

As Amended by House Committee

Session of 2021

House Substitute for SENATE BILL No. 158

By Committee on Federal and State Affairs

3-31

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

20  
21 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

6 (g) "Cultivator" means a person issued a license pursuant to section  
7 ~~21~~ 26, and amendments thereto, who may grow and sell medical marijuana  
8 in accordance with section ~~22~~ 21, and amendments thereto.

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

13 ~~(g)~~(i) "Electronic cigarette" means the same as defined in K.S.A. 79-  
14 3301, and amendments thereto.

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

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

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

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

25 (n) "Medical marijuana waste" means:

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

27 (2) **recalled marijuana;**

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

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

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

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

39 ~~(m)~~(q) **"Person" means any natural person, corporation,**  
40 **partnership, trust or association.**

41 (r) **"Plant material" means the leaves, stems, buds and flowers of**  
42 **the marijuana plant and does not include seedlings, seeds, clones,**  
43 **stalks or roots of the plant or the weight of any non-marijuana**

1 **ingredients combined with marijuana.**

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

4 ~~(t)~~(t) "Processor" means a person issued a license pursuant to section  
5 31, and amendments thereto, who may purchase, process and sell medical  
6 marijuana in accordance with section ~~32~~ 27, and amendments thereto.

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

11 ~~(v)~~(v) "Physician's designee" means:

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

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

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

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

24 (1) Acquired immune deficiency syndrome;

25 (2) Alzheimer's disease;

26 (3) amyotrophic lateral sclerosis;

27 (4) cancer;

28 (5) chronic traumatic encephalopathy;

29 (6) Crohn's disease;

30 (7) epilepsy or another seizure disorder;

31 (8) fibromyalgia;

32 (9) glaucoma;

33 (10) hepatitis C;

34 (11) inflammatory bowel disease;

35 (12) multiple sclerosis;

36 (13) Parkinson's disease;

37 (14) positive status for human immunodeficiency virus;

38 (15) post-traumatic stress disorder;

39 (16) sickle cell anemia;

40 (17) spinal cord disease or injury;

41 (18) Tourette's syndrome;

42 (19) traumatic brain injury;

43 (20) ulcerative colitis;

1 ~~(21) a chronic medical condition that:~~  
2 ~~(A) Causes severe, persistent pain or persistent muscle spasms; or~~  
3 ~~(B) is normally treated with a prescription medication that could lead~~  
4 ~~to physical or psychological dependence if a licensed physician determines~~  
5 ~~that treatment for such condition with medical marijuana would be~~  
6 ~~effective and would serve as a safer alternative;~~

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

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

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

18 ~~(x)~~ **"Retail dispensary"** means a person issued a license pursuant to  
19 section ~~34~~ **26**, and amendments thereto, who may purchase and sell  
20 medical marijuana in accordance with section ~~35~~ **30**, and amendments  
21 thereto.

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

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

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

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

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

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

40 ~~(ee)~~ **"Veteran"** means a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (e) The director of alcoholic beverage control shall administer the

1 program in accordance with the provisions of this act and provide for the  
2 licensure of cultivators, laboratories that test medical marijuana,  
3 processors, distributors and retail dispensaries.

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

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

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

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

14 (C) one member who represents employers;

15 (D) one member who represents agriculture;

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

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

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

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

22 (B) one member who represents caregivers;

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

25 (4) two members appointed by the speaker of the house of  
26 representatives as follows:

27 (A) One member who represents persons involved in mental health  
28 treatment; and

29 (B) one member who represents patients;

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

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

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

36 (c) Except for the secretary of health and environment, each member  
37 of the committee shall serve **for a period of two years** from the date of  
38 appointment ~~until the committee ceases to exist~~, except that members shall  
39 serve at the pleasure of the appointing authority. A vacancy shall be filled  
40 within 21 days of such vacancy in the same manner as the original  
41 appointment.

42 (d) Each member of the committee shall be paid compensation,  
43 subsistence allowances, mileage and other expenses as provided in K.S.A.

1 75-3223(e), and amendments thereto.

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

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

14 (g) **(1) Any person may submit a petition to the medical  
15 marijuana advisory committee requesting that a disease or condition  
16 be added as a qualifying medical condition for the purposes of this act.  
17 The petition shall be submitted in such form and manner as  
18 prescribed by the secretary of health and environment. A petition shall  
19 not seek to add a broad category of diseases or conditions but shall be  
20 limited to one disease or condition and include a description of such  
21 disease or condition.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (e) Violation of any provision of this section is a misdemeanor  
43 punishable by a fine of not to exceed \$500 or imprisonment of not less



1 than 60 days nor more than six months, or both such fine and  
2 imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (c) If the application is complete and meets the requirements of this  
43 act and rules and regulations adopted thereunder and the patient or

1 caregiver has paid the required fee, the secretary of health and  
2 environment shall register the patient or caregiver and issue to the patient  
3 or caregiver an identification card.

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

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

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

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

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

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

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

29 (2) \$25 for a patient registration if the patient is indigent or is a  
30 veteran; and

31 (3) \$25 for a caregiver registration.

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

35 New Sec. 9. The department of health and environment shall assign a  
36 unique 24-character identification number to each registered patient and  
37 caregiver when issuing an **electronically scannable** identification card.

38 **Upon scanning such identification card or entering such identification**  
39 **number**, licensed retail dispensaries ~~may request~~ **shall obtain** verification  
40 by the department that a patient or caregiver has a valid registration.

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

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

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

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

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

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

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

17 (3) possess any paraphernalia or accessories used to administer  
18 medical marijuana.

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

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

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

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

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

39 (d) If the secretary suspends, revokes or refuses to renew any  
40 registration issued pursuant to this act and determines that there is clear  
41 and convincing evidence of a danger of immediate and serious harm to any  
42 person, the secretary may place under seal all medical marijuana owned by  
43 or in the possession, custody or control of the affected registrant. Except as

1 provided in this section, the secretary shall not dispose of the sealed  
2 medical marijuana until a final order is issued authorizing such disposition.  
3 During the pendency of an appeal from any order issued by the secretary, a  
4 court may order the secretary to sell medical marijuana that is perishable,  
5 and the proceeds of any such sale shall be deposited with the court.

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

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

25 New Sec. 14. (a) On or before July 1, ~~2022~~ **2023**, the secretary of  
26 health and environment shall, after consulting with the medical marijuana  
27 advisory committee, adopt rules and regulations to administer the Kansas  
28 medical marijuana regulation program and implement and enforce the  
29 provisions of the Kansas medical marijuana regulation act. Such rules and  
30 regulations shall:

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

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

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

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

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

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

1 ~~marijuana; and~~

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

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

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

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

18 New Sec. 16. A medical marijuana registry identification card, or its  
19 equivalent, that is issued under the laws of another state, district, territory,  
20 commonwealth or insular possession of the United States that is verifiable  
21 by the jurisdiction of issuance and allows a nonresident patient to possess  
22 medical marijuana for medical purposes shall have the same force and  
23 effect as an identification card issued by the secretary pursuant to this act  
24 if the nonresident patient has not been residing in this state for more than  
25 180 days.

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

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

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

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

43 (A) Expire annually unless renewed in the manner prescribed by the

1 board; and

2 (B) be accompanied by an annual fee in an amount not to exceed  
3 \$175.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (A) Has maintained a physician-patient relationship with the new

1 recommending physician for at least six months with either inpatient visits  
2 or via telephonic or electronic means; or

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

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

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

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

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

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

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

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

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

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

41 (j) This section shall not apply to a physician who recommends  
42 treatment with marijuana or a drug derived from marijuana under any of  
43 the following that is approved by an institutional review board or

1 equivalent entity, the United States food and drug administration or the  
2 national institutes of health or one of its cooperative groups or centers  
3 under the United States department of health and human services:

- 4 (1) A research protocol;
- 5 (2) a clinical trial;
- 6 (3) an investigational new drug application; or
- 7 (4) an expanded access submission.

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

- 12 (1) The procedures and fees for applying for a certificate to  
13 recommend treatment with medical marijuana;
- 14 (2) the conditions for eligibility for a certificate to recommend  
15 treatment with medical marijuana;
- 16 (3) the schedule, fees and procedures for renewing such a certificate;
- 17 (4) the reasons for which a certificate may be suspended or revoked;
- 18 (5) the standards under which a certificate suspension may be lifted;
- 19 and
- 20 (6) the minimum standards of care when recommending treatment  
21 with medical marijuana.

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

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

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

36 (c) All advertisements for medical marijuana or medical marijuana  
37 products that make a statement relating to side effects, contraindications  
38 and effectiveness shall present a true statement of such information. When  
39 applicable, advertisements broadcast through media such as radio,  
40 television or other electronic media, **or displayed in print or on any sign  
41 or billboard**, shall include such information in the audio or audio and  
42 visual parts of the presentation. False or misleading information in any  
43 part of the advertisement shall not be corrected by the inclusion of a true



1 statement in another, distinct part of the advertisement.

2 (d) An advertisement is false or otherwise misleading if such  
3 advertisement:

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

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

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

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

18 (5) uses data favorable to a medical marijuana product derived from  
19 patients treated with a product or dosages different from those approved in  
20 this state;

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

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

28 (e) An advertisement for medical marijuana or medical marijuana  
29 products shall not contain any:

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

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

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

34 (A) Is obscene or indecent;

35 (B) encourages or represents the recreational use of marijuana or the  
36 use of medical marijuana for a condition other than a qualifying medical  
37 condition;

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

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

43 (4) offer of a prize or award to a registered patient, caregiver or

1 physician related to the purchase of medical marijuana; or

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

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

10 (A) A cover letter that provides:

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

13 (ii) a brief description of the format and expected distribution of the  
14 proposed advertisement; and

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

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

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

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

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

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

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

36 (g) The secretary may:

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

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

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

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

1 (h) A retail dispensary shall:

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

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

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

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

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

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

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

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

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

22 (1) Not be issued to a person:

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

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

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

31 (D) who has been convicted of being the keeper of or is keeping any  
32 property, whether real or personal, where sexual relations are being sold or  
33 offered for sale by a person who is 18 years of age or older or has forfeited  
34 bond to appear in court to answer charges of being a keeper of any  
35 property, whether real or personal, where sexual relations are being sold or  
36 offered for sale by a person who is 18 years of age or older;

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

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

42 (G) who, other than as a member of the governing body of a city or  
43 county, appoints or supervises any law enforcement officer, who is a law

1 enforcement officer or who is an employee of the director of alcoholic  
2 beverage control;

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

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

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

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

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

17 (M) whose spouse has been convicted of a felony or other crime that  
18 would disqualify a person from licensure under this section if such felony  
19 or other crime was committed during the time that the spouse held a  
20 license under this act;

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

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

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

31 (2) not be issued to a corporation, **limited liability company, limited**  
32 **partnership or limited liability partnership** if less than 75% of the total  
33 equity or similar ownership interest in such ~~corporation~~ **entity** is owned by  
34 individuals who have been residents of this state for at least ~~two~~ **four** years  
35 immediately preceding the date of the application. A license shall be  
36 forfeited if, for more than 90 consecutive days, less than 75% of the total  
37 equity or similar ownership interest in such ~~corporation~~ **entity** is owned by  
38 individuals who are residents of this state at any time after the license is  
39 granted; and

40 (3) require that any:

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

1 the time of the transfer;

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

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

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

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

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

28 (1) A person who:

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

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

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

36 (3) a corporation, **limited liability company, limited partnership or**  
37 **limited liability partnership**; or

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

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

43 (1) A corporation, **limited liability company, limited partnership or**

1 **limited liability partnership**, if any officer or director thereof, or any  
2 stockholder owning in the aggregate more than 25% of the stock of ~~the~~  
3 ~~corporation~~ **such entity** would be ineligible to receive a cultivator's  
4 license;

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

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

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

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

16 (1) A corporation, **limited liability company, limited partnership or**  
17 **limited liability partnership**, if any officer, director or stockholder of ~~the~~  
18 ~~corporation~~ **such entity** would be ineligible to receive a distributor's  
19 license for any reason. It shall be unlawful for any stockholder of ~~a~~  
20 ~~corporation~~ **an entity** licensed as a distributor to transfer any stock in ~~the~~  
21 ~~corporation~~ **such entity** to any person who would be ineligible to receive a  
22 distributor's license for any reason, and any such transfer shall be null and  
23 void, except that if:

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

33 (B) the stock in any such ~~corporation~~ **entity** is the subject of any trust  
34 and any trustee or beneficiary of the trust who is 18 years of age or older is  
35 ineligible to receive a distributor's license, the trustee, within 14 months  
36 after the effective date of the trust, shall sell the stock to a person eligible  
37 to receive a distributor's license and hold and disburse the proceeds in  
38 accordance with the terms of the trust. If any legal representatives, heirs,  
39 devisees or trustees fail, refuse or neglect to sell any stock as required by  
40 this subparagraph, the stock shall revert to and become the property of ~~the~~  
41 ~~corporation~~ **such entity**, and ~~the corporation~~ **such entity** shall pay to the  
42 legal representatives, heirs, devisees or trustees the book value of the  
43 stock. During the period of 14 months prescribed by this paragraph, ~~the~~

1 ~~corporation~~ **such entity** shall not be denied a distributor's license or have  
2 its distributor's license revoked if ~~the corporation~~ **such entity** meets all of  
3 the other requirements necessary to have a distributor's license;

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

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

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

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

13 (2) corporation, **limited liability company, limited partnership or**  
14 **limited liability partnership**, unless stockholders owning in the aggregate  
15 ~~50%~~ **75%** or more of the stock of ~~the corporation~~ **such entity** would be  
16 eligible to receive such license and all other stockholders would be eligible  
17 to receive such license except for reason of citizenship or residency; or

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

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

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

29 (1) The criminal history record check conducted pursuant to section  
30 48, and amendments thereto, with respect to the applicant demonstrates  
31 that the applicant is not disqualified from holding a license pursuant to  
32 section 20, and amendments thereto;

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

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

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

43 (5) the applicant has submitted a tax clearance certificate issued by

1 ~~the department of revenue; and~~

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

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

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

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

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

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

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

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

34 (c) (1) Unless authorized by this act, a cultivator shall not transfer or  
35 sell medical marijuana and a processor shall not transfer, sell or process  
36 into a concentrate or product any medical marijuana, medical marijuana  
37 concentrate or medical marijuana product unless samples from each  
38 harvest batch or production batch from which that medical marijuana,  
39 medical marijuana concentrate or medical marijuana product was derived  
40 has been tested by a licensed laboratory for contaminants and has passed  
41 all contaminant tests required by this act.

42 (2) A licensed cultivator may transfer medical marijuana that has  
43 failed testing for quality control to a licensed processor only for the



1 purposes of decontamination or remediation and only in accordance with  
2 the provisions of this act.

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

5 New Sec. ~~23~~ **22**. (a) Prior to January 1, ~~2022~~ **2023**, the director of  
6 alcoholic beverage control shall contract with an operational private  
7 laboratory for the purpose of conducting compliance and quality assurance  
8 testing of medical marijuana laboratories, processors and cultivators  
9 licensed in this state in an effort to provide public safety and ensure quality  
10 medical marijuana product is available to registered patients.

11 (b) Any laboratory under contract with the director for compliance  
12 and quality assurance testing shall:

13 (1) Be prohibited from conducting any other commercial medical  
14 marijuana testing in this state;

15 (2) have a minimum of one year of medical marijuana testing  
16 licensure in another state and have contracted for quality assurance testing  
17 with another state;

18 (3) not employ, or be owned by any individual:

19 (A) That has a direct or indirect financial interest in any licensee in  
20 this state;

21 (B) whose spouse, parent, child, spouse of a child, sibling or spouse  
22 of a sibling has an active application for a license from the director; or

23 (C) that is a member of the board of directors of a licensee.

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

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

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

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

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

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

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

1 sample from improperly influencing the testing process, manipulating data  
2 or benefiting from any ongoing financial, employment, personal or  
3 business relationship with the licensee that submitted the sample for  
4 testing;

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

8 (7) promptly provide the director access to:

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

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

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

17 (9) establish standards, policies and procedures for laboratory testing  
18 procedures in accordance with **rules and regulations adopted under**  
19 ~~section 23~~ **24**, and amendments thereto;

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

24 (i) Microbials;

25 (ii) mycotoxins;

26 (iii) residual solvents;

27 (iv) pesticides;

28 (v) tetrahydrocannabinol and other cannabinoid potency;

29 (vi) terpenoid potency type and concentration;

30 (vii) moisture content;

31 (viii) homogeneity; and

32 (ix) heavy metals; and

33 (B) only accept a test batch of usable medical marijuana or **medical**  
34 marijuana product for testing purposes from a:

35 (i) Cultivator that has separated each harvest lot of usable marijuana  
36 into harvest batches containing no more than 10 pounds, except harvest  
37 batches of fresh, uncured medical marijuana or fresh or frozen medical  
38 marijuana to be sold to a processor in order to make a concentrate may be  
39 separated into batches containing no more than 20 pounds; and

40 (ii) processor that has separated each medical marijuana production  
41 lot into production batches containing no more than 10 pounds.

42 (b) A laboratory licensee may:

43 (1) Accept samples of medical marijuana, medical marijuana

1 concentrate or medical marijuana product from:

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

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

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

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

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

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

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

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

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

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

43 (3) testing procedures and standards for cannabinoid and terpenoid

1 potency and safe levels of contaminants and appropriate remediation and  
2 validation procedures;

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

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

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

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

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

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

20 (10) the employment of laboratory personnel;

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

23 (12) the successful participation in a proficiency testing program  
24 approved by the director for conducting each testing required by section ~~24~~  
25 **23**, and amendments thereto, in order to obtain and maintain certification;

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

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

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

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

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

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

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

42 (2) conduct medical marijuana testing in accordance with the  
43 requirements of section ~~24~~ **23**, and amendments thereto, and rules and

1 regulations adopted by the secretary of revenue.

2 (b) (1) Licensure of laboratories shall be contingent upon the  
3 successful onsite inspection, participation in proficiency testing and  
4 ongoing compliance with the requirements of this act.

