	Mescaline.....	7381
(19) (18)	Parahexyl.....	7374
	Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
(20) (19)	Peyote.....	7415
	Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(21) (20)	N-ethyl-3-piperidyl benzilate.....	7482
(22) (21)	N-methyl-3-piperidyl benzilate.....	7484
(23) (22)	Psilocybin.....	7437
(24) (23)	Psilocyn.....	7438
	Some trade or other names: Psilocin.	
(25) (24)	Ethylamine analog of phencyclidine.....	7455
	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	
(26) (25)	Pyrrolidine analog of phencyclidine.....	7458
	Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.	
(27) (26)	Thiophene analog of phencyclidine.....	7470
	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.	
(28) (27)	1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....	7473
	Some other names: TCPy.	
(29) (28)	2,5-dimethoxy-4-ethylamphetamine.....	7399
	Some trade or other names: DOET.	
(30) (29)	Salvia divinorum or salvinorum A; all parts of the plant presently	

	classified botanically as <i>salvia divinorum</i> , whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(31)(30)	<i>Datura stramonium</i> , commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as <i>datura stramonium</i> , whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(32)(31)	N-benzylpiperazine.....	7493
	Some trade or other names: BZP.	
(33)(32)	1-(3-[trifluoromethylphenyl])piperazine Some trade or other names: TFMPP.	
(34)(33)	4-Bromo-2,5-dimethoxyphenethylamine.....	7392
(35)(34)	2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.....	7348
(36)(35)	Alpha-methyltryptamine (other name: AMT).....	7432
(37)(36)	5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....	7439
(38)(37)	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
(39)(38)	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
(40)(39)	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
(41)(40)	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
(42)(41)	2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....	7385
(43)(42)	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).....	7532
(44)(43)	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
(45)(44)	2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
(46)(45)	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....	7524
(47)(46)	5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT)..... Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole.	7431
(48)(47)	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	7538
	Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimi-5.	
(49)(48)	2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	7537
	Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimi-82.	
(50)(49)	2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	7536
	Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimi-36.	
(51)(50)	2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine Some trade or other names: 25H-NBOMe.	
(52)(51)	2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.	
(53)(52)	2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine	

Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.

(e) Any material, compound, mixture or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- | | | |
|-----|---|------|
| (1) | Etizolam
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) | |
| (2) | Mecloqualone..... | 2572 |
| (3) | Methaqualone..... | 2565 |
| (4) | Gamma hydroxybutyric acid | |

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- | | | |
|-----|---|------|
| (1) | Aminorex..... | 1585 |
| | Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine | |
| (2) | Fenethylamine..... | 1503 |
| (3) | N-ethylamphetamine..... | 1475 |
| (4) | (+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine)..... | 1590 |
| (5) | N,N-dimethylamphetamine (also known as N,N-alpha-trimethylbenzeneethanamine; N,N-alpha-trimethylphenethylamine)..... | 1480 |
| (6) | Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone)..... | 1235 |
| (7) | Substituted cathinones
Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways: | |
| | (A) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents; | |
| | (B) by substitution at the 3-position with an acyclic alkyl substituent; | |
| | (C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or | |
| | (D) by inclusion of the 2-amino nitrogen atom in a cyclic structure. | |

(g) Any material, compound, mixture or preparation that contains any quantity of the following substances:

- (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers
- (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers

(h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) ~~Tetrahydrocannabinols.....7370~~
~~Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:~~
 - ~~(A) — industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto;~~
 - ~~(B) — solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, and such waste contains a delta 9 tetrahydrocannabinol concentration of not more than 0.3%; or~~
 - ~~(C) — hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2020 Supp. 2-3908, and amendments thereto.~~
- (2) Naphthoylindoles
 Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (3)(2) Naphthylmethylindoles
 Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and

- whether or not substituted in the benzyl or naphthyl ring to any extent.
- ~~(4)~~(3) Naphthoylpyrroles
Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- ~~(5)~~(4) Naphthylmethylindenes
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- ~~(6)~~(5) Phenylacetylindoles
Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the benzyl or phenyl ring to any extent.
- ~~(7)~~(6) Cyclohexylphenols
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.
- ~~(8)~~(7) Benzoylindoles
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.
- ~~(9)~~(8) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.
Some trade or other names: WIN 55,212-2.
- ~~(10)~~(9) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
Some trade or other names: HU-210, HU-211.
- ~~(11)~~(10) Tetramethylcyclopropanoylindoles
Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or

tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.

(+2)(11)

Indole-3-carboxylate esters

Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.

(+3)(12)

Indazole-3-carboxamides

Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

(+4)(13)

Indole-3-carboxamides

Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

(+5)(14)

(1H-indazol-3-yl)methanones

Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

Sec. 79. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, K.S.A. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth

opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

(A)	Raw opium.....	9600
(B)	Opium extracts.....	9610
(C)	Opium fluid.....	9620
(D)	Powdered opium.....	9639
(E)	Granulated opium.....	9640
(F)	Tincture of opium.....	9630
(G)	Codeine.....	9050
(H)	Ethylmorphine.....	9190
(I)	Etorphine hydrochloride.....	9059
(J)	Hydrocodone.....	9193
(K)	Hydromorphone.....	9150
(L)	Metopon.....	9260
(M)	Morphine.....	9300
(N)	Oxycodone.....	9143
(O)	Oxymorphone.....	9652
(P)	Thebaine.....	9333
(Q)	Dihydroetorphine.....	9334
(R)	Oripavine.....	9330

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextrorphan and levopropoxyphene excepted:

(1)	Alfentanil.....	9737
(2)	Alphaprodine.....	9010
(3)	Anileridine.....	9020

(4)	Bezitramide.....	9800
(5)	Bulk dextropropoxyphene (nondosage forms).....	9273
(6)	Carfentanil.....	9743
(7)	Dihydrocodeine.....	9120
(8)	Diphenoxylate.....	9170
(9)	Fentanyl.....	9801
(10)	Isomethadone.....	9226
(11)	Levomethorphan.....	9210
(12)	Levorphanol.....	9220
(13)	Metazocine.....	9240
(14)	Methadone.....	9250
(15)	Methadone-intermediate, 4-cyano-2-dimethyl amino-4,4-diphenyl butane.....	9254
(16)	Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.....	9802
(17)	Pethidine (meperidine).....	9230
(18)	Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.....	9232
(19)	Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-carboxylate.....	9233
(20)	Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid	9234
(21)	Phenazocine.....	9715
(22)	Piminodine.....	9730
(23)	Racemethorphan.....	9732
(24)	Racemorphan.....	9733
(25)	Sufentanil.....	9740
(26)	Levo-alphaacetyl methadol.....	9648
	Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.	
(27)	Remifentanil.....	9739
(28)	Tapentadol.....	9780
(29)	Thiafentanil.....	9729

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1)	Amphetamine, its salts, optical isomers and salts of its optical isomers.....	1100
(2)	Phenmetrazine and its salts.....	1631
(3)	Methamphetamine, including its salts, isomers and salts of isomers.....	1105
(4)	Methylphenidate.....	1724
(5)	Lisdexamfetamine, its salts, isomers, and salts of its isomers.....	1205

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Amobarbital.....	2125
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(2)	Glutethimide.....	2550
(3)	Secobarbital.....	2315
(4)	Pentobarbital.....	2270
(5)	Phencyclidine.....	7471

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1)	Immediate precursor to amphetamine and methamphetamine:	
(A)	Phenylacetone.....	8501
	Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.	
(2)	Immediate precursors to phencyclidine (PCP):	
(A)	1-phenylcyclohexylamine.....	7460
(B)	1-piperidinocyclohexanecarbonitrile (PCC).....	8603
(3)	Immediate precursor to fentanyl:	
(A)	4-anilino-N-phenethyl-4-piperidine (ANPP).....	8333

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration.....	7365
(2)	<u>Marijuana</u>	7360
(3)	Nabilone.....	7379
	[Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]	

(h) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1)	Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium..	9805
(2)	Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....	9806

structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:

- (A) Industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto;
- (B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or
- (C) hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2020 Supp. 2-3908, and amendments thereto.";

On page 86, in line 3, by striking "44-1009, 44-1015,"; in line 4, after "Supp." by inserting "19-101a,"; following line 5, by inserting:

"New Sec. 83. (a) If marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, the secretary of health and environment shall certify to the secretary of state that such rescheduling has occurred. Upon receipt of such certification, the secretary of state shall cause a notice of such certification to be published in the Kansas register.

(b) On and after the effective date of this act and the publication of the notice by the secretary of state in the Kansas register as provided by subsection (a), K.S.A. 65-4107, K.S.A. 2020 Supp. 21-5706 and 65-4105 and sections 2, 3, 4, 17, 18, 30 and 39 of this act are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking "crime" and inserting "crimes"; also in line 5, after "transport" by inserting "and unlawful storage"; in line 10, by striking the comma; in line 11, by striking all before "and"; in line 12, after the semicolon by inserting "allowing counties to prohibit retail dispensaries;"; also in line 12, by striking "44-1009,"; in line 13, by striking "44-1015,"; also in line 13, after the second comma by inserting "65-4107,"; also in line 13, after "Supp." by inserting "19-101a,"; in line 14, after the third comma by inserting "21-5706, as amended by section 67 of this act,"; in line 15, by striking the first "and" and inserting a comma; also in line 15, after "65-1120" by inserting "and 65-4105 and sections 2, 3, 4, 17, 18, 30 and 39 of this act,"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Huebert to replace Rep. Barker on Committee on Legislative Post Audit on May 5, 2021.

