

HOUSE BILL No. 2691

By Committee on Health and Human Services

2-12

1 AN ACT enacting the Kansas safe access act; providing for the legal use
2 of cannabis for medical conditions; providing for the registration and
3 functions of compassion centers; authorizing the issuance of
4 identification cards; establishing the compassion board; providing for
5 administration of the act by the department of health and environment.
6

7 WHEREAS, Cannabis has been used as a medicine for at least 5,000
8 years and can be effective for serious medical conditions for which
9 conventional medications fail to provide relief; and

10 WHEREAS, Modern medical research has shown that cannabis can
11 slow the progression of such serious diseases as Alzheimer's and
12 Parkinson's and stop HIV and cancer cells from spreading; has both anti-
13 inflammatory and pain-relieving properties; can alleviate the symptoms of
14 epilepsy, post traumatic stress disorder and multiple sclerosis; is useful in
15 the treatment of depression, anxiety and other mental disorders; and can
16 help reverse neurological damage from brain injuries and stroke; and

17 WHEREAS, The World Health Organization has acknowledged the
18 therapeutic effects of cannabinoids, the primary active compounds found
19 in cannabis, including as an anti-depressant, appetite stimulant,
20 anticonvulsant and anti-spasmodic, and identified cannabinoids as
21 beneficial in the treatment of asthma, glaucoma, and nausea and vomiting
22 related to illnesses such as cancer and AIDS; and

23 WHEREAS, The American Medical Association has called for the
24 review of the classification of cannabis as a schedule I controlled
25 substance to allow for clinical research and the development of
26 cannabinoid-based medicines; and

27 WHEREAS, The National Cancer Institute has concluded that cannabis
28 has antiemetic effects and is beneficial for appetite stimulation, pain relief,
29 and improved sleep among cancer patients; and

30 WHEREAS, The American Herbal Pharmacopoeia and the American
31 Herbal Products Association have developed qualitative standards for the
32 use of cannabis as a botanical medicine; and

33 WHEREAS, The U.S. Supreme Court has long noted that states may
34 operate as "laboratories of democracy" in the development of innovative
35 public policies; and

36 WHEREAS, Twenty-three states and the District of Columbia have

1 enacted laws that allow for the medical use of cannabis; and

2 WHEREAS, Seventeen additional states have enacted laws authorizing
3 the medical use of therapeutic compounds extracted from the cannabis
4 plant; and

5 WHEREAS, More than 17 years of state-level experimentation
6 provides a guide for state and federal law and policy related to the medical
7 use of cannabis; and

8 WHEREAS, Accredited educational curricula concerning the medical
9 use of cannabis have been established that meets Continuing Medical
10 Education requirements for practicing physicians; and

11 WHEREAS, Congress has prohibited the federal Department of Justice
12 from using funds to interfere with and prosecute those acting in
13 compliance with their state medical cannabis laws, and the Department of
14 Justice has issued guidance to U.S. Attorneys indicating that enforcement
15 of the Controlled Substances Act is not a priority when individual patients
16 and their care providers are in compliance with state law, and that federal
17 prosecutors should defer to state and local enforcement so long as a viable
18 state regulatory scheme is in place.

19 Now, therefore:

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

21 Section 1. Sections 1 through 26, and amendments thereto, shall be
22 known as the Kansas safe access act.

23 Sec. 2. (a) Data from the federal bureau of investigation's uniform
24 crime reports and the compendium of federal justice statistics show that
25 approximately 99 out of every 100 cannabis arrests in the United States are
26 made under state law, rather than under federal law. Consequently,
27 changing state law will have the practical effect of protecting from arrest
28 the vast majority of seriously ill patients who have a medical need to use
29 cannabis.

30 (b) The legislature of the state of Kansas declares that the Kansas safe
31 access act is enacted pursuant to the police power of the state to protect the
32 health of its citizens that is reserved to the state of Kansas and its people
33 under the 10th amendment to the constitution of the United States.

34 Sec. 3. The following terms, as used in the Kansas safe access act,
35 shall have the meanings set forth in this section:

36 (a) "Adverse employment action" means refusing to hire or employ a
37 qualified registered patient, barring or discharging a qualified registered
38 patient from employment, requiring a qualified registered patient to retire
39 from employment, or discriminating against a qualified registered patient
40 in compensation or in terms, conditions, or privileges of employment.

41 (b) "Cannabis" means all parts of all varieties of the plant cannabis
42 whether growing or not, the seeds thereof, the resin extracted from any
43 part of the plant and every compound, manufacture, salt, derivative,

1 mixture or preparation of the plant, its seeds or resin. It does not include
2 the mature stalks of the plant, fiber produced from the stalks, oil or cake
3 made from the seeds of the plant, any other compound, manufacture, salt,
4 derivative, mixture or preparation of the mature stalks, except the resin
5 extracted therefrom, fiber, oil, cake or the sterilized seed of the plant which
6 is incapable of germination.

7 (c) "Compassion board" means the board created under section 14,
8 and amendments thereto.

9 (d) "Compassion center staffer" means a principal officer, board
10 member, employee, volunteer or agent of a compassion center who has
11 been issued and possesses a valid identification card.

12 (e) "Department" means the department of health and environment.

13 (f) (1) "Excluded felony offense" means:

14 (A) A crime involving violence against another person that was
15 classified as a felony in the jurisdiction where the conviction occurred; or

16 (B) a violation of a state or federal controlled substance law that was
17 classified as a felony in the jurisdiction where the conviction occurred.

18 (2) An "excluded felony offense" does not include:

19 (A) An offense for which the sentence, including any term of
20 probation, incarceration or supervised release, was completed 10 or more
21 years earlier; or

22 (B) an offense that consisted of conduct for which the Kansas safe
23 access act would likely have prevented a conviction, but the conduct either
24 occurred prior to the enactment of the Kansas safe access act or was
25 prosecuted by an authority other than the state of Kansas.

26 (g) "Extract "is defined as the final product, derived by various
27 methods, of separating plant material from chemical compounds.

28 (h) "Identification card" means a document issued by the department
29 that identifies a person as a registered qualifying patient, registered
30 designated caregiver or a registered principal officer, board member,
31 employee, volunteer or agent of a registered compassion center.

32 (i) "Medical condition" means either a temporary disability or illness,
33 due to injury or surgery, or a permanent disability or illness which:

34 (1) Substantially limits the ability of the person to conduct one or
35 more major life activities as defined in the americans with disabilities act
36 of 1990 (Public Law 101-336); or

37 (2) if not alleviated, may cause serious harm to the patient's safety or
38 physical or mental health.

39 (j) "Patient" means a person who has been diagnosed by a practitioner
40 as having a debilitating medical condition.

41 (k) "Practitioner" means a physician or an advanced practice
42 registered nurse who possesses a license in good standing to practice
43 medicine or osteopathy issued by the Kansas board of healing arts or board

1 of nursing and who has taken responsibility for an aspect of the medical
2 care, treatment, diagnosis, counseling, or referral of a patient and who has
3 conducted a medical examination of that patient before recording in the
4 patient's medical record the physician's or advanced practice registered
5 nurse's assessment of whether the patient has a medical condition where
6 the medical use of cannabis is appropriate.