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

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

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

18 ~~(1) \$5,000 for the license application; and~~

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

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

26 ~~(1) \$2,000 for a laboratory license application;~~

27 ~~(2) \$18,000 for a laboratory license; and~~

28 ~~(3) \$20,000 for a renewal of a laboratory license.~~

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

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

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

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

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

42 ~~(e) the applicant has failed to demonstrate that the person, limited  
43 liability company or corporation whose ownership on the date of issuance~~

1 ~~consists of at least 50% residents of Kansas.~~

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

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

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

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

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

43 ~~(b) Moneys in the medical marijuana cultivation regulation fund shall~~

1 ~~be used for the payment or reimbursement of costs related to the regulation~~  
2 ~~and enforcement of the cultivation, possession, testing and sale of medical~~  
3 ~~marijuana by the division of alcoholic beverage control.~~

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

8 (A) **Cultivate medical marijuana;**

9 (B) **conduct laboratory testing of medical marijuana;**

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

13 (D) **dispense medical marijuana at retail; or**

14 (E) **be an associated employee, key employee or support**  
15 **employee.**

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

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

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

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

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

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

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

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

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

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

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

1 **license and discloses the identity of such ownership, if applicable; and**

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

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

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

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

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

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

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

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

25 (2) subject to subsection (b), process medical marijuana obtained  
26 from one or more licensed cultivators into a form described in section ~~36~~  
27 **31**, and amendments thereto; and

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

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

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

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

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

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

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

42 (2) store medical marijuana obtained from one or more licensed  
43 processors in a form described in section ~~36~~ **31**, and amendments thereto;



1 and

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

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

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

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

14 ~~(1) The criminal history record check conducted pursuant to section~~  
15 ~~48, and amendments thereto, with respect to the applicant demonstrates~~  
16 ~~that the applicant is not disqualified from holding a license pursuant to~~  
17 ~~section 20, and amendments thereto;~~

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

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

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

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

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

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

40 ~~(d) Each associated, key and support employee of a licensed retail~~  
41 ~~dispensary shall submit an application for an employee license for such~~  
42 ~~employee in such form and manner as prescribed by the director. A~~  
43 ~~separate license application shall be submitted for each employee. The~~

1 director shall issue a license to an applicant if all of the following  
2 conditions are met:

3 (1) The criminal history record check conducted pursuant to section  
4 ~~48~~ **43**, and amendments thereto, with respect to the applicant demonstrates  
5 that the applicant is not disqualified from holding a license pursuant to  
6 section 20, and amendments thereto; and

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

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

13 New Sec. ~~35~~ **30**. (a) A retail dispensary licensee may:

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

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

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

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

23 (2) report to the prescription monitoring program database the  
24 information required by K.S.A. 65-1683, and amendments thereto, and  
25 rules and regulations adopted by the board of pharmacy pursuant to section  
26 ~~43~~ **38**, and amendments thereto;

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

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

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

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

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

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

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

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

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

43 (5) dispense or sell medical marijuana in an official tamper-proof

1 Kansas specific package that is clearly marked and approved by the  
2 director.

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

8 (d) A retail dispensary shall designate a pharmacist consultant who is  
9 a pharmacist licensed in this state and registered pursuant to section ~~44~~ 39,  
10 and amendments thereto.

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

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

20 New Sec. ~~36~~ 31. (a) Only the following forms of medical marijuana  
21 may be dispensed under the Kansas medical marijuana regulation act:

- 22 (1) Oils;
- 23 (2) tinctures;
- 24 (3) plant material;
- 25 (4) edibles;
- 26 (5) patches; or
- 27 (6) any other form approved by the secretary of revenue under section  
28 ~~37~~ 32, and amendments thereto.

29 (b) The smoking, combustion or vaporization of medical marijuana is  
30 prohibited.

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

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

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

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

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

1 (b) Upon receipt of a petition, the director shall review such petition  
2 to determine whether to recommend approval of the form or method of  
3 using medical marijuana described in the petition. The director may  
4 consolidate the review of petitions for the same or similar forms or  
5 methods. The director shall consult with the medical marijuana advisory  
6 committee and review any relevant scientific evidence when reviewing a  
7 petition. The director shall recommend to the secretary of revenue whether  
8 to approve or deny the proposed form or method of using medical  
9 marijuana. The secretary shall approve or deny such proposed form or  
10 method. The secretary's decision shall be final.

11 (c) Any petition that is ~~is recommended for denial~~ **denied** by the  
12 ~~director~~ **secretary** shall not be resubmitted until 12 months have elapsed  
13 since the petition was ~~submitted~~ **denied**.

14 New Sec. ~~38~~ **33**. (a) **The fees for a cultivator license shall be:**

- 15 **(1) \$5,000 for the nonrefundable license application; and**  
16 **(2) \$20 per plant, for a minimum of 1,000 flowering plants, to be**  
17 **assessed at the time of licensing and each subsequent renewal for the**  
18 **maximum number of flowering medical marijuana plants, based upon**  
19 **a declaration by the applicant, that are cultivated by the licensee in**  
20 **the facility at any given time.**

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

- 22 **(1) \$2,000 for the nonrefundable laboratory license application;**  
23 **(2) \$18,000 for a laboratory license; and**  
24 **(3) \$20,000 for a renewal of a laboratory license.**

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

- 28 (1) \$5,000 for ~~a~~ **the nonrefundable** processor license application;  
29 and  
30 (2) \$40,000 for a processor license and any renewal thereof.

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

- 34 (1) \$5,000 for ~~a~~ **the nonrefundable** distributor license application;  
35 and  
36 (2) \$40,000 for a distributor license and any renewal thereof.

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

- 40 (1) \$5,000 for ~~a~~ **the nonrefundable** retail dispensary license  
41 application;  
42 (2) \$40,000 for a retail dispensary license and any renewal thereof;  
43 (3) \$500 for each associated employee license application;

1 (4) \$250 for each key employee license application; and

2 (5) \$100 for each support employee license application.

3 New Sec. ~~39~~ 34. The director of alcoholic beverage control may  
4 refuse to issue or renew a license, or may revoke or suspend a license if  
5 the applicant has:

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

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

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

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

13 New Sec. ~~40~~ 35. (a) In addition to or in lieu of any other civil or  
14 criminal penalty as provided by law, the director of alcoholic beverage  
15 control may impose a civil penalty or suspend or revoke a license upon a  
16 finding that the licensee committed a violation as provided in this section.

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

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

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

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

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

1 court.

2 New Sec. ~~41~~ **36**. (a) There is hereby established the medical  
3 marijuana business entity regulation fund in the state treasury. The director  
4 of alcoholic beverage control shall administer the medical marijuana  
5 business entity regulation fund and shall remit all moneys collected from  
6 the payment by **licensed cultivator, laboratories**, processors, distributors  
7 ~~and~~, retail dispensaries, **associated employees, key employees and**  
8 **support employees** of all fees and fines imposed by the director pursuant  
9 to the Kansas medical marijuana regulation act and any other moneys  
10 received by or on behalf of the director pursuant to such act to the state  
11 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
12 amendments thereto. Upon receipt of each such remittance, the state  
13 treasurer shall deposit the entire amount in the state treasury to the credit  
14 of the medical marijuana business entity regulation fund. Moneys credited  
15 to the medical marijuana business entity regulation fund shall only be  
16 expended or transferred as provided in this section. Expenditures from  
17 such fund shall be made in accordance with appropriation acts upon  
18 warrants of the director of accounts and reports issued pursuant to  
19 vouchers approved by the director or the director's designee.

20 (b) Moneys in the medical marijuana business entity regulation fund  
21 shall be used for the payment or reimbursement of costs related to the  
22 regulation and enforcement of the **cultivation, testing, distributing,**  
23 possession, processing and sale of medical marijuana by the division of  
24 alcoholic beverage control.

25 New Sec. ~~42~~ **37**. (a) On or before July 1, ~~2022~~ **2023**, the **director of**  
26 **alcoholic beverage control shall propose rules and regulations to**  
27 **administer the Kansas medical marijuana regulation act, and the**  
28 secretary of revenue shall, after consulting with the medical marijuana  
29 advisory committee, adopt rules and regulations to administer the Kansas  
30 medical marijuana regulation program and implement and enforce the  
31 provisions of ~~the Kansas medical marijuana regulation~~ **this** act. Such rules  
32 and regulations shall:

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

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

36 (3) establish a license renewal schedule, renewal procedures and  
37 renewal fees;

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

40 (5) establish official packaging requirements that designate the  
41 package as Kansas medical marijuana and ensure the packaging is tamper-  
42 proof; ~~and~~

43 (6) **establish requirements for a cultivator to grow medical**

1 **marijuana in a secure indoor facility and maintain adequate control**  
2 **against the diversion, theft and loss of all medical marijuana to be**  
3 **grown by the applicant; and**

4 (7) establish training requirements for employees of retail  
5 dispensaries.

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

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

15 New Sec. ~~43~~ **38.** (a) On or before July 1, 2022, the board of  
16 pharmacy shall adopt rules and regulations establishing the requirements  
17 for a:

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

20 (A) Methods of transmission;

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

22 (C) frequency of such reports; and

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

27 (2) pharmacist to register as a pharmacist consultant for a retail  
28 dispensary.

29 (b) Every September 15, December 15, March 15 and June 15, the  
30 board of pharmacy shall certify to the director of accounts and reports the  
31 amount of moneys expended for operation and maintenance of the Kansas  
32 prescription drug monitoring program that is attributable to this act. Upon  
33 receipt of each such certification, or as soon thereafter as moneys are  
34 available, the director of accounts and reports shall transfer the amount  
35 certified from the medical marijuana business entity regulation fund to the  
36 state board of pharmacy fee fund.

37 New Sec. ~~44~~ **39.** (a) Any pharmacist that seeks to operate as a  
38 pharmacist consultant for a retail dispensary shall register with the board  
39 of pharmacy in accordance with rules and regulations adopted by the  
40 board.

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

43 (1) Not charge a fee for the pharmacist's services that exceeds 1% of

- 1 the gross receipts of the retail dispensary;
- 2 (2) audit each recommendation for use of medical marijuana and
- 3 ensure that each such recommendation is reported to the prescription
- 4 monitoring system in accordance with K.S.A. 65-1683, and amendments
- 5 thereto, and rules and regulations adopted by the board of pharmacy;
- 6 (3) develop and provide training to other retail dispensary employees
- 7 at least once every 12 months that:
  - 8 (A) Establishes guidelines for providing information to registered
  - 9 patients related to risks, benefits and side effects associated with medical
  - 10 marijuana;
  - 11 (B) explains how to identify the signs and symptoms of substance
  - 12 abuse;
  - 13 (C) establishes guidelines for refusing to provide medical marijuana
  - 14 to an individual who appears to be impaired or abusing medical marijuana;
  - 15 and
  - 16 (D) assists in the development and implementation of review and
  - 17 improvement processes for patient education and support provided by the
  - 18 retail dispensary;
- 19 (4) provide oversight for the development and dissemination of:
  - 20 (A) Education materials for qualifying patients and designated
  - 21 caregivers that include:
    - 22 (i) Information about possible side effects and contraindications of
    - 23 medical marijuana;
    - 24 (ii) guidelines for notifying the physician who provided the written
    - 25 certification for medical marijuana if side effects or contraindications
    - 26 occur;
    - 27 (iii) a description of the potential effects of differing strengths of
    - 28 medical marijuana strains and products;
    - 29 (iv) information about potential drug-to-drug interactions, including
    - 30 interactions with alcohol, prescription drugs, nonprescription drugs and
    - 31 supplements;
    - 32 (v) techniques for the use of medical marijuana and marijuana
    - 33 paraphernalia; and
    - 34 (vi) information about different methods, forms and routes of medical
    - 35 marijuana administration;
  - 36 (B) systems for documentation by a registered patient or designated
  - 37 caregiver of the symptoms of a registered patient that includes a logbook,
  - 38 rating scale for pain and symptoms and guidelines for a patient's self-
  - 39 assessment; and
  - 40 (C) policies and procedures for refusing to provide medical marijuana
  - 41 to an individual who appears to be impaired or abusing medical marijuana;
  - 42 and
  - 43 (5) be accessible by the retail dispensary or dispensary agent through:



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

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

4 New Sec. ~~45~~ 40. (a) The director of alcoholic beverage control shall  
5 establish and maintain an electronic database to monitor medical  
6 marijuana from its seed source through its cultivation, testing, processing,  
7 distribution and dispensing. The director may contract with a separate  
8 entity to establish and maintain all or any portion of the electronic  
9 database on behalf of the division of alcoholic beverage control.

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

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

23 New Sec. ~~46~~ 41. (a) The director of alcoholic beverage control may,  
24 in cooperation with the state treasurer, establish a ~~closed-loop~~ payment  
25 processing system whereby the state treasurer creates accounts to be used  
26 only by registered patients and caregivers at licensed retail dispensaries  
27 and all licensed cultivators, laboratories, processors and distributors. The  
28 system may include record-keeping and accounting functions that identify  
29 all parties in transactions involving the purchase and sale of medical  
30 marijuana. If established, such system shall be designed to prevent:

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

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

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

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

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

42 New Sec. ~~47~~ 42. (a) Except as provided in subsections (b) and (c), no  
43 licensed cultivator, laboratory, processor, distributor or retail dispensary

1 shall be located within 1,000 feet of the boundaries of a parcel of real  
2 estate having situated on it a school, religious organization, public library  
3 or public park. If the relocation of a licensed cultivator, laboratory,  
4 processor, distributor or retail dispensary results in such licensee being  
5 located within 1,000 feet of the boundaries of a parcel of real estate having  
6 situated on it a school, religious organization, public library or public park,  
7 the director shall revoke the license such agency previously issued to such  
8 cultivator, laboratory, processor, distributor or retail dispensary.

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

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

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

22 (d) As used in this section:

23 (1) "Public library" means any library established pursuant to article  
24 12 of chapter 12 of the Kansas Statutes Annotated, and amendments  
25 thereto, and any other library that serves the general public and is funded  
26 in whole, or in part, from moneys derived from tax levies;

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

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

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

1 New Sec. ~~48~~ **43**. Each applicant for a cultivator license, laboratory  
2 license, processor license, distributor license or retail dispensary license  
3 shall require any owner, director, officer and any employee or agent of  
4 such applicant to be fingerprinted and to submit to a state and national  
5 criminal history record check. The director of alcoholic beverage control is  
6 authorized to submit the fingerprints to the Kansas bureau of investigation  
7 and the federal bureau of investigation for a state and national criminal  
8 history record check. The director shall use the information obtained from  
9 fingerprinting and the state and national criminal history record check for  
10 purposes of verifying the identification of the applicant and for making a  
11 determination of the qualifications of the applicant for licensure. The  
12 Kansas bureau of investigation may charge a reasonable fee to the  
13 applicant for fingerprinting and conducting a criminal history record  
14 check.

15 New Sec. ~~49~~ **44**. (a) A financial institution that provides financial  
16 services to any licensed cultivator, laboratory, processor, distributor or  
17 retail dispensary shall be exempt from any criminal law of this state an  
18 element of which may be proven by substantiating that a person provides  
19 financial services to a person who possesses, delivers or manufactures  
20 medical marijuana or medical marijuana-derived products, including any  
21 of the offenses specified in article 57 of chapter 21 of the Kansas Statutes  
22 Annotated, and amendments thereto, or any attempt, conspiracy or  
23 solicitation specified in article 53 of chapter 21 of the Kansas Statutes  
24 Annotated, and amendments thereto, if the cultivator, laboratory,  
25 processor, distributor or retail dispensary is in compliance with the  
26 provisions of this act and all applicable tax laws of this state.

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

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

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

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

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

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

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

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

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

10 (d) As used in this section:

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

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

18 New Sec. ~~50~~ **45**. Nothing in this act authorizes the director of  
19 alcoholic beverage control to oversee or limit research conducted at a  
20 postsecondary educational institution, academic medical center or private  
21 research and development organization that is related to marijuana and is  
22 approved by an agency, board, center, department or institute of the United  
23 States government, including any of the following:

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

35 New Sec. ~~51~~ **46**. No provisions of the medical marijuana regulation  
36 act shall be construed to:

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

41 (b) prohibit a person, employer, corporation or any other entity that  
42 occupies, owns or controls a property from prohibiting or otherwise  
43 regulating the use, consumption, possession, transfer, display, distribution,

1 transportation, sale or growing of marijuana on such property;

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

6 (d) affect the ability of an employer to implement policies to promote  
7 workplace health and safety by restricting the use of marijuana by  
8 employees;

9 (e) prohibit an employer from:

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

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

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

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

19 (1) Refusing to hire;

20 (2) discharging;

21 (3) disciplining; or

22 (4) otherwise taking an adverse employment action against a person  
23 with respect to hiring decisions, tenure, terms, conditions or privileges of  
24 employment

25 New Sec. ~~52~~ 47. The provisions of the Kansas medical marijuana  
26 regulation act are hereby declared to be severable. If any part or provision  
27 of the Kansas medical marijuana regulation act is held to be void, invalid  
28 or unconstitutional, such part or provision shall not affect or impair any of  
29 the remaining parts or provisions of the Kansas medical marijuana  
30 regulation act, and any such remaining provisions shall continue in full  
31 force and effect.