On motion of Rep. Hawkins, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker Ryckman in the chair.

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report on **HB 2026**.
 The Senate adopts the Conference Committee report on **HB 2077**.
 The Senate adopts the Conference Committee report on **HB 2079**.
 The Senate adopts the Conference Committee report on **HB 2121**.
 The Senate adopts the Conference Committee report on **HB 2158**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hawkins, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2026, HB 2077, HB 2079, HB 2121, HB 2158**.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2026** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, following line 20, by inserting:

"Sec. 2. K.S.A. 2020 Supp. 21-6201 is hereby amended to read as follows: 21-6201. (a) Riot is five or more persons acting together and without lawful authority engaging in any:

(1) Use of force or violence which produces a breach of the public peace; or
 (2) threat to use such force or violence against any person or property if accompanied by power or apparent power of immediate execution.

(b) Incitement to riot is by words or conduct knowingly urging others to engage in riot as defined in subsection (a) under circumstances which produce a clear and present danger of injury to persons or property or a ~~breach~~ breach of the public peace.

(c) (1) Riot is a:

(A) Class A person misdemeanor, except as provided in subsection (c)(1)(B); and
(B) severity level 8, person felony if the riot occurs in a correctional facility.

(2) Incitement to riot is a:

(A) Severity level 8, person felony, except as provided in subsection (c)(2)(B); and
(B) severity level 6, person felony if the incitement to riot occurs in a correctional facility.

(d) As used in this section, "correctional facility" means a "correctional institution" as defined in K.S.A. 75-5202, and amendments thereto, or a jail.

Sec. 3. K.S.A. 2020 Supp. 21-6322 is hereby amended to read as follows: 21-6322.

(a) Unlawfully tampering with electronic monitoring equipment is, knowingly and without authorization, removing, disabling, altering, tampering with, damaging or

destroying any electronic monitoring equipment used pursuant to court ordered supervision or as a condition of post-release supervision or parole.

(b) Unlawfully tampering with electronic monitoring equipment is a:

(1) Severity level—6_8, nonperson felony in the case of electronic monitoring equipment used pursuant to court-ordered supervision or as a condition of postrelease supervision or parole for any felony; and

(2) class A nonperson misdemeanor in the case of electronic monitoring equipment used pursuant to court-ordered supervision or as a condition of postrelease supervision or parole for any misdemeanor or used pursuant to court-ordered supervision in any civil case.

Sec. 4. K.S.A. 2020 Supp. 21-6610 is hereby amended to read as follows: 21-6610.

(a) When a defendant is placed on parole by the district court, on probation, assigned to a community correctional services program by a district court or under suspended sentence and such defendant is permitted to go from the judicial district of that court, supervision over the defendant may be transferred from that judicial district to another with the concurrence of the receiving chief court services officer, or if in a community corrections services program, by the concurrence of the director of the receiving program.

(b) The district court from which the defendant is on parole, probation, community correctional services program or suspended sentence may retain jurisdiction of the defendant.

(c) When a defendant described in subsection (a) is sentenced pursuant to K.S.A. 2020 Supp. 21-6824, and amendments thereto, the district court from which the defendant is on parole, on probation, assigned to a community correctional services program or under suspended sentence may transfer jurisdiction of the defendant with the concurrence of the receiving district court and all parties.

Sec. 5. K.S.A. 2020 Supp. 21-6824 is hereby amended to read as follows: 21-6824.

(a) There is hereby established a nonprison sanction of certified drug abuse treatment programs for certain offenders who are sentenced on or after November 1, 2003. Placement of offenders in certified drug abuse treatment programs by the court shall be limited to placement of adult offenders, convicted of a felony violation of K.S.A. 2020 Supp. 21-5705 or 21-5706, and amendments thereto, whose offense is classified in grid blocks:

(1) 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; or

(2) 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes, such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction, if the person felonies in the offender's criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes, and the court finds and sets forth with particularity the reasons for finding that the safety of the

members of the public will not be jeopardized by such placement in a drug abuse treatment program.

(b) As a part of the presentence investigation pursuant to K.S.A. 2020 Supp. 21-6813, and amendments thereto, offenders who meet the requirements of subsection (a), unless otherwise specifically ordered by the court, shall be subject to:

(1) A drug abuse assessment which shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the offender; and

(2) a criminal risk-need assessment. The criminal risk-need assessment shall assign a ~~high or low~~ risk status to the offender.

(c) If the offender is assigned a ~~high~~ risk status as determined by the drug abuse assessment performed pursuant to subsection (b)(1) and a ~~moderate or high~~ risk status as determined by the criminal risk-need assessment performed pursuant to subsection (b)(2) that meets the criteria for participation in a drug abuse treatment program as determined by the Kansas sentencing commission, the sentencing court shall commit the offender to treatment in a drug abuse treatment program until the court determines the offender is suitable for discharge by the court. The term of treatment shall not exceed 18 months. The court may extend the term of probation, pursuant to K.S.A. 2020 Supp. 21-6608(c)(3), and amendments thereto. The term of treatment may not exceed the term of probation.

(d) (1) Offenders who are committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services.

(2) Offenders who are not committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services or court services based on the result of the criminal risk assessment.

(3) If the offender is permitted to go from the judicial district of the sentencing court, the court may, pursuant to K.S.A. 2020 Supp. 21-6610, and amendments thereto:

- (A) Transfer supervision of the offender from that judicial district to another; and
(B) either transfer or retain jurisdiction of the offender.

(e) Placement of offenders under subsection (a)(2) shall be subject to the departure sentencing statutes of the revised Kansas sentencing guidelines act.

(f) (1) Offenders in drug abuse treatment programs shall be discharged from such program if the offender:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding.

(2) Offenders who are discharged from such program shall be subject to the revocation provisions of K.S.A. 2020 Supp. 21-6604(n), and amendments thereto.

(g) As used in this section, "mental health professional" includes licensed social workers, persons licensed to practice medicine and surgery, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the secretary of corrections to treat offenders pursuant to K.S.A. 75-52,144, and amendments thereto.

(h) (1) Offenders who meet the requirements of subsection (a) shall not be subject to the provisions of this section and shall be sentenced as otherwise provided by law, if such offenders:

(A) Are residents of another state and are returning to such state pursuant to the

interstate corrections compact or the interstate compact for adult offender supervision;
or

(B) are not lawfully present in the United States and being detained for deportation;
or

(C) do not meet the risk assessment levels provided in subsection (c).

(2) Such sentence shall not be considered a departure and shall not be subject to appeal.

(i) The court may order an offender who otherwise does not meet the requirements of subsection (c) to undergo one additional drug abuse assessment while such offender is on probation. Such offender may be ordered to undergo drug abuse treatment pursuant to subsection (a) if such offender is determined to meet the requirements of subsection (c). The cost of such assessment shall be paid by such offender.";

On page 7, in line 25, by striking "moderate"; in line 26, by striking all before "by" and inserting "an appropriate risk level as determined by the Kansas sentencing commission";

On page 11, in line 32, after "Supp." by inserting "21-6201, 21-6322, 21-6610, 21-6824 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "clarifying supervision of offenders and authorizing the sentencing commission to determine risk levels for participation in the certified drug abuse treatment program; increasing criminal penalties for riot and incitement to riot in a correctional facility; modifying criminal penalties for unlawfully tampering with electronic monitoring equipment;"; in line 5, after "Supp." by inserting "21-6201, 21-6322, 21-6610, 21-6824 and";

And your committee on conference recommends the adoption of this report.

KELLIE WARREN

RICHARD WILBORN

DAVID HALEY

Conferees on part of Senate

J. RUSSELL JENNINGS

STEPHEN OWENS

DENNIS "BOOG" HIGHBERGER

Conferees on part of House

On motion of Rep. Jennings, the conference committee report on **HB 2026** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Amyx, Anderson, Amberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F.

Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Awerkamp, Howard, Neighbor, Samsel.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2077** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 6, following line 18, by inserting:

"Sec. 3. K.S.A. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:

(a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. ~~Such term~~ "Allowance expense" includes a total charge not in excess of \$5,000 for expenses in any way related to funeral, cremation or burial; but ~~such term~~ "allowance expense" shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. ~~Such term~~ "Allowance expense" includes a total charge not in excess of \$1,000 for expenses in any way related to crime scene cleanup.

(b) "Board" means the crime victims compensation board established under K.S.A. 74-7303, and amendments thereto.

(c) "Claimant" means any of the following persons claiming compensation under this act:

(1) A victim;

(2) a dependent of a deceased victim;

(3) a third person other than a collateral source; or

(4) an authorized person acting on behalf of any of them.

(d) "Collateral source" means the net financial benefit, after deduction of taxes, legal fees, costs, expenses of litigation, liens, offsets, credits or other deductions, from a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

(1) The offender;

(2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits

under this act;

- (3) social security, medicare and medicaid;
- (4) state-required temporary nonoccupational disability insurance;
- (5) workers' compensation;
- (6) wage continuation programs of any employer;
- (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct;
- (8) a contract providing prepaid hospital and other health care services or benefits for disability; or
- (9) damages awarded in a tort action.

(e) "Criminally injurious conduct" means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:

- (i) The crimes would be compensable had it occurred in the state of Kansas; and
- (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs;

(B) poses a substantial threat or personal injury or death; and
 (C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or

(2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

~~Such term shall~~ "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or violations of municipal ordinances or county resolutions prohibiting the acts prohibited by those statutes, or violations of K.S.A. 8-1602, and amendments thereto, K.S.A. 21-3404, 21-3405 ~~and or~~ 21-3414, prior to their repeal, or K.S.A. 2020 Supp. 21-5405, 21-5406 ~~and K.S.A. 2020 Supp. or~~ 21-5413(b), and amendments thereto, or when such conduct was intended to cause personal injury or death.

