

**SENATE BILL No. 294**

By Committee on Federal and State Affairs

3-6

1 AN ACT concerning health and healthcare; relating to medical cannabis;  
2 enacting the Kansas medical cannabis act; providing for the licensure  
3 and regulation of the cultivation, processing, manufacturing,  
4 distribution, sale and use of medical cannabis and medical cannabis  
5 products; establishing the medical cannabis registration fund and the  
6 medical cannabis regulation fund; making exceptions to the crimes of  
7 unlawful manufacture and possession of controlled substances;  
8 amending K.S.A. 21-5703, 21-5706, 21-5707, 21-5709, 21-5710, 21-  
9 6109, 23-3201, 38-2269, 44-1009, 44-1015, 79-5201 and 79-5210 and  
10 K.S.A. 2024 Supp. 8-1567, 21-5705, 21-6607, 22-3717, 22-4714, 44-  
11 501, 44-706, 65-1120 and 65-28b08 and repealing the existing sections.  
12

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

14 New Section 1. (a) Sections 1 through 41, and amendments thereto,  
15 shall be known as the Kansas medical cannabis act.

16 (b) The legislature hereby declares that the Kansas medical cannabis  
17 act is enacted pursuant to the police power of the state to protect the health  
18 of its citizens, which power is reserved to the state of Kansas and its  
19 people under the 10<sup>th</sup> amendment to the constitution of the United States.

20 New Sec. 2. As used in the Kansas medical cannabis act:

21 (a) "Advertising" means the act of providing consideration for the  
22 publication, dissemination, solicitation or circulation of visual, oral or  
23 written communication to directly or indirectly induce any person to  
24 patronize a particular licensed medical cannabis facility or purchase a  
25 particular type of medical cannabis or medical cannabis product.  
26 "Advertising" includes marketing, but does not include the packaging and  
27 labeling of any medical cannabis or medical cannabis product.

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

29 (c) "Cannabinoid" means any of the chemical compounds that are  
30 active principles of cannabis.

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

36 (2) "Cannabis" does not include:

1 (A) The mature stalks of the plant, fiber produced from the stalks, oil  
2 or cake made from the seeds of the plant, any other compound,  
3 manufacture, salt, derivative, mixture or preparation of the mature stalks,  
4 except the resin extracted therefrom, fiber, oil or cake or the sterilized seed  
5 of the plant that is incapable of germination;

6 (B) any substance listed in schedules II through V of the uniform  
7 controlled substances act;

8 (C) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-  
9 2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

10 (D) industrial hemp, as defined in K.S.A. 2-3901, and amendments  
11 thereto, when cultivated, produced, possessed or used for activities  
12 authorized by the commercial industrial hemp act.

13 (e) "Caregiver" means an individual who holds a caregiver  
14 identification card issued pursuant to section 9, and amendments thereto.

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

17 (g) "Cultivator" means a person licensed pursuant to section 17, and  
18 amendments thereto, to cultivate, prepare and package medical cannabis  
19 and to sell medical cannabis to patients, caregivers, processors and  
20 medical cannabis pharmacies.

21 (h) "Department" means the department of health and environment.

22 (i) "Disposal facility" means a premises licensed pursuant to section  
23 17, and amendments thereto, where medical cannabis waste is disposed of  
24 by one or more processes that render such waste unusable and  
25 unrecognizable through destruction or recycling.

26 (j) "Director" means the director of the division of alcoholic beverage  
27 control.

28 (k) "Educational research facility" means a premises licensed  
29 pursuant to section 18, and amendments thereto, where training and  
30 education involving the cultivation, growing, harvesting, curing,  
31 preparing, packaging or testing of medical cannabis and the production,  
32 manufacture, extraction, processing, packaging or creation of medical  
33 cannabis products is provided to individuals.

34 (l) "Laboratory" means a person licensed pursuant to section 17, and  
35 amendments thereto, to conduct quality control testing on medical  
36 cannabis and medical cannabis products.

37 (m) "Licensee" means any person holding a license issued pursuant to  
38 section 17, and amendments thereto, to operate as a cultivator, processor,  
39 laboratory or medical cannabis pharmacy.

40 (n) "Licensed premises" means the premises specified in an  
41 application for a cultivator, processor, laboratory or medical cannabis  
42 pharmacy license that is owned or leased by the person holding such  
43 license.

1 (o) "Limited medical provider" means a physician or physician's  
2 assistant who satisfies the qualifications under section 15, and  
3 amendments thereto, but who has not more than 15 patients who hold a  
4 valid medical cannabis identification card, or an advance practice  
5 registered nurse who satisfies the qualifications under section 16, and  
6 amendments thereto, but who has not more than 15 patients who hold a  
7 valid medical cannabis identification card.

8 (p) (1) "Major life activity" includes, but is not limited to, caring for  
9 oneself, performing manual tasks, seeing, hearing, eating, sleeping,  
10 walking, standing, lifting, bending, speaking, breathing, learning, reading,  
11 concentrating, thinking, communicating and working.

12 (2) "Major life activity" also includes the operation of a major bodily  
13 function, including but not limited to, functions of the immune system,  
14 normal cell growth, digestive, bowel, bladder, neurological, brain,  
15 respiratory, circulatory, endocrine and reproductive functions.

16 (q) "Manufacture" means the production, propagation, compounding  
17 or processing of a medical cannabis product, excluding cannabis plants,  
18 either directly or indirectly, by extraction from substances of natural or  
19 synthetic origin, by means of chemical synthesis or by a combination of  
20 extraction and chemical synthesis.

21 (r) "Medical cannabis" means cannabis that is cultivated, processed,  
22 manufactured, tested, sold, possessed or used for a medical purposes.

23 (s) "Medical cannabis concentrate" means a medical cannabis  
24 concentrate produced by extracting cannabinoids and other plant  
25 compounds from cannabis through the use of heat, cold or pressure.

26 (t) "Medical cannabis pharmacy" means a person licensed pursuant to  
27 section 17, and amendments thereto, to sell medical cannabis and medical  
28 cannabis products to patients and caregivers.

29 (u) (1) "Medical cannabis product" means a product that contains  
30 cannabinoids that have been extracted from plant material or the resin of a  
31 plant and is intended for administration to a patient, including, but is not  
32 limited to: Suppositories; oils; tinctures; plant material; ingestibles; topical  
33 forms; gels; creams; vapors; patches; liquids and any form administered by  
34 an atomizer or nebulizer.

35 (2) "Medical cannabis product" does not include any form or method  
36 of using medical cannabis that is considered attractive to children.