7 (l) "Primary caregiver" means the individual, designated by a
8 qualified patient or by a person with an identification card, who has
9 consistently assumed responsibility for the housing, health, or safety of
10 that patient or person, and may include any of the following:

11 (1) In any case in which a qualified patient or person with an
12 identification card receives medical care or supportive services, or both,
13 from a licensed clinic, a licensed health care facility, a licensed residential
14 care facility for persons with chronic life-threatening illness, a licensed
15 residential care facility for the elderly, a hospice, or a licensed home health
16 agency licensed pursuant to, the owner or operator, or no more than three
17 employees who are designated by the owner or operator, of the clinic,
18 facility, hospice, or home health agency, if designated as a primary
19 caregiver by a qualified patient or person with a registry identification
20 card;

21 (2) an individual who has been designated as a primary caregiver by
22 more than one qualified patient or person with an identification card, if
23 every qualified patient or person with an identification card who has
24 designated that individual as a primary caregiver and resides in the same
25 city or county as the primary caregiver;

26 (3) an individual who has been designated as a primary caregiver by a
27 qualified patient or person with an identification card who resides in a city
28 or county other than that of the primary caregiver; and

29 (4) a primary caregiver shall be at least 21 years of age, unless the
30 primary caregiver is the parent of a minor child who is a qualified patient
31 or a person with an identification card or the primary caregiver is a person
32 otherwise entitled to make medical decisions under state law.

33 (m) "Verification system" means a secure, password-protected, web-
34 based system that is operational 24 hours each day that law enforcement
35 personnel and compassion center staffers shall use to verify identification
36 cards and that shall be established and maintained by the department
37 pursuant this act.

38 (n) "Visiting qualifying patient" means a patient with a debilitating
39 medical condition who is not a resident of Kansas or who has been a
40 resident of Kansas less than 30 days.

41 (o) "Written documentation" means accurate reproductions of those
42 portions of a patient's medical records that have been created by the
43 attending practitioner, that contain the information that the patient may

1 submit to a county health department or its designee as part of an
2 application for an identification card.

3 Sec. 4. The purpose of this act is to:

4 (a) Provide legal protections to persons with medical conditions who
5 medicate with cannabis to alleviate the symptoms of such medical
6 condition under the supervision of a medical practitioner; and prohibits the
7 provisions of law making unlawful the possession or cultivation of
8 cannabis from applying to a patient's primary caregiver, who possesses or
9 cultivates cannabis for the medical purposes of the patient upon the written
10 recommendation of their practitioner;

11 (b) allow for the regulated cultivation, processing, manufacture,
12 delivery, distribution and possession of cannabis as permitted by this act;

13 (c) make illegal the property seizure and forfeiture of qualifying
14 patients who use cannabis as a medical treatment, or for the personal
15 caregivers who may assist those patients, the physicians and healthcare
16 professionals who certify patients as qualifying for medical use, or the
17 individuals who provide medical cannabis to qualified patients or
18 otherwise participate in accordance with state law and regulations in the
19 medical cannabis program;

20 (d) establish that neither the presence of cannabinoid components or
21 metabolites in a person's bodily fluids, nor conduct related to the medical
22 use of cannabis by a custodial or noncustodial parent, grandparent,
23 pregnant woman, legal guardian, or other person charged with the well-
24 being of a child, shall form the sole or primary basis for any action or
25 proceeding by a child welfare agency or a family or juvenile court because
26 their child, or ward, is a medical cannabis patient. This subsection shall
27 apply only to conduct in compliance with the Kansas safe access act;

28 (e) establish patient protection for the purposes of medical care,
29 including organ transplants, a qualifying patient's medical use of cannabis
30 does not constitute the use of an illicit substance or otherwise disqualify a
31 qualifying patient from medical care;

32 (f) establish protection for patients and caregivers, that unless
33 required by federal law or required to obtain federal funding, no landlord
34 may refuse to rent a dwelling unit to a person or take action against a
35 tenant solely on the basis of an individual's status of a qualifying patient or
36 identification cardholder under this act;

37 (g) ensure that patient and caregiver insurance coverage of any type
38 shall not be endangered because of a person's status as a medical cannabis
39 patient;

40 (h) guarantee that medicine availability shall not be hampered to any
41 patient, and that it shall be available to all medical cannabis patients in any
42 environment where other medications are allowed;

43 (i) establish that a patient or caregiver may assert the medical purpose

1 for using cannabis as a defense, or appeal, to any prosecution, or
2 conviction, of an offense involving cannabis intended for the patient's
3 medical use, and that this defense shall be presumed valid where the
4 evidence shows that:

5 (1) A practitioner has stated that, in the practitioner's professional
6 opinion, after having completed a full assessment of the patient's medical
7 history and current medical condition, the patient is likely to receive, or
8 would have received therapeutic or palliative benefit from the medical use
9 of cannabis to treat or alleviate the patient's medical condition or
10 symptoms associated with the patient's medical condition;

11 (2) the patient and the patient's designated caregiver, if any, were
12 collectively in possession of a quantity of cannabis that was not more than
13 was reasonably necessary to ensure the uninterrupted availability of
14 cannabis for the purpose of treating or alleviating the patient's medical
15 condition or symptoms associated with the patient's medical condition;

16 (3) the patient or caregiver was engaged in the acquisition,
17 possession, cultivation, manufacture, use or transportation of cannabis,
18 paraphernalia, or both, relating to the administration of cannabis solely to
19 treat or alleviate the patient's medical condition or symptoms associated
20 with the patient's medical condition;

21 (4) the person may assert the medical purpose for using cannabis in a
22 motion to dismiss, and the charges shall be dismissed following an
23 evidentiary hearing where the person shows the elements listed in
24 paragraphs (1), (2) and (3); and

25 (5) if a patient demonstrates the patient's medical purpose for using
26 cannabis pursuant to this section the patient and the patient's designated
27 caregiver shall not be subject to the following for the patient's use of
28 cannabis for medical purposes:

29 (A) Disciplinary action by an occupational or professional licensing
30 board or bureau; or

31 (B) forfeiture of any interest in or right to property;

32 (j) recognize established federal protection for Native American
33 growers, collectives and compassion centers. Kansas shall in no way
34 impede the rights of indigenous peoples;

35 (k) recognize that worker's compensation should cover medical
36 cannabis as it would all other medications;

37 (l) guarantee medical cannabis patients shall fully retain all rights,
38 including their second amendment rights; and

39 (m) establish that medical cannabis patients will be protected from
40 warrantless drug enforcement administration's medical record searches.

41 Sec. 5. (a) This act prohibits any practitioner from being punished, or
42 denied any right or privilege, for having recommended cannabis to a
43 patient for medical purposes. The act prohibits the provisions of law

1 making unlawful the possession or cultivation of cannabis from applying
2 to a patient, or to a patient's primary caregiver, who possesses or cultivates
3 cannabis for the personal medical purposes of the patient upon the written
4 or oral recommendation or approval of a practitioner.

5 (b) A practitioner shall not be subject to arrest, prosecution or penalty
6 in any manner, or denied any right or privilege, including, but not limited to,
7 civil penalty or disciplinary action by the state board of healing arts or
8 by any other occupational or professional licensing board or bureau, solely
9 for providing written certifications or for otherwise stating that, in the
10 practitioner's professional opinion, a patient is likely to receive therapeutic
11 benefit from the medical use of cannabis to treat or alleviate the patient's
12 medical condition or symptoms associated with the medical condition.

13 (c) Nothing in the Kansas safe access act shall prevent a professional
14 licensing board from sanctioning a practitioner for failing to properly
15 evaluate a patient's medical condition or otherwise violating the standard
16 of care for evaluating medical conditions.

17 (d) For practitioners to qualify to recommend medical cannabis they
18 must fulfill requirements as outlined by the compassion board.

19 (e) Continuing education units covering medical cannabis are
20 available online and if approved by the board of healing arts or the board
21 of nursing practitioners will be encouraged to take courses in the
22 endocannabinoid (ECS) system, basic cannabis science, cannabis and
23 palliative care and classes on dosage and delivery systems.

24 (f) Seminars on the Kansas safe access act shall be made available in
25 every county for all medical practitioners and first responders, either in
26 person or by teleconference.

27 (g) All practitioner educational and seminar information shall be
28 provided on the Kansas safe access act website.