(f) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.

(g) "Dependent's economic loss" means loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.

(h) "Dependent's replacement services loss" means loss reasonably incurred by dependents after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death and not subtracted in calculating dependent's economic loss.

(i) "Economic loss" means economic detriment consisting only of allowable

expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(j) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.

(k) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of self or family, if such person had not been injured.

(l) "Work loss" means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(m) "Victim" means a person who suffers personal injury or death as a result of:

- (1) Criminally injurious conduct;
- (2) the good faith effort of any person to prevent criminally injurious conduct; or
- (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct; or
- (4) witnessing a violent crime when the person was 16 years of age or younger at the time the crime was committed.

(n) "Crime scene cleanup" means removal of blood, stains, odors or other debris caused by the crime or the processing of the crime scene.

Sec. 4. K.S.A. 2020 Supp. 74-7305 is hereby amended to read as follows: 74-7305.

(a) An application for compensation shall be made in the manner and form prescribed by the crime victims compensation division created by K.S.A. 75-773, and amendments thereto.

(b) (1) Except as otherwise provided in this subsection, compensation may not be awarded unless an application has been filed with the division within two years of the reporting of the incident to law enforcement officials if the victim was less than 16 years of age and the injury or death is the result of any of the following crimes:

(1) Indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto; (2) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and amendments thereto; (3) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto; (4)

(A) Enticement of a child as defined in K.S.A. 21-3509, prior to its repeal; (5) indecent solicitation of a child as defined in K.S.A. 21-3510, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments thereto; (6) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and amendments thereto; (7) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto; (8) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto; (9)

(B) human trafficking as defined in K.S.A. 21-3446, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(a), and amendments thereto;~~(10)~~

(C) aggravated human trafficking as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto; or~~(11) commercial sexual exploitation of a child as defined in K.S.A. 2020 Supp. 21-6422, and amendments thereto~~

(D) a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto.

(2) Compensation for mental health counseling may be awarded if a claim is filed within two years of: (1) Testimony, to a claimant who is, or will be, required to testify in a sexually violent predator commitment, pursuant to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, of an offender who victimized the claimant or the victim on whose behalf the claim is made; or (2) notification, to a claimant who is notified that DNA testing of a sexual assault kit or other evidence has revealed a DNA profile of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, or is notified of the identification of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, whichever occurs later to a:

(A) Victim, as defined in K.S.A. 74-7301(m)(4), and amendments thereto, if the board finds there was good cause for the failure to file within the time specified in this subsection and the claim is filed before the victim turns 19 years of age; or

(B) victim of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, if the board finds there was good cause for the failure to file within the time specified in this subsection and:

(i) The claim is filed with the division within 10 years of the date such crime was committed; or

(ii) if the victim was less than 18 years of age at the time such crime was committed, the claim is filed within 10 years of the date the victim turns 18 years of age.

(3) For all other incidents of criminally injurious conduct, compensation may not be awarded unless the claim has been filed with the division within two years after the injury or death upon which the claim is based.

(c) Compensation may not be awarded to a claimant who was the offender or an accomplice of the offender and may not be awarded to another person if the award would unjustly benefit the offender or accomplice.

~~(e)~~(d) Compensation otherwise payable to a claimant shall be reduced or denied, to the extent, if any that the:

(1) Economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources;

(2) board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims; or

(3) board deems reasonable, because the victim was likely engaging in, or attempting to engage in, unlawful activity at the time of the crime upon which the claim for compensation is based. This subsection shall not be construed to reduce or deny compensation to a victim of domestic abuse or sexual assault.

~~(4)~~(e) Compensation may be awarded only if the board finds that unless the claimant is awarded compensation the claimant will suffer financial stress as the result

of economic loss otherwise reparable. A claimant suffers financial stress only if the claimant cannot maintain the claimant's customary level of health, safety and education for self and dependents without undue financial hardship. In making its determination of financial stress, the board shall consider all relevant factors, including:

- (1) The number of the claimant's dependents;
- (2) the usual living expenses of the claimant and the claimant's family;
- (3) the special needs of the claimant and the claimant's dependents;
- (4) the claimant's income and potential earning capacity; and
- (5) the claimant's resources.

~~(e)~~(f) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within 72 hours after its occurrence or the board finds there was good cause for the failure to report within that time.

~~(f)~~(g) The board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

~~(g)~~(h) Except in K.S.A. 21-3602 or 21-3603, prior to their repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto, or cases of sex offenses established in article 35 of chapter 21, of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2020 Supp. 21-6419 through 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2020 Supp. 21-5426, and amendments thereto, compensation may not be awarded if the economic loss is less than \$100.

~~(h)~~(i) Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed \$400 per week or actual loss, whichever is less.

~~(i)~~(j) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed \$25,000 in the aggregate.

~~(j)~~(k) Nothing in subsections ~~(e)(2), (e)(3), (e) and (f)(d)(2), (d)(3), (f) and (g)~~ shall be construed to reduce or deny compensation to a victim of human trafficking or aggravated human trafficking, as defined in K.S.A. 2020 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined in K.S.A. 2020 Supp. 21-6422, and amendments thereto, who was 18 years of age or younger at the time the crime was committed and is otherwise qualified for compensation.";

Also on page 6, in line 19, before "K.S.A." by inserting "K.S.A. 74-7301 and"; also in line 19, by striking "and" and inserting a comma; also in line 19, before "are" by inserting "and 74-7305";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and" and inserting a comma; also in line 1, after "commissions" by inserting "and boards"; in line 6, after the semicolon by inserting "relating to the crime victims compensation board; applications for compensation and mental health counseling; adding certain children to the definition of victim;"; also in line 6, after "amending" by inserting "K.S.A. 74-7301 and"; in line 7, by striking the first "and" and inserting a comma; also in line 7, after "21-6902" by inserting "and 74-7305";

And your committee on conference recommends the adoption of this report.

KELLIE WARREN
RICHARD WILBORN
DAVID HALEY

Conferees on part of Senate

J. RUSSELL JENNINGS
STEPHEN OWENS
DENNIS "BOOG" HIGHBERGER

Conferees on part of House

On motion of Rep. Jennings, the conference committee report on **HB 2077** was adopted.

On roll call, the vote was: Yeas 115; Nays 6; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Amberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoyer, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris, Garber, Jacobs, Lee-Hahn, Poetter, Rhiley.

Present but not voting: None.

Absent or not voting: Awerkamp, Howard, Neighbor, Samsel.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2079** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 11, by inserting:

"New Section 1. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the Kansas fights addiction act.

New Sec. 2. As used in sections 1 through 7, and amendments thereto:

- (a) "Act" means the Kansas fights addiction act.
- (b) "Covered conduct" means any conduct covered by opioid litigation that resulted in payment of moneys into the Kansas fights addiction fund.
- (c) "Defendant" means a defendant or putative defendant in any opioid litigation.

(d) "Moneys that are received" includes damages, penalties, attorney fees, costs, disbursements, refunds, rebates or any other monetary payment made or paid by any defendant by reason of any judgment, consent decree or settlement, after payment of any costs or fees allocated by court order.

(e) "Municipality" means the same as defined in K.S.A. 75-6102, and amendments thereto.

(f) "Opioid litigation" means any civil lawsuit, demand or settlement, including any settlement in lieu of litigation, alleging unlawful conduct in the manufacturing, marketing, distribution, prescribing or other use of opioid medications and asserting or resolving claims of the state or any municipality.

(g) "Qualified applicant" means any state entity, municipality or not-for-profit private entity that provides services for the purpose of preventing, reducing, treating or otherwise abating or remediating substance abuse or addiction and that has released its legal claims arising from covered conduct against each defendant that is required by opioid litigation to pay into the fund.

(h) "State" means the state of Kansas, including any agency or official thereof.

(i) "Sunflower foundation" means the sunflower foundation: health care for Kansas, established pursuant to the settlement agreement entered into by the attorney general in the action filed by blue cross and blue shield of Kansas, inc., in the district court of Shawnee county, Kansas, case No. 97CV608.

New Sec. 3. (a) Notwithstanding any other provision of law to the contrary, the attorney general shall remit to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto, all moneys that are received by the state pursuant to opioid litigation in which the attorney general is involved that is dedicated by the terms of such litigation for the abatement or remediation of substance abuse or addiction. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury. The state treasurer shall credit 75% of each such deposit to the Kansas fights addiction fund and 25% of each such deposit to the municipalities fight addiction fund.

(b) There is hereby established in the state treasury the Kansas fights addiction fund, and such fund shall be administered by the attorney general. Except as provided in subsection (c), moneys in the Kansas fights addiction fund shall be expended subject to any agreement authorized under section 4(d), and amendments thereto, for grants approved by the Kansas fights addiction grant review board created by section 4, and amendments thereto, to qualified applicants for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction. Any such expenditure for a grant shall not be used to supplant any other source of funding. No moneys shall be expended from the Kansas fights addiction fund for the payment of litigation costs, expenses or attorney fees related to opioid litigation.

(c) On July 1 of each year, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas fights addiction fund to the prescription monitoring program fund established by section 8, and amendments thereto. For any fiscal year, if there are insufficient unencumbered moneys in the Kansas fights addiction fund to make such transfer, no transfer shall be

made under this subsection for such fiscal year.