32 New Sec. ~~53~~ 48. (a) No person shall transport medical marijuana as  
33 defined in section 2, and amendments thereto, in any vehicle upon a  
34 highway or street unless such medical marijuana is in the:

35 (1) Original, sealed packaging that is in compliance with the  
36 requirements of section ~~35~~ 30, and amendments thereto, and rules and  
37 regulations **recommended by the director of alcoholic beverage control**  
38 **and** adopted by the secretary of revenue, and the seal of which has not  
39 been broken and any other means of closure has not been removed;

40 (2) locked rear trunk or rear compartment or any locked outside  
41 compartment that is not accessible to any person in the vehicle while it is  
42 in motion. If a motor vehicle is not equipped with a trunk, then such  
43 medical marijuana shall be behind the last upright seat or in an area not

1 normally occupied by the driver or a passenger; or

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

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

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

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

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

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

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

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

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

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

43 ~~(d) Nothing in this section shall be construed to prohibit a person~~

1 ~~from taking any action necessary to procure or retain any monetary benefit~~  
2 ~~provided under federal law, or any rules and regulations adopted~~  
3 ~~thereunder, or to obtain or maintain any license, certificate, registration or~~  
4 ~~other legal status issued or bestowed under federal law, or any rules and~~  
5 ~~regulations adopted thereunder.~~

6 ~~(e) The provisions of this section shall be a part of and supplement to~~  
7 ~~the Kansas act against discrimination.~~

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

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

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

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

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

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

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

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

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

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

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

36 **New Sec. 51. No law enforcement officer as defined in K.S.A. 74-**  
37 **5602, and amendments thereto, shall enforce any violations of 18**  
38 **U.S.C. § 922(g)(3) if the substance involved in such violation is medical**  
39 **marijuana, as defined in section 2, and amendments thereto, and such**  
40 **person is a registered patient pursuant to the Kansas medical**  
41 **marijuana regulation act, section 1 et seq., and amendments thereto,**  
42 **whose possession is authorized by such act.**

43 ~~New Sec. 52. (a) A covered entity, solely on the basis that an~~

1 individual consumes medical marijuana in accordance with section 10, and  
2 amendments thereto, shall not:

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

5 (2) deny medical and other services related to organ transplantation,  
6 including evaluation, surgery, counseling and post-transplantation  
7 treatment and services;

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

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

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

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

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

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

28 ~~New Sec. 56.~~ **53.** (a) No order shall be issued pursuant to K.S.A.  
29 2020 Supp. 38-2242, 38-2243 or 38-2244, and amendments thereto, if the  
30 sole basis for the threat to the child's safety or welfare is that the child  
31 resides with an individual who consumes medical marijuana in accordance  
32 with section 10, and amendments thereto, or the child consumes medical  
33 marijuana in accordance with section 10, and amendments thereto.

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

36 ~~New Sec. 57.~~ **54.** Notwithstanding the provisions of K.S.A. 65-2836,  
37 and amendments thereto, the board shall not revoke, suspend or limit a  
38 physician's license, publicly censure a physician or place a physician's  
39 license under probationary conditions upon any of the following:

40 (a) The physician has:

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

43 (2) advised the patient that using medical marijuana may mitigate the



1 patient's symptoms; or

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

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

9 New Sec. ~~58~~ **55**. Notwithstanding the provisions of K.S.A. 65-28a05,  
10 and amendments thereto, the board shall not revoke, suspend or limit a  
11 physician assistant's license, publicly or privately censure a physician  
12 assistant or deny an application for a license or for reinstatement of a  
13 license upon any of the following:

14 (a) The physician assistant has:

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

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

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

23 New Sec. ~~59~~ **56**. (a) Notwithstanding any other provision of law, any  
24 person, board, commission or similar body that determines the  
25 qualifications of individuals for licensure, certification or registration shall  
26 not:

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

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

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

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

35 (2) Kansas highway patrol;

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

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

38 ~~(4)~~**(5)** department of health and environment; or

39 ~~(5)~~**(6)** division of alcoholic beverage control.

40 **Sec. 57. On and after the effective date of this act, if the secretary**  
41 **of state publishes notice of the certification required pursuant to**  
42 **section 83, and amendments thereto, Section 2 of this act is hereby**  
43 **amended to read as follows: Section 2. As used in the Kansas medical**

1 marijuana regulation act, section 1 et seq., and amendments thereto:

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

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

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

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

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

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

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

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

25 (i) "Electronic cigarette" means the same as defined in K.S.A. 79-  
26 3301, and amendments thereto.

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

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

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

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

37 (n) "Medical marijuana waste" means:

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

39 (2) recalled marijuana;

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

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

43 (o) "Owned and controlled" means ownership of at least 51% of

1 the business, including corporate stock if a corporation, control over  
2 the management and day-to-day operations of the business and an  
3 interest in the capital, assets and profits and losses of the business  
4 proportionate to such owner's percentage of ownership.

5 (p) "Patient" means an individual registered pursuant to section  
6 8, and amendments thereto, who may purchase and possess medical  
7 marijuana in accordance with section 10, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

40 (1) Acquired immune deficiency syndrome;

41 (2) Alzheimer's disease;

42 (3) amyotrophic lateral sclerosis;

43 (4) cancer;

- 1 (5) chronic traumatic encephalopathy;
- 2 (6) Crohn's disease;
- 3 (7) epilepsy or another seizure disorder;
- 4 (8) fibromyalgia;
- 5 (9) glaucoma;
- 6 (10) hepatitis C;
- 7 (11) inflammatory bowel disease;
- 8 (12) multiple sclerosis;
- 9 (13) Parkinson's disease;
- 10 (14) positive status for human immunodeficiency virus;
- 11 (15) post-traumatic stress disorder;
- 12 (16) sickle cell anemia;
- 13 (17) spinal cord disease or injury;
- 14 (18) Tourette's syndrome;
- 15 (19) traumatic brain injury;
- 16 (20) ulcerative colitis;
- 17 (21) pain that is either chronic and severe or intractable; and
- 18 (22) any other disease or condition adopted by the secretary of
- 19 health and environment upon petition recommended for approval by
- 20 the medical marijuana advisory committee pursuant to section 5, and
- 21 amendments thereto.
- 22 (x) "Retail dispensary" means a person issued a license pursuant
- 23 to section 26, and amendments thereto, who may purchase and sell
- 24 medical marijuana in accordance with section 30, and amendments
- 25 thereto.
- 26 (y) "Smoking" means the use of a lighted cigarette, cigar or pipe
- 27 or otherwise burning marijuana in any other form for the purpose of
- 28 consuming such marijuana.
- 29 (z) "Support employee" means an individual employed by a
- 30 licensed retail dispensary who does not have authority to make
- 31 operational decisions.
- 32 (aa) "Tetrahydrocannabinol" means the primary psychoactive
- 33 cannabinoid in marijuana formed by decarboxylation of naturally
- 34 occurring tetrahydrocannabinolic acid that generally takes place by
- 35 heating.
- 36 (bb) "Tetrahydrocannabinolic acid" means the dominant
- 37 cannabinoid that occurs naturally in most varieties of marijuana.
- 38 (cc) "Tetrahydrocannabinol content" means the sum of the
- 39 amount of tetrahydrocannabinol and 87.7% of the amount of
- 40 tetrahydrocannabinolic acid present in the product or plant material.
- 41 (dd) "Vaporization" means the use of an electronic cigarette for
- 42 the purpose of consuming medical marijuana in which such medical
- 43 marijuana comes into direct contact with a heating element.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 program in accordance with the provisions of this act and provide for  
2 the registration of patients and caregivers, including the issuance of  
3 identification cards to registered patients and caregivers.

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

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

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

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

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

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

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

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

38 (B) be accompanied by an annual fee in an amount not to exceed  
39 \$175.

40 (2) Renewal of a certificate to ~~recommend~~ *prescribe* shall be  
41 conditioned upon the holder's certification of having met the  
42 requirements in subsection (a) and having completed at least two  
43 hours of continuing medical education in medical marijuana annually

1 in accordance with subsection (g).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (d) In the case of a patient who is a minor, the physician may

1 ~~recommend~~ *prescribe* treatment with medical marijuana only after  
2 obtaining the consent of the patient's parent or other person  
3 responsible for providing consent to treatment.

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

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

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

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

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

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

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

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

39 (j) This section shall not apply to a physician who ~~recommends~~  
40 ~~prescribes~~ treatment with marijuana or a drug derived from  
41 marijuana under any of the following that is approved by an  
42 institutional review board or equivalent entity, the United States food  
43 and drug administration or the national institutes of health or one of



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

- 3 (1) A research protocol;
- 4 (2) a clinical trial;
- 5 (3) an investigational new drug application; or
- 6 (4) an expanded access submission.

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

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

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

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

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

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

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

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

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

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

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

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

42 (1) Dispense or sell medical marijuana only to a person who  
43 provides the dispensary with a current, valid identification card and

1 only in accordance with a written ~~recommendation~~ *prescription* issued  
2 by a physician;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (f) Pursuant to K.S.A. 19-101a, and amendments thereto, the  
39 board of county commissioners of any county may prohibit the  
40 establishing of dispensaries in such county by adoption of a resolution  
41 prohibiting the establishing of dispensaries in such county. Any retail  
42 dispensary that is lawfully operating at the time such resolution is  
43 adopted shall be permitted to continue operating in such county and

1 shall not be denied renewal of any license based upon the adoption of  
2 such resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (iv) information about potential drug-to-drug interactions,  
43 including interactions with alcohol, prescription drugs,

1 nonprescription drugs and supplements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (12) Except as otherwise specifically authorized by K.S.A. 12-  
23 1,101 through 12-1,109, and amendments thereto, counties may not  
24 levy and collect taxes on incomes from whatever source derived.

25 (13) Counties may not exempt from or effect changes in K.S.A.  
26 19-430, and amendments thereto.

27 (14) Counties may not exempt from or effect changes in K.S.A.  
28 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

29 (15) Counties may not exempt from or effect changes in K.S.A.  
30 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

31 (16) Counties may not exempt from or effect changes in the  
32 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c  
33 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-  
34 1260 through 12-1270 and 12-1276, and amendments thereto.

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

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

40 (19) Counties may not regulate the production or drilling of any  
41 oil or gas well in any manner which would result in the duplication of  
42 regulation by the state corporation commission and the Kansas  
43 department of health and environment pursuant to chapter 55 and

1 chapter 65 of the Kansas Statutes Annotated, and amendments  
2 thereto, and any rules and regulations adopted pursuant thereto.  
3 Counties may not require any license or permit for the drilling or  
4 production of oil and gas wells. Counties may not impose any fee or  
5 charge for the drilling or production of any oil or gas well.

6 (20) Counties may not exempt from or effect changes in K.S.A.  
7 79-41a04, and amendments thereto.

8 (21) Counties may not exempt from or effect changes in K.S.A.  
9 79-1611, and amendments thereto.

10 (22) Counties may not exempt from or effect changes in K.S.A.  
11 79-1494, and amendments thereto.

12 (23) Counties may not exempt from or effect changes in K.S.A.  
13 19-202(b), and amendments thereto.

14 (24) Counties may not exempt from or effect changes in K.S.A.  
15 19-204(b), and amendments thereto.

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

20 (26) Counties may not exempt from or effect changes in K.S.A.  
21 79-2017 or 79-2101, and amendments thereto.

22 (27) Counties may not exempt from or effect changes in K.S.A. 2-  
23 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-  
24 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments  
25 thereto.

26 (28) Counties may not exempt from or effect changes in K.S.A.  
27 80-121, and amendments thereto.

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

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

32 (31) Counties may not exempt from or effect changes in K.S.A.  
33 2020 Supp. 26-601, and amendments thereto.

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

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

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

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

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

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

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

5 (37) Any county granted authority pursuant to the provisions of  
6 K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be  
7 subject to the limitations and prohibitions imposed under K.S.A. 19-  
8 5001 through 19-5005, and amendments thereto.

9 (38) Except as otherwise specifically authorized by K.S.A. 19-  
10 5001 through 19-5005, and amendments thereto, counties may not  
11 exercise any authority granted pursuant to K.S.A. 19-5001 through  
12 19-5005, and amendments thereto, including the imposition or levy of  
13 any retailers' sales tax.

14 (39) Counties may not exempt from or effect changes in K.S.A.  
15 65-201 and 65-202, and amendments thereto.

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

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

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

34 ~~Sec. 60.~~ 65. K.S.A. 2020 Supp. 21-5703 is hereby amended to read as  
35 follows: 21-5703. (a) It shall be unlawful for any person to manufacture  
36 any controlled substance or controlled substance analog.

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

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

40 (2) drug severity level 1 felony if:

41 (A) The controlled substance is not methamphetamine, as defined by  
42 subsection ~~(d)(3)~~ or ~~(f)(1)~~ of K.S.A. 65-4107(d)(3) or (f)(1), and  
43 amendments thereto, or an analog thereof; and

1 (B) the offender has a prior conviction for unlawful manufacturing of  
2 a controlled substance under this section, K.S.A. 65-4159, prior to its  
3 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially  
4 similar offense from another jurisdiction and the substance was not  
5 methamphetamine, as defined by ~~subsection (d)(3) or (f)(1)~~ of K.S.A. 65-  
6 4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, in any  
7 such prior conviction; and

8 (3) drug severity level 1 felony if the controlled substance is  
9 methamphetamine, as defined by ~~subsection (d)(3) or (f)(1)~~ of K.S.A. 65-  
10 4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof.

11 (c) The provisions of ~~subsection (d)~~ of K.S.A. 2020 Supp. 21-  
12 5301(d), and amendments thereto, shall not apply to a violation of  
13 attempting to unlawfully manufacture any controlled substance or  
14 controlled substance analog pursuant to this section.

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

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

25 (f) The sentence of a person who violates this section, K.S.A. 65-  
26 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its  
27 transfer, shall not be reduced because these sections prohibit conduct  
28 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their  
29 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 2020  
30 Supp. 21-5705, and amendments thereto.

31 (g) *The provisions of this section shall not apply to a cultivator or*  
32 **processor** *licensed by the director of alcoholic beverage control pursuant*  
33 *to section ~~21~~ 26, and amendments thereto, or a processor licensed by the*  
34 *director of alcoholic beverage control pursuant to section 31, and*  
35 *~~amendments thereto.~~ that is producing medical marijuana, as defined in*  
36 *section 2, and amendments thereto, when used for acts authorized by the*  
37 *Kansas medical marijuana regulation act, section 1 et seq., and*  
38 *amendments thereto.*

39 Sec. ~~61~~ **66.** K.S.A. 2020 Supp. 21-5705 is hereby amended to read as  
40 follows: 21-5705. (a) It shall be unlawful for any person to distribute or  
41 possess with the intent to distribute any of the following controlled  
42 substances or controlled substance analogs thereof:

43 (1) Opiates, opium or narcotic drugs, or any stimulant designated in



1 ~~subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107(d)(1), (d)(3) or (f)(1),~~  
2 and amendments thereto;

3 (2) any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e),~~  
4 ~~subsection (e) of K.S.A. 65-4107(e), subsection (b) or (c) of K.S.A. 65-~~  
5 ~~4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b),~~ and amendments  
6 thereto;

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

11 (4) any hallucinogenic drug designated in ~~subsection (d) of K.S.A.~~  
12 ~~65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of~~  
13 ~~K.S.A. 65-4109(g),~~ and amendments thereto;

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

17 (6) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-~~  
18 ~~4109(f),~~ and amendments thereto; or

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

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

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

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

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

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

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

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

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

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

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

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

43 (D) drug severity level 1 felony if the quantity of the material was 30

1 kilograms or more.

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

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

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

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

13 (D) drug severity level 1 felony if the quantity of the material was  
14 100 grams or more.

15 (4) Violation of subsection (a) with respect to material containing any  
16 quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107,  
17 65-4109 or 65-4111, and amendments thereto, or an analog thereof,  
18 distributed by dosage unit, is a:

19 (A) Drug severity level 4 felony if the number of dosage units was  
20 fewer than 10;

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

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

25 (D) drug severity level 1 felony if the number of dosage units was  
26 1,000 or more.

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

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

32 (A) Class A person misdemeanor, except as provided in ~~subsection~~  
33 ~~(d)(6)(B)~~ *subparagraph (B)*; and

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

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

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

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

41 (C) drug severity level 1 felony if the number of plants cultivated was  
42 100 or more.

43 (e) In any prosecution under this section, there shall be a rebuttable

1 presumption of an intent to distribute if any person possesses the following  
2 quantities of controlled substances or analogs thereof:

- 3 (1) 450 grams or more of marijuana;
- 4 (2) 3.5 grams or more of heroin or methamphetamine;
- 5 (3) 100 dosage units or more containing a controlled substance; or
- 6 (4) 100 grams or more of any other controlled substance.

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

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

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

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

17 (g) *The provisions of subsections (a)(4) and (a)(5) shall not apply for*  
18 **medical marijuana as defined in section 2, and amendments thereto,**  
19 *to:*

20 (1) *Any cultivator licensed by the director of alcoholic beverage*  
21 *control pursuant to section ~~21~~ 26, and amendments thereto, or any*  
22 *employee or agent thereof, that is growing medical marijuana for the*  
23 *purpose of sale to a licensed processor as authorized by section ~~22~~ 21,*  
24 *and amendments thereto;*

25 (2) *any processor licensed by the director of alcoholic beverage*  
26 *control pursuant to section ~~31~~ 26, and amendments thereto, or any*  
27 *employee or agent thereof, that is processing medical marijuana for the*  
28 *purpose of sale or distribution to a licensed processor, distributor or retail*  
29 *dispensary as authorized by section ~~32~~ 27, and amendments thereto;*

30 (3) *any distributor licensed by the director of alcoholic beverage*  
31 *control pursuant to section ~~31~~ 26, and amendments thereto, or any*  
32 *employee or agent thereof, that is storing or distributing medical*  
33 *marijuana for the purpose of wholesale or distribution to a licensed retail*  
34 *dispensary as authorized by section ~~33~~ 28, and amendments thereto; or*

35 (4) *any retail dispensary licensed by the director of alcoholic*  
36 *beverage control pursuant to section ~~34~~ 26, and amendments thereto, or*  
37 *any employee or agent thereof, that is engaging in the sale of medical*  
38 *marijuana in a manner authorized by section ~~35~~ 30, and amendments*  
39 *thereto.*

40 (h) As used in this section:

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

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

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

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

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

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

20 Sec. ~~62~~ **67**. K.S.A. 2020 Supp. 21-5706 is hereby amended to read as  
21 follows: 21-5706. (a) It shall be unlawful for any person to possess any  
22 opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-  
23 4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled  
24 substance analog thereof.