29 Sec. 6. (a) A person shall not be subject to arrest, prosecution or
30 penalty in any manner, or denied any right or privilege, including, but not
31 limited to, civil penalty or disciplinary action by a court or occupational or
32 professional licensing board or bureau, for providing a registered
33 qualifying patient or a registered designated caregiver with cannabis
34 paraphernalia for purposes of a qualifying patient's medical use of
35 cannabis.

36 (b) Any cannabis, cannabis paraphernalia, licit property or interest in
37 licit property that is possessed, owned or used in connection with the
38 medical use of cannabis as allowed under the Kansas safe access act, or
39 acts incidental to such use, shall not be seized or forfeited.

40 (c) The Kansas safe access act shall not prevent the seizure or
41 forfeiture of cannabis exceeding the amounts allowed under such act.

42 (d) A person shall not be subject to arrest, prosecution or penalty in
43 any manner, or denied any right or privilege, including, but not limited to,

1 civil penalty or disciplinary action by a court or occupational or
2 professional licensing board or bureau, simply for being in the presence or
3 vicinity of the medical use of cannabis as allowed under the Kansas safe
4 access act, or for assisting a registered qualifying patient with using or
5 administering cannabis.

6 Sec. 7. (a) This act would require the department to establish and
7 maintain a program for the issuance of identification cards to qualified
8 patients and would establish procedures under which a qualified patient
9 with an identification card may use cannabis for medical purposes.

10 (b) The act would impose various duties upon county health
11 departments relating to the issuance of identification cards, thus creating a
12 state-mandated local program.

13 (c) The department shall issue identification cards to qualifying
14 patients who submit the following, in accordance with the department's
15 rules and regulations:

16 (1) Written certification;

17 (2) application or renewal fee;

18 (3) name, address and date of birth of the qualifying patient, except
19 that if the applicant is homeless, no address is required;

20 (4) name, address and telephone number of the qualifying patient's
21 practitioner;

22 (5) name, address and date of birth of the designated caregiver
23 designated, if any, by the qualifying patient;

24 (6) a statement signed by the qualifying patient, pledging not to divert
25 cannabis to anyone who is not allowed to possess cannabis pursuant to the
26 Kansas safe access act; and

27 (7) a signed statement from the designated caregiver, if any, agreeing
28 to be designated as the patient's designated caregiver and pledging not to
29 divert cannabis to anyone who is not allowed to possess cannabis pursuant
30 to the Kansas safe access act.

31 (d) The department shall not issue an identification card to a
32 qualifying patient who is younger than 18 years of age unless:

33 (1) The qualifying patient's practitioner has explained the potential
34 risks and benefits of the medical use of cannabis to the custodial parent or
35 legal guardian with responsibility for health care decisions for the
36 qualifying patient; and

37 (2) the custodial parent or legal guardian with responsibility for
38 health care decisions for the qualifying patient consents in writing to:

39 (A) Allow the qualifying patient's medical use of cannabis;

40 (B) serve as the qualifying patient's designated caregiver; and

41 (C) control the acquisition of the cannabis, the dosage and the
42 frequency of the medical use of cannabis by the qualifying patient.

43 (e) An identification card, or its equivalent, that is issued under the

1 laws of another state, district, territory, commonwealth or insular
2 possession of the United States that allows, in the jurisdiction of issuance,
3 a visiting qualifying patient to possess cannabis for medical purposes, shall
4 have the same force and effect as an identification card issued by the
5 department.

6 (1) Upon verification via state of origin verification system, or
7 documents sent by state of origin governing medical cannabis department,
8 out-of-state patients can purchase medicine.

9 (2) A copy of their card and all other information will be entered into
10 the compassion center patient data base and also kept in hard copy.

11 (3) All files must be retained for as long as the compassion center is
12 operational.

13 (4) If the compassion center should close, the department and the
14 compassion board are to have a process in place within 90 days of the
15 approval of this act for either secure destruction or storage of patient files.

16 (f) The department shall verify the information contained in an
17 application or renewal submitted pursuant to this section and shall approve
18 or deny an application or renewal within 15 days of receiving it.

19 (1) The department may not deny an application or renewal only if
20 the applicant did not provide the information required pursuant to this
21 section, rather, the application must be sent back and the missing
22 information outlined. The application information will not be entered into
23 the system and will be considered as a non- submittal.

24 (2) The department may deny an application if the applicant
25 previously had an identification card revoked for violating the Kansas safe
26 access act or if the department determines that the information provided
27 was falsified.

28 (3) Applicants will be allowed to appeal first rejections to the
29 compassion board for review. Rejection of an application, or renewal, by
30 the compassion board is considered a final department action, subject to
31 judicial review. All administrative proceedings are subject to the Kansas
32 administrative procedure act and in accordance with the judicial review
33 act.

34 (g) The department shall issue an identification card to the designated
35 caregiver, if any, who is named in a qualifying patient's approved
36 application provided that the designated caregiver meets the requirements
37 of subsection (c)(1), (2), (3), (4), (5) and (7).

38 (1) The department shall notify the qualifying patient who has
39 designated someone to serve as the patient's designated caregiver if an
40 identification card will not be issued to the designated person.

41 (2) A designated caregiver shall be issued an identification card each
42 time the designated caregiver is designated by a qualifying patient.

43 (h) The department shall issue temporary identification cards to

1 qualifying patients, and to designated caregivers at the time of approval,
2 and permanent cards within 30 days of approving an application or
3 renewal.

4 (i) Each identification card shall expire one year after the date of
5 issuance, unless the practitioner states in the written certification that the
6 practitioner believes the qualifying patient would benefit from medical
7 cannabis only until a specified earlier or later date, then the identification
8 card shall expire on that date.

9 (j) Identification cards shall contain all of the following:

10 (1) Name, address and date of birth of the qualifying patient;

11 (2) name, address and date of birth of the designated caregiver, if any,
12 and of the qualifying patient;

13 (3) the date of issuance and expiration date of the identification card;

14 (4) a random 20-digit alphanumeric identification number, containing
15 at least four numbers and at least four letters, that is unique to the
16 cardholder;

17 (5) if the cardholder is a designated caregiver, the random
18 identification number of the registered qualifying patient the designated
19 caregiver is assisting; and

20 (6) a photograph, if the department decides to require one.

21 (k) The following notifications and department responses are
22 required:

23 (1) A registered qualifying patient shall notify the department of any
24 change of name, address or designated caregiver, or if the registered
25 qualifying patient ceases to have a debilitating medical condition, within
26 30 days of such change via the website or customer service phone number;

27 (2) a registered qualifying patient who fails to notify the department
28 of any of these changes may be subject to a civil penalty of no more than
29 \$150 levied by the department;

30 (3) any registered designated caregiver or compassion center staffer
31 must notify the department of any change in name or address within 30
32 days of such change. A registered designated caregiver or compassion
33 center staffer who fails to notify the department of any of these changes
34 may be subject to a civil penalty of no more than \$150 levied by the
35 department;

36 (4) when a cardholder notifies the department of any changes listed in
37 this subsection, the department shall issue the cardholder a new
38 identification card within 10 days of receiving the updated information and
39 a \$10 fee. If the person notifying the department is a registered qualifying
40 patient, the department shall also issue the patient's registered designated
41 caregiver, if any, a new identification card within 10 days of receiving the
42 updated information;

43 (5) when a registered qualifying patient ceases to be a registered

1 qualifying patient or changes the registered designated caregiver, the
2 department shall notify the designated caregiver within 10 days. The
3 registered designated caregiver's protections under the Kansas safe access
4 act as to that qualifying patient shall expire 10 days after notification by
5 the department; and

6 (6) if a cardholder loses the identification card, the cardholder shall
7 notify the department within 10 days of losing the identification card and
8 submit a \$10 fee within 30 days of losing the card. Within five days after
9 such notification, the department shall issue a new identification card.