37 (v) "Medical cannabis waste" means any of the following:

38 (1) Medical cannabis, medical cannabis concentrate or medical  
39 cannabis products that are:

40 (A) Unused, surplus, returned or expired;

41 (B) determined to have failed laboratory testing standards and cannot  
42 be remediated or decontaminated; or

43 (C) part of the inventory of a licensee or educational research facility

1 and:

2 (i) Such licensee or facility has permanently closed;

3 (ii) such inventory was not acquired as authorized by the Kansas  
4 medical cannabis act; or

5 (iii) such inventory cannot be lawfully transferred or sold to another  
6 licensee or educational research facility; or

7 (2) the debris of the plant *Cannabis sativa*, including any dead plants  
8 or parts of the plant that are not used by a licensee, except "medical  
9 cannabis waste" does not include the seeds, roots, stems, stalks or fan  
10 leaves of such plants.

11 (w) "Medical provider" means a qualified medical provider or a  
12 limited medical provider.

13 (x) "Patient" means an individual who has been issued a valid  
14 identification card pursuant to section 9, and amendments thereto.

15 (y) "Person" means an individual, partnership, limited partnership,  
16 limited liability partnership, limited liability company, trust, estate,  
17 association, corporation, cooperative or any other legal or commercial  
18 organization.

19 (z) "Processor" means a person licensed pursuant to section 17, and  
20 amendments thereto, to produce, manufacture, package or create medical  
21 cannabis concentrate or medical cannabis products.

22 (aa) "Qualified medical provider" means a physician or physician's  
23 assistant who is certified pursuant to section 15, and amendments thereto,  
24 to recommend treatment with medical cannabis or an advance practice  
25 registered nurse who is certified pursuant to section 16, and amendments  
26 thereto, to recommend treatment with medical cannabis.

27 (bb) "Qualifying medical condition" means a temporary disability or  
28 illness due to injury or surgery or a permanent disability or illness that  
29 includes:

30 (1) Alzheimers;

31 (2) amyotrophic lateral sclerosis;

32 (3) cancer;

33 (4) dementia;

34 (5) inflammatory bowel conditions and diseases;

35 (6) epilepsy or other seizure disorders;

36 (7) multiple sclerosis;

37 (8) Parkinsons disease;

38 (9) post-traumatic stress disorder that:

39 (A) Has been diagnosed by a healthcare provider or mental health  
40 provider employed or contracted by the United States veterans  
41 administration, evidenced by copies of medical records from the United  
42 States veterans administration that are included as part of the patient's  
43 medical record documentation; or

1 (B) has been diagnosed or confirmed through face-to-face or  
2 telehealth evaluation of the patient by a healthcare provider who is a:

3 (i) Licensed psychiatrist, masters level psychologist or masters level  
4 clinical social worker;

5 (ii) licensed advanced practice registered nurse who is qualified to  
6 practice within the psychiatric mental health nursing specialty; or

7 (iii) licensed physician assistant who is qualified to specialize in  
8 mental health care;

9 (10) sickle cell anemia;

10 (11) HIV or acquired immune deficiency syndrome;

11 (12) cachexia;

12 (13) Crohn's disease or ulcerative colitis;

13 (14) autism;

14 (15) persistent nausea that is not significantly responsive to  
15 traditional treatment, except for nausea related to:

16 (A) pregnancy;

17 (B) cannabis-induced cyclical vomiting syndrome; or

18 (C) cannabinoid hyperemesis syndrome;

19 (16) a terminal illness when the patient's remaining life expectancy is  
20 less than six months;

21 (17) a condition resulting in the individual receiving hospice care;

22 (18) a rare condition or disease that:

23 (A) Affects less than 200,000 individuals in the United States; and

24 (B) is not adequately managed despite treatment attempts using:

25 (i) Conventional medications other than opioids or opiates; or

26 (ii) physical interventions;

27 (19) spinal cord disease or injury;

28 (20) severe or intractable pain:

29 (A) Lasting longer than two weeks that, in the opinion of the patient's  
30 physician, is not adequately managed despite treatment attempts using:

31 (i) Conventional medications other than opioids or opiates; or

32 (ii) physical interventions; or

33 (B) that is expected to last for two weeks or longer for an acute  
34 condition, including a surgical procedure, for which a medical professional  
35 may generally prescribe opioids for a limited duration; or

36 (21) any other disease or condition adopted by the secretary of health  
37 and environment upon petition recommended for approval by the medical  
38 cannabis advisory committee.

39 (cc) "Secretary" means the secretary of the department of health and  
40 environment.

41 New Sec. 3. (a) No person shall grow, harvest, process, sell, barter,  
42 transport, deliver, furnish or otherwise possess any form of cannabis,  
43 except as specifically provided in the medical cannabis regulation act, the

1 Kansas cannabidiol regulation act, section 46 et seq., and amendments  
2 thereto, or the commercial industrial hemp act, K.S.A. 2-3901 et seq., and  
3 amendments thereto.

4 (b) Nothing in the Kansas medical cannabis act shall be construed to:

5 (1) Require a physician to recommend that a patient use medical  
6 cannabis to treat a qualifying medical condition;

7 (2) permit the use, possession or administration of medical cannabis  
8 other than as authorized by this act;

9 (3) permit the use, possession or administration of medical cannabis  
10 on federal land located in this state;

11 (4) permit the use or administration of medical cannabis on any  
12 property owned, operated or leased by any state agency or political  
13 subdivision thereof or any city, county or other municipality;

14 (5) require any public place to accommodate a patient's use of  
15 medical cannabis;

16 (6) prohibit any public place from accommodating a patient's use of  
17 medical cannabis; or

18 (7) restrict research related to cannabis conducted at a postsecondary  
19 educational institution, academic medical center or private research and  
20 development organization as part of a research protocol approved by an  
21 institutional review board or equivalent entity.

22 New Sec. 4. (a) The secretary shall administer the provisions of this  
23 act and provide for the registration of patients and caregivers, including  
24 the issuance of identification cards to such patients and caregivers in  
25 accordance with the provisions of this act.

26 (b) The board of healing arts shall administer the provisions of this  
27 act regarding the certification of physicians and physician assistants  
28 authorizing such physicians and physician assistants to recommend  
29 medical cannabis as a treatment for patients.

30 (c) The board of nursing shall administer the provisions of this act  
31 regarding the certification of advance practice registered nurses  
32 authorizing such advance practice registered nurses to recommend medical  
33 cannabis as a treatment for patients.

34 (d) The director shall administer the provisions of this act and provide  
35 for the licensure of cultivators, laboratories, processors, medical cannabis  
36 pharmacies, disposal facilities and educational research facilities.

37 New Sec. 5. (a) Except as permitted under subsection (c), the  
38 following individuals shall not solicit or accept, directly or indirectly, any  
39 gift, gratuity, emolument or employment from any person who is an  
40 applicant for any license or is a licensee under the provisions of this act or  
41 any officer, agent or employee thereof, or solicit requests from or  
42 recommend, directly or indirectly, to any such person, the appointment of  
43 any individual to any place or position:

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

3 (2) the secretary of revenue, the director or any officer, employee or  
4 agent of the division of alcoholic beverage control;

5 (3) any member of the state board of healing arts; or

6 (4) any member of the board of nursing.