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

27 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-  
28 4109(b) or (c) or 65-4111(b), and amendments thereto;

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

31 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-  
32 4107(g) or 65-4109(g), and amendments thereto;

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

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

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

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

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

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

43 (A) Violation of subsection (b) is a class A nonperson misdemeanor,

1 except as provided in subparagraph (B); and

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

11 (3) If the substance involved is marijuana, as designated in K.S.A.  
12 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as  
13 designated in K.S.A. 65-4105(h), and amendments thereto, violation of  
14 subsection (b) is a:

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

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

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

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

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

36 (1) ~~Has a debilitating medical condition, as defined in K.S.A.2020~~  
37 ~~Supp. 65-6235, and amendments thereto, or is the parent or guardian of a~~  
38 ~~minor child who has such debilitating medical condition;~~

39 (2) ~~is possessing a cannabidiol treatment preparation, as defined in~~  
40 ~~K.S.A. 2020 Supp. 65-6235, and amendments thereto, that is being used to~~  
41 ~~treat such debilitating medical condition; and~~

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

1 ~~(A) Shall be shown to a law enforcement officer on such officer's~~  
2 ~~request;~~

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

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

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

10 *If the substance involved is medical marijuana, as defined in*  
11 *section 2, and amendments thereto, the provisions of subsections (b) and*  
12 *(c) shall not apply to any person who is registered or licensed pursuant to*  
13 *the Kansas medical marijuana regulation act, section 1 et seq., and*  
14 *amendments thereto, whose possession is authorized by such act.*

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

19 **Sec. 68. On and after the effective date of this act, if the secretary**  
20 **of state publishes notice of the certification required pursuant to**  
21 **section 83, and amendments thereto, K.S.A. 2020 Supp. 21-5706, as**  
22 **amended by section 67 of this act, is hereby amended to read as**  
23 **follows: 21-5706. (a) It shall be unlawful for any person to possess any**  
24 **opiates, opium or narcotic drugs, or any stimulant designated in**  
25 **K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a**  
26 **controlled substance analog thereof.**

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

30 **(1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e),**  
31 **65-4109(b) or (c) or 65-4111(b), and amendments thereto;**

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

34 **(3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-**  
35 **4107(g) or 65-4109(g), and amendments thereto;**

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

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

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

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

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

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

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

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

13 (3) If the substance involved is marijuana, as designated in K.S.A.  
14 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as  
15 designated in K.S.A. 65-4105(h), and amendments thereto, violation of  
16 subsection (b) is a:

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

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

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

29 (D) nonperson misdemeanor punishable by a fine not to exceed  
30 \$400, if that person is not a registered patient or caregiver under the  
31 Kansas medical marijuana regulation act, section 1 et seq., and  
32 amendments thereto, is found in possession of not more than 1.5  
33 ounces of marijuana and provides a statement from such person's  
34 physician ~~recommending~~ *prescribing* the use of medical marijuana to  
35 treat such person's symptoms.

36 (d) If the substance involved is medical marijuana, as defined in  
37 section 2, and amendments thereto, the provisions of subsections (b)  
38 and (c) shall not apply to any person who is registered or licensed  
39 pursuant to the Kansas medical marijuana regulation act, section 1 et  
40 seq., and amendments thereto, whose possession is authorized by such  
41 act.

42 (e) It shall not be a defense to charges arising under this section  
43 that the defendant was acting in an agency relationship on behalf of

1 **any other party in a transaction involving a controlled substance or**  
2 **controlled substance analog.**

3 Sec. ~~68~~ **69**. K.S.A. 2020 Supp. 21-5707 is hereby amended to read as  
4 follows: 21-5707. (a) It shall be unlawful for any person to knowingly or  
5 intentionally use any communication facility:

6 (1) In committing, causing, or facilitating the commission of any  
7 felony under K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5706, and  
8 amendments thereto; or

9 (2) in any attempt to commit, any conspiracy to commit, or any  
10 criminal solicitation of any felony under K.S.A. 2020 Supp. 21-5703, 21-  
11 5705 or 21-5706, and amendments thereto. Each separate use of a  
12 communication facility may be charged as a separate offense under this  
13 subsection.

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

16 (c) *The provisions of this section shall not apply to any person using*  
17 *communication facilities for those activities authorized by the Kansas*  
18 *medical marijuana regulation act, section 1 et seq., and amendments*  
19 *thereto.*

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

25 Sec. ~~64~~ **70**. K.S.A. 2020 Supp. 21-5709 is hereby amended to read as  
26 follows: 21-5709. (a) It shall be unlawful for any person to possess  
27 ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal,  
28 iodine, anhydrous ammonia, pressurized ammonia or  
29 phenylpropanolamine, or their salts, isomers or salts of isomers with an  
30 intent to use the product to manufacture a controlled substance.

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

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

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

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

40 (d) It shall be unlawful for any person to purchase, receive or  
41 otherwise acquire at retail any compound, mixture or preparation  
42 containing more than 3.6 grams of pseudoephedrine base or ephedrine  
43 base in any single transaction or any compound, mixture or preparation



1 containing more than nine grams of pseudoephedrine base or ephedrine  
2 base within any 30-day period.

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

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

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

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

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

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

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

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

20 (g) *The provisions of subsection (b) shall not apply to any person*  
21 *registered or licensed pursuant to the Kansas medical marijuana*  
22 *regulation act, section 1 et seq., and amendments thereto, whose*  
23 *possession of such equipment or material is used solely to produce or for*  
24 *the administration of medical marijuana, as defined in section 2, and*  
25 *amendments thereto, in a manner authorized by the Kansas medical*  
26 *marijuana regulation act, section 1 et seq., and amendments thereto.*

27 ~~Sec. 65.~~ **71.** K.S.A. 2020 Supp. 21-5710 is hereby amended to read as  
28 follows: 21-5710. (a) It shall be unlawful for any person to advertise,  
29 market, label, distribute or possess with the intent to distribute:

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

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

42 (b) It shall be unlawful for any person to distribute, possess with the  
43 intent to distribute or manufacture with intent to distribute any drug

1 paraphernalia, knowing or under circumstances where one reasonably  
2 should know that it will be used to manufacture or distribute a controlled  
3 substance or controlled substance analog in violation of K.S.A. 2020 Supp.  
4 21-5701 through 21-5717, and amendments thereto.

5 (c) It shall be unlawful for any person to distribute, possess with  
6 intent to distribute or manufacture with intent to distribute any drug  
7 paraphernalia, knowing or under circumstances where one reasonably  
8 should know, that it will be used as such in violation of K.S.A. 2020 Supp.  
9 21-5701 through 21-5717, and amendments thereto, ~~except subsection (b)~~  
10 ~~of K.S.A. 2020 Supp. 21-5706(b)~~, and amendments thereto.

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

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

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

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

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

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

24 (A) Nondrug severity level 9, nonperson felony, except as provided in  
25 ~~subsection (e)(3)(B) subparagraph (B)~~; and

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

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

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

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

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

43 (g) *The provisions of subsection (c) shall not apply to any person*

1 *licensed pursuant to the Kansas medical marijuana regulation act, section*  
2 *1 et seq., and amendments thereto, whose distribution or manufacture is*  
3 *used solely to distribute or produce medical marijuana, as defined in*  
4 *section 2, and amendments thereto, in a manner authorized by the Kansas*  
5 *medical marijuana regulation act, section 1 et seq., and amendments*  
6 *thereto.*

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

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

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

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

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

20 ~~Sec. 66.~~ **72.** K.S.A. 2020 Supp. 23-3201 is hereby amended to read as  
21 follows: 23-3201. (a) The court shall determine legal custody, residency  
22 and parenting time of a child in accordance with the best interests of the  
23 child.

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

28 ~~Sec. 67.~~ **73.** K.S.A. 2020 Supp. 38-2269 is hereby amended to read as  
29 follows: 38-2269. (a) When the child has been adjudicated to be a child in  
30 need of care, the court may terminate parental rights or appoint a  
31 permanent custodian when the court finds by clear and convincing  
32 evidence that the parent is unfit by reason of conduct or condition which  
33 renders the parent unable to care properly for a child and the conduct or  
34 condition is unlikely to change in the foreseeable future.

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

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

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

43 (3) the use of intoxicating liquors or narcotic or dangerous drugs of

1 such duration or nature as to render the parent unable to care for the  
2 ongoing physical, mental or emotional needs of the child, *except that the*  
3 *use of medical marijuana in accordance with section 10, and amendments*  
4 *thereto, shall not be considered to render the parent unable to care for the*  
5 *ongoing physical, mental or emotional needs of the child;*

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

8 (5) conviction of a felony and imprisonment;

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

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

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

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

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

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

26 (2) failure to maintain regular visitation, contact or communication  
27 with the child or with the custodian of the child;

28 (3) failure to carry out a reasonable plan approved by the court  
29 directed toward the integration of the child into a parental home; and

30 (4) failure to pay a reasonable portion of the cost of substitute  
31 physical care and maintenance based on ability to pay.

32 In making the above determination, the court may disregard incidental  
33 visitations, contacts, communications or contributions.

34 (d) A finding of unfitness may be made as provided in this section if  
35 the court finds that the parents have abandoned the child, the custody of  
36 the child was surrendered pursuant to K.S.A. 2020 Supp. 38-2282, and  
37 amendments thereto, or the child was left under such circumstances that  
38 the identity of the parents is unknown and cannot be ascertained, despite  
39 diligent searching, and the parents have not come forward to claim the  
40 child within three months after the child is found.

41 (e) If a person is convicted of a felony in which sexual intercourse  
42 occurred, or if a juvenile is adjudicated a juvenile offender because of an  
43 act which, if committed by an adult, would be a felony in which sexual

1 intercourse occurred, and as a result of the sexual intercourse, a child is  
2 conceived, a finding of unfitness may be made.

3 (f) The existence of any one of the above factors standing alone may,  
4 but does not necessarily, establish grounds for termination of parental  
5 rights.

6 (g) (1) If the court makes a finding of unfitness, the court shall  
7 consider whether termination of parental rights as requested in the petition  
8 or motion is in the best interests of the child. In making the determination,  
9 the court shall give primary consideration to the physical, mental and  
10 emotional health of the child. If the physical, mental or emotional needs of  
11 the child would best be served by termination of parental rights, the court  
12 shall so order. A termination of parental rights under the code shall not  
13 terminate the right of a child to inherit from or through a parent. Upon  
14 such termination all rights of the parent to such child, including, such  
15 parent's right to inherit from or through such child, shall cease.

16 (2) If the court terminates parental rights, the court may authorize  
17 adoption pursuant to K.S.A. 2020 Supp. 38-2270, and amendments  
18 thereto, appointment of a permanent custodian pursuant to K.S.A. 2020  
19 Supp. 38-2272, and amendments thereto, or continued permanency  
20 planning.

21 (3) If the court does not terminate parental rights, the court may  
22 authorize appointment of a permanent custodian pursuant to K.S.A. 2020  
23 Supp. 38-2272, and amendments thereto, or continued permanency  
24 planning.

25 (h) If a parent is convicted of an offense as provided in K.S.A. 2020  
26 Supp. 38-2271(a)(7), and amendments thereto, or is adjudicated a juvenile  
27 offender because of an act which if committed by an adult would be an  
28 offense as provided in K.S.A. 2020 Supp. 38-2271(a)(7), and amendments  
29 thereto, and if the victim was the other parent of a child, the court may  
30 disregard such convicted or adjudicated parent's opinions or wishes in  
31 regard to the placement of such child.

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

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

38 ~~Sec. 68.~~ **74.** K.S.A. 2020 Supp. 44-501 is hereby amended to read as  
39 follows: 44-501. (a) (1) Compensation for an injury shall be disallowed if  
40 such injury to the employee results from:

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

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

1 for the employee;

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

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

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

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

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

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

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

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

41 Confirmatory  
42 test cutoff  
43 levels (ng/ml)

1	Marijuana metabolite <sup>1</sup> .....	15
2	Cocaine metabolite <sup>2</sup> .....	150
3	Opiates:	
4	Morphine .....	2000
5	Codeine .....	2000
6	6-Acetylmorphine <sup>4</sup> .....	10 ng/ml
7	Phencyclidine .....	25
8	Amphetamines:	
9	Amphetamine .....	500
10	Methamphetamine <sup>3</sup> .....	500

11 <sup>1</sup> Delta-9-tetrahydrocannabinol-9-carboxylic acid.

12 <sup>2</sup> Benzoyllecgonine.

13 <sup>3</sup> Specimen must also contain amphetamine at a concentration greater  
14 than or equal to 200 ng/ml.

15 <sup>4</sup> Test for 6-AM when morphine concentration exceeds 2,000 ng/ml.

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

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

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

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

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

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

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

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

1 of testing.

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

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

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

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

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

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

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

22 (c) (1) Except as provided in paragraph (2), compensation shall not  
23 be paid in case of coronary or coronary artery disease or cerebrovascular  
24 injury unless it is shown that the exertion of the work necessary to  
25 precipitate the disability was more than the employee's usual work in the  
26 course of the employee's regular employment.

27 (2) For events occurring on or after July 1, 2014, in the case of a  
28 firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto,  
29 or a law enforcement officer as defined by K.S.A. 74-5602, and  
30 amendments thereto, coronary or coronary artery disease or  
31 cerebrovascular injury shall be compensable if:

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

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

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

38 (d) Except as provided in the workers compensation act, no  
39 construction design professional who is retained to perform professional  
40 services on a construction project or any employee of a construction  
41 design professional who is assisting or representing the construction  
42 design professional in the performance of professional services on the site  
43 of the construction project, shall be liable for any injury resulting from the



1 employer's failure to comply with safety standards on the construction  
2 project for which compensation is recoverable under the workers  
3 compensation act, unless responsibility for safety practices is specifically  
4 assumed by contract. The immunity provided by this subsection to any  
5 construction design professional shall not apply to the negligent  
6 preparation of design plans or specifications.

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

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

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

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

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

34 (f) If the employee receives, whether periodically or by lump sum,  
35 retirement benefits under the federal social security act or retirement  
36 benefits from any other retirement system, program, policy or plan ~~which~~  
37 *that* is provided by the employer against which the claim is being made,  
38 any compensation benefit payments which the employee is eligible to  
39 receive under the workers compensation act for such claim shall be  
40 reduced by the weekly equivalent amount of the total amount of all such  
41 retirement benefits, less any portion of any such retirement benefit, other  
42 than retirement benefits under the federal social security act, that is  
43 attributable to payments or contributions made by the employee, but in no

1 event shall the workers compensation benefit be less than the workers  
2 compensation benefit payable for the employee's percentage of functional  
3 impairment. Where the employee elects to take retirement benefits in a  
4 lump sum, the lump sum payment shall be amortized at the rate of 4% per  
5 year over the employee's life expectancy to determine the weekly  
6 equivalent value of the benefits.

7 ~~Sec. 69.~~ **75.** K.S.A. 2020 Supp. 44-706 is hereby amended to read as  
8 follows: 44-706. The secretary shall examine whether an individual has  
9 separated from employment for each week claimed. The secretary shall  
10 apply the provisions of this section to the individual's most recent  
11 employment prior to the week claimed. An individual shall be disqualified  
12 for benefits:

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

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

41 (2) the individual left temporary work to return to the regular  
42 employer;

43 (3) the individual left work to enlist in the armed forces of the United

1 States, but was rejected or delayed from entry;

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

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

26 (6) the individual left work to enter training approved under section  
27 236(a)(1) of the federal trade act of 1974, provided the work left is not of a  
28 substantially equal or higher skill level than the individual's past adversely  
29 affected employment, as defined for purposes of the federal trade act of  
30 1974, and wages for such work are not less than 80% of the individual's  
31 average weekly wage as determined for the purposes of the federal trade  
32 act of 1974;

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

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

1 comparison to the distance from the individual's residence to the work left;  
2 (9) the individual left work as a result of being instructed or requested  
3 by the employer, a supervisor or a fellow employee to perform a service or  
4 commit an act in the scope of official job duties which is in violation of an  
5 ordinance or statute;

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

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

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

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

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

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

24 (iv) the individual's need to leave employment as a condition of  
25 receiving services or shelter from an agency which provides support  
26 services or shelter to victims of domestic violence; or

27 (v) the individual's reasonable belief that termination of employment  
28 is necessary to avoid other situations which may cause domestic violence  
29 and to provide for the future safety of the individual or the individual's  
30 family.

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

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

35 (ii) a police record documenting the abuse;

36 (iii) documentation that the abuser has been convicted of one or more  
37 of the offenses enumerated in articles 34 and 35 of chapter 21 of the  
38 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of  
39 chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or  
40 K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-  
41 6422, and amendments thereto, where the victim was a family or  
42 household member;

43 (iv) medical documentation of the abuse;

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

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

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

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

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

30 ~~(A)~~(i) The individual knew or should have known about the rule;

31 ~~(B)~~(ii) the rule was lawful and reasonably related to the job; and

32 ~~(C)~~(iii) the rule was fairly and consistently enforced.

33 (B) *The term "misconduct":*

34 (i) *Does not include any violation of a duty, obligation or company*  
35 *rule, if:*

36 (a) *The individual is a registered patient pursuant to section 8, and*  
37 *amendments thereto; and*

38 (b) *the basis for the violation is the possession of an identification*  
39 *card issued under section 8, and amendments thereto, or the possession or*  
40 *use of medical marijuana in accordance with the Kansas medical*  
41 *marijuana regulation act, section 1 et seq., and amendments thereto; and*

42 (ii) *includes any violation of a duty, obligation or company rule if the*  
43 *individual ingested marijuana in the workplace, worked while under the*

1 *influence of marijuana or tested positive for a controlled substance.*

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

7 (B) For the purposes of this subsection, misconduct shall include, but  
8 not be limited to, violation of the employer's reasonable attendance  
9 expectations if the facts show:

10 (i) The individual was absent or tardy without good cause;

11 (ii) the individual had knowledge of the employer's attendance  
12 expectation; and

13 (iii) the employer gave notice to the individual that future absence or  
14 tardiness may or will result in discharge.

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

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

26 ~~(i)~~(a) Theft;

27 ~~(ii)~~(b) fraud;

28 ~~(iii)~~(c) intentional damage to property;

29 ~~(iv)~~(d) intentional infliction of personal injury; or

30 ~~(v)~~(e) any conduct that constitutes a felony.