10 (l) Mere possession of, or application for, an identification card shall
11 not constitute probable cause or reasonable suspicion, nor shall it be used
12 to support the search of the person or property of the person possessing or
13 applying for the identification card. The possession of, or application for,
14 an identification card shall not preclude the existence of probable cause if
15 probable cause exists on other grounds.

16 (1) The following confidentiality rules shall apply:

17 (A) Applications and supporting information submitted by qualifying
18 patients and designated caregivers, including information regarding their
19 designated caregivers and practitioners, are confidential;

20 (B) applications and supporting information submitted by compassion
21 centers and compassion center personnel operating in compliance with the
22 Kansas safe access act, including the physical addresses of compassion
23 centers, are confidential; and

24 (C) the department shall maintain a confidential list of the persons to
25 whom the department has issued identification cards. Individual names
26 and other identifying information on the list shall be confidential, exempt
27 from the Kansas open records act, and not subject to disclosure, except to
28 authorized employees of the department as necessary to perform official
29 duties of the department.

30 (2) The provisions of paragraph (1) regarding confidentiality shall
31 expire on June 30, 2021, unless the legislature acts to reenact such
32 provisions. The provisions of paragraph (1) shall be reviewed by the
33 legislature prior to July 1, 2021.

34 (m) The application for qualifying patients' identification cards shall
35 include a question asking whether the patient would like the department to
36 notify the patient of any clinical studies regarding cannabis' risk or
37 efficacy that seek human subjects. The department shall inform those
38 patients who answer in the affirmative of any such studies it is notified of
39 that will be conducted in the United States.

40 (n) Fraudulent representation to a law enforcement official of any fact
41 or circumstance relating to the medical use of cannabis to avoid arrest or
42 prosecution shall be punishable by a fine of \$500, which shall be in
43 addition to any other penalties that may apply for making a false statement

1 or for the use of cannabis other than use undertaken pursuant to the Kansas
2 safe access act.

3 Sec. 8. The following provisions govern the registration of
4 compassion centers:

5 (a) The department shall register a compassion center and issue a
6 registration certificate, with a random 20-digit alphanumeric identification
7 number, within 90 days of receiving an application for a compassion
8 center if the following conditions are met:

9 (1) The prospective compassion center provided the following:

10 (A) An application or renewal fee;

11 (B) the legal name of the compassion center;

12 (C) the physical address of the compassion center and the physical
13 address of one additional location, if any, where cannabis will be
14 cultivated, neither of which may be within 1000 feet of a preexisting
15 public or private school;

16 (D) the name, address and date of birth of each principal officer and
17 board member of the compassion center;

18 (E) the name, address and date of birth of any person who is an agent
19 of or employed by the compassion center;

20 (F) operating regulations that include procedures for the oversight of
21 the compassion center, procedures to ensure accurate record-keeping,
22 patient database security, security of patient paper files and security
23 measures to deter and prevent unauthorized entrance into areas containing
24 cannabis and prevent the theft of cannabis, and proof of compliance with
25 any other oversight rules and regulations issued by the department as set
26 out in subsection (b);

27 (G) if the city or county in which the compassion center would be
28 located has enacted reasonable zoning restrictions, a sworn and truthful
29 statement that the registered compassion center would be in compliance
30 with those restrictions;

31 (H) issuing the compassion center a registration would not be in
32 violation of a reasonable limitation on the number of registered
33 compassion centers that can operate in the jurisdiction in which it would
34 operate; and

35 (I) none of the principal officers or board members have been
36 convicted of an offense that was classified as a felony in the jurisdiction
37 where the person was convicted, unless the offense consisted of conduct
38 for which the Kansas safe access act would likely have prevented a
39 conviction, but the conduct either occurred prior to the enactment of the
40 Kansas safe access act or was prosecuted by an authority other than the
41 state of Kansas; principal officers or board members can prove their past
42 felonies would have been negated by the Kansas safe access act by
43 providing the department with medical records from the time of the felony

1 for the patient, or the patient receiving care from the caregiver; and

2 (2) none of the prospective principal officers or board members have
3 served as a principal officer or board member for a registered compassion
4 center that has had its registration certificate revoked. None of the
5 principal officers or board members are younger than 21 years of age. The
6 compassion center has been approved for registration by the compassion
7 board.

8 (b) Not later than 90 days after the effective date of the Kansas safe
9 access act, the department, in consultation with the compassion board,
10 shall adopt any further rules and regulations establishing application and
11 renewal fees for registry identification cards and compassion center
12 registration certificates, including reasonable rules and regulations
13 governing:

14 (1) The form and content of compassion center registration and
15 renewal applications;

16 (2) minimum oversight requirements for registered compassion
17 centers;

18 (3) minimum record keeping requirements for registered compassion
19 centers;

20 (4) minimum security requirements for registered compassion
21 centers; and

22 (5) procedures for suspending or terminating the registration of
23 registered compassion centers that violate the provisions of the Kansas
24 safe access act or the rules and regulations promulgated pursuant to this
25 section.

26 (c) The department, in consultation with the compassion board, shall
27 design rules and regulations with the goal of protecting against diversion
28 and theft, without imposing an undue burden on the registered compassion
29 centers or compromising the confidentiality of registered qualifying
30 patients and their registered designated caregivers.

31 (d) Any dispensing records that a registered compassion center is
32 required to keep, shall track transactions according to registered qualifying
33 patients', registered designated caregivers' and registered compassion
34 centers' registry identification numbers, rather than their names, to protect
35 their confidentiality. Fees shall be in accordance with the following
36 parameters:

37 (1) Compassion center application fees may not exceed \$1,000;

38 (2) compassion center renewal fees may not exceed \$1,000;

39 (3) the department may establish a sliding scale of patient application
40 and renewal fees based upon a qualifying patient's family income; and

41 (4) the department may accept donations from private sources in
42 order to reduce the application and renewal fees.

43 Sec. 9. (a) Except as provided in subsection (a)(1), the department

1 shall issue each compassion center staffer an identification card and log-in
2 information for the verification system within 10 days of receipt of the
3 person's name, address, date of birth and a fee in an amount established by
4 the department. Each card shall specify that the cardholder is a principal
5 officer, board member, agent, volunteer or employee of a registered
6 compassion center and shall contain the following:

7 (1) The legal name of the registered compassion center with which
8 the compassion center staffer is affiliated;

9 (2) a random 20-digit alphanumeric identification number that is
10 unique to the cardholder;

11 (3) the date of issuance and expiration date of the identification card;

12 (4) a photograph, if the department decides to require one; and

13 (5) a statement signed by the prospective principal officer, board
14 member, agent, volunteer or employee pledging not to divert cannabis to
15 anyone who is not allowed to possess cannabis pursuant to the Kansas safe
16 access act.

17 (b) (1) The department shall not issue an identification card to any
18 compassion center staffer who has been convicted of an offense that was
19 classified as a felony in the jurisdiction where the person was convicted,
20 unless the offense consisted of conduct for which the Kansas safe access
21 act would likely have prevented a conviction, but the conduct either
22 occurred prior to the enactment of the Kansas safe access act or was
23 prosecuted by an authority other than the state of Kansas, whether as a
24 patient or caregiver. Patients and caregivers who can prove their past
25 felonies would have been negated by the Kansas safe access act by
26 providing to the department medical records from the time of the felony
27 for the patient, or records that the patient was receiving care from the
28 caregiver.

29 (2) The department may conduct a background check of each
30 compassion center staffer in order to carry out this provision.

31 (3) The department shall notify the registered compassion center in
32 writing of the reason for denying the identification card.

33 (c) The department shall not issue an identification card to any
34 principal officer, board member, agent, volunteer or employee of a
35 registered compassion center who is younger than 21 years of age:

36 (1) The department may refuse to issue an identification card to a
37 compassion center staffer who has had a card revoked for violating the
38 Kansas safe access act.

39 (2) A registered compassion center's registration certificate and the
40 identification card for each compassion center staffer shall expire one year
41 after the date of issuance.

