

SENATE BILL No. 556

By Committee on Health Care Strategies

2-5

9 AN ACT concerning controlled substances; establishing the medical ma-
10 rijuana defense act.

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

13 Section 1. (a) This section shall be known and may be cited as the
14 “medical marijuana defense act”.

15 (b) As used in this section:

16 (1) “Debilitating medical condition” may include, but is not limited
17 to, one or more of the following:

18 (A) Cancer, glaucoma, positive status for human immunodeficiency
19 virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic
20 lateral sclerosis, Crohn’s disease, agitation of Alzheimer’s disease or the
21 treatment of these conditions; or

22 (B) a chronic or debilitating disease or its treatment that produces
23 one or more of the following: Cachexia or wasting syndrome; severe pain;
24 severe nausea; seizures, including, but not limited to, those characteristic
25 of epilepsy; bladder spasticity or inflammation or severe and persistent
26 muscle spasms, including, but not limited to, those characteristic of mul-
27 tiple sclerosis.

28 (2) “Written certification” means a document signed by a physician
29 who is also in good standing with the state board of healing arts, stating
30 that in the physician’s professional opinion the patient is likely to receive
31 therapeutic or palliative benefit from the medical use of marijuana to
32 treat or alleviate the patient’s debilitating medical condition or symptoms
33 associated with the debilitating medical condition or its treatment. A writ-
34 ten certification shall be made only in the course of a bona fide physician-
35 patient relationship after the physician has completed a full assessment
36 of the qualifying patient’s medical history. The written certification shall
37 specify the qualifying patient’s debilitating medical condition.

38 (3) “Drug paraphernalia” has the meaning ascribed to it in K.S.A. 65-
39 4150, and amendments thereto.

40 (4) “Marijuana” has the meaning ascribed to in subsection (o) of
41 K.S.A. 65-4101, and amendments thereto.

42 (5) “Physician” has the meaning ascribed to it in K.S.A. 65-6112, and
43 amendments thereto.

1 (6) “Tetrahydrocannabinol” has the meaning ascribed to it in K.S.A.
2 65-4105, and amendments thereto.

3 (c) It shall be a defense to prosecution under K.S.A. 65-4152 or 65-
4 4162, and amendments thereto, that the person in possession or control
5 of marijuana or tetrahydrocannabinol or drug paraphernalia to aid in the
6 use of such substances has received written certification as defined in
7 subsection (b).

8 (d) A physician shall not be subject to criminal or civil liability, denied
9 any right or privilege or be subject to a disciplinary action by the state
10 board of healing arts or by any other business or occupational or profes-
11 sional licensing board or bureau, solely for providing a written certifica-
12 tion or for otherwise stating that, in the practitioner’s professional opin-
13 ion, a patient is likely to receive therapeutic benefit from the medical use
14 of marijuana to treat or alleviate the patient’s serious or debilitating med-
15 ical condition, its symptoms or symptoms caused by treatment of such
16 disease, provided that nothing shall prevent a professional licensing board
17 from sanctioning a practitioner for failing to properly evaluate a patient’s
18 medical condition or otherwise violating the standard of care for evalu-
19 ating medical conditions.

20 (e) A registry identification card, or its equivalent, that is issued under
21 the laws of another state, district, territory, commonwealth or insular
22 possession of the United States that allows the medical use of marijuana
23 shall not have the same force and effect as a written certification issued
24 by a physician, and shall not constitute a defense to prosecution for pos-
25 session or control of marijuana or tetrahydrocannabinol or drug para-
26 phernalia in a court of law in Kansas.

27 (f) The provisions of this section shall be part of and supplemental to
28 the uniform controlled substances act.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.