31 (ii) *The term "gross misconduct":*

32 (a) *Does not include any conduct of an individual, if:*

33 (1) *The individual is a registered patient pursuant to section 8, and*  
34 *amendments thereto; and*

35 (2) *the basis for such conduct is the possession of an identification*  
36 *card issued under section 8, and amendments thereto, or the possession or*  
37 *use of medical marijuana in accordance with the Kansas medical*  
38 *marijuana regulation act, section 1 et seq., and amendments thereto; and*

39 (b) *includes any conduct of an individual if the individual ingested*  
40 *marijuana in the workplace, worked while under the influence of*  
41 *marijuana or tested positive for a controlled substance.*

42 (B) For the purposes of this subsection, the following shall be  
43 conclusive evidence of gross misconduct:

1 (i) The use of alcoholic liquor, cereal malt beverage or a  
2 nonprescribed controlled substance by an individual while working;

3 (ii) the impairment caused by alcoholic liquor, cereal malt beverage  
4 or a nonprescribed controlled substance by an individual while working;

5 (iii) a positive breath alcohol test or a positive chemical test,  
6 provided:

7 (a) The test was either:

8 (1) Required by law and was administered pursuant to the drug free  
9 workplace act, 41 U.S.C. § 701 et seq.;

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

13 (3) requested pursuant to a written policy of the employer of which  
14 the employee had knowledge and was a required condition of  
15 employment;

16 (4) required by law and the test constituted a required condition of  
17 employment for the individual's job; or

18 (5) there was reasonable suspicion to believe that the individual used,  
19 had possession of, or was impaired by alcoholic liquor, cereal malt  
20 beverage or a nonprescribed controlled substance while working;

21 (b) the test sample was collected either:

22 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et  
23 seq.;

24 (2) as prescribed by an employee assistance program or other drug or  
25 alcohol treatment program in which the employee was participating  
26 voluntarily or as a condition of further employment;

27 (3) as prescribed by the written policy of the employer of which the  
28 employee had knowledge and which constituted a required condition of  
29 employment;

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

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

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

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

1 by state law enforcement agencies;

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

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

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

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

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

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

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

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

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

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

30 (C) For purposes of this subsection:

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

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

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

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

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

41 (vi) "required by law" means required by a federal or state law, a  
42 federal or state rule or regulation having the force and effect of law, a  
43 county resolution or municipal ordinance, or a policy relating to public



1 safety adopted in an open meeting by the governing body of any special  
2 district or other local governmental entity;

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

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

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

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

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

- 30 (i) Inefficiency;  
31 (ii) unsatisfactory performance due to inability, incapacity or lack of  
32 training or experience;  
33 (iii) isolated instances of ordinary negligence or inadvertence;  
34 (iv) good-faith errors in judgment or discretion; or  
35 (v) unsatisfactory work or conduct due to circumstances beyond the  
36 individual's control; or

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

39 (c) If the individual has failed, without good cause, to either apply for  
40 suitable work when so directed by the employment office of the secretary  
41 of labor, or to accept suitable work when offered to the individual by the  
42 employment office, the secretary of labor, or an employer, such  
43 disqualification shall begin with the week in which such failure occurred

1 and shall continue until the individual becomes reemployed and has had  
2 earnings from insured work of at least three times such individual's  
3 determined weekly benefit amount. In determining whether or not any  
4 work is suitable for an individual, the secretary of labor, or a person or  
5 persons designated by the secretary, shall consider the degree of risk  
6 involved to health, safety and morals, physical fitness and prior training,  
7 experience and prior earnings, length of unemployment and prospects for  
8 securing local work in the individual's customary occupation or work for  
9 which the individual is reasonably fitted by training or experience, and the  
10 distance of the available work from the individual's residence.  
11 Notwithstanding any other provisions of this act, an otherwise eligible  
12 individual shall not be disqualified for refusing an offer of suitable  
13 employment, or failing to apply for suitable employment when notified by  
14 an employment office, or for leaving the individual's most recent work  
15 accepted during approved training, including training approved under  
16 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying  
17 for suitable employment or continuing such work would require the  
18 individual to terminate approved training and no work shall be deemed  
19 suitable and benefits shall not be denied under this act to any otherwise  
20 eligible individual for refusing to accept new work under any of the  
21 following conditions: (1) If the position offered is vacant due directly to a  
22 strike, lockout or other labor dispute; (2) if the remuneration, hours or  
23 other conditions of the work offered are substantially less favorable to the  
24 individual than those prevailing for similar work in the locality; (3) if as a  
25 condition of being employed, the individual would be required to join or to  
26 resign from or refrain from joining any labor organization; and (4) if the  
27 individual left employment as a result of domestic violence, and the  
28 position offered does not reasonably accommodate the individual's  
29 physical, psychological, safety, or legal needs relating to such domestic  
30 violence.

31 (d) For any week with respect to which the secretary of labor, or a  
32 person or persons designated by the secretary, finds that the individual's  
33 unemployment is due to a stoppage of work which exists because of a  
34 labor dispute or there would have been a work stoppage had normal  
35 operations not been maintained with other personnel previously and  
36 currently employed by the same employer at the factory, establishment or  
37 other premises at which the individual is or was last employed, except that  
38 this subsection (d) shall not apply if it is shown to the satisfaction of the  
39 secretary of labor, or a person or persons designated by the secretary, that:  
40 (1) The individual is not participating in or financing or directly interested  
41 in the labor dispute which caused the stoppage of work; and (2) the  
42 individual does not belong to a grade or class of workers of which,  
43 immediately before the commencement of the stoppage, there were

1 members employed at the premises at which the stoppage occurs any of  
2 whom are participating in or financing or directly interested in the dispute.  
3 If in any case separate branches of work which are commonly conducted  
4 as separate businesses in separate premises are conducted in separate  
5 departments of the same premises, each such department shall, for the  
6 purpose of this subsection be deemed to be a separate factory,  
7 establishment or other premises. For the purposes of this subsection,  
8 failure or refusal to cross a picket line or refusal for any reason during the  
9 continuance of such labor dispute to accept the individual's available and  
10 customary work at the factory, establishment or other premises where the  
11 individual is or was last employed shall be considered as participation and  
12 interest in the labor dispute.

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

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

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

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

1 (i) For any week of unemployment on the basis of service in an  
2 instructional, research or principal administrative capacity for an  
3 educational institution as defined in K.S.A. 44-703(v), and amendments  
4 thereto, if such week begins during the period between two successive  
5 academic years or terms or, when an agreement provides instead for a  
6 similar period between two regular but not successive terms during such  
7 period or during a period of paid sabbatical leave provided for in the  
8 individual's contract, if the individual performs such services in the first of  
9 such academic years or terms and there is a contract or a reasonable  
10 assurance that such individual will perform services in any such capacity  
11 for any educational institution in the second of such academic years or  
12 terms.

13 (j) For any week of unemployment on the basis of service in any  
14 capacity other than service in an instructional, research, or administrative  
15 capacity in an educational institution, as defined in K.S.A. 44-703(v), and  
16 amendments thereto, if such week begins during the period between two  
17 successive academic years or terms if the individual performs such  
18 services in the first of such academic years or terms and there is a  
19 reasonable assurance that the individual will perform such services in the  
20 second of such academic years or terms, except that if benefits are denied  
21 to the individual under this subsection and the individual was not offered  
22 an opportunity to perform such services for the educational institution for  
23 the second of such academic years or terms, such individual shall be  
24 entitled to a retroactive payment of benefits for each week for which the  
25 individual filed a timely claim for benefits and for which benefits were  
26 denied solely by reason of this subsection.

27 (k) For any week of unemployment on the basis of service in any  
28 capacity for an educational institution as defined in K.S.A. 44-703(v), and  
29 amendments thereto, if such week begins during an established and  
30 customary vacation period or holiday recess, if the individual performs  
31 services in the period immediately before such vacation period or holiday  
32 recess and there is a reasonable assurance that such individual will perform  
33 such services in the period immediately following such vacation period or  
34 holiday recess.

35 (l) For any week of unemployment on the basis of any services,  
36 substantially all of which consist of participating in sports or athletic  
37 events or training or preparing to so participate, if such week begins during  
38 the period between two successive sport seasons or similar period if such  
39 individual performed services in the first of such seasons or similar periods  
40 and there is a reasonable assurance that such individual will perform such  
41 services in the later of such seasons or similar periods.

42 (m) For any week on the basis of services performed by an alien  
43 unless such alien is an individual who was lawfully admitted for

1 permanent residence at the time such services were performed, was  
2 lawfully present for purposes of performing such services, or was  
3 permanently residing in the United States under color of law at the time  
4 such services were performed, including an alien who was lawfully present  
5 in the United States as a result of the application of the provisions of  
6 section 212(d)(5) of the federal immigration and nationality act. Any data  
7 or information required of individuals applying for benefits to determine  
8 whether benefits are not payable to them because of their alien status shall  
9 be uniformly required from all applicants for benefits. In the case of an  
10 individual whose application for benefits would otherwise be approved, no  
11 determination that benefits to such individual are not payable because of  
12 such individual's alien status shall be made except upon a preponderance  
13 of the evidence.

14 (n) For any week in which an individual is receiving a governmental  
15 or other pension, retirement or retired pay, annuity or other similar  
16 periodic payment under a plan maintained by a base period employer and  
17 to which the entire contributions were provided by such employer, except  
18 that: (1) If the entire contributions to such plan were provided by the base  
19 period employer but such individual's weekly benefit amount exceeds such  
20 governmental or other pension, retirement or retired pay, annuity or other  
21 similar periodic payment attributable to such week, the weekly benefit  
22 amount payable to the individual shall be reduced, but not below zero, by  
23 an amount equal to the amount of such pension, retirement or retired pay,  
24 annuity or other similar periodic payment which is attributable to such  
25 week; ~~or~~ (2) if only a portion of contributions to such plan were provided  
26 by the base period employer, the weekly benefit amount payable to such  
27 individual for such week shall be reduced, but not below zero, by the  
28 prorated weekly amount of the pension, retirement or retired pay, annuity  
29 or other similar periodic payment after deduction of that portion of the  
30 pension, retirement or retired pay, annuity or other similar periodic  
31 payment that is directly attributable to the percentage of the contributions  
32 made to the plan by such individual; ~~or~~ (3) if the entire contributions to the  
33 plan were provided by such individual, or by the individual and an  
34 employer, or any person or organization, who is not a base period  
35 employer, no reduction in the weekly benefit amount payable to the  
36 individual for such week shall be made under this subsection; or (4)  
37 whatever portion of contributions to such plan were provided by the base  
38 period employer, if the services performed for the employer by such  
39 individual during the base period, or remuneration received for the  
40 services, did not affect the individual's eligibility for, or increased the  
41 amount of, such pension, retirement or retired pay, annuity or other similar  
42 periodic payment, no reduction in the weekly benefit amount payable to  
43 the individual for such week shall be made under this subsection. No

1 reduction shall be made for payments made under the social security act or  
2 railroad retirement act of 1974.

3 (o) For any week of unemployment on the basis of services  
4 performed in any capacity and under any of the circumstances described in  
5 subsection (i), (j) or (k)—~~which~~ *that* an individual performed in an  
6 educational institution while in the employ of an educational service  
7 agency. For the purposes of this subsection, the term "educational service  
8 agency" means a governmental agency or entity which is established and  
9 operated exclusively for the purpose of providing such services to one or  
10 more educational institutions.

11 (p) For any week of unemployment on the basis of service as a school  
12 bus or other motor vehicle driver employed by a private contractor to  
13 transport pupils, students and school personnel to or from school-related  
14 functions or activities for an educational institution, as defined in K.S.A.  
15 44-703(v), and amendments thereto, if such week begins during the period  
16 between two successive academic years or during a similar period between  
17 two regular terms, whether or not successive, if the individual has a  
18 contract or contracts, or a reasonable assurance thereof, to perform  
19 services in any such capacity with a private contractor for any educational  
20 institution for both such academic years or both such terms. An individual  
21 shall not be disqualified for benefits as provided in this subsection for any  
22 week of unemployment on the basis of service as a bus or other motor  
23 vehicle driver employed by a private contractor to transport persons to or  
24 from nonschool-related functions or activities.

25 (q) For any week of unemployment on the basis of services  
26 performed by the individual in any capacity and under any of the  
27 circumstances described in subsection (i), (j), (k) or (o)—~~which~~ *that* are  
28 provided to or on behalf of an educational institution, as defined in K.S.A.  
29 44-703(v), and amendments thereto, while the individual is in the employ  
30 of an employer which is a governmental entity, Indian tribe or any  
31 employer described in section 501(c)(3) of the federal internal revenue  
32 code of 1986 which is exempt from income under section 501(a) of the  
33 code.

34 (r) For any week in which an individual is registered at and attending  
35 an established school, training facility or other educational institution, or is  
36 on vacation during or between two successive academic years or terms. An  
37 individual shall not be disqualified for benefits as provided in this  
38 subsection provided:

39 (1) The individual was engaged in full-time employment concurrent  
40 with the individual's school attendance;

41 (2) the individual is attending approved training as defined in K.S.A.  
42 44-703(s), and amendments thereto; or

43 (3) the individual is attending evening, weekend or limited day time

1 classes, which would not affect availability for work, and is otherwise  
2 eligible under K.S.A. 44-705(c), and amendments thereto.

3 (s) For any week with respect to which an individual is receiving or  
4 has received remuneration in the form of a back pay award or settlement.  
5 The remuneration shall be allocated to the week or weeks in the manner as  
6 specified in the award or agreement, or in the absence of such specificity  
7 in the award or agreement, such remuneration shall be allocated to the  
8 week or weeks in which such remuneration, in the judgment of the  
9 secretary, would have been paid.

10 (1) For any such weeks that an individual receives remuneration in  
11 the form of a back pay award or settlement, an overpayment will be  
12 established in the amount of unemployment benefits paid and shall be  
13 collected from the claimant.

14 (2) If an employer chooses to withhold from a back pay award or  
15 settlement, amounts paid to a claimant while they claimed unemployment  
16 benefits, such employer shall pay the department the amount withheld.  
17 With respect to such amount, the secretary shall have available all of the  
18 collection remedies authorized or provided in K.S.A. 44-717, and  
19 amendments thereto.

20 (t) (1) Any applicant for or recipient of unemployment benefits who  
21 tests positive for unlawful use of a controlled substance or controlled  
22 substance analog shall be required to complete a substance abuse treatment  
23 program approved by the secretary of labor, secretary of commerce or  
24 secretary for children and families, and a job skills program approved by  
25 the secretary of labor, secretary of commerce or the secretary for children  
26 and families. Subject to applicable federal laws, any applicant for or  
27 recipient of unemployment benefits who fails to complete or refuses to  
28 participate in the substance abuse treatment program or job skills program  
29 as required under this subsection shall be ineligible to receive  
30 unemployment benefits until completion of such substance abuse  
31 treatment and job skills programs. Upon completion of both substance  
32 abuse treatment and job skills programs, such applicant for or recipient of  
33 unemployment benefits may be subject to periodic drug screening, as  
34 determined by the secretary of labor. Upon a second positive test for  
35 unlawful use of a controlled substance or controlled substance analog, an  
36 applicant for or recipient of unemployment benefits shall be ordered to  
37 complete again a substance abuse treatment program and job skills  
38 program, and shall be terminated from unemployment benefits for a period  
39 of 12 months, or until such applicant for or recipient of unemployment  
40 benefits completes both substance abuse treatment and job skills programs,  
41 whichever is later. Upon a third positive test for unlawful use of a  
42 controlled substance or controlled substance analog, an applicant for or a  
43 recipient of unemployment benefits shall be terminated from receiving

1 unemployment benefits, subject to applicable federal law.

2 (2) Any individual who has been discharged or refused employment  
3 for failing a preemployment drug screen required by an employer may  
4 request that the drug screening specimen be sent to a different drug testing  
5 facility for an additional drug screening. Any such individual who requests  
6 an additional drug screening at a different drug testing facility shall be  
7 required to pay the cost of drug screening.

8 (3) *The provisions of this subsection shall not apply to any individual*  
9 *who is a registered patient pursuant to section 8, and amendments thereto,*  
10 *for activities authorized by the Kansas medical marijuana regulation act,*  
11 *section 1 et seq., and amendments thereto.*

12 (u) If the individual was found not to have a disqualifying  
13 adjudication or conviction under K.S.A. 39-970 or 65-5117, and  
14 amendments thereto, was hired and then was subsequently convicted of a  
15 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments  
16 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and  
17 amendments thereto. The disqualification shall begin the day following the  
18 separation and shall continue until after the individual becomes  
19 reemployed and has had earnings from insured work of at least three times  
20 the individual's determined weekly benefit amount.

21 (v) Notwithstanding the provisions of any subsection, an individual  
22 shall not be disqualified for such week of part-time employment in a  
23 substitute capacity for an educational institution if such individual's most  
24 recent employment prior to the individual's benefit year begin date was for  
25 a non-educational institution and such individual demonstrates application  
26 for work in such individual's customary occupation or for work for which  
27 the individual is reasonably fitted by training or experience.