42 (3) The department shall issue a renewal compassion center
43 registration certificate within 10 days to any registered compassion center

1 that submits a renewal fee, provided that its registration is not suspended
2 and has not been revoked.

3 (4) The department shall issue a renewal identification card within 10
4 days to any compassion center staffer who submits a renewal fee, except
5 as provided by subsection (c)(1).

6 (5) An identification card of a compassion center staffer shall expire
7 and the person's login information to the verification system shall be
8 deactivated upon notification by a registered compassion center that such
9 person ceased to work at the registered compassion center.

10 (A) A registered compassion center shall notify the department within
11 10 days of when a compassion center staffer ceases to work at the
12 registered compassion center.

13 (B) A registered compassion center shall notify the department in
14 writing of the name, address and date of birth of any new compassion
15 center staffer and shall submit a fee in an amount established by the
16 department for a new identification card before a new compassion center
17 staffer begins working at the registered compassion center.

18 (d) Registered compassion centers are subject to reasonable
19 inspection by the department. The department shall give at least 24 hours'
20 notice of an inspection.

21 (e) A registered compassion center shall be operated on a not-for-
22 profit basis for the mutual benefit of its members and patrons.

23 (1) The bylaws of a registered compassion center or its contracts with
24 patrons shall contain such provisions relative to the disposition of revenues
25 and receipts as may be necessary and appropriate to establish and maintain
26 its nonprofit character.

27 (2) A registered compassion center need not be recognized as tax
28 exempt by the internal revenue service and is not required to be
29 incorporated.

30 (3) If the entity makes a profit during any period, this excess must be
31 returned to members via health support services, income based, sliding
32 scale product pricing, free medicine for hospice patients, donated into the
33 broader community or put back into the organization, based on the will of
34 the members and board of directors expressed via vote.

35 (4) As long as wages of management and officers of a compassion
36 center remain reasonable they can be increased by a vote of the
37 compassion center board. Compassion centers must document the rationale
38 for any raises and bonuses given, and must be in agreement with local
39 ordinances.

40 (f) A registered compassion center is prohibited from acquiring,
41 possessing, cultivating, manufacturing, delivering, transferring,
42 transporting, supplying or dispensing cannabis for any purpose except to
43 assist registered qualifying patients with the medical use of cannabis

1 directly or through the qualifying patients' designated caregivers. All
2 principal officers and board members of a registered compassion center
3 must be residents of the state of Kansas.

4 (g) All cultivation of cannabis must take place in a secured location
5 or facility which can only be accessed by principal officers, board
6 members, agents, volunteers or employees of the registered compassion
7 center who are identification cardholders. Security should include but not
8 limited to cameras, security staff and secured doors.

9 (h) County and city governments may enact reasonable limits, taking
10 into consideration the needs of their seriously ill residents and the will of
11 their citizens, on the number of registered compassion centers that can
12 operate in their jurisdictions and may enact zoning regulations that
13 reasonably limit registered compassion centers to certain areas of their
14 jurisdictions, preferably after open hearings on the subject.

15 (i) Before cannabis may be dispensed to a designated caregiver or a
16 registered qualifying patient, a compassion center staffer must look up the
17 registered qualifying patient for whom the cannabis is intended, and the
18 designated caregiver transporting the cannabis to the patient, if any, in the
19 verification system and must verify each of the following:

20 (1) That the identification card presented to the registered compassion
21 center is valid;

22 (2) that the person presenting the card is the person identified on the
23 identification card presented to the compassion center staffer; and

24 (3) that the amount to be dispensed would not cause the registered
25 qualifying patient to exceed such person's limit of obtaining the amount of
26 cannabis recommended by their medical practitioner for any 30-day
27 period.

28 (j) (1) After verifying the information in subsection (i), but before
29 dispensing cannabis to a registered qualifying patient or a registered
30 designated caregiver on a registered qualifying patient's behalf, a
31 compassion center staffer must make an entry in the verification system:

32 (A) Specifying how much cannabis is being dispensed to the
33 registered qualifying patient;

34 (B) whether it was dispensed directly to the registered qualifying
35 patient or to the registered qualifying patient's registered designated
36 caregiver:

37 (i) The entry must include the date and time the cannabis was
38 dispensed;

39 (ii) lot number;

40 (iii) strain names; and

41 (iv) dosage guidelines from their practitioner recommendation.

42 (2) They must also scan in a copy of the patient's recommendation
43 document into the compassion center patient data base and keep a copy in

1 a hard copy patient file. These must be updated every time and anytime a
2 patient's recommendation dosages are modified by the patient's
3 practitioner.

4 (3) All electronic patient files must be backed up and kept within a
5 secure server.

6 (4) All patient files will be given federal health insurance portability
7 and accountability act protections. If a patient wishes the staff of the
8 compassion center to communicate with their practitioner, then release
9 forms will need to be signed for both parties.

10 (k) A registered compassion center shall not be subject to
11 prosecution; search, except by the department pursuant to subsection (d);
12 seizure; or penalty in any manner or be denied any right or privilege,
13 including, but not limited to, civil penalty or disciplinary action by a court
14 or business licensing board or entity, solely for acting in accordance with
15 the Kansas safe access act and department rules and regulations to acquire,
16 possess, cultivate, manufacture, deliver, transfer, transport, supply or
17 dispense cannabis, cannabis based products or related supplies and
18 educational materials to registered qualifying patients, to registered
19 designated caregivers on behalf of registered qualifying patients or to other
20 registered compassion centers.

21 (l) No compassion center staffers shall be subject to arrest,
22 prosecution, search, seizure or penalty in any manner or denied any right
23 or privilege, including, but not limited to, civil penalty or disciplinary
24 action by a court or occupational or professional licensing board or entity,
25 solely for working for a registered compassion center in accordance with
26 the Kansas safe access act and department rules and regulations to acquire,
27 possess, cultivate, manufacture, deliver, transfer, transport, supply or
28 dispense cannabis, cannabis based products or related supplies and
29 educational materials to registered qualifying patients, to registered
30 designated caregivers on behalf of registered qualifying patients or to other
31 registered compassion centers.

32 (m) An identification card-carrying patient shall not directly, through
33 a designated caregiver, or through a compassion center obtain more than
34 their physician or nurse practitioner recommended dosage of cannabis
35 from registered compassion centers in any 30-day period.

36 (n) A registered compassion center may not dispense, deliver or
37 otherwise transfer cannabis to a person other than another registered
38 compassion center, an identification card-carrying patient or an
39 identification card-carrying patient's registered designated caregiver.

40 (o) A registered compassion center may not obtain cannabis from
41 outside the state of Kansas, except when collective nurseries may negotiate
42 for the franchising of proprietary strains from other states, via seeds and
43 cuttings.

1 (p) Workforce education is mandatory for all collective nursery or
2 compassion center workers. Online classes are available through several
3 national organizations. Positions that require training, or an equivalent
4 resume, are:

- 5 (1) Caregivers;
- 6 (2) nursery workers;
- 7 (3) processors; and
- 8 (4) compassion center staff.

9 Sec. 10. The verification system must include the following data
10 security features:

11 (a) (1) Any time an authorized user enters five invalid registry
12 identification numbers within five minutes, that user cannot log in to the
13 system again for 10 minutes; and

14 (2) the server must reject any log-in request that is not over an
15 encrypted connection.

16 (b) Any hard drives containing cardholder information must be
17 destroyed once they are no longer in use, and the department shall retain a
18 signed statement from a department employee confirming the destruction.