7 (b) Except as permitted under subsection (c), an applicant for a  
8 license or a licensee under the provisions of this act shall not offer any gift,  
9 gratuity, emolument or employment to any of the following:

10 (1) The secretary or any officer, employee or agent of the department;

11 (2) the secretary of revenue, the director or any officer, employee or  
12 agent of the division of alcoholic beverage control;

13 (3) any member of the state board of healing arts; or

14 (4) any member of the board of nursing.

15 (c) The secretary, the secretary of revenue, the state board of healing  
16 arts and the board of nursing may adopt rules and regulations for their  
17 respective agencies allowing the acceptance of official hospitality by the  
18 respective secretary, members of the state board of healing arts, the board  
19 of nursing and employees of each such respective agency, subject to any  
20 limits as prescribed by such rules and regulations.

21 (d) If the secretary, the secretary of revenue, any member of the state  
22 board of healing arts, the board of nursing or any employee of each such  
23 respective agency violates any provision of this section, such person shall  
24 be removed from such person's office or employment.

25 (e) Violation of any provision of this section is a severity level 7,  
26 nonperson felony.

27 (f) Nothing in this section shall be construed to prohibit the  
28 prosecution and punishment of any person for any other crime in the  
29 Kansas criminal code.

30 New Sec. 6. All actions taken by the secretary, the director, the state  
31 board of healing arts or the board of nursing under the Kansas medical  
32 cannabis act shall be in accordance with the Kansas administrative  
33 procedure act and reviewable in accordance with the Kansas judicial  
34 review act.

35 New Sec. 7. (a) There is hereby established within the department the  
36 Kansas medical cannabis advisory board. The Kansas medical cannabis  
37 advisory board shall consist of 24 members as follows:

38 (1) The secretary, or the secretary's designee;

39 (2) the secretary of agriculture, or the secretary's designee;

40 (3) the secretary for aging and disability services, or the secretary's  
41 designee;

42 (4) four members each appointed respectively by the speaker of the  
43 house of representatives, the president of the senate, the majority leader of

- 1 the house of representatives and the minority leader of the senate;
- 2 (5) one member appointed by the silver haired legislature;
- 3 (6) the director, or the director's designee;
- 4 (7) the director of the Kansas bureau of investigation, or the director's
- 5 designee;
- 6 (8) the executive director of the league of Kansas municipalities, or
- 7 the executive director's designee;
- 8 (9) 13 members appointed by the governor as follows:
- 9 (A) Two members who support the use of cannabis for medical
- 10 purposes and who are or were patients who found relief from the use of
- 11 medical cannabis;
- 12 (B) one member designated by the Kansas association of addiction
- 13 professionals;
- 14 (C) two licensed physicians who have completed cannabis-specific
- 15 continuing medical education training;
- 16 (D) two licensed registered nurses who have completed medical
- 17 cannabis training;
- 18 (E) one licensed pharmacist;
- 19 (F) one member who has experience in the science of cannabis;
- 20 (G) one member who is an attorney knowledgeable about medical
- 21 cannabis laws in the United States;
- 22 (H) one member recommended by the secretary of agriculture who
- 23 has experience in horticulture; and
- 24 (I) two members who have experience in the medical cannabis
- 25 industry.
- 26 (b) Members of the Kansas medical cannabis advisory board shall
- 27 serve for a term of two years. Any vacancy in a position on the board shall
- 28 be filled in the same manner as the original appointment.
- 29 (c) On or before September 1, 2025, and each year thereafter, the
- 30 board shall meet to elect a chairperson and vice chairperson from the
- 31 members appointed pursuant to subsection (a)(9).
- 32 (d) The Kansas medical cannabis advisory board shall advise the
- 33 secretary, the board of healing arts and the board of nursing on the
- 34 adoption of rules and regulations pertaining to the following:
- 35 (1) Registration of patients and caregivers;
- 36 (2) issuance and renewal of identification cards and the fees therefor;
- 37 (3) certification of physicians, physician assistants and advance
- 38 practice registered nurses, including any continuing education
- 39 requirements;
- 40 (4) purchasing and transportation of medical cannabis by patients and
- 41 caregivers, including, but not limited to, any limits on the form or amount
- 42 of medical cannabis or medical cannabis products that can be purchased or
- 43 possessed; and



- 1 (5) education, research and treatment with medical cannabis.
- 2 (e) The Kansas medical cannabis advisory board shall advise the  
3 secretary of revenue and the director on the adoption of rules and  
4 regulations pertaining to the following:
- 5 (1) Applications for licensure;
- 6 (2) issuance and renewal of licenses, including the fees therefor;
- 7 (3) security of licensed premises;
- 8 (4) testing of medical cannabis, medical cannabis concentrate and  
9 medical cannabis products;
- 10 (5) transportation of medical cannabis, medical cannabis concentrate  
11 and medical cannabis products;
- 12 (6) education, research and advertising of medical cannabis;
- 13 (7) electronic monitoring of medical cannabis from seed source to  
14 retail sale to a patient or caregiver as required under section 31, and  
15 amendments thereto;
- 16 (8) policies and procedures related to the receipt, storage, packaging,  
17 labeling, handling, manufacturing, tracking and retail sale of medical  
18 cannabis, medical cannabis concentrate and medical cannabis products;
- 19 (9) a request for proposal process to identify a laboratory that has  
20 operated within the legal cannabis sector for at least two years for assisting  
21 in duties including, but not limited to, validation of test results and  
22 calibration of equipment pursuant to section 27, and amendments thereto;
- 23 (10) purchasing and financial transactions pertaining to ordering  
24 medical cannabis through the internet and delivery protocols;
- 25 (11) procedures for a general lottery for the issuance of licenses as  
26 required under section 22, and amendments thereto; and
- 27 (12) medical cannabis waste management.
- 28 (f) (1) (A) Any person may submit a petition to the medical cannabis  
29 advisory board requesting that a disease or condition:
- 30 (i) Be added as a qualifying medical condition for the purposes of this  
31 act; or
- 32 (ii) that was previously recommended for approval by the board and  
33 included as a qualifying medical condition by the secretary of health and  
34 environment through the adoption of rules and regulations, be removed as  
35 a qualifying medical condition for purposes of this act.
- 36 (B) The petition shall be submitted in such form and manner as  
37 prescribed by the secretary of health and environment. A petition shall not  
38 seek to add or remove a broad category of diseases or conditions but shall  
39 be limited to one disease or condition and include a description of such  
40 disease or condition.
- 41 (2) Upon receipt of a petition, the board shall review such petition to  
42 determine whether to recommend the approval or denial of the disease or  
43 condition described in the petition as an addition to or removal from the

1 list of qualifying medical conditions. The board may consolidate the  
2 review of petitions for the same or similar diseases or conditions. In  
3 making its determination, the board shall:

4 (A) Consult with one or more experts who specialize in the study of  
5 the disease or condition;

6 (B) review any relevant medical or scientific evidence pertaining to  
7 the disease or condition;

8 (C) consider whether conventional medical therapies are insufficient  
9 to treat or alleviate the disease or condition;

10 (D) review evidence supporting the use of medical cannabis to treat  
11 or alleviate the disease or condition; and

12 (E) review any letters of support provided by physicians with  
13 knowledge of the disease or condition, including any letter provided by a  
14 physician treating the petitioner.

