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**S.B. 560 Written Only, Neutral Testimony**  
**Staff: Ruth Glover, Executive Director, Kansas Human Rights Commission**  
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**March 16, 2022**

RE: AN ACT Relating to Medical Marijuana

SB 560 proposes at sections 70 and 71 to amend the Kansas Act Against Discrimination regarding employment and housing discrimination, respectively. Our comments are limited to the proposed amendments to the Kansas Act Against Discrimination and are seeking clarification on the language provided.

The Kansas Human Rights Commission (KHRC) is responsible for administering and enforcing the Kansas Act Against Discrimination (KAAD). The KHRC primarily accomplishes its mission through the receipt, investigation, and resolution of complaints alleging discrimination in employment, housing, and public accommodations under the KAAD.

SB 560, section 70, proposes to amend the Kansas Act Against Discrimination by prohibiting a covered employer from discriminating or taking an adverse employment action against a person because that person is a registered patient or caregiver, possesses or uses medical marijuana pursuant to SB 560. Proposed prohibited employment actions include refusal to hire or employ such person, bar or discharge such person from employment, or otherwise discriminate against such person in compensation or in terms, conditions, or privileges of employment without a valid business necessity.

Possible Conflicting Statutes: SB 560, sections 70 and 71, and K.S.A. 44-1002 appear to contract as SB 560 legalizes medical marijuana but K.S.A. 44-1002 provides that “disability” does not include current illegal use of drugs where possession or distribution of such drugs is unlawful under the federal Controlled Substances Act, 21 U.S.C. 802, which includes marijuana, for housing or the federal Controlled Substances Act, 21 U.S.C. 812, which includes marijuana, for employment or public accommodations.

Request for Clarification: We ask for clarification on section 70, (a)(10)(A). This section has three subsections:

- (i) Refuse to hire or employ a person;
- (ii) Bar or discharge such person from employment; or
- (iii) Otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment *without a valid business necessity*. (emphasis added)

It is unclear from the proposed language if “without a valid business necessity” is applicable only to subsection (iii) or if it is to be interpreted as applying to all three subsections. If “without business necessity” is meant to be applicable to the three subsections, it would be clearer to include that phrase prior to the three subsections.

Possible drafting error: Section 71 appears to attempt to amend the definition of “Discriminatory housing practice” in the Kansas Act Against Discrimination. Line 38, page 82, references section 54. However, a review of section 54 shows a discussion of organ transplants. It is unclear how section 54 pertains to “Discriminatory housing practice” or if a correction for the proposal is needed.

We thank you for your consideration of our testimony. We are available for any questions.