19 (c) It shall be a class B misdemeanor for any person, including an
20 employee or official of the department or another state agency or local
21 government, to breach the confidentiality of information obtained pursuant
22 to the Kansas safe access act. Notwithstanding the provisions of this
23 section, this section shall not prevent the following notifications:

24 (1) Department employees may notify law enforcement about
25 falsified or fraudulent information submitted to the department, so long as
26 the employee who suspects that falsified or fraudulent information has
27 been submitted confers with such employee's supervisor and both agree
28 that circumstances exist that warrant reporting;

29 (2) the department may notify state or local law enforcement about
30 apparent criminal violations of the Kansas safe access act, if the employee
31 who suspects the offense confers with such employee's supervisor and
32 both agree that circumstances exist that warrant reporting; and

33 (3) compassion center staffers may notify the department of a
34 suspected violation or attempted violation of the Kansas safe access act or
35 the rules and regulations adopted pursuant thereto.

36 (d) Any identification cardholder who sells cannabis to a person who
37 is not allowed to possess cannabis for medical purposes under the Kansas
38 safe access act shall have the cardholder's identification card revoked and
39 shall be subject to other penalties for the unauthorized sale of cannabis.

40 (e) The department shall submit to the legislature an annual report
41 that does not disclose any identifying information about identification
42 cardholders, compassion centers or practitioners but does contain, at a
43 minimum, all of the following information:

- 1 (1) The number of applications and renewals filed for identification
2 cards;
- 3 (2) the number of qualifying patients and designated caregivers
4 approved in each county;
- 5 (3) the nature of the medical conditions of the qualifying patients;
- 6 (4) the number of identification cards revoked;
- 7 (5) the number of practitioners providing written certifications for
8 qualifying patients;
- 9 (6) the number of registered compassion centers; and
- 10 (7) the number of compassion center staffers.

11 (f) Where a state-funded or locally-funded law enforcement agency
12 encounters an individual who, during the course of the investigation,
13 credibly asserts that such individual is an identification cardholder or an
14 entity whose personnel credibly assert that it is a compassion center, the
15 law enforcement agency shall not provide any information from any
16 cannabis- related investigation of the person to any law enforcement
17 authority that does not recognize the protection of the Kansas safe access
18 act, and any prosecution of the individual, individuals or entity for a
19 violation of the Kansas safe access act shall be conducted pursuant to
20 the laws of this state.

21 Sec. 11. The Kansas safe access act shall not permit any person to do
22 any of the following, nor shall it prevent the imposition of any civil,
23 criminal or other penalties for any such actions:

24 (a) Undertake any task under the influence of cannabis, when doing
25 so would constitute provable negligence or professional malpractice;

26 (b) possess cannabis, or otherwise engage in the medical use of
27 cannabis:

28 (1) In a school bus;

29 (2) on the grounds of any preschool, primary or secondary school,
30 except juvenile patients receiving medication via the school nurse, parent
31 or caregiver;

32 (3) smoke cannabis on any form of public transportation;

33 (4) while operating, navigating or be in actual physical control of any
34 motor vehicle, aircraft or motorboat. However, an identification card-
35 carrying patient shall not be considered to be under the influence of
36 cannabis solely because of the presence of metabolites or components of
37 cannabis that appear in insufficient concentration to cause impairment per
38 section 12, and amendments thereto; or

39 (5) use cannabis if that person does not have a medical
40 recommendation for the treatment of a medical condition.

41 (c) Nothing in the Kansas safe access act shall be construed to
42 require: any person or establishment in lawful possession of a commercial
43 business property to allow a guest, client, customer or other visitor to use

1 cannabis on, or in that property. The Kansas safe access act shall not limit
2 a person, or entity in lawful possession of a commercial business property,
3 or an agent of such person or entity, from expelling a person who uses
4 cannabis without permission from such property owner.

5 (d) The Kansas safe access act does not prevent any employer from
6 setting their own policies regarding the accommodation of employees
7 medical need to use cannabis in any workplace, or disciplining any
8 employee working while impaired, provided, a qualifying patient shall not
9 be considered to be impaired solely because of the presence of metabolites
10 or components of cannabis.

11 (e) Unless an employer establishes by a preponderance of the
12 evidence that the lawful use of medical cannabis has impaired the
13 employee's ability to perform the employee's job responsibilities, it shall
14 be unlawful to take any adverse employment action against an employee
15 who is an identification card-carrying patient using medical cannabis
16 consistent with the provisions of the Kansas safe access act based on
17 either:

18 (1) the employee's status as a registry identification cardholder; or

19 (2) the employee's positive drug test for cannabis components or
20 metabolites.

21 (f) For the purposes of this section, an employer may consider an
22 employee's ability to perform the employee's job responsibilities to be
23 impaired when the employee manifests specific articulable symptoms
24 while working that decrease or lessen the employee's performance of the
25 duties or tasks of the employee's job position. If an employer has a drug
26 testing policy and an employee or job applicant tests positive for cannabis,
27 the employer shall offer the employee or job applicant an opportunity to
28 present a legitimate medical explanation for the positive test result, and
29 shall provide written notice of the right to explain to the employee or job
30 applicant. Within three working days after receiving notice the employee
31 or job applicant may submit information to the employer to explain the
32 positive test result. As part of an employee's or job applicant's explanation
33 for the positive test result, the employee or job applicant may present a
34 doctor's recommendation for medical cannabis, or their patient
35 identification card, or both.

36 (g) Nothing in this section shall restrict an employer's ability to
37 prohibit or take adverse employment action for the use of intoxicating
38 substances during work hours, or require an employer to commit any act
39 that would cause the employer to be in violation of federal law, or that
40 would result in the loss of a federal contract or federal funding.

41 Sec. 12. (a) Impaired drivers are not protected by the Kansas safe
42 access act. The following caveats applied:

43 (1) The presence of metabolites does not automatically denote

1 impairment. Patients who medicate daily may have a high metabolite level
2 and yet also have a higher tolerance to psychoactive effects.

3 (2) Current technologies, even those that can measure metabolite
4 levels, cannot accurately gauge impairment.

5 (3) Roadside testing for impairment remains the best method to
6 evaluate drivers.

7 (4) Patients have physical disabilities that may also impact roadside
8 test results, and an effort should be made by law enforcement to set
9 guidelines that include this consideration.

10 (b) Educational outreach to prevent driving while impaired will be
11 posted on the Kansas safe access website via printable information and
12 instructional videos, and educational materials will be available at each
13 compassion center via posters, and informational sheets.

14 Sec. 13. (a) If the department fails to adopt temporary rules and
15 regulations to implement the Kansas safe access act within 90 days of the
16 effective date of the Kansas safe access act; a qualifying patient, or
17 prospective board member, or prospective principal officer of a
18 compassion center may commence an action in a court of competent
19 jurisdiction to compel the department to perform the actions mandated
20 pursuant to the provisions of the Kansas safe access act.

21 (b) If the department fails to issue a valid identification card in
22 response to a valid application or renewal submitted pursuant to the
23 Kansas safe access act within 20 days of its submission, the identification
24 card shall be deemed granted, and a copy of the identification application
25 or renewal shall be deemed a valid identification card.

26 (c) If at any time after the 110 days following the effective date of the
27 Kansas safe access act, the department is not accepting applications,
28 including if it has not created rules and regulations allowing qualifying
29 patients to submit applications, a notarized statement by a qualifying
30 patient containing the information required in an application, pursuant to
31 section 7(c), and amendments thereto, together with a written certification
32 shall be deemed a valid identification card.

33 Sec. 14. (a) There is established within the department a compassion
34 board. The board shall consist of 11 members appointed by the secretary of
35 health and environment. The secretary, insofar as possible, shall appoint
36 persons from different geographical areas and persons who represent
37 various economic regions, preferably with experience in the health care
38 field, social work field, not-for-profit patient care sector or in the field of
39 cannabis research or medicine or both.

40 (b) If a vacancy occurs on the board, the secretary shall appoint a
41 person to fill the vacant position for the unexpired term, if any.

42 (c) Members of the board shall be appointed for renewable one year
43 terms.