15 (3) Upon completion of its review, the board shall make a  
16 recommendation to the secretary of health and environment whether to  
17 approve or deny the addition or removal of the disease or condition to the  
18 list of qualifying medical conditions. The secretary shall adopt rules and  
19 regulations in accordance with the recommendation of the board.

20 (4) Prior to July 1, 2026, and every three years thereafter, the board  
21 shall review all diseases or conditions that have been recommended for  
22 approval by the board and adopted by the secretary of health and  
23 environment through rules and regulations to determine if the inclusion of  
24 any such diseases or conditions are no longer supported by scientific  
25 evidence. The inclusion of any such disease or condition that the board  
26 determines is no longer supported by scientific evidence shall be  
27 recommended by the board to the secretary of health and environment for  
28 removal from the list of qualifying medical conditions.

29 (g) On or before January 15, 2026, and each January 15 thereafter, the  
30 Kansas medical cannabis advisory board shall prepare and submit a report  
31 to the legislature on the implementation of the Kansas medical cannabis  
32 act during the previous calendar year and recommendations for statutory  
33 changes to such act.

34 New Sec. 8. (a) The secretary shall begin accepting applications for  
35 identification cards on or before January 1, 2026.

36 (b) The secretary shall develop and publish a website to provide  
37 information about the Kansas medical cannabis act. A link to the website  
38 shall be located in a prominent location on the primary website for the  
39 Kansas medical cannabis advisory board. The department website may  
40 include, but shall not be limited to, the following:

41 (1) The ability to search for any of the following:

42 (A) Certified medical providers;

43 (B) licensed cultivators and processors or manufacturers; and

- 1 (C) licensed medical cannabis pharmacies;
- 2 (2) contact information for applying for an identification card,
- 3 including the phone number and email;
- 4 (3) information regarding the process for appealing a decision of the
- 5 secretary;
- 6 (4) application forms for identification cards; and
- 7 (5) crop damage report forms, including a portal to upload documents
- 8 and pictures.

9 New Sec. 9. (a) A patient seeking to use medical cannabis or a  
10 caregiver seeking to assist a patient in the use or administration of medical  
11 cannabis shall apply to the secretary for an identification card authorizing  
12 the possession and use of medical cannabis and medical cannabis products  
13 as authorized by this act. The application for an identification card shall be  
14 submitted in such form and manner as prescribed by the secretary and  
15 include the required fee and the written recommendation from the patient's  
16 medical provider to treat such patient with medical cannabis because such  
17 patient has a qualifying medical condition.

18 (b) (1) The fee for a patient identification card or the renewal thereof  
19 shall be established by rules and regulations adopted by the secretary,  
20 except that such fee shall be waived for any applicant that submits proof  
21 that the applicant:

22 (A) Qualifies for services under the Kansas medical assistance  
23 program; or

24 (B) is certified by the Kansas department for aging and disability  
25 services or by the Kansas department for children and families as having a  
26 physical or mental impairment that constitutes a substantial barrier to  
27 employment.

28 (2) The fee for a caregiver identification card or the renewal thereof  
29 shall be established by rules and regulations adopted by secretary.

30 (c) The secretary shall not issue an identification card to an applicant  
31 who is under 18 years of age unless the applicant submits written  
32 recommendations from two medical providers that such applicant has a  
33 qualifying medical condition, and such applicant's custodial parent or legal  
34 guardian with responsibility for healthcare decisions for such applicant  
35 obtains a caregiver identification card and is designated as such applicant's  
36 caregiver.

37 (d) (1) A patient may designate any individual who is 18 years of age  
38 or older as such patient's caregiver, including the owner, operator or any  
39 trained staff of a licensed clinic, healthcare facility, hospice or home health  
40 agency, group home or halfway house, and any individual who has been  
41 designated as a caregiver by another patient.

42 (2) A caregiver may be less than 18 years of age if:

43 (A) The caregiver is the parent of the patient, and the patient is under

1 18 years of age;

2 (B) the caregiver is otherwise authorized by law to make healthcare  
3 decisions for the patient; or

4 (C) it is demonstrated to the satisfaction of the director that the  
5 patient needs a caregiver and there is no individual 18 years of age or older  
6 who can adequately perform the duties of a caregiver for such patient.

7 (e) A patient or caregiver identification card shall be valid for the  
8 period of time stated on such card and may be renewed by submitting a  
9 renewal application in such form and manner as prescribed by the  
10 secretary and paying the required fee.

11 (f) (1) Any information collected by the director pursuant to this  
12 section is confidential and not a public record. The secretary may share  
13 information identifying a specific patient or caregiver with a licensed  
14 medical cannabis pharmacy for the purpose of confirming that such patient  
15 or caregiver has a valid identification card. The provisions of this  
16 subsection shall expire on July 1, 2030, unless the legislature reviews and  
17 reenacts such provisions in accordance with K.S.A. 45-229, and  
18 amendments thereto, prior to July 1, 2030.

19 (2) It shall be a class B nonperson misdemeanor for any person to  
20 release any confidential information collected by the secretary except as  
21 authorized under this act.

22 New Sec. 10. (a) A written recommendation from a medical provider  
23 shall include a statement that such medical provider has taken  
24 responsibility for an aspect of the medical care, treatment, diagnosis,  
25 counseling or referral of a patient, has conducted a medical examination of  
26 such patient and has determined such patient suffers from a qualifying  
27 medical condition.

28 (b) In the case of a patient who is under 18 years of age, the medical  
29 provider may recommend treatment with medical cannabis only after  
30 obtaining the consent of the patient's parent or legal guardian responsible  
31 for making healthcare decisions for the patient.

32 (c) A medical provider shall be immune from civil liability, shall not  
33 be subject to professional disciplinary action by the state board of healing  
34 arts or the board of nursing and is immune from criminal prosecution for  
35 any of the following actions:

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

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

41 (3) monitoring a patient's treatment with medical cannabis.

42 New Sec. 11. (a) There is hereby established the medical cannabis  
43 registration fund in the state treasury. The secretary shall administer the

1 medical cannabis registration fund and shall remit all moneys collected  
2 from the payment of all fees and fines imposed by the secretary pursuant  
3 to the Kansas medical cannabis act and any other moneys received by or  
4 on behalf of the secretary pursuant to such act to the state treasurer in  
5 accordance with the provisions of K.S.A. 75-4215, and amendments  
6 thereto. Upon receipt of each such remittance, the state treasurer shall  
7 deposit the entire amount in the state treasury to the credit of the medical  
8 cannabis registration fund. Moneys credited to the medical cannabis  
9 registration fund shall only be expended or transferred as provided in this  
10 section. Expenditures from such fund shall be made in accordance with  
11 appropriation acts upon warrants of the director of accounts and reports  
12 issued pursuant to vouchers approved by the secretary or the secretary's  
13 designee.