(d) (1) There is hereby established in the state treasury the municipalities fight addiction fund, and such fund shall be administered by the attorney general to disburse funds to municipalities. Moneys in the municipalities fight addiction fund shall be expended subject to an agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct. Moneys may also be used to reimburse municipalities for the payment of litigation costs, expenses or attorney fees related to opioid litigation, except that a municipality shall first seek payment from applicable outside settlement sources or settlement fee funds prior to seeking payment from the municipalities fight addiction fund.

(2) An agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities shall determine the method for disbursing moneys from the fund, and such moneys shall be disbursed to municipalities that have not filed opioid litigation and municipalities that have filed opioid litigation and have entered into an agreement with the attorney general prior to January 1, 2022, that releases the municipality's legal claims arising from covered conduct to the attorney general and assigns any future legal claims arising from covered conduct to the attorney general.

(e) All expenditures from the Kansas fights addiction fund and the municipalities fight addiction fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney general or the attorney general's designee.

New Sec. 4. (a) There is hereby created under the jurisdiction of the attorney general the Kansas fights addiction grant review board. At least one member of such board shall reside in each of the state's congressional districts. Each member shall serve at the pleasure of the appointing authority. Such board shall be composed of 11 members who have expertise in the prevention, reduction, treatment or mitigation of the effects of substance abuse and addiction, as follows:

(1) One member appointed by the attorney general to be designated as chairperson of the board;

(2) one member appointed by the governor;

(3) one member appointed by the president of the senate;

(4) one member appointed by the speaker of the house of representatives;

(5) one member appointed by the minority leader of the senate;

(6) one member appointed by the minority leader of the house of representatives;

(7) one member appointed by the league of Kansas municipalities;

(8) one member appointed by the Kansas association of counties;

(9) one member appointed by the Kansas county and district attorneys association;

(10) one member appointed by the association of community mental health centers of Kansas; and

(11) one member appointed by the behavioral sciences regulatory board.

(b) The board shall receive and consider applications for grants of money from the Kansas fights addiction fund. Not fewer than six members of the board voting in the affirmative shall be necessary to approve each grant, and each member shall have one vote. The board may adopt rules and procedures for its operation, conduct hearings, receive testimony and gather information to assist in its powers, duties and functions under this act.

(c) In awarding grants, the board:

(1) Shall take care to support services throughout the state and shall ensure not less than $\frac{1}{8}$ of the total amount of moneys granted each calendar year shall be for services in each of the state's congressional districts;

(2) shall take into account science and data-driven substance abuse prevention reduction, treatment or mitigation strategies;

(3) shall consult with the Kansas prescription drug and opioid advisory committee, the department of health and environment, the insurance department and other appropriate public and private entities to ensure coordination of drug abuse and addiction prevention and mitigation efforts throughout the state;

(4) shall approve grants only in compliance with the requirements of section 3, and amendments thereto;

(5) shall consider the sustainability of programming after grant funds are exhausted;

(6) may establish conditions for the award of grants and require assurance and subsequent review to ensure such conditions are satisfied;

(7) may give preference to qualified applicants that are not otherwise seeking or receiving funds from opioid litigation; and

(8) may give preference to grants that expand availability of certified drug abuse treatment programs authorized by K.S.A. 2020 Supp. 21-6824, and amendments thereto.

(d) (1) The attorney general shall provide administrative support for the board and shall administer, monitor and assure compliance with conditions on grants awarded.

(2) To carry out the duties and responsibilities under paragraph (1), the attorney general may enter into an agreement with the sunflower foundation to provide such administration, monitoring and assurance of compliance. Such agreement may:

(A) Provide for the attorney general to periodically transfer moneys from the Kansas fights addiction fund to the sunflower foundation. The sunflower administration shall administer any such moneys in a manner consistent with this act and with grants approved by the board. If an agreement authorized by this subsection is in effect, the attorney general may transfer moneys from the Kansas fights addiction fund to the sunflower foundation pursuant to such agreement;

(B) provide for a reasonable fee or other compensation for the sunflower foundation for services related to this act;

(C) make provision for the use of any earnings on moneys transferred to the sunflower foundation pursuant to this act and invested by the sunflower foundation; and

(D) contain other provisions as may be reasonably necessary and appropriate to carry out the provisions of this act.

(3) The attorney general may take any action necessary to ensure the greatest possible recovery from opioid litigation and to seek funds for the Kansas fights addiction fund and the municipalities fight addiction fund.

(e) Members of the board shall not receive compensation or expenses for serving on the board. Each member shall file a statement of substantial interest as provided in K.S.A. 46-248 through 46-252, and amendments thereto. No member shall participate in the consideration of any grant application for which such member has a conflict of interest.

New Sec. 5. The attorney general and each municipality shall be solely responsible for paying all costs, expenses and attorney fees arising from opioid litigation brought under their respective authorities, including any attorney fees owed to private legal counsel, and may seek payment or reimbursement of such costs, expenses and attorney fees from moneys not deposited in the Kansas fights addiction fund.

New Sec. 6. (a) Except as provided by subsection (b), on and after January 1, 2021, no municipality shall file or become a party to opioid litigation in any court without the prior approval of the attorney general. Any municipality that filed or became a party to opioid litigation on or after January 1, 2021, through the effective date of the Kansas fights addiction act shall withdraw from such opioid litigation, unless such municipality receives approval from the attorney general to maintain such opioid litigation.

(b) This section shall not apply to or affect any municipality that filed or became a party to opioid litigation in court prior to January 1, 2021.

New Sec. 7. Not later than March 1 of each year, the Kansas fights addiction grant review board shall submit to the speaker of the house of representatives, the president of the senate, the governor and the attorney general a report of the board's activities during the prior calendar year, including:

(a) An accounting of moneys deposited into and expended from the Kansas fights addiction fund;

(b) a summary of each approved grant, including the name and a detailed description of the qualified applicant, the amount granted, the justification for the grant with a detailed description of the grant's intended use and any other relevant information the board deems appropriate;

(c) an explanation of how the board's actions during the year have complied with the requirements of this act; and

(d) any other relevant information the board deems appropriate.

New Sec. 8. (a) There is hereby established in the state treasury the prescription monitoring program fund. Such fund shall be administered by the president of the state

board of pharmacy or the president's designee. All expenditures from the prescription monitoring program fund shall be for the purpose of operating the prescription monitoring program that is established in accordance with the prescription monitoring program act. All expenditures from the prescription monitoring program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or the president's designee.

(b) This section shall be a part of and supplemental to the prescription monitoring program act.";

Also on page 1, in line 33, by striking "2" and inserting "10";

On page 15, following line 35, by inserting:

"Sec. 29. K.S.A. 75-759 is hereby amended to read as follows: 75-759. (a) (1) A notice offering help to victims of human trafficking shall be accessible on the official website of the attorney general, the official website of the department for children and families and the official website of the department of labor; ~~and may~~.

(2) The notice described in this subsection shall be posted in a prominent and accessible location in workplaces any place required to post notices pursuant to:

(A) The Kansas act against discrimination, K.S.A. 44-1012, and amendments thereto;

(B) the Kansas age discrimination in employment act, K.S.A. 44-1114, and amendments thereto;

(C) the Kansas child labor law, K.S.A. 38-605, and amendments thereto;

(D) the employment security law and rules and regulations adopted under the employment security law; or

(E) the workers compensation act and rules and regulations adopted under the workers compensation act.

(3) The notice described in this subsection shall be posted in a location visible to members of the public in the following public places:

(A) Sexually oriented businesses as defined by K.S.A. 12-770, and amendments thereto;

(B) massage parlors;

(C) healthcare facilities;

(D) convenience stores and truck stops; and

(E) rest areas and visitors centers under state supervision or control.

(b) The notice shall provide such information attorney general shall adopt rules and regulations prescribing the content, size and other characteristics of such notices as the attorney general determines appropriate to help and support victims of human trafficking, including, but not limited to, information regarding the national human trafficking hotline as follows:

"If you or someone you know is being forced to engage in any activity and cannot leave — whether it is commercial sex, housework, farm work or any other activity call the toll-free National Human Trafficking Hotline at 1-888-373-7888 to access help and services. The toll-free hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a nonprofit, nongovernmental organization
- Anonymous and confidential

- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information."

(c) The notice described in this section shall be made available in English, Spanish, and, if requested by an employer, another language.

(d) The secretary of labor, in consultation with the attorney general, shall develop and implement an education plan to raise awareness among Kansas employers about the problem of human trafficking, about the hotline described in this section, and about other resources that may be available to employers, employees, and potential victims of human trafficking. ~~On or before February 1, 2014, the secretary shall report to the standing committees on judiciary in the senate and the house of representatives, respectively, on the progress achieved in developing and implementing the notice requirement and education plan required by this section."~~

Also on page 15, in line 38, by striking the first "and" and inserting a comma; also in line 38, after "75-458" by inserting "and 75-759"; in line 41, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "enacting the Kansas fights addiction act; prescribing powers, duties and functions of the attorney general related thereto; providing for the expenditure of moneys recovered in opioid litigation; transferring a portion of such moneys annually for the operation of the prescription monitoring program; establishing a grant program to address the effects of substance abuse and addiction; Kansas fights addiction grant review board; Kansas fights addiction fund, municipalities fight addiction fund and prescription monitoring program fund; relating to"; in line 6, after the semicolon by inserting "requiring certain businesses and public places to post notices offering help to victims of human trafficking;"; in line 8, by striking the first "and" and inserting a comma; also in line 8, after "75-458" by inserting "and 75-759";

And your committee on conference recommends the adoption of this report.