1 (d) The public shall have a communication path to comment on board
2 member rulings and performance, as well as an appeals process
3 established, so appeals of rulings can be heard.

4 (e) The board shall advise the secretary about the administration of
5 the Kansas safe access act and shall perform such duties as are required by
6 such act.

7 (f) Members of the board attending meetings of the board, or
8 attending a subcommittee meeting thereof authorized by the board, shall
9 be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto,
10 from moneys appropriated to the department from the Kansas safe access
11 act taxes via the cannabis tax fund in section 15, and amendments thereto.

12 Sec. 15. (a) The cannabis tax fund is hereby established within the
13 Kansas department of revenue.

14 (b) Medical cannabis patients will be taxed at a flat 3% rate at
15 compassion center point of purchase.

16 (c) Funds will be deposited into the cannabis tax fund managed by
17 the Kansas department of revenue and distributed by the same at a
18 distribution of 1% to the state, 1% to the county and 1% to the city. Funds
19 from the cannabis tax fund, after meeting costs of Kansas safe access act
20 infrastructure expenses, will be spent for medical cannabis research, public
21 health and education programs exclusively.

22 (d) As the cannabis industry is often forced to a cash only business
23 model:

24 (1) Compassion centers and collectives must be allowed to pay taxes
25 by cash, cashier's checks and money orders at their local revenue office;

26 (2) compassion centers and collectives will need to be able to pay
27 these taxes on a daily or weekly basis, so they are not accumulating large
28 amounts of cash and being placed at a higher risk for crime; and

29 (3) patients, compassion centers and collectives will not be assessed
30 any excise tax or any sales tax and shall not be subject to K.S.A. 79-5210,
31 and amendments thereto, known as the marijuana tax stamp.

32 Sec. 16. (a) This section sets out standards to be implimented for
33 packaging of cannabis and cannabis products:

34 (1) Edible products must be in tamper-proof packages, with child
35 proof lids when possible;

36 (2) packaging must not be transparent, preferably reusable dark green
37 glass or hemp based dark green plastic; and

38 (3) packaging design must not have cartoons, or in any way attract
39 interest from children.

40 (b) Packaging must prominently display the following in clear and
41 legible font:

42 (1) Lot number;

43 (2) date and place of manufacture;

- 1 (3) "keep out of reach of children and animals" in bold print;
- 2 (4) "for medical use only";
- 3 (5) "never mix medicines with alcohol or the other medications"; and
- 4 (6) display or inspection seal.
- 5 (c) Packaging must also display the following warnings, again in
- 6 clear and legible font:
 - 7 (1) "The effects of this medicine may take up to two hours, use
 - 8 caution when operating a vehicle or machinery, especially when first
 - 9 beginning the use of this medicine"; and
 - 10 (2) "do not ingest with alcoholic beverages";
 - 11 (d) Packages containing only dried flower must record the weight of
 - 12 medical cannabis.
 - 13 (e) Edible packaging shall provide:
 - 14 (1) If the product uses nuts or another known allergen, a suitable
 - 15 warning;
 - 16 (2) only generic food names that describe edible medical cannabis
 - 17 products;
 - 18 (3) milligrams per serving;
 - 19 (4) servings per package; and
 - 20 (5) a list of the package total of pharmacologically active ingredients
 - 21 including, but not limited to, tetrahydrocannabinol and cannabidiol.
 - 22 (f) To qualify to label any product as "grown by organic standards"
 - 23 nurseries must follow guidelines in section 17, and amendments thereto.
 - 24 (g) To qualify to label any product as "climate friendly" nurseries
 - 25 must follow guidelines in section 18, and amendments thereto.
 - 26 Sec. 17. (a) The United States department of agriculture (USDA) will
 - 27 not inspect medical cannabis grows, so a third party cannabis specific,
 - 28 organic process inspection company must be hired.
 - 29 (b) Cannabis cannot be labeled as "organic," but can qualify as
 - 30 "grown by organic standards" via the third party inspection company
 - 31 using:
 - 32 (1) The United States department of agriculture's organic regulations
 - 33 at 7 C.F.R. Part 205;
 - 34 (2) the organic food production act of 1990 standards; and
 - 35 (3) all electronic code of federal regulations (eCFR) for organic
 - 36 agriculture will have to be followed to pass third party inspection.
 - 37 (c) All medical cannabis crops must be inspected by a third party
 - 38 inspector, and earn their seal of approval to be sold in compassion centers.
 - 39 (d) All commercial products used must be (OMRI) organic materials
 - 40 review institute approved and bear the OMRI seal.
 - 41 (e) Nurseries must be ready to provide the following information to
 - 42 third party inspectors:
 - 43 (1) A detailed description of the operation to be certified;

1 (2) a history of substances applied to land during the previous three
2 years;

3 (3) the organic products grown, raised, or processed; and

4 (4) written organic system plan describing the practices and
5 substances to be used.

6 Sec. 18. (a) Environmentally protective practices shall be utilized to
7 reduce the carbon footprint and environmental impact of any nursery.
8 Nurseries, and their end product, may be considered "climate friendly" and
9 qualify for this rating and product labeling, if best practices are followed to
10 reduce environmental impact. Such an inspection and rating program
11 should be developed through the Kansas corporation commission-energy
12 division.

13 (b) During season, outdoor gardens can be grown to reduce
14 environmental impact. Out of growing season, nurseries must use energy
15 efficient greenhouses considering:

16 (1) Greenhouse design should consider the effects of glazing
17 materials on heat loss and light transmission;

18 (2) ways to reduce infiltration and nighttime heating losses;

19 (3) greenhouse heating units;

20 (4) the effect of heat distribution on heating costs;

21 (5) ways to maximize space utilization;

22 (6) using efficient circulation and ventilation fans;

23 (7) how supplemental lighting can reduce energy requirements;

24 (8) high efficiency condensing heaters;

25 (9) basket fans for air circulation;

26 (10) control systems;

27 (11) energy audits to reduce consumption; and

28 (12) curtain systems.

29 (c) LED lighting shall be the allowed method of nursery lighting.
30 High intensity discharge bulbs (HID bulbs) are banned in nursery use, due
31 to a high risk of mercury release into air and water.

32 (d) Solar, wind and other renewable energy sources shall be the only
33 allowed methods of power supply. No on-site fossil fuel generators may be
34 used, except as back-up emergency power, never as a main supply.

35 (e) Only 5, 4 and 2 hydro-safe resins should be used in aquaponics
36 and hydroponic systems.

37 (f) Polystyrene beads shall not be used in hydroponic systems.

38 Sec. 19. (a) Water use and restrictions are not allowed and may be
39 subject to fines by the Kansas department of agriculture-water resources
40 board. In all practices, the Kansas water appropriation act, K.S.A. 82a-701
41 et seq., and amendments thereto, and K.S.A. 42-303 and 42-313, and
42 amendments thereto, should be consulted and followed regarding:

43 (1) Unpermitted grading, road construction and culvert crossings;

- 1 (2) illegal stream diversions and streams drying up;
- 2 (3) discharge of sediments, pollutants, and human waste or trash;
- 3 (4) erosion or soil deposition; and
- 4 (5) water contamination from pesticides, rodenticides, fertilizers, and
- 5 fuels.

6 (b) Capturing rain runoff from buildings and storing for watering use
7 is mandated and shall be implemented pursuant to the guidelines in K.S.A.
8 42-313, and amendments thereto.

9 (c) Greywater recycling is mandated and must be implemented
10 pursuant to all standards outlined in rules and regulations adopted by the
11 department.

12 Sec. 20. (a) All patient and caregiver cultivation sites should be
13 clearly marked with signs on all sides denoting the site as a medical grow
14 in compliance with this statute. Growers shall be allowed to cultivate only
15 as much as required for the patient's own medical use:

16 (1) Within the confines of the dosing recommendation of their
17 physician; and

18 (2) taking into consideration the patient's chosen delivery method.