14 (b) Moneys in the medical cannabis registration fund shall be used for  
15 the payment or reimbursement of costs related to the regulation and  
16 enforcement of the possession and use of medical cannabis by the  
17 secretary.

18 New Sec. 12. (a) In addition to or in lieu of any other civil or criminal  
19 penalty as provided by law, the secretary may impose a civil penalty or  
20 suspend or revoke a patient or caregiver identification card upon a finding  
21 that the patient or caregiver committed a violation as provided in this  
22 section.

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

26 (c) Upon a finding that a patient or caregiver has submitted fraudulent  
27 information or otherwise falsified or misrepresented information required  
28 to be submitted by such patient or caregiver, the secretary may impose a  
29 civil fine in an amount not to exceed \$500 for a first offense and may  
30 suspend or revoke the individual's identification card for a second or  
31 subsequent offense.

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

43 New Sec. 13. A medical cannabis identification card, or its

1 equivalent, that is issued under the laws of another state, district, territory,  
2 commonwealth or insular possession of the United States that is verifiable  
3 by the jurisdiction of issuance and allows a nonresident patient to possess  
4 medical cannabis for medical purposes shall have the same force and  
5 effect as an identification card issued by the director pursuant to section 9,  
6 and amendments thereto.

7 New Sec. 14. On or before January 1, 2026, and after consultation  
8 with the Kansas medical cannabis advisory board, the secretary shall adopt  
9 rules and regulations to implement the provisions of this act, including, but  
10 not limited to:

- 11 (a) Applications for a patient or caregiver identification card;
- 12 (b) issuance and renewal of such identification cards and the fees  
13 therefor;
- 14 (c) the period of time for which such cards are valid;
- 15 (d) purchasing and transportation of medical cannabis by patients and  
16 caregivers, including, but not limited to, any limits on the form or amount  
17 of medical cannabis or medical cannabis products that can be purchased or  
18 possessed; and
- 19 (e) education, research and treatment with medical cannabis.

20 New Sec. 15. (a) Except as provided in subsections (c) and (d), a  
21 physician or physician assistant who is seeking to recommend treatment  
22 with medical cannabis shall apply to the board of healing arts for a  
23 certificate authorizing such physician or physician assistant to recommend  
24 treatment with medical cannabis. The application shall be submitted in  
25 such form and manner as prescribed by the board and by paying the  
26 required fee. The board of healing arts shall grant a certificate to  
27 recommend treatment with medical cannabis if the following conditions  
28 are satisfied:

- 29 (1) The application is complete and meets the requirements  
30 established in rules and regulations adopted by the board; and
- 31 (2) the applicant demonstrates that the applicant does not have an  
32 ownership or investment interest in or compensation arrangement with an  
33 entity licensed under section 17, and amendments thereto, or an applicant  
34 for such licensure.

35 (b) A certificate to recommend treatment with medical cannabis may  
36 be renewed by submitting a renewal application in such form and manner  
37 as prescribed by the state board and paying the required fee.

38 (c) This section shall not apply to a limited medical provider. A  
39 limited medical provider may only recommend treatment with medical  
40 cannabis if:

- 41 (1) Such treatment is recommended after:
  - 42 (A) A face-to-face visit for an initial recommendation or the renewal  
43 of a recommendation for a patient for whom the limited medical provider

1 did not make the patient's original recommendation; or

2 (B) a visit using telehealth services for a renewal of a  
3 recommendation for a patient for whom the limited medical provider made  
4 the patient's original recommendation; and

5 (2) the recommendation would not cause the total number of such  
6 limited medical provider's total number of patients who have a valid  
7 medical cannabis identification card to exceed 15.

8 (d) This section shall not apply to a physician who recommends  
9 treatment with cannabis or a cannabis-derived drug under any of the  
10 following that is approved by an institutional review board or equivalent  
11 entity, the United States food and drug administration or the national  
12 institutes of health or one of its cooperative groups or centers under the  
13 United States department of health and human services:

14 (1) A research protocol;

15 (2) a clinical trial;

16 (3) an investigational new drug application; or

17 (4) an expanded access submission.

18 (e) On or before January 1, 2026, and after consultation with the  
19 Kansas medical cannabis advisory board, the board of healing arts shall  
20 adopt rules and regulations to implement the provisions of this section,  
21 including, but not limited to:

22 (1) Applications for a certificate to treat with medical cannabis;

23 (2) issuance and renewal of certificates including the fees therefor;

24 (3) the period of time for which such certificates are valid; and

25 (4) suspension or revocation of a certificate for violations of this act.

26 New Sec. 16. (a) Except as provided in subsection (c), an advance  
27 practice registered nurse who is seeking to recommend treatment with  
28 medical cannabis shall apply to the board of nursing for a certificate  
29 authorizing such advance practice registered nurse to recommend  
30 treatment with medical cannabis. The application shall be submitted in  
31 such form and manner as prescribed by the board and by paying the  
32 required fee. The board shall grant a certificate to recommend treatment  
33 with medical cannabis if the following conditions are satisfied:

34 (1) The application is complete and meets the requirements  
35 established in rules and regulations adopted by the board; 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 under section 17, and amendments thereto, or an applicant  
39 for such licensure.

40 (b) A certificate to recommend treatment with medical cannabis may  
41 be renewed by submitting a renewal application in such form and manner  
42 as prescribed by the board and paying the required fee.

43 (c) This section shall not apply to a limited medical provider. A

1 limited medical provider may only recommend treatment with medical  
2 cannabis if:

3 (1) Such treatment is recommended after:

4 (A) A face-to-face visit for an initial recommendation or the renewal  
5 of a recommendation for a patient for whom the limited medical provider  
6 did not make the patient's original recommendation; or

7 (B) a visit using telehealth services for a renewal of a  
8 recommendation for a patient for whom the limited medical provider made  
9 the patient's original recommendation; and

10 (2) the recommendation would not cause the total number of such  
11 limited medical provider's total number of patients who have a valid  
12 medical cannabis identification card to exceed 15.

13 (d) On or before January 1, 2026, and after consultation with the  
14 Kansas medical cannabis advisory board, the board of nursing shall adopt  
15 rules and regulations to implement the provisions of this section,  
16 including, but not limited to:

17 (1) Applications for a certificate to treat with medical cannabis;

18 (2) issuance and renewal of certificates including the fees therefor;

19 (3) the period of time for which such certificates are valid; and

20 (4) suspension or revocation of a certificate for violations of this act.

21 New Sec. 17. (a) A person seeking to operate as a cultivator,  
22 processor, laboratory or medical cannabis pharmacy or to operate a  
23 disposal facility shall apply to the director for a license by submitting an  
24 application for such license in such form and manner as prescribed by the  
25 director and paying the required fee.