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

Conferees on part of Senate

FRED PATTON

BRADLEY RALPH

JOHN CARMICHAEL

Conferees on part of House

On motion of Rep. Patton, the conference committee report on **HB 2079** was adopted.

On roll call, the vote was: Yeas 78; Nays 42; Present but not voting: 1; Absent or not voting: 4.

Yeas: Anderson, Arnberger, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burroughs, Carlson, B. Carpenter, W. Carpenter, Clark, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Haswood, Hawkins, Helgerson, Highland, Hoffman, Hoheisel, Howe, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn,

Proctor, Proehl, Rahjes, Ralph, Resman, Ryckman, Sanders, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Victors, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Ballard, Bishop, Burris, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Day, Donohoe, Featherston, Finney, Garber, Gartner, Helmer, Henderson, Highberger, Houser, Hoye, Jacobs, Kuether, Lee-Hahn, Miller, Ohaebosim, Ousley, Parker, Poetter, Poskin, Probst, Rhiley, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Vaughn, Weigel, Winn, Wolfe Moore, Xu.

Present but not voting: Woodard.

Absent or not voting: Awerkamp, Howard, Neighbor, Samsel.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2121** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 11, by inserting:

"Section 1. K.S.A. 2020 Supp. 8-246 is hereby amended to read as follows: 8-246.

(a) If a driver's license issued under the provisions of this act is lost or destroyed, or if a new name is acquired, the person to whom such driver's license was issued may obtain a replacement upon:

(1) Furnishing satisfactory proof of the loss, destruction or name change to the division, including an affidavit stating the circumstances of the loss, destruction or name change;

(2) payment of a fee of \$8; and

(3) furnishing proof of the person's identity as provided in subsection (b). The driver's license examiner also shall compare the applicant with the division's existing information and facial image database.

(b) For the purposes of obtaining a replacement driver's license, proof of a person's identity shall include at least two of the following documents, one of the documents shall bear the person's signature and one of the documents shall bear the person's age or one of the documents shall bear the person's signature and age:

(1) Military identification card;

(2) military dependent identification card;

(3) military discharge papers;

(4) military DD214;

(5) an original or certified copy of a state issued birth certificate;

(6) marriage license;

(7) medicare identification card;

(8) certified copy of court order specifying a change of name of the person;

(9) commercially produced school yearbook with photograph of the person, and the book is less than five years old;

(10) an official passport issued by any country;

(11) alien registration documents issued by the United States;

(12) expired or current driver's license or identification card issued by the Kansas division of vehicles or an expired or current driver's license or identification card of

another state issued by similar authority, and for any document in this ~~item (12)-~~
paragraph the document must bear a photograph of the person;

- (13) student identification card bearing the photograph of the person;
- (14) employee identification card bearing the photograph of the person;
- (15) a copy of any federal or state income tax return bearing the signature of the person;~~or~~

(16) an identification certificate issued by the department of corrections to an offender under the supervision of the secretary of corrections;or

(17) an identification certificate issued by a court services or community corrections agency to an offender under the probation supervision of such agency.

(c) The division may waive the furnishing of one of the documents required by subsection (b) in the case of:

- (1) A person who is 65 or more years of age; or
- (2) an inmate who has been released on parole, conditional release or expiration of the inmate's maximum sentence. When additional clarification is needed to adequately describe any of the above items, the division shall specify such clarification in making the requirement for such item.

(d) In lieu of providing one of the documents required by subsection (b), a person may recite to the satisfaction of the driver's license examiner the recent motor vehicle operating record of the person.

(e) Any person who loses a driver's license and who, after obtaining a replacement, finds the original license shall immediately surrender the original license to the division.";

On page 6, following line 6, by inserting:

"Sec. 5. K.S.A. 75-5216 is hereby amended to read as follows: 75-5216. (a) Parole officers shall investigate all persons referred to them for investigation by the secretary of corrections. Parole officers shall furnish to each person released under their supervision a written statement of the conditions of parole or postrelease supervision and shall give instructions regarding these conditions. Parole officers shall keep informed of the conduct and condition of a parolee or inmate on postrelease supervision and use all suitable methods to aid, encourage and bring about improvement in the conduct and condition of such parolee or inmate ~~or on~~ postrelease supervision. Parole officers shall keep detailed records of their work and shall make such reports in writing and perform such other duties as may be incidental to those above enumerated or as the secretary may require. Parole officers shall coordinate their work with that of social welfare agencies.

(b) The secretary of corrections shall develop guidance for use by parole officers that includes intervention responses to behavior that would constitute a violation of parole or postrelease supervision and incentive responses to compliant behavior and pro-social achievements. Parole officers shall use such guidance developed by the secretary while supervising offenders on parole or postrelease supervision.";

On page 9, in line 15, after "22-2809" by inserting ", 75-5216"; also in line 15, after "Supp." by inserting "8-246,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to issuance of identification certificates by court services and community corrections agencies; use thereof to obtain replacement driver's license;"; in line 7, after the semicolon by

inserting "requiring the secretary of corrections to develop guidance to address violations of parole and postrelease supervision;"; also in line 7, after "22-2809" by inserting ", 75-5216"; in line 8, after "Supp." by inserting "8-246,";

And your committee on conference recommends the adoption of this report.

KELLIE WARREN
RICHARD WILBORN
DAVID HALEY

Conferees on part of Senate

J. RUSSELL JENNINGS
STEPHEN OWENS
DENNIS "BOOG" HIGHBERGER

Conferees on part of House

On motion of Rep. Jennings, the conference committee report on **HB 2121** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Amyx, Anderson, Amberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Awerkamp, Howard, Neighbor, Samsel.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2158** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 9, by inserting:

"WHEREAS, The amendments made to the provisions of K.S.A. 2020 Supp. 38-2226 by this act shall be known as Adrian's Law.

Now, therefore:"

Also on page 1, following line 11, by inserting:

"New Section 1. (a) There is hereby established the joint committee on child

welfare system oversight. The joint committee shall review:

(1) Data on child maltreatment and demographic trends impacting the child welfare system;

(2) the duties, responsibilities and contributions of the Kansas department for children and families, the Kansas department for aging and disability services, the department of health and environment, the department of corrections, law enforcement and the judicial branch that comprise and impact the child welfare system;

(3) the programs, services and benefits offered directly or through grants or contracts by the Kansas department for children and families, the Kansas department for aging and disability services, the department of health and environment and the judicial branch that impact children and families at risk of becoming involved or who are involved in the child welfare system, including:

(A) Child maltreatment prevention;

(B) investigations of child maltreatment;

(C) in-home family services, including services offered through federal prevention and family preservation funding; and

(D) foster care, reintegration and adoption services;

(4) trends, performance outcomes, activities and improvement plans related to the federal child and family services reviews;

(5) reports from child welfare-related groups, including, but not limited to, citizen review panels, the Kansas supreme court permanency planning task force, the Kansas children's cabinet and any interim study committees or work groups authorized by the Kansas legislature;

(6) implementation of the 2019 child welfare system task force report recommendations, including top-tier recommendations related to the child welfare workforce, data technology, access to behavioral healthcare for high-risk youth and implementation of the federal family first prevention services act;

(7) reports on concerns received from the Kansas department for children and families child welfare ombudsman or customer service department or similar office;

(8) opportunities for Kansas to strengthen the child welfare system through evidence-based interventions and services for children and families;

(9) data and trends on family foster home licenses issued pursuant to K.S.A. 65-516(b), and amendments thereto;

(10) the exception to state child death review board confidentiality for city or county entities with the express purpose of providing local review of child deaths pursuant to K.S.A. 2020 Supp. 22a-243, and amendments thereto; and

(11) any other topic the joint committee deems appropriate.

(b) The joint committee shall consist of 13 members of the legislature appointed as follows:

(1) Two members of the house of representatives standing committee on children

and seniors appointed by the speaker of the house of representatives;

(2) one member of the house of representatives standing committee on children and seniors appointed by the minority leader of the house of representatives;

(3) two members of the senate standing committee on public health and welfare appointed by the president of the senate;

(4) one member of the senate standing committee on public health and welfare appointed by the minority leader of the senate;

(5) two members of the house of representatives appointed by the speaker of the house of representatives;

(6) one member of the house of representatives appointed by the minority leader of the house of representatives;

(7) two members of the senate appointed by the president of the senate;

(8) one member of the senate appointed by the minority leader of the senate; and

(9) one member of the house of representatives appointed by the majority leader of the house of representatives.

(c) Members shall be appointed for terms coinciding with the legislative terms for which such members are elected or appointed. All members appointed to fill vacancies in the membership of the joint committee and all members appointed to succeed members appointed to the membership on the joint committee shall be appointed in the manner provided for the original appointment of the member succeeded.

(d) (1) Within 30 days of the effective date of this section, the first chairperson of the joint committee shall be appointed by the president of the senate from among the members of the joint committee appointed by the president of the senate. The chairperson and vice-chairperson of the joint committee shall alternate annually between the members appointed by the president of the senate and the speaker of the house of representatives.

(2) The speaker of the house of representatives shall designate a representative member to be the chairperson or the vice-chairperson of the joint committee as provided in this section. The president of the senate shall designate a senator member to be the chairperson or the vice-chairperson of the joint committee as provided in this section. The ranking minority member shall be from the same chamber as the chairperson. The minority leader of the senate shall designate a senator member to be the ranking minority member of the joint committee as provided in this section. The minority leader of the house of representatives shall designate a representative member to be the ranking minority member of the joint committee as provided in this section.