19 (b) Depending on number of kinds of oil the patient may be
20 prescribed, and their dosing regimen, they may grow several as many
21 strains:

22 (1) In various levels of growth to keep a continuous oil supply; and

23 (2) per the recommendation from their physician or nurse
24 practitioner;

25 (c) A copy of their recommendations should be kept at home or at the
26 location of cultivation site, if different than their home.

27 (d) Caregiver cultivation must adhere to standards set in sections 17
28 and 18, and amendments thereto, and are subject to process inspections for
29 standard compliance.

30 (e) Clean grow room standards and food handling standards also
31 apply to caregiver grows.

32 Sec. 21. (a) All collective nursery cultivation sites should be clearly
33 marked with signs on all sides, denoting the site as a medical grow in
34 compliance with this statute.

35 (b) All cultivation sites will utilize a seed to sale tracking system. All
36 grows will be lot controlled. If specific strains are for a specific patient, or
37 group of patients:

38 (1) Their member numbers will also be listed in the tracking system;
39 and

40 (2) lot associated.

41 (c) Food handling standards also apply to nursery grows. The site
42 must be secured:

43 (1) Monitored 24 hours a day, utilizing;

- 1 (2) cameras;
- 2 (3) security staff; and
- 3 (4) and alarms.
- 4 (d) Food handling standards must apply to nursery trim rooms and
- 5 bagging rooms. All collective nurseries will be in placed rural, low
- 6 population areas and may supply compassion centers located in other
- 7 areas.

8 Sec. 22. (a) When product is received from nurseries, patient vendors
 9 or caregivers for purchase consideration by the collective compassion
 10 center, it must be subjected to two main components of testing:

- 11 (1) Safety screening; and
- 12 (2) potency quantification.
- 13 (b) Safety screening occurs:
- 14 (1) At the compassion center;
- 15 (2) by qualified and trained processors;
- 16 (3) analyzes and detects contamination of:
- 17 (A) Pathogenic molds;
- 18 (B) rot; and
- 19 (C) spider mites, and other insects, which can threaten the health of
- 20 patients with compromised immune systems.
- 21 (c) Staff shall utilize a minimum 30X microscope for screening.
- 22 (d) Food handling procedures must be followed by all processors.
- 23 (e) Potency quantification occurs: at a certified lab, analyzes and
- 24 quantifies cannabinoid ratios using:
- 25 (1) Gas chromatography mass spectrometry;
- 26 (2) liquid chromatography method for edibles, analyzes and detects
- 27 pathogenic molds, such as:
- 28 (A) Aspergillus; and
- 29 (B) aureobasidium.
- 30 (f) Potency quantifications are accessible to patients are in three
- 31 ways:
- 32 (1) Labels in display cases;
- 33 (2) labels on products; and
- 34 (3) a book of complete spectrometry results available at a compassion
- 35 center.

36 Sec. 23. (a) Methods of oil, tincture and extract production banned
 37 under the Kansas safe access act are:

- 38 (1) Butane;
- 39 (2) alcohol cook methods over open flame; and
- 40 (3) propane.
- 41 (b) Solvents banned under the Kansas safe access act for all products
- 42 sold, or purchased by compassion centers include all petroleum based
- 43 products.

- 1 (c) Extract methods allowed under the Kansas safe access act are:
- 2 (1) Tabletop infusing machines;
- 3 (2) slow cooker method;
- 4 (3) rosin heat press method and machines;
- 5 (4) ice water method;
- 6 (5) food grade glycerin method;
- 7 (6) grain alcohol methods;
- 8 (7) supercritical closed loop CO2 extraction machines, including
- 9 tabletop machines;
- 10 (8) dry ice method; and
- 11 (9) all other non-explosive, non-toxic solvent new technologies or
- 12 methods that may develop.
- 13 (d) Educational outreach information on safe production methods will
- 14 be posted on the Kansas safe access website via:
- 15 (1) Printable instructions; and
- 16 (2) instructional videos.
- 17 (e) Educational materials will be available at each compassion center
- 18 via:
- 19 (1) Posters; and
- 20 (2) instructional sheets listing approved and banned methods.
- 21 Sec. 24. (a) Edible vendors must be patients themselves and a
- 22 member of any collective to whom they sell their product. They shall be
- 23 designated as vendor members and they must also be not-for-profit
- 24 businesses. They must obtain a food handler's license wherein they shall
- 25 follow all state, county and local food handling and manufacturing
- 26 regulations pursuant to all department codes. Edible vendors must follow
- 27 all testing standards in section 22, and amendments thereto, packaging and
- 28 labeling requirements outlined in the section 16, and amendments thereto.
- 29 (b) There shall be established an edibles educational outreach and
- 30 incentive program by the compassion board that will include:
- 31 (1) Printable guidelines and instructional videos on the website; and
- 32 (2) materials on site at compassion centers, including posters and
- 33 instructional sheets.
- 34 (c) An incentive program will be will be established by the
- 35 compassion board, encouraging the purchase of edible lockbox storage
- 36 products:
- 37 (1) Offered at cost through the compassion centers;
- 38 (2) purchase will qualify patients for discounts on renewal fees; and
- 39 (3) compassion centers that meet compassion board goals of lockbox
- 40 sales to edible sales target ratios, can qualify for discounts on renewal fees.
- 41 (d) Edibles must be tested by liquid chromatography for cannabinoid
- 42 values. Edibles may not contain:
- 43 (1) More than one dose per edible; and

1 (2) no more than 25 milligrams per dose.

2 (e) Edibles that cannot be packaged in child resistant packaging must
3 be packaged individually.

4 Sec. 25. (a) The compassion board and the department shall maintain
5 a Kansas safe access act website:

6 (1) To house information for the public on the act; and

7 (2) to facilitate implementation of the act.

8 (b) Information to be included, either by text or link, may include, but
9 shall not be limited to:

10 (1) Full text of the act;

11 (2) information on application processes and regulations for:

12 (A) Patients;

13 (B) compassion centers; and

14 (C) caregivers;

15 (3) information for law enforcement:

16 (A) On a verification system; and

17 (B) all pertinent contacts to provide support;

18 (4) information and contacts for health inspections, and food handling
19 guidelines;

20 (5) information on the organic certification process, regulations and
21 contact information;

22 (6) information on sustainable practices and inspection contact
23 information;

24 (7) educational outreach and incentive program information, videos
25 and printable information sheets for the edible outreach program;

26 (8) educational outreach and incentive program information, videos
27 and printable information sheets for the driving under the influence of
28 alcohol or drugs outreach program;

29 (9) educational outreach and incentive program information, videos
30 and printable information sheets for the extract production outreach
31 program;

32 (10) information for practitioners and first responders on training
33 seminars, research materials and continuing education unit courses;

34 (11) information on training, and online courses for compassion
35 center staffers, growers, processors, trimmers, caregivers and patient
36 growers;

37 (12) contact information for all related agencies;

38 (13) patient section with a:

39 (A) Practitioner search;

40 (B) caregiver search;

41 (C) compassion center or collective search; and

42 (D) information on organic and sustainable growing practices and
43 products:

- 1 (14) customer service phone number and email;
- 2 (15) information and contacts for the appeals process;
- 3 (16) links for ancillary businesses; and
- 4 (17) information and forms to report any and all changes from
- 5 patients, caregivers or compassion centers. A process shall be implemented
- 6 for customer service to register and track questions and complaints, with a
- 7 clearly outlined procedure to escalate questions and complaints.

8 Sec. 26. Any provision or section of this act being held invalid as to
9 any person or circumstances shall not affect the application of any other
10 provision or section of this act that can be given full effect without the
11 invalid provision or section or application, and to this end, the provisions
12 of this act are severable.

13 Sec. 27. This act shall take effect and be in force from and after its
14 publication in the statute book.