26 (b) Except as otherwise provided, the director shall issue such license  
27 if:

28 (1) The application is complete and meets the requirements  
29 established in rules and regulations adopted by the secretary of revenue;  
30 and

31 (2) the applicant is an individual and:

32 (A) Is not less than 21 years of age;

33 (B) (i) is a resident of this state; or

34 (ii) has been a resident of this state for two consecutive years prior to  
35 the date the application is submitted and has not fewer than two years of  
36 experience in the cannabis industry, including the industrial hemp and  
37 cannabidiol industries;

38 (C) has not previously held a license issued pursuant to this section  
39 that has been revoked;

40 (D) is in good standing with any other licensing or regulatory body of  
41 this state that has issued a license to such applicant; and

42 (E) has submitted a tax clearance certificate issued by the department  
43 of revenue; or



1 (3) the applicant is a business entity and:

2 (A) The individual submitting the application on behalf of such  
3 business entity would be qualified to hold a license as an individual;

4 (B) such individual is legally authorized to submit the application on  
5 behalf of such business entity; and

6 (C) at least  $\frac{2}{3}$  of the individuals who have an ownership interest in  
7 such business entity are residents of this state.

8 (c) No cultivator license shall be issued to an applicant that:

9 (1) Has an ownership interest in another licensed cultivator; or

10 (2) has fewer than two years of experience in the cannabis industry.

11 (d) No laboratory license shall be issued to an applicant that has an  
12 ownership interest in a licensed cultivator, processor, medical cannabis  
13 pharmacy or disposal facility.

14 (e) (1) No license shall be issued pursuant to subsection (b) to an  
15 applicant if any individual with an ownership interest in such applicant or  
16 any officer, director, manager or employee of such applicant has been  
17 convicted of a disqualifying felony offense.

18 (2) For purposes of this subsection, "disqualifying felony offense"  
19 means any felony offense under the laws of this state, any other state or the  
20 United States, except:

21 (A) Any offense where the unlawful conduct was the medical use of  
22 cannabis or assisting in the medical use of cannabis by another;

23 (B) any offense that is not a person felony, for which the defendant  
24 was not incarcerated and for which the conviction occurred at least five  
25 years prior to the date the application for a license is submitted; or

26 (C) any offense for which the defendant was released from parole,  
27 postrelease supervision or probation at least five years prior to the date the  
28 application for a license is submitted and such defendant has not been  
29 convicted of any offense since such release.

30 (3) The director may consult with the attorney general, the secretary  
31 of the department of corrections or any district or county attorney as  
32 necessary to determine the application of this subsection.

33 (f) A license issued pursuant to this section shall be valid for two  
34 years from the date specified on such license. Such license may be  
35 renewed by submitting a renewal application in such form and manner as  
36 prescribed by the director and paying the required fee.

37 New Sec. 18. (a) A person seeking to operate an educational research  
38 facility shall apply to the director for a license for such facility by  
39 submitting an application for such license in such form and manner as  
40 prescribed by the director and paying the required fee.

41 (b) The director shall issue a license for such facility if:

42 (1) The application is complete and meets the requirements  
43 established in rules and regulations adopted by the secretary; and

1 (2) the applicant submits proof that such applicant has or will have an  
2 employment policy that will not prohibit the employment of individuals  
3 who have been convicted or pleaded guilty to any offense under article 36a  
4 of chapter 21 of the Kansas Statutes Annotated, prior to its transfer, article  
5 57 of chapter 21 of the Kansas Statutes Annotated, and amendments  
6 thereto, or K.S.A. 65-4160 or 65-4162, prior to their repeal, but whose  
7 conduct that resulted in such offense would have been lawful if such  
8 individual had possessed a valid patient or caregiver identification card at  
9 the time of such offense.

10 (c) A license issued pursuant to this section shall be valid for two  
11 years from the date specified on such license. Such license may be  
12 renewed by submitting a renewal application in such form and manner as  
13 prescribed by the director and paying the required fee.

14 New Sec. 19. For all applicants for a license to be issued pursuant to  
15 section 17, and amendments thereto, the director shall require any owner,  
16 director, officer or agent of such applicant to be fingerprinted and to  
17 submit to a state and national criminal history record check in accordance  
18 with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

19 New Sec. 20. (a) The director may refuse to issue or renew a license  
20 pursuant to section 17, and amendments thereto, or may revoke or suspend  
21 such license for any of the following reasons:

22 (1) The licensee has failed to comply with any provision of the  
23 Kansas medical cannabis act or any rules and regulations adopted by the  
24 secretary;

25 (2) the applicant or licensee has falsified or misrepresented any  
26 information submitted to the director in order to obtain a license;

27 (3) the applicant or licensee has failed to adhere to any  
28 acknowledgment, verification or other representation made to the director  
29 when applying for a license; or

30 (4) the applicant or licensee has failed to submit or disclose  
31 information requested by the director.

32 (b) (1) Except as provided in paragraph (2), the director shall inspect  
33 the licensed premises of a licensee not more than twice each calendar year  
34 and provide notice of such inspection to the licensee at least 24 hours prior  
35 to the inspection.

36 (2) The director may conduct additional inspections of a licensed  
37 premises when necessary due to a prior violation of this act. Such  
38 inspection may be conducted without prior notice to the licensee if the  
39 director reasonably believes that such notice will result in the destruction  
40 of evidence in further violation of this act.

41 (c) During any investigation by the director, the director may require  
42 and conduct interviews with the licensee under investigation and any  
43 owners, officers, employees and agents thereof. Prior to conducting any

1 such interviews upon the request of the licensee, the director shall provide  
2 the licensee and any other individuals being interviewed sufficient time to  
3 secure legal representation during such interviews.

4 New Sec. 21. (a) The director shall issue:

5 (1) Not fewer than two cultivator licenses for each congressional  
6 district and not more than a total of 10 such licenses;

7 (2) not fewer than one processor license for each congressional  
8 district and not more than a total of four such licenses; and

9 (3) not fewer than two medical cannabis pharmacy licenses for each  
10 congressional district and not more than a total of 16 such licenses.

11 (b) Upon the issuance of a second medical cannabis pharmacy license  
12 for a congressional district, the director shall notify each licensee in such  
13 congressional district that such licensee may operate one or more satellite  
14 locations under the medical cannabis pharmacy license. Such satellite  
15 locations shall be a separate premises from the premises for which the  
16 license was issued but shall be located within the same congressional  
17 district as the licensed premises. There shall be no additional license fee  
18 for the operation of any satellite location. Each satellite location shall be  
19 operated in accordance with the provisions of this act and any rules and  
20 regulations adopted pursuant thereto.

21 (c) There shall be no limit on the number of educational research  
22 facility licenses or disposal facility licenses.

23 (d) A cultivator, processor or medical cannabis pharmacy may also be  
24 issued a disposal facility license.