(e) The members originally appointed as members of the joint committee shall meet upon the call of the chairperson on or after January 1, 2021. Thereafter, the joint committee shall meet at least once during each of the first and second calendar quarters when the legislature is in regular session and at least once during each of the third and fourth calendar quarters, on the call of the chairperson, but not to exceed six meetings in a calendar year.

(f) Seven members of the joint committee shall constitute a quorum.

(g) At the beginning of each regular session of the legislature, the joint committee shall submit to the president of the senate, the speaker of the house of representatives, the house standing committee on children and seniors and the senate standing committee on public health and welfare a written report that shall include recommended changes to current laws, rules and regulations and policies regarding the safety and well-being of children in the child welfare system in the state of Kansas.

(h) Members of the joint committee shall be paid compensation, amounts for travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, for attendance at any meeting of the joint committee or any subcommittee meeting authorized by the committee.

(i) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee.

(j) The joint committee may make recommendations and introduce legislation as it deems necessary in performing its functions.";

On page 3, in line 25, by striking all after "K.S.A."; in line 26, by striking "5101a" and inserting "21-2501a"; in line 36, by striking all after "K.S.A."; in line 37, by striking "5101a" and inserting "21-2501a"; in line 38, after "child" by inserting a semicolon; in line 39, after "(6)" by inserting "(A)"; in line 42, by striking "(A)" and inserting "(i)"; in line 43, by striking "(B)" and inserting "(ii)"; following line 43, by inserting:

"(B) the provisions of this paragraph shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions prior to July 1, 2026; and

(C) the joint committee on child welfare system oversight shall review the provisions of this paragraph pursuant to section 1, and amendments thereto;"

On page 4, following line 25, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 38-2226 is hereby amended to read as follows: 38-2226. (a) *Investigation for child abuse or neglect.* The secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purpose of determining whether the report is valid and whether action is required to protect a child. Any person or agency which maintains records relating to the involved child which are relevant to any investigation conducted by the secretary or law enforcement agency under this code shall provide the secretary or law enforcement agency with the necessary records to assist in investigations. In order to provide such records, the person or agency maintaining the records shall receive from the secretary or law enforcement: (1) A written request for information; and (2) a written notice that the investigation is being conducted by the secretary or law enforcement. If the secretary and such officers determine that no action is necessary to protect the child but that a criminal prosecution should be considered, such law enforcement officers shall make a report of the case to the appropriate law enforcement agency.

(b) *Joint investigations.* When a report of child abuse or neglect indicates: (1) That there is serious physical harm to, serious deterioration of or sexual abuse of the child; and (2) that action may be required to protect the child, the investigation shall be conducted as a joint effort between the secretary and the appropriate law enforcement agency or agencies, with a free exchange of information between them pursuant to

K.S.A. 2020 Supp. 38-2210, and amendments thereto. If a statement of a suspect is obtained by either agency, a copy of the statement shall be provided to the other.

(c) *Investigation of certain cases.* Suspected child abuse or neglect which occurs in an institution operated by the Kansas department of corrections shall be investigated by the attorney general or secretary of corrections. Any suspected child abuse or neglect in an institution operated by the Kansas department for aging and disability services, or by persons employed by the Kansas department for aging and disability services or the Kansas department for children and families, or of children of persons employed by either department, shall be investigated by the appropriate law enforcement agency.

(d) *Coordination of investigations by county or district attorney.* If a dispute develops between agencies investigating a reported case of child abuse or neglect, the appropriate county or district attorney shall take charge of, direct and coordinate the investigation.

(e) *Investigations concerning certain facilities.* Any investigation involving a facility subject to licensing or regulation by the secretary of health and environment shall be promptly reported to the state secretary of health and environment.

(f) *Cooperation between agencies.* Law enforcement agencies and the secretary shall assist each other in taking action which is necessary to protect a child regardless of which agency conducted the initial investigation.

(g) *Cooperation between school personnel and investigative agencies.* (1) Educational institutions, the secretary and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect. The secretary and law enforcement agencies shall have access to a child in a setting designated by school personnel on the premises of an educational institution. Attendance at an interview conducted on such premises shall be at the discretion of the agency conducting the interview, giving consideration to the best interests of the child. To the extent that safety and practical considerations allow, law enforcement officers on such premises for the purpose of investigating a report of suspected child abuse or neglect shall not be in uniform.

(2) The secretary or a law enforcement officer may request the presence of school personnel during an interview if the secretary or officer determines that the presence of such person might provide comfort to the child or facilitate the investigation.

(h) *Visual observation required.* As part of any investigation conducted pursuant to this section, the secretary, or the secretary's designee, or the law enforcement agency, or such agency's designee, that is conducting the investigation shall visually observe the child who is the alleged victim of abuse or neglect. In the case of a joint investigation conducted pursuant to subsection (b), the secretary and the investigating law enforcement agency, or the designees of the secretary and such agency, shall both visually observe the child who is the alleged victim of abuse or neglect. All investigation reports shall include the date, time and location of any visual observation of a child that is required by this subsection.

Sec. 4. K.S.A. 2020 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence

compatible with decency and health. Where a husband and wife or cohabiting partners are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse, cohabiting partner or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for temporary assistance for needy families, for food assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any boat, personal water craft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance except that any additional motor vehicle used by the applicant, the applicant's spouse or the applicant's cohabiting partner for the primary purpose of earning income may be considered as exempt personal property in the secretary's discretion.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) *Temporary assistance for needy families.* Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as temporary assistance for needy families. Where the husband and wife or cohabiting partners are living together, both shall register for work under the program requirements for temporary assistance for needy families in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(1) As used in this subsection, "family group" or "household" means the applicant or recipient for TANF, child care subsidy or employment services and all individuals living together in which there is a relationship of legal responsibility or a qualifying caretaker relationship. This will include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child. The family group shall not be eligible for TANF if the family group contains at least one adult member who has received TANF, including the federal TANF assistance received in any other state, for 24 calendar months beginning on and after October 1, 1996, unless the secretary determines a hardship exists and grants an extension allowing receipt of TANF until the 36-month limit is reached. No extension beyond 36 months shall be granted. Hardship provisions for a recipient include:

- (A) Is a caretaker of a disabled family member living in the household;
- (B) has a disability which precludes employment on a long-term basis or requires substantial rehabilitation;
- (C) needs a time limit extension to overcome the effects of domestic violence/sexual assault;

(D) is involved with prevention and protection services (PPS) and has an open social service plan; or

(E) is determined by the 24th month to have an extreme hardship other than what is designated in criteria listed in subparagraphs (A) through (D). This determination will be made by the executive review team.

(2) All adults applying for TANF shall be required to complete a work program assessment as specified by the Kansas department for children and families, including those who have been disqualified for or denied TANF due to non-cooperation, drug testing requirements or fraud. Adults who are not otherwise eligible for TANF, such as ineligible aliens, relative/non-relative caretakers and adults receiving supplemental security income are not required to complete the assessment process. During the application processing period, applicants must complete at least one module or its equivalent of the work program assessment to be considered eligible for TANF benefits, unless good cause is found to be exempt from the requirements. Good cause exemptions shall only include:

(A) The applicant can document an existing certification verifying completion of the work program assessment;

(B) the applicant has a valid offer of employment or is employed a minimum of 20 hours a week;

(C) the applicant is a parenting teen without a GED or high school diploma;

(D) the applicant is enrolled in job corps;

(E) the applicant is working with a refugee social services agency; or

(F) the applicant has completed the work program assessment within the last 12 months.

(3) The department for children and families shall maintain a sufficient level of dedicated work program staff to enable the agency to conduct work program case management services to TANF recipients in a timely manner and in full accordance with state law and agency policy.

(4) TANF mandatory work program applicants and recipients shall participate in work components that lead to competitive, integrated employment. Components are defined by the federal government as being either primary or secondary. In order to meet federal work participation requirements, households need to meet at least 30 hours of participation per week, at least 20 hours of which need to be primary and at least 10 hours may be secondary components in one parent households where the youngest child is six years of age or older. Participation hours shall be 55 hours in two parent households (35 hours per week if child care is not used). The maximum assignment is 40 hours per week per individual. For two parent families to meet the federal work participation rate both parents must participate in a combined total of 55 hours per week, 50 hours of which must be in primary components, or one or both parents could be assigned a combined total of 35 hours per week (30 hours of which must be primary components) if department for children and families paid child care is not received by the family. Single parent families with a child under age six meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component. The following components meet federal definitions of primary hours of participation: Full or part-time employment, apprenticeship, work study, self-employment, job corps, subsidized employment, work experience sites, on-the-job training, supervised community service, vocational

education, job search and job readiness. Secondary components include: Job skills training, education directly related to employment such as adult basic education and English as a second language, and completion of a high school diploma or GED.

(5) A parent or other adult caretaker personally providing care for a child under the age of three months in their TANF household is exempt from work participation activities until the month the child turns three months of age. Such three-month limitation shall not apply to a parent or other adult caretaker who is personally providing care for a child born significantly premature, with serious medical conditions or with a disability as defined by the secretary, in consultation with the secretary of health and environment, and adopted in the rules and regulations. The three-month period is defined as two consecutive months starting with the month after childbirth. The exemption for caring for a child under three months cannot be claimed:

(A) By either parent when two parents are in the home and the household meets the two-parent definition for federal reporting purposes;

(B) by one parent or caretaker when the other parent or caretaker is in the home, and available, capable and suitable to provide care and the household does not meet the two-parent definition for federal reporting purposes;

(C) by a person age 19 or younger when such person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent. Such person shall become exempt the month such person turns age 20; or

(D) by any person assigned to a work participation activity for substance use disorders.

