

SENATE BILL No. 135

By Committee on Federal and State Affairs

2-1

1 AN ACT concerning health and healthcare; relating to medical cannabis;
2 creating the medical cannabis regulation act; providing for licensure
3 and regulation of the cultivation, processing, distribution, sale and use
4 of medical cannabis; delegating administrative duties and functions to
5 the secretary of health and environment, secretary of revenue, board of
6 healing arts, board of pharmacy and the director of alcohol and
7 cannabis control; imposing fines and penalties for violations of the act;
8 establishing the medical cannabis registration fund, the medical
9 cannabis business regulation fund, the pharmacist consultant
10 registration fee fund, the local medical cannabis enforcement fund, the
11 local medical cannabis enforcement refund fund and the state medical
12 cannabis enforcement fund; creating the crimes of unlawful storage and
13 unlawful transport of medical cannabis; making exceptions to the
14 crimes of unlawful manufacture and possession of controlled
15 substances; amending K.S.A. 38-2269, 41-201, 44-501, 44-1015, 65-
16 28608, 79-5201 and 79-5210 and K.S.A. 2022 Supp. 19-101a, 21-5703,
17 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201 and 65-1120
18 and repealing the existing sections.
19

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

21 New Section 1. The provisions of sections 1 through 50, and
22 amendments thereto, shall be known and may be cited as the medical
23 cannabis regulation act.

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

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

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

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

33 (d) (1) "Cannabis" means all parts of all varieties of the plant
34 Cannabis whether growing or not, the seeds thereof, the resin extracted
35 from any part of the plant and every compound, manufacture, salt,
36 derivative, mixture or preparation of the plant, its seeds or resin.

1 (c) A license issued pursuant to this section shall not be associated
2 with a specific licensed cultivator, laboratory, processor, distributor or
3 retail dispensary. The holder of an employee license may be employed by
4 any such licensee.

5 New Sec. 30. (a) Only the following forms of medical cannabis may
6 be dispensed under the medical cannabis regulation act:

- 7 (1) Oils;
- 8 (2) tinctures;
- 9 (3) plant material;
- 10 (4) edibles;
- 11 (5) patches; or
- 12 (6) any other form approved by the secretary of revenue under section
13 31, and amendments thereto.

14 (b) The smoking, combustion or vaporization of medical cannabis is
15 prohibited.

16 (c) Any form or method of using medical cannabis that is considered
17 attractive to children is prohibited.

18 (d) No form of medical cannabis shall be dispensed from a vending
19 machine or through electronic commerce.

20 (e) The tetrahydrocannabinol content of any medical cannabis
21 dispensed shall not exceed the following:

- 22 (1) For plant material, 35%;
- 23 (2) for tinctures, oils and concentrates, 60%;
- 24 (3) for edibles, ~~3.5~~ grams; and
- 25 (4) for patches, 10 milligrams.

26 New Sec. 31. (a) Any person may submit a petition to the director
27 requesting that a form or method of using medical cannabis be approved
28 for the purposes of section 30, and amendments thereto. The petition shall
29 be submitted in such form and manner as prescribed by the director.

30 (b) Upon receipt of a petition, the director shall review such petition
31 to determine whether to recommend approval of the form or method of
32 using medical cannabis described in the petition. The director may
33 consolidate the review of petitions for the same or similar forms or
34 methods. The director shall consult with the medical cannabis advisory
35 committee and review any relevant scientific evidence when reviewing a
36 petition. The director shall recommend to the secretary of revenue whether
37 to approve or deny the proposed form or method of using medical
38 cannabis. The secretary shall approve or deny such proposed form or
39 method. The secretary's decision shall be final.

40 (c) Any petition for a proposed form or method of using medical
41 cannabis that is substantially the same as a petition that was denied by the
42 secretary during the immediately preceding 12 months shall be rejected
43 without recommendation to the secretary.

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