25 (e) The secretary of revenue shall adopt rules and regulations to  
26 establish the fee amounts for licenses issued pursuant to section 17, and  
27 amendments thereto. Fees shall be set at an amount that is not less than  
28 \$2,500 per year but not more than \$45,000 per year.

29 New Sec. 22. (a) The director shall establish a general lottery system  
30 for the issuance of licenses pursuant to section 17, and amendments  
31 thereto. Such system shall require all applications for licensure to be  
32 submitted on or before October 1, 2025.

33 (b) No lottery system shall be used unless the number of qualified  
34 applicants for licensure exceeds the number of licenses the director may  
35 issue.

36 New Sec. 23. (a) A cultivator may:

37 (1) Cultivate medical cannabis in accordance with the provisions of  
38 this act;

39 (2) transport, deliver and sell medical cannabis to one or more  
40 licensed cultivators, processors or medical cannabis pharmacies;

41 (3) purchase and receive medical cannabis from one or more licensed  
42 cultivators; and

43 (4) transport and deliver medical cannabis waste to one or more

1 disposal facilities.

2 (b) (1) Unless authorized by this act, a cultivator shall not transfer or  
3 sell medical cannabis unless samples from each harvest batch or  
4 production batch from which such medical cannabis was derived has been  
5 tested by a licensed laboratory for contaminants and has passed all  
6 contaminant tests required by this act.

7 (2) A cultivator may transfer medical cannabis that has failed  
8 laboratory testing to a licensed processor only for the purposes of  
9 decontamination or remediation and only in accordance with the  
10 provisions of this act.

11 (c) A cultivator facility shall not cultivate medical cannabis for  
12 personal, family or household use or on any public land.

13 (d) The licensed premises of a cultivator shall only be located on land  
14 that has been zoned for commercial or industrial use.

15 New Sec. 24. (a) A processor may:

16 (1) Purchase and receive medical cannabis from one or more licensed  
17 cultivators or processors;

18 (2) subject to subsection (b), process medical cannabis obtained from  
19 a licensed cultivator into medical cannabis concentrate or medical  
20 cannabis products;

21 (3) transport, deliver and sell processed medical cannabis, medical  
22 cannabis concentrate and medical cannabis products to one or more  
23 licensed processors or medical cannabis pharmacy; and

24 (4) transport and deliver medical cannabis waste to one or more  
25 disposal facilities.

26 (b) A processor shall not transfer, sell or process into a concentrate or  
27 medical cannabis product any medical cannabis, medical cannabis  
28 concentrate or medical cannabis product unless samples from each harvest  
29 batch or production batch from which such medical cannabis, medical  
30 cannabis concentrate or medical cannabis product was derived has been  
31 tested by a licensed laboratory for contaminants and has passed all  
32 contaminant tests required by this act.

33 (c) When packaging medical cannabis, medical cannabis concentrate  
34 and medical cannabis products, a processor shall comply with any  
35 packaging and labeling requirements established by rules and regulations  
36 adopted by the secretary of revenue.

37 (d) The licensed premises of a processor shall only be located on land  
38 that has been zoned for commercial or industrial use.

39 New Sec. 25. (a) A medical cannabis pharmacy may:

40 (1) Purchase and receive medical cannabis and medical cannabis  
41 products from one or more licensed cultivators or processors;

42 (2) sell medical cannabis and medical cannabis products to patients  
43 and caregivers in accordance with subsection (b); and

1 (3) transport and deliver medical cannabis waste to one or more  
2 disposal facilities.

3 (b) When selling medical cannabis and medical cannabis products, a  
4 medical cannabis pharmacy shall:

5 (1) Sell medical cannabis and medical cannabis products only to a  
6 person who provides a current, valid patient or caregiver identification  
7 card and only in accordance with a written recommendation issued by a  
8 medical provider; and

9 (2) comply with any packaging and labeling requirements established  
10 by rules and regulations adopted by the secretary of revenue.

11 (c) A medical cannabis pharmacy shall not make public any  
12 information received or collected by such licensee that identifies or would  
13 tend to identify any specific patient.

14 (d) A medical cannabis pharmacy shall employ at least one licensed  
15 pharmacist. Such pharmacist shall develop and provide training to other  
16 medical cannabis pharmacy employees at least once every 12 months that  
17 establishes guidelines for:

18 (1) Providing information to patients related to risks, benefits and  
19 side effects associated with medical cannabis; and

20 (2) notifying the physician who provided the written certification for  
21 medical cannabis if side effects or contraindications occur.

22 New Sec. 26. (a) A disposal facility may:

23 (1) Transport and receive medical cannabis waste to or from a  
24 cultivator, processor, medical cannabis pharmacy, laboratory or another  
25 disposal facility; and

26 (2) dispose of medical cannabis waste received from a cultivator,  
27 processor, medical cannabis pharmacy, laboratory or another disposal  
28 facility and medical cannabis waste produced by the licensee if the  
29 licensee also holds a cultivator, processor, medical cannabis pharmacy or  
30 laboratory license.

31 (b) All medical cannabis waste disposed of pursuant to this act shall  
32 be subject to any rules and regulations adopted by the secretary relating to  
33 the proper disposal of such materials in order to preserve the health and  
34 safety of the public.

35 (c) All medical cannabis waste shall be documented and tracked  
36 through the electronic inventory tracking system established under section  
37 31, and amendments thereto. Such documentation shall include:

38 (1) Unique identification numbers for inventory lots;

39 (2) the total weight of the medical cannabis waste disposed of;

40 (3) the name of the licensee providing the medical cannabis waste;

41 and

42 (4) photographs of the disposed medical cannabis waste.

43 (d) The seeds, roots, stems, stalks and fan leaves of cannabis plants

1 may be disposed of by a licensee without a disposal facility license. Such  
2 disposal may be conducted on the licensed premises by open burning,  
3 incineration, burying, mulching, composting or any other method  
4 approved by the secretary.

5 New Sec. 27. (a) On or before January 1, 2026, the director shall  
6 contract with a private laboratory for the purpose of conducting  
7 compliance and quality assurance testing of licensed laboratories to  
8 provide public safety and ensure that quality medical cannabis and medical  
9 cannabis products are available to patients and caregivers.

10 (b) Any private laboratory contracting with the director shall:

11 (1) Be prohibited from conducting any other commercial medical  
12 cannabis or medical cannabis product testing in this state;

13 (2) have held a license, permit or other certification to test medical  
14 cannabis issued by another state for at least one year prior to contracting  
15 with the director and have entered into a contract with another state for  
16 compliance and quality assurance testing;

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

18 (A) That has a direct or indirect financial interest in any licensee;

19 (B) whose spouse, parent, child, spouse of a child, sibling or spouse  
20 of a sibling has an active application for a license; or

21 (C) that is a member of the board of directors of any licensee; and

22 (4) be accessible for any medical cannabis testing needs of any state  
23 agency, including, but not limited to, the department, the Kansas bureau of  
24 investigation and the state fire marshal.