(6) TANF work experience placements shall be reviewed after 90 days and are limited to six months per 24-month lifetime limit. A client's progress shall be reviewed prior to each new placement regardless of the length of time they are at the work experience site.

(7) TANF participants with disabilities shall engage in required employment activities to the maximum extent consistent with their abilities. TANF participants shall provide current documentation by a qualified medical practitioner that details the abilities to engage in employment and any limitations in work activities along with the expected duration of such limitations. Disability is defined as a physical or mental impairment constituting or resulting in a substantial impediment to employment for such individual.

(8) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for TANF benefits based on non-cooperation with work programs shall be as follows:

(A) For a first penalty, three months and full cooperation with work program activities;

(B) for a second penalty, six months and full cooperation with work program activities;

(C) for a third penalty, one year and full cooperation with work program activities; and

(D) for a fourth or subsequent penalty, 10 years.

(9) Individuals that have not cooperated with TANF work programs shall be ineligible to participate in the food assistance program. The comparable penalty shall be applied to only the individual in the food assistance program who failed to comply with

the TANF work requirement. The agency shall impose the same penalty to the member of the household who failed to comply with TANF requirements. The penalty periods are three months, six months, one year, or 10 years.

(10) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for child care subsidy or TANF benefits based on parents' non-cooperation with child support services shall be as follows:

(A) For the first penalty, three months and cooperation with child support services prior to regaining eligibility;

(B) for a second penalty, six months and cooperation with child support services prior to regaining eligibility;

(C) for a third penalty, one year and cooperation with child support services prior to regaining eligibility; and

(D) for a fourth penalty, 10 years.

(11) Individuals that have not cooperated without good cause with child support services shall be ineligible to participate in the food assistance program. The period of disqualification ends once it has been determined that such individual is cooperating with child support services.

(12) (A) Any individual who is found to have committed fraud or is found guilty of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 2020 Supp. 21-5801, and amendments thereto, in either the TANF or child care program shall render all adults in the family unit ineligible for TANF assistance. Adults in the household who were determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 2020 Supp. 21-5801, and amendments thereto, shall render themselves and all adult household members ineligible for their lifetime for TANF, even if fraud was committed in only one program. Households who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 2020 Supp. 21-5801, and amendments thereto, shall be required to name a protective payee as approved by the secretary or the secretary's designee to administer TANF benefits or food assistance on behalf of the children. No adult in a household may have access to the TANF cash assistance benefit.

(B) Any individual that has failed to cooperate with a fraud investigation shall be ineligible to participate in the TANF cash assistance program and the child care subsidy program until the department for children and families determines that such individual is cooperating with the fraud investigation. The department for children and families shall maintain a sufficient level of fraud investigative staff to enable the department to conduct fraud investigations in a timely manner and in full accordance with state law and department rules and regulations or policies.

(13) (A) Food assistance shall not be provided to any person convicted of a felony offense occurring on or after July 1, 2015, which includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog. For food assistance, the individual shall be permanently disqualified if they have been convicted of a state or federal felony offense occurring on or after July 1, 2015, involving possession or use of a controlled substance or controlled substance analog.

(B) Notwithstanding the provisions of subparagraph (A), an individual shall be

eligible for food assistance if the individual enrolls in and participates in a drug treatment program approved by the secretary, submits to and passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

An individual's failure to submit to testing or failure to successfully pass a drug test shall result in ineligibility for food assistance until a drug test is successfully passed. Failure to successfully complete a drug treatment program shall result in ineligibility for food assistance until a drug treatment plan approved by the secretary is successfully completed, the individual passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

(C) The provisions of subparagraph (B) shall not apply to any individual who has been convicted for a second or subsequent felony offense as provided in subparagraph (A).

(14) No TANF cash assistance shall be used to purchase alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public or sexually oriented adult materials. No TANF cash assistance shall be used in any retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, parimutuel facility, or sexually oriented business or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under age 18 are not permitted. No TANF cash assistance shall be used for purchases at points of sale outside the state of Kansas.

(15) (A) The secretary for children and families shall place a photograph of the recipient, if agreed to by such recipient of public assistance, on any Kansas benefits card issued by the Kansas department for children and families that the recipient uses in obtaining food, cash or any other services. When a recipient of public assistance is a minor or otherwise incapacitated individual, a parent or legal guardian of such recipient may have a photograph of such parent or legal guardian placed on the card.

(B) Any Kansas benefits card with a photograph of a recipient shall be valid for voting purposes as a public assistance identification card in accordance with the provisions of K.S.A. 25-2908, and amendments thereto.

(C) As used in this paragraph and its subparagraphs, "Kansas benefits card" means any card issued to provide food assistance, cash assistance or child care assistance, including, but not limited to, the vision card, EBT card and Kansas benefits card.

(D) The Kansas department for children and families shall monitor all recipient requests for a Kansas benefits card replacement and, upon the fourth such request in a 12-month period, send a notice alerting the recipient that the recipient's account is being monitored for potential suspicious activity. If a recipient makes an additional request for replacement subsequent to such notice, the department shall refer the investigation to the department's fraud investigation unit.

(16) The secretary for children and families shall adopt rules and regulations:

(A) In determining eligibility for the child care subsidy program, including an income of a cohabiting partner in a child care household; and

(B) in determining and maintaining eligibility for non-TANF child care, requiring that all included adults shall be employed a minimum of 20 hours per week or more as defined by the secretary or meet the following specific qualifying exemptions:

(i) Adults who are not capable of meeting the requirement due to a documented physical or mental condition;

(ii) adults who are former TANF recipients who need child care for employment after their TANF case has closed and earned income is a factor in the closure in the two months immediately following TANF closure;

(iii) adult parents included in a case in which the only child receiving benefits is the child of a minor parent who is working on completion of high school or obtaining a GED;

(iv) adults who are participants in a food assistance employment and training program; ~~or~~

(v) adults who are participants in an early head start child care partnership program and are working or in school or training; or

(vi) adults who are caretakers of a child in custody of the secretary in out-of-home placement needing child care.

The department for children and families shall provide child care for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the occupational outlook of the U.S. department of labor, bureau of labor statistics. For occupations with less than an average job outlook, educational plans shall require approval of the secretary or secretary's designee. Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program. Child care for post-secondary education shall be allowed for a lifetime maximum of 24 months per adult. The 24 months may not have to be consecutive. Students shall be engaged in paid employment for a minimum of 15 hours per week. In a two-parent adult household, child care would not be allowed if both parents are adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a post-secondary student. The other parent shall meet another approvable criteria for child care subsidy.

(17) (A) The secretary for children and families is prohibited from requesting or implementing a waiver or program from the U.S. department of agriculture for the time limited assistance provisions for able-bodied adults aged 18 through 49 without dependents in a household under the food assistance program. The time on food assistance for able-bodied adults aged 18 through 49 without dependents in the household shall be limited to three months in a 36-month period if such adults are not meeting the requirements imposed by the U.S. department of agriculture that they must work for at least 20 hours per week or participate in a federally approved work program or its equivalent.

(B) Each food assistance household member who is not otherwise exempt from the following work requirements shall: Register for work; participate in an employment and training program, if assigned to such a program by the department; accept a suitable employment offer; and not voluntarily quit a job of at least 30 hours per week.

(C) Any recipient who has not complied with the work requirements under subparagraph (B) shall be ineligible to participate in the food assistance program for the following time period and until the recipient complies with such work requirements:

- (i) For a first penalty, three months;
- (ii) for a second penalty, six months; and
- (iii) for a third penalty and any subsequent penalty, one year.

(18) Eligibility for the food assistance program shall be limited to those individuals who are citizens or who meet qualified non-citizen status as determined by U.S. department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the U.S. department of agriculture, residing within a household shall not be included when determining the household's size for the purposes of assigning a benefit level to the household for food assistance or comparing the household's monthly income with the income eligibility standards. The gross non-exempt earned and unearned income and resources of disqualified individuals shall be counted in its entirety as available to the remaining household members.

(19) The secretary for children and families shall not enact the state option from the U.S. department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

(20) No federal or state funds shall be used for television, radio or billboard advertisements that are designed to promote food assistance benefits and enrollment. No federal or state funding shall be used for any agreements with foreign governments designed to promote food assistance.

(21) (A) The secretary for children and families shall not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical eligibility exempting households from such gross income standards requirements shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(B) The secretary for children and families shall not apply resource limits standards for food assistance that are higher than the standards specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal law. Categorical eligibility exempting households from such resource limits shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(c) (1) On and after January 1, 2017, the department for children and families shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the department. For TANF cash assistance, food assistance and the child care subsidy program, the department shall verify the identity of all adults in the assistance household.

(2) The department of administration shall provide monthly to the Kansas department for children and families the social security numbers or alternate taxpayer identification numbers of all persons who claim a Kansas lottery prize in excess of \$5,000 during the reported month. The Kansas department for children and families shall verify if individuals with such winnings are receiving TANF cash assistance, food assistance or assistance under the child care subsidy program and take appropriate action. The Kansas department for children and families shall use data received under this subsection solely, and for no other purpose, to determine if any recipient's eligibility for benefits has been affected by lottery prize winnings. The Kansas department for children and families shall not publicly disclose the identity of any lottery prize winner, including recipients who are determined to have illegally received benefits.