28 ~~Sec. 70. K.S.A. 44-1009 is hereby amended to read as follows: 44-~~  
29 ~~1009. (a) It shall be an unlawful employment practice:~~

30 ~~(1) For an employer, because of the race, religion, color, sex,~~  
31 ~~disability, national origin or ancestry of any person to refuse to hire or~~  
32 ~~employ such person to bar or discharge such person from employment or~~  
33 ~~to otherwise discriminate against such person in compensation or in terms,~~  
34 ~~conditions or privileges of employment; to limit, segregate, separate,~~  
35 ~~classify or make any distinction in regards to employees; or to follow any~~  
36 ~~employment procedure or practice which, in fact, results in discrimination,~~  
37 ~~segregation or separation without a valid business necessity.~~

38 ~~(2) For a labor organization, because of the race, religion, color, sex,~~  
39 ~~disability, national origin or ancestry of any person, to exclude or to expel~~  
40 ~~from its membership such person or to discriminate in any way against any~~  
41 ~~of its members or against any employer or any person employed by an~~  
42 ~~employer.~~

43 ~~(3) For any employer, employment agency or labor organization to~~



1 ~~print or circulate or cause to be printed or circulated any statement,~~  
2 ~~advertisement or publication, or to use any form of application for~~  
3 ~~employment or membership or to make any inquiry in connection with~~  
4 ~~prospective employment or membership, which expresses, directly or~~  
5 ~~indirectly, any limitation, specification or discrimination as to race,~~  
6 ~~religion, color, sex, disability, national origin or ancestry, or any intent to~~  
7 ~~make any such limitation, specification or discrimination, unless based on~~  
8 ~~a bona fide occupational qualification.~~

9 ~~(4) For any employer, employment agency or labor organization to~~  
10 ~~discharge, expel or otherwise discriminate against any person because such~~  
11 ~~person has opposed any practices or acts forbidden under this act or~~  
12 ~~because such person has filed a complaint, testified or assisted in any~~  
13 ~~proceeding under this act.~~

14 ~~(5) For an employment agency to refuse to list and properly classify~~  
15 ~~for employment or to refuse to refer any person for employment or~~  
16 ~~otherwise discriminate against any person because of such person's race,~~  
17 ~~religion, color, sex, disability, national origin or ancestry; or to comply~~  
18 ~~with a request from an employer for a referral of applicants for~~  
19 ~~employment if the request expresses, either directly or indirectly, any~~  
20 ~~limitation, specification or discrimination as to race, religion, color, sex,~~  
21 ~~disability, national origin or ancestry.~~

22 ~~(6) For an employer, labor organization, employment agency, or~~  
23 ~~school which provides, coordinates or controls apprenticeship, on-the-job,~~  
24 ~~or other training or retraining program, to maintain a practice of~~  
25 ~~discrimination, segregation or separation because of race, religion, color,~~  
26 ~~sex, disability, national origin or ancestry, in admission, hiring,~~  
27 ~~assignments, upgrading, transfers, promotion, layoff, dismissal,~~  
28 ~~apprenticeship or other training or retraining program, or in any other~~  
29 ~~terms, conditions or privileges of employment, membership,~~  
30 ~~apprenticeship or training; or to follow any policy or procedure which, in~~  
31 ~~fact, results in such practices without a valid business motive.~~

32 ~~(7) For any person, whether an employer or an employee or not, to~~  
33 ~~aid, abet, incite, compel or coerce the doing of any of the acts forbidden~~  
34 ~~under this act, or attempt to do so.~~

35 ~~(8) For an employer, labor organization, employment agency or joint~~  
36 ~~labor-management committee to:~~

37 ~~(A) Limit, segregate or classify a job applicant or employee in a way~~  
38 ~~that adversely affects the opportunities or status of such applicant or~~  
39 ~~employee because of the disability of such applicant or employee;~~

40 ~~(B) participate in a contractual or other arrangement or relationship,~~  
41 ~~including a relationship with an employment or referral agency, labor~~  
42 ~~union, an organization providing fringe benefits to an employee or an~~  
43 ~~organization providing training and apprenticeship programs that has the~~

1 ~~effect of subjecting a qualified applicant or employee with a disability to~~  
2 ~~the discrimination prohibited by this act;~~

3 ~~(C) utilize standards, criteria, or methods of administration that have~~  
4 ~~the effect of discrimination on the basis of disability or that perpetuate the~~  
5 ~~discrimination of others who are subject to common administrative~~  
6 ~~control;~~

7 ~~(D) exclude or otherwise deny equal jobs or benefits to a qualified~~  
8 ~~individual because of the known disability of an individual with whom the~~  
9 ~~qualified individual is known to have a relationship or association;~~

10 ~~(E) not make reasonable accommodations to the known physical or~~  
11 ~~mental limitations of an otherwise qualified individual with a disability~~  
12 ~~who is an applicant or employee, unless such employer, labor organization,~~  
13 ~~employment agency or joint labor-management committee can~~  
14 ~~demonstrate that the accommodation would impose an undue hardship on~~  
15 ~~the operation of the business thereof;~~

16 ~~(F) deny employment opportunities to a job applicant or employee~~  
17 ~~who is an otherwise qualified individual with a disability, if such denial is~~  
18 ~~based on the need to make reasonable accommodation to the physical or~~  
19 ~~mental impairments of the employee or applicant;~~

20 ~~(G) use qualification standards, employment tests or other selection~~  
21 ~~criteria that screen out or tend to screen out an individual with a disability~~  
22 ~~or a class of individuals with disabilities unless the standard, test or other~~  
23 ~~selection criteria, as used, is shown to be job-related for the position in~~  
24 ~~question and is consistent with business necessity; or~~

25 ~~(H) fail to select and administer tests concerning employment in the~~  
26 ~~most effective manner to ensure that, when such test is administered to a~~  
27 ~~job applicant or employee who has a disability that impairs sensory,~~  
28 ~~manual or speaking skills, the test results accurately reflect the skills,~~  
29 ~~aptitude or whatever other factor of such applicant or employee that such~~  
30 ~~test purports to measure, rather than reflecting the impaired sensory,~~  
31 ~~manual or speaking skills of such employee or applicant (, except where~~  
32 ~~such skills are the factors that the test purports to measure);~~

33 ~~(9) For any employer to:~~

34 ~~(A) Seek to obtain, to obtain or to use genetic screening or testing~~  
35 ~~information of an employee or a prospective employee to distinguish~~  
36 ~~between or discriminate against or restrict any right or benefit otherwise~~  
37 ~~due or available to an employee or a prospective employee; or~~

38 ~~(B) subject, directly or indirectly, any employee or prospective~~  
39 ~~employee to any genetic screening or test.~~

40 ~~(10) (A) For an employer, because a person is a registered patient or~~  
41 ~~caregiver pursuant to section 8, and amendments thereto, or possesses or~~  
42 ~~uses medical marijuana in accordance with the Kansas medical marijuana~~  
43 ~~regulation act, section 1 et seq., and amendments thereto, to:~~

1 ~~(i) Refuse to hire or employ a person;~~  
2 ~~(ii) bar or discharge such person from employment; or~~  
3 ~~(iii) otherwise discriminate against such person in compensation or~~  
4 ~~in terms, conditions or privileges of employment without a valid business~~  
5 ~~necessity.~~

6 ~~(B) For a labor organization, because a person is a registered patient~~  
7 ~~or caregiver pursuant to section 8, and amendments thereto, or possesses~~  
8 ~~or uses medical marijuana in accordance with the Kansas medical~~  
9 ~~marijuana regulation act, section 1 et seq., and amendments thereto, to~~  
10 ~~exclude or expel such person from its membership.~~

11 ~~(C) Nothing in this paragraph shall be construed to prohibit a person~~  
12 ~~from taking any action necessary to procure or retain any monetary~~  
13 ~~benefit provided under federal law, or any rules and regulations adopted~~  
14 ~~thereunder, or to obtain or maintain any license, certificate, registration,~~  
15 ~~or other legal status issued or bestowed under federal law, or any rules~~  
16 ~~and regulations adopted thereunder.~~

17 ~~(D) Nothing in this paragraph shall be construed to provide a cause~~  
18 ~~of action against an employer for wrongful discharge or discrimination for~~  
19 ~~the unlawful use of marijuana.~~

20 ~~(b) It shall not be an unlawful employment practice to fill vacancies~~  
21 ~~in such way as to eliminate or reduce imbalance with respect to race,~~  
22 ~~religion, color, sex, disability, national origin or ancestry.~~

23 ~~(c) It shall be an unlawful discriminatory practice:~~

24 ~~(1) For any person, as defined herein being the owner, operator,~~  
25 ~~lessee, manager, agent or employee of any place of public accommodation~~  
26 ~~to refuse, deny or make a distinction, directly or indirectly, in offering its~~  
27 ~~goods, services, facilities, and accommodations to any person as covered~~  
28 ~~by this act because of race, religion, color, sex, disability, national origin or~~  
29 ~~ancestry, except where a distinction because of sex is necessary because of~~  
30 ~~the intrinsic nature of such accommodation.~~

31 ~~(2) For any person, whether or not specifically enjoined from~~  
32 ~~discriminating under any provisions of this act, to aid, abet, incite, compel~~  
33 ~~or coerce the doing of any of the acts forbidden under this act, or to~~  
34 ~~attempt to do so.~~

35 ~~(3) For any person, to refuse, deny, make a distinction, directly or~~  
36 ~~indirectly, or discriminate in any way against persons because of the race,~~  
37 ~~religion, color, sex, disability, national origin or ancestry of such persons~~  
38 ~~in the full and equal use and enjoyment of the services, facilities,~~  
39 ~~privileges and advantages of any institution, department or agency of the~~  
40 ~~state of Kansas or any political subdivision or municipality thereof.~~

41 ~~Sec. 71. K.S.A. 44-1015 is hereby amended to read as follows: 44-~~  
42 ~~1015. As used in this act, unless the context otherwise requires:~~

43 ~~(a) "Commission" means the Kansas human rights commission.~~

1 ~~(b) "Real property" means and includes:~~

2 ~~(1) All vacant or unimproved land; and~~

3 ~~(2) any building or structure which *that* is occupied or designed or~~  
4 ~~intended for occupancy, or any building or structure having a portion~~  
5 ~~thereof which *that* is occupied or designed or intended for occupancy.~~

6 ~~(c) "Family" includes a single individual.~~

7 ~~(d) "Person" means an individual, corporation, partnership,~~  
8 ~~association, labor organization, legal representative, mutual company,~~  
9 ~~joint-stock company, trust, unincorporated organization, trustee, trustee in~~  
10 ~~bankruptcy, receiver and fiduciary.~~

11 ~~(e) "To rent" means to lease, to sublease, to let and otherwise to grant~~  
12 ~~for a consideration the right to occupy premises not owned by the~~  
13 ~~occupant.~~

14 ~~(f) "Discriminatory housing practice" means any act that is unlawful~~  
15 ~~under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, or:~~  
16 ~~section 54, and amendments thereto.~~

17 ~~(g) "Person aggrieved" means any person who claims to have been~~  
18 ~~injured by a discriminatory housing practice or believes that such person~~  
19 ~~will be injured by a discriminatory housing practice that is about to occur.~~

20 ~~(h) "Disability" has the meaning provided by *means the same as*~~  
21 ~~defined in K.S.A. 44-1002, and amendments thereto.~~

22 ~~(i) "Familial status" means having one or more individuals less than~~  
23 ~~18 years of age domiciled with:~~

24 ~~(1) A parent or another person having legal custody of such~~  
25 ~~individual or individuals; or~~

26 ~~(2) the designee of such parent or other person having such custody;~~  
27 ~~with the written permission of such parent or other person.~~

28 ~~Sec. 72. 76.~~ K.S.A. 2020 Supp. 65-1120 is hereby amended to read as  
29 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may  
30 deny, revoke, limit or suspend any license or authorization to practice  
31 nursing as a registered professional nurse, as a licensed practical nurse, as  
32 an advanced practice registered nurse or as a registered nurse anesthetist  
33 that is issued by the board or applied for under this act, or may require the  
34 licensee to attend a specific number of hours of continuing education in  
35 addition to any hours the licensee may already be required to attend or  
36 may publicly or privately censure a licensee or holder of a temporary  
37 permit or authorization, if the applicant, licensee or holder of a temporary  
38 permit or authorization is found after hearing:

39 (1) To be guilty of fraud or deceit in practicing nursing or in  
40 procuring or attempting to procure a license to practice nursing;

41 (2) to have been guilty of a felony or to have been guilty of a  
42 misdemeanor involving an illegal drug offense unless the applicant or  
43 licensee establishes sufficient rehabilitation to warrant the public trust,

1 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
2 license or authorization to practice nursing as a licensed professional  
3 nurse, as a licensed practical nurse, as an advanced practice registered  
4 nurse or registered nurse anesthetist shall be granted to a person with a  
5 felony conviction for a crime against persons as specified in article 34 of  
6 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article  
7 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments*  
8 *thereto*, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and  
9 amendments thereto;

10 (3) has been convicted or found guilty or has entered into an agreed  
11 disposition of a misdemeanor offense related to the practice of nursing as  
12 determined on a case-by-case basis;

13 (4) to have committed an act of professional incompetency as defined  
14 in subsection (e);

15 (5) to be unable to practice with skill and safety due to current abuse  
16 of drugs or alcohol;

17 (6) to be a person who has been adjudged in need of a guardian or  
18 conservator, or both, under the act for obtaining a guardian or conservator,  
19 or both, and who has not been restored to capacity under that act;

20 (7) to be guilty of unprofessional conduct as defined by rules and  
21 regulations of the board;

22 (8) to have willfully or repeatedly violated the provisions of the  
23 Kansas nurse practice act or any rules and regulations adopted pursuant to  
24 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

25 (9) to have a license to practice nursing as a registered nurse or as a  
26 practical nurse denied, revoked, limited or suspended, or to be publicly or  
27 privately censured, by a licensing authority of another state, agency of the  
28 United States government, territory of the United States or country or to  
29 have other disciplinary action taken against the applicant or licensee by a  
30 licensing authority of another state, agency of the United States  
31 government, territory of the United States or country. A certified copy of  
32 the record or order of public or private censure, denial, suspension,  
33 limitation, revocation or other disciplinary action of the licensing authority  
34 of another state, agency of the United States government, territory of the  
35 United States or country shall constitute prima facie evidence of such a  
36 fact for purposes of this paragraph~~(9)~~; or

37 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to  
38 its repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as  
39 established by any of the following:

40 (A) A copy of the record of criminal conviction or plea of guilty for a  
41 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020  
42 Supp. 21-5407, and amendments thereto.

43 (B) A copy of the record of a judgment of contempt of court for

1 violating an injunction issued under K.S.A. 2020 Supp. 60-4404, and  
2 amendments thereto.

3 (C) A copy of the record of a judgment assessing damages under  
4 K.S.A. 2020 Supp. 60-4405, and amendments thereto.

5 (b) *Proceedings*. Upon filing of a sworn complaint with the board  
6 charging a person with having been guilty of any of the unlawful practices  
7 specified in subsection (a), two or more members of the board shall  
8 investigate the charges, or the board may designate and authorize an  
9 employee or employees of the board to conduct an investigation. After  
10 investigation, the board may institute charges. If an investigation, in the  
11 opinion of the board, reveals reasonable grounds for believing the  
12 applicant or licensee is guilty of the charges, the board shall fix a time and  
13 place for proceedings, which shall be conducted in accordance with the  
14 provisions of the Kansas administrative procedure act.

15 (c) *Witnesses*. No person shall be excused from testifying in any  
16 proceedings before the board under this act or in any civil proceedings  
17 under this act before a court of competent jurisdiction on the ground that  
18 such testimony may incriminate the person testifying, but such testimony  
19 shall not be used against the person for the prosecution of any crime under  
20 the laws of this state except the crime of perjury as defined in K.S.A. 2020  
21 Supp. 21-5903, and amendments thereto.

22 (d) *Costs*. If final agency action of the board in a proceeding under  
23 this section is adverse to the applicant or licensee, the costs of the board's  
24 proceedings shall be charged to the applicant or licensee as in ordinary  
25 civil actions in the district court, but if the board is the unsuccessful party,  
26 the costs shall be paid by the board. Witness fees and costs may be taxed  
27 by the board according to the statutes relating to procedure in the district  
28 court. All costs accrued by the board, when it is the successful party, and  
29 ~~which~~ *that* the attorney general certifies cannot be collected from the  
30 applicant or licensee shall be paid from the board of nursing fee fund. All  
31 moneys collected following board proceedings shall be credited in full to  
32 the board of nursing fee fund.

33 (e) *Professional incompetency defined*. As used in this section,  
34 "professional incompetency" means:

35 (1) One or more instances involving failure to adhere to the  
36 applicable standard of care to a degree ~~which~~ *that* constitutes gross  
37 negligence, as determined by the board;

38 (2) repeated instances involving failure to adhere to the applicable  
39 standard of care to a degree ~~which~~ *that* constitutes ordinary negligence, as  
40 determined by the board; or

41 (3) a pattern of practice or other behavior ~~which~~ *that* demonstrates a  
42 manifest incapacity or incompetence to practice nursing.

43 (f) *Criminal justice information*. The board upon request shall receive

1 from the Kansas bureau of investigation such criminal history record  
2 information relating to arrests and criminal convictions as necessary for  
3 the purpose of determining initial and continuing qualifications of  
4 licensees of and applicants for licensure by the board.