- (d) *Temporary assistance for needy families; assignment of support rights and*

limited power of attorney. By applying for or receiving temporary assistance for needy families such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving temporary assistance for needy families, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney-in-fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(e) *Requirements for medical assistance for which federal moneys or state moneys or both are expended.* (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to K.S.A. 16-303(c), and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient. Medical assistance eligibility for receipt of benefits under the title XIX of the social security act, commonly known as medicaid, shall not be expanded, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, unless the legislature expressly consents to,

and approves of, the expansion of medicaid services by an act of the legislature.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

(f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until

return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in on behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to K.S.A. 39-756(d), and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(B) Notwithstanding the provisions of subparagraph (A), the secretary of health and environment, or the secretary's designee, is hereby authorized to and shall exercise any of the powers specified in subparagraph (A) in relation to performance of such secretary's duties pertaining to medical subrogation, estate recovery or any other duties assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is: (A) A claim against the property or any interest therein

belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both; and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection. The secretary of health and environment is authorized to enforce each claim provided for under this subsection. The secretary of health and environment shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary of health and environment from claims under this subsection shall be deposited in the social welfare fund. The secretary of health and environment may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection.

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, such individual or such individual's agent, fiduciary, guardian, conservator, representative payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim is limited to the individual's probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of health and environment or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of

death of the recipient and must contain the legal description of all real property in the county subject to the lien.

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home or other medical institution shall constitute a determination by the department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

(A) After the death of the surviving spouse of the recipient;

(B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;

(C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or

(D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary of health and environment or the secretary's designee;

(B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or

(C) the value of the real property is consumed by the lien, at which time the secretary of health and environment or the secretary's designee may force the sale for the real property to satisfy the lien.

(7) If the secretary for aging and disability services or the secretary of health and environment, or both, or such secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary for children and families or the secretary's designee of the death of a recipient of medical assistance under this subsection, the secretary for children and families or the secretary's designee shall give notice of such recipient's death to the secretary of health and environment or the secretary's designee.

(9) All rules and regulations adopted on and after July 1, 2013, and prior to July 1, 2014, to implement this subsection shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

(h) *Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney.* In any case in which the secretary for children and families pays for the expenses of care and custody of a child pursuant to K.S.A. 2020 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

(i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge or violation of a condition of probation or parole imposed under federal or state law shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

(j) If the applicant or recipient of temporary assistance for needy families is a mother of the dependent child, as a condition of the mother's eligibility for temporary assistance for needy families the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of temporary assistance for needy families who fails to cooperate with requirements relating to child support services under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary.

(k) By applying for or receiving child care benefits or food assistance, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food assistance, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of temporary assistance for needy families.

(l) (1) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary for children and families on and before January 1, 2014. Under such program of drug screening, the secretary for children and families shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, an applicant's or recipient's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(2) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash

assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

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

(4) If an applicant for or recipient of cash assistance is ineligible for or terminated from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent's or legal guardian's minor child, as approved by the secretary for children and families. Prior to the designated individual receiving any cash assistance, the secretary for children and families shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.

(A) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the designated individual indicating unlawful use of a controlled substance or controlled

substance analog.

(B) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(C) Upon any positive test for unlawful use of a controlled substance or controlled substance analog, the designated individual shall not receive cash assistance on behalf of the parent's or legal guardian's minor child, and another designated individual shall be selected by the secretary for children and families to receive cash assistance on behalf of such parent's or legal guardian's minor child.

(5) If a person has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.

(6) Except for hearings before the Kansas department for children and families or, the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.

(7) The secretary for children and families may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.

(8) Any authority granted to the secretary for children and families under this subsection shall be in addition to any other penalties prescribed by law.

(9) As used in this subsection:

(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

(B) "Controlled substance" means the same as in K.S.A. 2020 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(C) "Controlled substance analog" means the same as in K.S.A. 2020 Supp. 21-5701, and amendments thereto.

Sec. 5. K.S.A. 65-516 is hereby amended to read as follows: 65-516. (a) No person shall knowingly maintain a child care facility if there resides, works or regularly volunteers any person who in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

(B) has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes

Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2020 Supp. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2020 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2020 Supp. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 2020 Supp. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

(2) except as provided in subsection (b), has been adjudicated a juvenile offender because of having committed an act that if done by an adult would constitute the commission of a felony and that is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2020 Supp. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or as a sex offender on the national sex offender registry;

(4) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2020 Supp. 38-2226, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) The person has failed to successfully complete a corrective action plan that had been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families or similar entities in any other state or the federal government;

(5) has had a child removed from home based on a court order pursuant to K.S.A. 2020 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual

abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the Kansas juvenile code or K.S.A. 2020 Supp. 38-2266 through 38-2270, and amendments thereto, or a similar statute of other states;

(7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2020 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) If the secretary determines there is no safety concern, the secretary may license a family foster home, as defined in K.S.A. 38-134, and amendments thereto, when a person who has been adjudicated as a juvenile offender for an offense described in subsection (a)(2):

(1) Was a child in the custody of the secretary and placed with such family foster home by the secretary;

(2) is 18 years of age or older;

(3) (A) maintains residence at such family foster home; or

(B) has been legally adopted by any person who resides at such family foster home; and

(4) six months have passed since the date of adjudication.

~~(b)(c)~~ No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

~~(e)(d)~~ Any person who resides in a child care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

~~(d)(e)~~ In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 2020 Supp. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning persons working, regularly volunteering or residing in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

~~(e)(f)~~ In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on persons residing, working or regularly volunteering in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history. The secretary shall submit the fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the secretary to verify the identity of such person and whether such person has been convicted of any crime that would prohibit such person from residing, working or regularly volunteering in a child care

facility. The secretary is authorized to use information obtained from the national criminal history record check to determine such person's fitness to reside, work or regularly volunteer in a child care facility.

~~(f)~~(g) Local and state law enforcement officers and agencies shall assist the secretary in taking and processing fingerprints of persons residing, working or regularly volunteering in a child care facility and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the department.

~~(e)~~(h) (1) The secretary shall adopt rules and regulations on or before January 1, 2019, to fix a fee for fingerprinting persons residing, working or regularly volunteering in a child care facility, as may be required by the department to reimburse the department for the cost of the fingerprinting.

(2) The secretary shall remit all moneys received from the fees established under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the child care criminal background and fingerprinting fund.

~~(h)~~(i) The child care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the secretary of health and environment. All moneys credited to the child care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the department. All expenditures from the child care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

~~(i)~~(j) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsections (a)(1) through (8) with regard to the person who is the subject of the review.

~~(j)~~(k) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such facility's or home's compliance with the provisions of this section if such home acts in good faith to comply with this section.

~~(k)~~(l) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from residing, working or volunteering in a child care facility unless such person has:

(1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and

(2) been given notice of the agency decision and an opportunity to appeal such decision to the secretary and to the courts pursuant to the Kansas judicial review act.

~~(l)~~(m) In regard to Kansas issued criminal history records:

(1) The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement

agency's sponsorship.

(2) The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.

(3) The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.

(4) Whenever the information available to the secretary reveals that the subject of the request has no criminal history on record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.

(5) Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to:

- (A) The person who is the subject of the request for information;
- (B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers;
- (C) the department of health and environment;
- (D) the Kansas department for children and families;
- (E) the department of corrections; and
- (F) the courts.

(6) A violation of the provisions of ~~subsection (4)(5)~~ paragraph (5) shall be an unclassified misdemeanor punishable by a fine of \$100 for each violation.

~~(m)(n)~~ No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraordinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010, or who had an application for an initial license or the renewal of an existing license pending on July 1, 2010.;

On page 9, in line 16, after the first "K.S.A." by inserting "65-516,"; in line 17, after "243" by inserting ", 38-2226 and 39-709"; in line 19, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "open government" and inserting "health and welfare; providing for the safety and wellbeing of children and vulnerable persons; establishing the joint committee on child welfare system oversight"; in line 3, after the semicolon, by inserting "requiring visual observation of a child in investigations of child abuse or neglect; adding an exemption from the child care assistance 20-hour-per-week work requirement; permitting the secretary to provide exemptions from family foster home license requirements;"; in line 7, after "K.S.A." by inserting "65-516,"; in line 8, after "22a-243" by inserting ", 38-2226 and 39-709";

And your committee on conference recommends the adoption of this report.

RICHARD HILDERBRAND
BEVERLY GOSSAGE
PAT PETTEY

Conferees on part of Senate

SUSAN CONCANNON
CHARLOTTE ESAU
JARROD OUSLEY

Conferees on part of House

On motion of Rep. Concannon, the conference committee report on **HB 2158** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neely, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Awerkamp, Howard, Neighbor, Samsel.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hoheisel, the House concurred in Senate amendments to **HB 2187**, AN ACT establishing the first-time home buyer savings account act; relating to financial institutions; providing for addition and subtraction modifications for contributions to first-time home buyer savings accounts under the Kansas income tax act; amending K.S.A. 79-32,117 and repealing the existing section.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson,

Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Newland, Ohaebosim, Orr, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Helgerson, Ousley.

Present but not voting: None.

Absent or not voting: Awerkamp, Howard, Neighbor, Samsel.

On motion of Rep. Hawkins, the House adjourned until 10:00 a.m., Thursday, May 6, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