5 (g) *Medical marijuana exemption. The board shall not:*

6 (1) *Deny, revoke, limit or suspend the license of any licensee*~~*under*~~  
7 ~~*the Kansas medical marijuana regulation act, section 1 et seq., and*~~  
8 ~~*amendments thereto;*~~

9 ~~*(2) or publicly or privately censure any licensee for any actions as a*~~  
10 ~~*registered patient or caregiver pursuant to section 8, and amendments*~~  
11 ~~*thereto, including whether the licensee possesses or has possessed, or uses*~~  
12 ~~*or has used medical marijuana in accordance with the Kansas medical*~~  
13 ~~*marijuana regulation act, section 1 et seq., and amendments thereto; or*~~

14 ~~*(2)*~~ *deny, revoke, limit or suspend an advanced practice registered*  
15 *nurse's license or publicly or privately censure an advanced practice*  
16 *registered nurse for any of the following:*

17 (A) *The advanced practice registered nurse has:*

18 (i) *Advised a patient about the possible benefits and risks of using*  
19 *medical marijuana; or*

20 (ii) *advised a patient that using medical marijuana may mitigate the*  
21 *patient's symptoms; or*

22 (B) *the advanced practice registered nurse is a registered patient or*  
23 *caregiver pursuant to section 8, and amendments thereto, possesses or has*  
24 *possessed, or uses or has used medical marijuana in accordance with the*  
25 *Kansas medical marijuana regulation act, section 1 et seq., and*  
26 *amendments thereto.*

27 Sec. ~~73~~ 77. K.S.A. 65-28b08 is hereby amended to read as follows:  
28 65-28b08. (a) The board may deny, revoke, limit or suspend any license or  
29 authorization issued to a certified nurse-midwife to engage in the  
30 independent practice of midwifery that is issued by the board or applied  
31 for under this act, or may publicly censure a licensee or holder of a  
32 temporary permit or authorization, if the applicant or licensee is found  
33 after a hearing:

34 (1) To be guilty of fraud or deceit while engaging in the independent  
35 practice of midwifery or in procuring or attempting to procure a license to  
36 engage in the independent practice of midwifery;

37 (2) to have been found guilty of a felony or to have been found guilty  
38 of a misdemeanor involving an illegal drug offense unless the applicant or  
39 licensee establishes sufficient rehabilitation to warrant the public trust,  
40 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
41 license or authorization to practice and engage in the independent practice  
42 of midwifery shall be granted to a person with a felony conviction for a  
43 crime against persons as specified in article 34 of chapter 21 of the Kansas

1 Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the  
2 Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2020 Supp.  
3 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

4 (3) to have committed an act of professional incompetence as defined  
5 in subsection (c);

6 (4) to be unable to practice the healing arts with reasonable skill and  
7 safety by reason of impairment due to physical or mental illness or  
8 condition or use of alcohol, drugs or controlled substances. All  
9 information, reports, findings and other records relating to impairment  
10 shall be confidential and not subject to discovery or release to any person  
11 or entity outside of a board proceeding. The provisions of this paragraph  
12 providing confidentiality of records shall expire on July 1, 2022, unless the  
13 legislature reviews and reenacts such provisions pursuant to K.S.A. 45-  
14 229, and amendments thereto, prior to July 1, 2022;

15 (5) to be a person who has been adjudged in need of a guardian or  
16 conservator, or both, under the act for obtaining a guardian or conservator,  
17 or both, and who has not been restored to capacity under that act;

18 (6) to be guilty of unprofessional conduct as defined by rules and  
19 regulations of the board;

20 (7) to have willfully or repeatedly violated the provisions of the  
21 Kansas nurse practice act or any rules and regulations adopted pursuant to  
22 that act;

23 (8) to have a license to practice nursing as a registered nurse or as a  
24 practical nurse denied, revoked, limited or suspended, or to have been  
25 publicly or privately censured, by a licensing authority of another state,  
26 agency of the United States government, territory of the United States or  
27 country, or to have other disciplinary action taken against the applicant or  
28 licensee by a licensing authority of another state, agency of the United  
29 States government, territory of the United States or country. A certified  
30 copy of the record or order of public or private censure, denial, suspension,  
31 limitation, revocation or other disciplinary action of the licensing authority  
32 of another state, agency of the United States government, territory of the  
33 United States or country shall constitute prima facie evidence of such a  
34 fact for purposes of this paragraph; or

35 (9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its  
36 repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as  
37 established by any of the following:

38 (A) A copy of the record of criminal conviction or plea of guilty to a  
39 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020  
40 Supp. 21-5407, and amendments thereto;

41 (B) a copy of the record of a judgment of contempt of court for  
42 violating an injunction issued under K.S.A. 60-4404, and amendments  
43 thereto; or



1 (C) a copy of the record of a judgment assessing damages under  
2 K.S.A. 60-4405, and amendments thereto.

3 (b) No person shall be excused from testifying in any proceedings  
4 before the board under this act or in any civil proceedings under this act  
5 before a court of competent jurisdiction on the ground that such testimony  
6 may incriminate the person testifying, but such testimony shall not be used  
7 against the person for the prosecution of any crime under the laws of this  
8 state, except the crime of perjury as defined in K.S.A. 2020 Supp. 21-  
9 5903, and amendments thereto.

10 (c) *The board shall not deny, revoke, limit or suspend any license or*  
11 *authorization issued to a certified nurse-midwife or publicly censure a*  
12 *certified nurse-midwife upon any of the following:*

13 (1) *The certified nurse-midwife has:*

14 (A) *Advised a patient about the possible benefits and risks of using*  
15 *medical marijuana; or*

16 (B) *advised the patient that using medical marijuana may mitigate*  
17 *the patient's symptoms; or*

18 (2) *the certified nurse-midwife is a registered patient or caregiver*  
19 *pursuant to section 8, and amendments thereto, possesses or has*  
20 *possessed, or uses or has used medical marijuana in accordance with the*  
21 *Kansas medical marijuana regulation act, section 1 et seq., and*  
22 *amendments thereto.*

23 (d) As used in this section, "professional incompetency" means:

24 (1) One or more instances involving failure to adhere to the  
25 applicable standard of care to a degree ~~which~~ that constitutes gross  
26 negligence, as determined by the board;

27 (2) repeated instances involving failure to adhere to the applicable  
28 standard of care to a degree ~~which~~ that constitutes ordinary negligence, as  
29 determined by the board; or

30 (3) a pattern of practice or other behavior ~~which~~ that demonstrates a  
31 manifest incapacity or incompetence to engage in the independent practice  
32 of midwifery.

33 ~~(d)~~(e) The board, upon request, shall receive from the Kansas bureau  
34 of investigation such criminal history record information relating to arrests  
35 and criminal convictions, as necessary, for the purpose of determining  
36 initial and continuing qualifications of licensees and applicants for  
37 licensure by the board.

38 ~~(e)~~ The provisions of this section shall become effective on January 1,  
39 2017.

40 **Sec. 78. On and after the effective date of this act, if the secretary**  
41 **of state publishes notice of the certification required pursuant to**  
42 **section 83, and amendments thereto, K.S.A. 2020 Supp. 65-4105 is**  
43 **hereby amended to read as follows: 65-4105. (a) The controlled**

1 substances listed in this section are included in schedule I and the  
 2 number set forth opposite each drug or substance is the DEA  
 3 controlled substances code that has been assigned to it.

4 (b) Any of the following opiates, including their isomers, esters,  
 5 ethers, salts, and salts of isomers, esters and ethers, unless specifically  
 6 excepted, whenever the existence of these isomers, esters, ethers and  
 7 salts is possible within the specific chemical designation:

- 8 (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-  
 9 phenylacetamide).....9821
- 10 (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
 11 piperidinyl]-N-phenylacetamide).....9815
- 12 (3) Acetylmethadol.....9601
- 13 (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-  
 14 phenylacrylamide; acryloylfentanyl).....9811
- 15 (5) AH-7921 (3,4-dichloro-N-(1-  
 16 dimethylamino)cyclohexylmethyl]benzamide).....9551
- 17 (6) Allyprodine.....9602
- 18 (7) Alphacetylmethadol.....9603  
 19 (except levo-alphacetylmethadol also known as levo-alpha-  
 20 acetylmethadol, levomethadyl acetate or LAAM)
- 21 (8) Alphameprodine.....9604
- 22 (9) Alphamethadol.....9605
- 23 (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-  
 24 piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-  
 25 propanilido) piperidine).....9814
- 26 (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-  
 27 piperidinyl]-N-phenylpropanamide).....9832
- 28 (12) Benzethidine.....9606
- 29 (13) Betacetylmethadol.....9607
- 30 (14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-  
 31 piperidinyl]-N-phenylpropanamide).....9830
- 32 (15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-  
 33 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide). 9831
- 34 (16) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-  
 35 yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....9836
- 36 (17) Betameprodine.....9608
- 37 (18) Betamethadol.....9609
- 38 (19) Betaprodine.....9611
- 39 (20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-  
 40 phenylbutyramide).....9822
- 41 (21) Clonitazene.....9612
- 42 (22) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-  
 43 phenylcyclopentanecarboxamide)

1	(23) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
2	phenylcyclopropanecarboxamide).....	9845
3	(24) Dextromoramide.....	9613
4	(25) Diampromide.....	9615
5	(26) Diethylthiambutene.....	9616
6	(27) DifenoXin.....	9168
7	(28) Dimenoxadol.....	9617
8	(29) Dimepheptanol.....	9618
9	(30) Dimethylthiambutene.....	9619
10	(31) Dioxaphetyl butyrate.....	9621
11	(32) Dipipanone.....	9622
12	(33) Ethylmethylthiambutene.....	9623
13	(34) Etonitazene.....	9624
14	(35) EtoXeridine.....	9625
15	(36) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-	
16	2-carboxamide).....	9834
17	(37) Furethidine.....	9626
18	(38) Hydroxypethidine.....	9627
19	(39) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
20	phenylisobutyramide)	
21	(40) Ketobemidone.....	9628
22	(41) Levomoramide.....	9629
23	(42) Levophenacylmorphane.....	9631
24	(43) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-	
25	yl)-N-phenylacetamide).....	9825
26	(44) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-	
27	phenylpropanamide).....	9813
28	(45) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-	
29	piperidinyl]-N-phenylpropanamide).....	9833
30	(46) Morpheridine.....	9632
31	(47) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-	
32	phenethylpiperidin-4-yl)acetamide)	
33	(48) O-desmethyltramadol	
34	Some trade or other names: 2-((dimethylamino)methyl-1-(3-	
35	hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-	
36	hydroxycyclohexyl)phenol	
37	(49) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
38	(50) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)	
39	(51) Noracymethadol.....	9633
40	(52) Norlevorphanol.....	9634
41	(53) Normethadone.....	9635
42	(54) Norpipanone.....	9636
43	(55) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-	

1	phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl).....	9816
2	(56) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-	
3	phenethylpiperidin-4-yl)isobutyramide)	
4	(57) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
5	phenethylpiperidin-4-yl)butyramide)	
6	(58) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-	
7	piperidinyl]propanamide).....	9812
8	(59) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
9	phenethylpiperidin-4-yl)isobutyramide,	
10	4-fluoroisobutyryl fentanyl).....	9824
11	(60) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-	
12	phenethylpiperidin-4-yl)butyramide)	
13	(61) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
14	(62) Phenadoxone.....	9637
15	(63) Phenampromide.....	9638
16	(64) Phenomorphan.....	9647
17	(65) Phenoperidine.....	9641
18	(66) Piritramide.....	9642
19	(67) Proheptazine.....	9643
20	(68) Properidine.....	9644
21	(69) Propiram.....	9649
22	(70) Racemoramide.....	9645
23	(71) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
24	phenyltetrahydrofuran-2-carboxamide).....	9843
25	(72) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-	
26	propanamide).....	9835
27	(73) Tilidine.....	9750
28	(74) Trimeperidine.....	9646
29	(75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-	
30	methylbenzamide).....	9547
31	(76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
32	phenylpentanamide)	
33	(c) Any of the following opium derivatives, their salts, isomers	
34	and salts of isomers, unless specifically excepted, whenever the	
35	existence of these salts, isomers and salts of isomers is possible within	
36	the specific chemical designation:	
37	(1) Acetorphine.....	9319
38	(2) Acetyldihydrocodeine.....	9051
39	(3) Benzylmorphine.....	9052
40	(4) Codeine methylbromide.....	9070
41	(5) Codeine-N-Oxide.....	9053
42	(6) Cyprenorphine.....	9054
43	(7) Desomorphine.....	9055

1	(8) Dihydromorphine.....	9145
2	(9) Drotebanol.....	9335
3	(10) Etorphine (except hydrochloride salt).....	9056
4	(11) Heroin.....	9200
5	(12) Hydromorphinol.....	9301
6	(13) Methyldesorphine.....	9302
7	(14) Methyldihydromorphine.....	9304
8	(15) Morphine methylbromide.....	9305
9	(16) Morphine methylsulfonate.....	9306
10	(17) Morphine-N-Oxide.....	9307
11	(18) Myrophine.....	9308
12	(19) Nicocodeine.....	9309
13	(20) Nicomorphine.....	9312
14	(21) Normorphine.....	9313
15	(22) Pholcodine.....	9314
16	(23) Thebacon.....	9315
17	(d) Any material, compound, mixture or preparation that	
18	contains any quantity of the following hallucinogenic substances, their	
19	salts, isomers and salts of isomers, unless specifically excepted,	
20	whenever the existence of these salts, isomers and salts of isomers is	
21	possible within the specific chemical designation:	
22	(1) Alpha-ethyltryptamine 7249 Some trade or other names:	
23	etryptamine; Monase; $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-	
24	aminobutyl) indole; $\alpha$ -ET; and AET.	
25	(2) 4-bromo-2,5-dimethoxy-amphetamine.....	7391
26	Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-	
27	methylphenethylamine; 4-bromo-2,5-DMA.	
28	(3) 2,5-dimethoxyamphetamine.....	7396
29	Some trade or other names: 2,5-dimethoxy-alpha-methyl-	
30	phenethylamine; 2,5-DMA.	
31	(4) 4-methoxyamphetamine.....	7411
32	Some trade or other names: 4-methoxy-alpha-methylphene-	
33	thylamine; paramethoxyamphetamine; PMA.	
34	(5) 5-methoxy-3,4-methylenedioxy-amphetamine.....	7401
35	(6) 4-methyl-2,5-dimethoxy-amphetamine.....	7395
36	Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-	
37	methylphenethylamine; "DOM"; and "STP".	
38	(7) 3,4-methylenedioxy amphetamine.....	7400
39	(8) 3,4-methylenedioxymethamphetamine (MDMA).....	7405
40	(9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-	
41	ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-	
42	ethyl MDA, MDE, and MDEA).....	7404
43	(10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-	

1	hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine,	
2	and N-hydroxy MDA).....	7402
3	(11) 3,4,5-trimethoxy amphetamine.....	7390
4	(12) Bufotenine.....	7433
5	Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-	
6	hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-	
7	dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;	
8	mappine.	
9	(13) Diethyltryptamine.....	7434
10	Some trade or other names: N,N-Diethyltryptamine; DET.	
11	(14) Dimethyltryptamine.....	7435
12	Some trade or other names: DMT.	
13	(15) Ibogaine.....	7260
14	Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-	
15	octahydro-2-methoxy-6,9-methano-5H-	
16	pyrido[1',2':1,2]azepino[5,4-b]indole; Tabernanthe iboga	
17	(16) Lysergic acid diethylamide.....	7315
18	<del>(17)</del> Marijuana.....	7360
19	<del>(18)</del> (17) Mescaline.....	7381
20	<del>(19)</del> (18) Parahexyl.....	7374
21	Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-	
22	tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
23	<del>(20)</del> (19) Peyote.....	7415
24	Meaning all parts of the plant presently classified botanically as	
25	Lophophora williamsii Lemaire, whether growing or not, the	
26	seeds thereof, any extract from any part of such plant, and every	
27	compound, manufacture, salts, derivative, mixture or	
28	preparation of such plant, its seeds or extracts.	
29	<del>(21)</del> (20) N-ethyl-3-piperidyl benzilate.....	7482
30	<del>(22)</del> (21) N-methyl-3-piperidyl benzilate.....	7484
31	<del>(23)</del> (22) Psilocybin.....	7437
32	<del>(24)</del> (23) Psilocyn.....	7438
33	Some trade or other names: Psilocin.	
34	<del>(25)</del> (24) Ethylamine analog of phencyclidine.....	7455
35	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine;	
36	(1-phenylcyclohexyl)ethylamine; N-(1-	
37	phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	
38	<del>(26)</del> (25) Pyrrolidine analog of phencyclidine.....	7458
39	Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine;	
40	PCPy; PHP.	
41	<del>(27)</del> (26) Thiophene analog of phencyclidine.....	7470
42	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-	
43	piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.	

1	(28)(27) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....	7473
2	<b>Some other names: TCPy.</b>	
3	(29)(28) 2,5-dimethoxy-4-ethylamphetamine.....	7399
4	<b>Some trade or other names: DOET.</b>	
5	(30)(29) <i>Salvia divinorum</i> or <i>salvinorum A</i> ; all parts of the plant	
6	<b>presently classified botanically as <i>salvia divinorum</i>, whether</b>	
7	<b>growing or not, the seeds thereof, any extract from any part of</b>	
8	<b>such plant, and every compound, manufacture, salts, derivative,</b>	
9	<b>mixture or preparation of such plant, its seeds or extracts.</b>	
10	(31)(30) <i>Datura stramonium</i> , commonly known as gypsum weed or	
11	<b>jimson weed; all parts of the plant presently classified botanically</b>	
12	<b>as <i>datura stramonium</i>, whether growing or not, the seeds</b>	
13	<b>thereof, any extract from any part of such plant, and every</b>	
14	<b>compound, manufacture, salts, derivative, mixture or</b>	
15	<b>preparation of such plant, its seeds or extracts.</b>	
16	(32)(31) N-benzylpiperazine.....	7493
17	<b>Some trade or other names: BZP.</b>	
18	(33)(32) 1-(3-[trifluoromethylphenyl])piperazine	
19	<b>Some trade or other names: TFMPP.</b>	
20	(34)(33) 4-Bromo-2,5-dimethoxyphenethylamine.....	7392
21	(35)(34) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its	
22	<b>optical isomers, salts and salts of optical isomers.....</b>	7348
23	(36)(35) Alpha-methyltryptamine (other name: AMT).....	7432
24	(37)(36) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its	
25	<b>isomers, salts and salts of isomers.....</b>	7439
26	(38)(37) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
27	(39)(38) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)....	7508
28	(40)(39) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)....	7519
29	(41)(40) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
30	(42)(41) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	
31	7385	
32	(43)(42) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-	
33	T-4)7532	
34	(44)(43) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
35	(45)(44) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
36	(46)(45) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)	
37	7524	
38	(47)(46) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT)....	7431
39	<b>Some trade or other names: 5-methoxy-3-[2-(dimethylamino)</b>	
40	<b>ethyl]indole.</b>	
41	(48)(47) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-	
42	<b>methoxybenzyl)ethanamine.....</b>	7538
43	<b>Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I;</b>	

- 1 **Cimbi-5.**
- 2 ~~(49)~~(48) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-
- 3 methoxybenzyl)ethanamine.....7537
- 4 **Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C;**
- 5 **Cimbi-82.**
- 6 ~~(50)~~(49) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-
- 7 methoxybenzyl)ethanamine.....7536
- 8 **Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B;**
- 9 **Cimbi-36.**
- 10 ~~(51)~~(50) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
- 11 **Some trade or other names: 25H-NBOMe.**
- 12 ~~(52)~~(51) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-
- 13 methoxybenzyl)ethanamine
- 14 **Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.**
- 15 ~~(53)~~(52) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-
- 16 methoxybenzyl)ethanamine
- 17 **Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.**
- 18 (e) Any material, compound, mixture or preparation that
- 19 contains any quantity of the following substances having a depressant
- 20 effect on the central nervous system, including its salts, isomers, and
- 21 salts of isomers whenever the existence of such salts, isomers, and salts
- 22 of isomers is possible within the specific chemical designation:
- 23 (1) Etizolam
- 24 **Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-**
- 25 **methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)**
- 26 (2) Mecloqualone.....2572
- 27 (3) Methaqualone.....2565
- 28 (4) Gamma hydroxybutyric acid
- 29 (f) Unless specifically excepted or unless listed in another
- 30 schedule, any material, compound, mixture or preparation that
- 31 contains any quantity of the following substances having a stimulant
- 32 effect on the central nervous system, including its salts, isomers and
- 33 salts of isomers:
- 34 (1) Aminorex.....1585
- 35 **Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline**
- 36 **or 4,5-dihydro-5-phenyl-2-oxazolamine**
- 37 (2) Fenethylamine.....1503
- 38 (3) N-ethylamphetamine.....1475
- 39 (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-
- 40 2-oxazolamine).....1590
- 41 (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-
- 42 benzeneethanamine; N,N-alpha-trimethylphenethylamine)...1480
- 43 (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone,



- 1           **alpha-amino propiophenone, 2-amino propiophenone and**  
2           **norphedrone).....1235**  
3   **(7) Substituted cathinones**  
4           **Any compound, except bupropion or compounds listed under a**  
5           **different schedule, structurally derived from 2-aminopropan-1-**  
6           **one by substitution at the 1-position with either phenyl, naphthyl,**  
7           **or thiophene ring systems, whether or not the compound is**  
8           **further modified in any of the following ways:**  
9           **(A) By substitution in the ring system to any extent with alkyl,**  
10           **alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide**  
11           **substituents, whether or not further substituted in the ring**  
12           **system by one or more other univalent substituents;**  
13           **(B) by substitution at the 3-position with an acyclic alkyl**  
14           **substituent;**  
15           **(C) by substitution at the 2-amino nitrogen atom with alkyl,**  
16           **dialkyl, benzyl, or methoxybenzyl groups; or**  
17           **(D) by inclusion of the 2-amino nitrogen atom in a cyclic**  
18           **structure.**  
19           **(g) Any material, compound, mixture or preparation that**  
20           **contains any quantity of the following substances:**  
21           **(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),**  
22           **its optical isomers, salts and salts of isomers**  
23           **(2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide**  
24           **(thénylfentanyl), its optical isomers, salts and salts of isomers**  
25           **(h) Any of the following cannabinoids, their salts, isomers and**  
26           **salts of isomers, unless specifically excepted, whenever the existence of**  
27           **these salts, isomers and salts of isomers is possible within the specific**  
28           **chemical designation:**  
29           **(1) Tetrahydrocannabinols.....7370**  
30           ~~Meaning tetrahydrocannabinols naturally contained in a plant of the~~  
31           ~~genus Cannabis (cannabis plant), as well as synthetic equivalents of~~  
32           ~~the substances contained in the plant, or in the resinous extractives of~~  
33           ~~Cannabis, sp. and/or synthetic substances, derivatives, and their~~  
34           ~~isomers with similar chemical structure and pharmacological activity~~  
35           ~~such as the following: Delta 1 cis or trans tetrahydrocannabinol, and~~  
36           ~~their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and~~  
37           ~~their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and~~  
38           ~~its optical isomers (Since nomenclature of these substances is not~~  
39           ~~internationally standardized, compounds of these structures,~~  
40           ~~regardless of numerical designation of atomic positions covered.);~~  
41           ~~except tetrahydrocannabinols in any of the following:~~  
42           **(A) Industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and**  
43           **amendments thereto;**

- 1           ~~(B) solid waste, as defined in K.S.A. 65-3402, and amendments~~  
2           ~~thereto, and hazardous waste, as defined in K.S.A. 65-3430, and~~  
3           ~~amendments thereto, if such waste is the result of the~~  
4           ~~cultivation, production or processing of industrial hemp, as~~  
5           ~~defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto,~~  
6           ~~and such waste contains a delta-9 tetrahydrocannabinol~~  
7           ~~concentration of not more than 0.3%; or~~  
8           ~~(C) hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and~~  
9           ~~amendments thereto, unless otherwise deemed unlawful~~  
10           ~~pursuant to K.S.A. 2020 Supp. 2-3908, and amendments thereto.~~

11 **(2) Naphthoylindoles**

12           **Any compound containing a 3-(1-naphthyl)indole structure**  
13           **with substitution at the nitrogen atom of the indole ring by an**  
14           **alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,**  
15           **cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-**  
16           **(4-morpholinyl) ethyl group, whether or not further substituted**  
17           **in the indole ring to any extent and whether or not substituted in**  
18           **the benzyl or naphthyl ring to any extent.**

19 **(3)(2) Naphthylmethyloindoles**

20           **Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane**  
21           **structure with substitution at the nitrogen atom of the indole**  
22           **ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,**  
23           **cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-**  
24           **piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or**  
25           **not further substituted in the indole ring to any extent and**  
26           **whether or not substituted in the benzyl or naphthyl ring to any**  
27           **extent.**

28 **(4)(3) Naphthoylpyrroles**

29           **Any compound containing a 3-(1-naphthoyl)pyrrole structure**  
30           **with substitution at the nitrogen atom of the pyrrole ring by an**  
31           **alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,**  
32           **cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-**  
33           **(4-morpholinyl)ethyl group whether or not further substituted in**  
34           **the pyrrole ring to any extent, whether or not substituted in the**  
35           **benzyl or naphthyl ring to any extent.**

36 **(5)(4) Naphthylmethyloindenes**

37           **Any compound containing a naphthylideneindene structure with**  
38           **substitution at the 3-position of the indene ring by an alkyl,**  
39           **haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,**  
40           **benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-**  
41           **morpholinyl)ethyl group whether or not further substituted in**  
42           **the indene ring to any extent, whether or not substituted in the**  
43           **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.

**(12)(11) Indole-3-carboxylate esters**

Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl,

1           **isoquinolinyl or adamantyl group and substitution at the 1**  
2           **position of the indole ring by an alkyl, haloalkyl, cyanoalkyl,**  
3           **alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-**  
4           **piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or**  
5           **not further substituted on the indole ring to any extent and**  
6           **whether or not substituted on the naphthyl, quinolinyl,**  
7           **isoquinolinyl, adamantyl or benzyl groups to any extent.**

8   ~~(13)~~(12) **Indazole-3-carboxamides**

9           **Any compound containing a 1H-indazole-3-carboxamide**  
10          **structure with substitution at the nitrogen of the carboxamide by**  
11          **a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-**  
12          **amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and**  
13          **substitution at the 1 position of the indazole ring by an alkyl,**  
14          **haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,**  
15          **benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl**  
16          **group, whether or not further substituted on the indazole ring to**  
17          **any extent and whether or not substituted on the naphthyl,**  
18          **quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-**  
19          **alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.**

20   ~~(14)~~(13) **Indole-3-carboxamides**

21          **Any compound containing a 1H-indole-3-carboxamide structure**  
22          **with substitution at the nitrogen of the carboxamide by a**  
23          **naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-**  
24          **1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and**  
25          **substitution at the 1 position of the indole ring by an alkyl,**  
26          **haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,**  
27          **benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl**  
28          **group, whether or not further substituted on the indole ring to**  
29          **any extent and whether or not further substituted on the**  
30          **naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-**  
31          **oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any**  
32          **extent.**

33   ~~(15)~~(14) **(1H-indazol-3-yl)methanones**

34          **Any compound containing a (1H-indazol-3-yl)methanone**  
35          **structure with the carbonyl carbon bearing a naphthyl group**  
36          **and substitution at the 1 position of the indazole ring by an alkyl,**  
37          **haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-**  
38          **methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group,**  
39          **whether or not further substituted on the indazole ring to any**  
40          **extent and whether or not substituted on the naphthyl or benzyl**  
41          **groups to any extent.**

42   **Sec. 79. On and after the effective date of this act, if the secretary**  
43   **of state publishes notice of the certification required pursuant to**

1 section 83, and amendments thereto, K.S.A. 65-4107 is hereby  
2 amended to read as follows: 65-4107. (a) The controlled substances  
3 listed in this section are included in schedule II and the number set  
4 forth opposite each drug or substance is the DEA controlled  
5 substances code which has been assigned to it.

6 (b) Any of the following substances, except those narcotic drugs  
7 listed in other schedules, whether produced directly or indirectly by  
8 extraction from substances of vegetable origin or independently by  
9 means of chemical synthesis or by combination of extraction and  
10 chemical synthesis:

11 (1) Opium and opiate and any salt, compound, derivative or  
12 preparation of opium or opiate, excluding apomorphine, dextrorphan,  
13 nalbuphine, nalmefene, naloxone and naltrexone and their respective  
14 salts, but including the following:

15 (A) Raw opium.....	9600
16 (B) Opium extracts.....	9610
17 (C) Opium fluid.....	9620
18 (D) Powdered opium.....	9639
19 (E) Granulated opium.....	9640
20 (F) Tincture of opium.....	9630
21 (G) Codeine.....	9050
22 (H) Ethylmorphine.....	9190
23 (I) Etorphine hydrochloride.....	9059
24 (J) Hydrocodone.....	9193
25 (K) Hydromorphone.....	9150
26 (L) Metopon.....	9260
27 (M) Morphine.....	9300
28 (N) Oxycodone.....	9143
29 (O) Oxymorphone.....	9652
30 (P) Thebaine.....	9333
31 (Q) Dihydroetorphine.....	9334
32 (R) Oripavine.....	9330

33 (2) Any salt, compound, isomer, derivative or preparation thereof  
34 which is chemically equivalent or identical with any of the substances  
35 referred to in paragraph (1), but not including the isoquinoline  
36 alkaloids of opium.

37 (3) Opium poppy and poppy straw.

38 (4) Coca leaves (9040) and any salt, compound, derivative or  
39 preparation of coca leaves, but not including decocainized coca leaves  
40 or extractions which do not contain cocaine (9041) or ecgonine (9180).

41 (5) Cocaine, its salts, isomers and salts of isomers (9041).

42 (6) Ecgonine, its salts, isomers and salts of isomers (9180).

43 (7) Concentrate of poppy straw (the crude extract of poppy straw

- 1 in either liquid, solid or powder form which contains the  
 2 phenanthrene alkaloids of the opium poppy) (9670).
- 3 (c) Any of the following opiates, including their isomers, esters,  
 4 ethers, salts and salts of isomers, esters and ethers, whenever the  
 5 existence of these isomers, esters, ethers and salts is possible within the  
 6 specific chemical designation dextrophan and levopropoxyphene  
 7 excepted:
- 8 (1) Alfentanil.....9737  
 9 (2) Alphaprodine.....9010  
 10 (3) Anileridine.....9020  
 11 (4) Bezitramide.....9800  
 12 (5) Bulk dextropropoxyphene (nondosage forms).....9273  
 13 (6) Carfentanil.....9743  
 14 (7) Dihydrocodeine.....9120  
 15 (8) Diphenoxylate.....9170  
 16 (9) Fentanyl.....9801  
 17 (10) Isomethadone.....9226  
 18 (11) Levomethorphan.....9210  
 19 (12) Levorphanol.....9220  
 20 (13) Metazocine.....9240  
 21 (14) Methadone.....9250  
 22 (15) Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-diphenyl  
 23 butane.....9254  
 24 (16) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-  
 25 diphenylpropane-carboxylic acid.....9802  
 26 (17) Pethidine (meperidine).....9230  
 27 (18) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine  
 28 .....9232  
 29 (19) Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-  
 30 carboxylate.....9233  
 31 (20) Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-  
 32 carboxylic acid.....9234  
 33 (21) Phenazocine.....9715  
 34 (22) Piminodine.....9730  
 35 (23) Racemethorphan.....9732  
 36 (24) Racemorphan.....9733  
 37 (25) Sufentanil.....9740  
 38 (26) Levo-alpha-acetyl methadol.....9648  
 39 Some other names: levo-alpha-acetyl methadol, levomethadyl  
 40 acetate or LAAM.
- 41 (27) Remifentanil.....9739  
 42 (28) Tapentadol.....9780  
 43 (29) Thiafentanil.....9729

- 1 (d) Any material, compound, mixture, or preparation which  
 2 contains any quantity of the following substances having a potential  
 3 for abuse associated with a stimulant effect on the central nervous  
 4 system:
- 5 (1) Amphetamine, its salts, optical isomers and salts of its optical  
 6 isomers.....1100  
 7 (2) Phenmetrazine and its salts.....1631  
 8 (3) Methamphetamine, including its salts, isomers and salts of  
 9 isomers.....1105  
 10 (4) Methylphenidate.....1724  
 11 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers. 1205
- 12 (e) Unless specifically excepted or unless listed in another  
 13 schedule, any material, compound, mixture or preparation which  
 14 contains any quantity of the following substances having a depressant  
 15 effect on the central nervous system, including its salts, isomers and  
 16 salts of isomers whenever the existence of such salts, isomers and salts  
 17 of isomers is possible within the specific chemical designation:
- 18 (1) Amobarbital.....2125  
 19 (2) Glutethimide.....2550  
 20 (3) Secobarbital.....2315  
 21 (4) Pentobarbital.....2270  
 22 (5) Phencyclidine.....7471
- 23 (f) Any material, compound, mixture, or preparation which  
 24 contains any quantity of the following substances:
- 25 (1) Immediate precursor to amphetamine and methamphetamine:  
 26 (A) Phenylacetone.....8501  
 27 Some trade or other names: phenyl-2-propanone; P2P; benzyl  
 28 methyl ketone; methyl benzyl ketone.  
 29 (2) Immediate precursors to phencyclidine (PCP):  
 30 (A) 1-phenylcyclohexylamine.....7460  
 31 (B) 1-piperidinocyclohexanecarbonitrile (PCC).....8603  
 32 (3) Immediate precursor to fentanyl:  
 33 (A) 4-anilino-N-phenethyl-4-piperidine (ANPP).....8333
- 34 (g) Any material, compound, mixture or preparation which  
 35 contains any quantity of the following hallucinogenic substance, its  
 36 salts, isomers and salts of isomers, unless specifically excepted,  
 37 whenever the existence of these salts, isomers and salts of isomers is  
 38 possible within the specific chemical designation:
- 39 (1) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral  
 40 solution in a drug product approved for marketing by the United  
 41 States food and drug administration.....7365  
 42 (2) *Marijuana*.....7360  
 43 (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

(i) Any 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.}

Sec. ~~74~~ 80. K.S.A. 79-5201 is hereby amended to read as follows: 79-5201. As used in this act article 52 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto:

(a) "~~Marijuana~~" means any marijuana, whether real or counterfeit, as



1 defined by K.S.A. 2020 Supp. 21-5701, and amendments thereto, which is  
2 held, possessed, transported, transferred, sold or offered to be sold in  
3 violation of the laws of Kansas;

4 (b)—"Controlled substance" means any drug or substance, whether real  
5 or counterfeit, as defined by K.S.A. 2020 Supp. 21-5701, and amendments  
6 thereto, ~~which~~ that is held, possessed, transported, transferred, sold or  
7 offered to be sold in violation of the laws of Kansas. Such term shall not  
8 include marijuana;

9 (e)(b) "dealer" means any person who, in violation of Kansas law,  
10 manufactures, produces, ships, transports or imports into Kansas or in any  
11 manner acquires or possesses more than 28 grams of marijuana, or more  
12 than one gram of any controlled substance, or 10 or more dosage units of  
13 any controlled substance ~~which~~ that is not sold by weight;

14 (d)(c) "domestic marijuana plant" means any cannabis plant at any  
15 level of growth ~~which~~ that is harvested or tended, manicured, irrigated,  
16 fertilized or where there is other evidence that it has been treated in any  
17 other way in an effort to enhance growth;

18 (d) "*marijuana*" means any marijuana, whether real or counterfeit,  
19 as defined in K.S.A. 2020 Supp. 21-5701, and amendments thereto, that is  
20 held, possessed, transported, transferred, sold or offered for sale in  
21 violation of the laws of Kansas; and

22 (e) "*medical marijuana*" means the same as defined in section 2, and  
23 amendments thereto.

24 Sec. ~~75~~. **81.** K.S.A. 79-5210 is hereby amended to read as follows:  
25 79-5210. Nothing in this act requires persons registered under article 16 of  
26 chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*, or  
27 otherwise lawfully in possession of marijuana, *medical marijuana* or a  
28 controlled substance to pay the tax required under this act.

29 Sec. ~~76~~. **82.** K.S.A. ~~44-1009, 44-1015~~, 65-28b08, 79-5201 and 79-  
30 5210 and K.S.A. 2020 Supp. **19-101a**, 21-5703, 21-5705, 21-5706, 21-  
31 5707, 21-5709, 21-5710, 23-3201, 38-2269, 44-501, 44-706 and 65-1120  
32 are hereby repealed.

33 **New Sec. 83. (a) If marijuana is rescheduled from schedule I of**  
34 **the controlled substances act, 21 U.S.C. § 812, the secretary of health**  
35 **and environment shall certify to the secretary of state that such**  
36 **rescheduling has occurred. Upon receipt of such certification, the**  
37 **secretary of state shall cause a notice of such certification to be**  
38 **published in the Kansas register.**

39 **(b) On and after the effective date of this act and the publication**  
40 **of the notice by the secretary of state in the Kansas register as**  
41 **provided by subsection (a), K.S.A. 65-4107, K.S.A. 2020 Supp. 21-5706**  
42 **and 65-4105 and sections 2, 3, 4, 17, 18, 30 and 39 of this act are**  
43 **hereby repealed.**

- 1       Sec. ~~77~~ **84**. This act shall take effect and be in force from and after
- 2       its publication in the statute book.