25 New Sec. 28. (a) The director shall recommend to the secretary of  
26 revenue rules and regulations as necessary to develop acceptable testing  
27 and research practices in consultation with the private laboratory  
28 contracting with the director under section 27, and amendments thereto.  
29 Such rules and regulations shall, include, but are not limited to, testing,  
30 standards, quality control analysis, equipment certification and calibration  
31 and identification of chemicals and other substances used in bona fide  
32 research methods.

33 (b) The director shall also recommend to the secretary of revenue  
34 rules and regulations for laboratory testing performed under this act  
35 concerning:

36 (1) The cleanliness and orderliness of the premises of a licensed  
37 laboratory and the security of such facilities;

38 (2) the inspection, cleaning and maintenance of equipment or utensils  
39 used for the analysis of test samples;

40 (3) testing procedures and standards for cannabinoid and terpenoid  
41 potency and safe levels of contaminants and appropriate remediation and  
42 validation procedures;

43 (4) controlled access areas for the storage of medical cannabis,

1 medical cannabis concentrate and medical cannabis product test samples,  
2 medical cannabis waste and reference standards;

3 (5) records to be retained and computer systems to be utilized by the  
4 laboratory;

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

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

8 (8) the transport and disposal of medical cannabis waste;

9 (9) the use of the electronic inventory tracking system established  
10 under section 31, and amendments thereto, to ensure all test harvest and  
11 production batches or samples containing medical cannabis, medical  
12 cannabis concentrate or medical cannabis products are identified and  
13 tracked from the point such batches or samples are transferred from a  
14 licensee or a patient or caregiver through the point of transfer, destruction  
15 or disposal. Such inventory tracking system shall include the results of any  
16 tests that are conducted;

17 (10) the employment of laboratory personnel;

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

20 (12) the successful participation in a proficiency testing program  
21 approved by the director for conducting testing in order to obtain and  
22 maintain certification;

23 (13) the establishment of and adherence to a quality assurance and  
24 quality control program to ensure sufficient monitoring of laboratory  
25 processes and the quality of results reported;

26 (14) the immediate recall of medical cannabis, medical cannabis  
27 concentrate or medical cannabis products that test above allowable  
28 thresholds or are otherwise determined to be unsafe;

29 (15) the establishment of a system to document the complete chain of  
30 custody for batches or samples from receipt through disposal;

31 (16) the establishment of a system to retain and maintain all required  
32 records, including business records, and processes to ensure results are  
33 reported in a timely and accurate manner; and

34 (17) any other aspect of laboratory testing of medical cannabis,  
35 medical cannabis concentrate or medical cannabis product deemed  
36 necessary by the director.

37 New Sec. 29. (a) A laboratory shall:

38 (1) Comply with all applicable local ordinances, including, but not  
39 limited to, any zoning, occupancy, licensing and building codes;

40 (2) establish policies to prevent the existence or appearance of undue  
41 commercial, financial or other influences that diminish, or have the effect  
42 of diminishing the public confidence in, the competency, impartiality and  
43 integrity of the testing processes or results of such laboratory. Such

1 policies shall prohibit employees, owners or agents of a laboratory who  
2 participate in any aspect of the analysis and results of a sample from  
3 improperly influencing the testing process, manipulating data or benefiting  
4 from any ongoing financial, employment, personal or business relationship  
5 with the licensee that submitted the sample for testing;

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

9 (4) promptly provide the director access to:

10 (A) A report of a test and any underlying data that is conducted on a  
11 sample; and

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

15 (5) retain all results of laboratory tests conducted on medical  
16 cannabis, medical cannabis concentrate or medical cannabis products for a  
17 period of at least two years and make such results available to the director  
18 upon request;

19 (6) establish standards, policies and procedures for laboratory testing  
20 procedures;

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

25 (i) Microbials;

26 (ii) mycotoxins;

27 (iii) residual solvents;

28 (iv) pesticides;

29 (v) tetrahydrocannabinol and other cannabinoid potency;

30 (vi) terpenoid potency type and concentration;

31 (vii) moisture content;

32 (viii) homogeneity; and

33 (ix) heavy metals; and

34 (B) only accept a test batch of usable medical cannabis, medical  
35 cannabis concentrate or medical cannabis product for testing purposes  
36 from a:

37 (i) Cultivator that has separated each harvest lot of usable cannabis  
38 into harvest batches containing not more than 10 pounds, except harvest  
39 batches of fresh, uncured medical cannabis or fresh or frozen medical  
40 cannabis to be sold to a processor in order to make a concentrate may be  
41 separated into batches containing not more than 20 pounds; and

42 (ii) processor that has separated each medical cannabis production lot  
43 into production batches containing not more than 10 pounds.



1 (b) A laboratory may:

2 (1) Accept samples of medical cannabis, medical cannabis  
3 concentrate or medical cannabis product from:

4 (A) A licensee or any entity authorized to possess such samples only  
5 for testing and research purposes, including the provision of testing  
6 services for samples submitted by a licensee for product development. A  
7 laboratory shall not be prohibited from obtaining a license under this act  
8 due to such facility performing other testing and research on medical  
9 cannabis and medical cannabis products; or

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

11 (i) Patient or caregiver and such person provides the laboratory with  
12 the individual's valid identification card and a valid photo identification; or

13 (ii) participant in an approved clinical or observational study  
14 conducted by a research facility as described in section 15(c), and  
15 amendments thereto; and

16 (2) transfer samples of medical cannabis, medical cannabis  
17 concentrate and medical cannabis product to or from another laboratory or  
18 any licensee. All laboratory reports shall identify the laboratory that  
19 performed the testing of the sample.

20 (c) (1) A laboratory shall be inspected prior to initial licensure and  
21 further inspected up to six times annually by an inspector approved by the  
22 director. The director may enter the licensed premises of a laboratory to  
23 conduct investigations and additional inspections when the director  
24 believes an investigation or additional inspection is necessary due to a  
25 possible violation of this act.

26 (2) After January 1, 2026, accreditation by the national environmental  
27 laboratory accreditation program, ANSI/ASQ national accreditation board  
28 or another accrediting body approved by the director shall be required for  
29 licensure of a laboratory and the renewal thereof.

30 New Sec. 30. (a) The director shall recommend such rules and  
31 regulations as necessary to implement the provisions of this act. After a  
32 public hearing on a proposed rule and regulation has been held as required  
33 by law, the director shall submit such proposed rule and regulation to the  
34 secretary of revenue, who shall adopt the rule and regulation upon  
35 approval by the secretary. Such rules and regulations shall include, but are  
36 not limited to:

37 (1) Establishing internal control policies and procedures for the  
38 review of license applications and the issuance and renewal of licenses;

39 (2) establishing fees for licenses;

40 (3) verifying the sources of financing for license applicants;

41 (4) establishing policies and procedures for the reporting and tracking  
42 of:

43 (A) Adverse events;

1 (B) product recalls; and  
2 (C) complaints; and  
3 (5) any other policies and procedures recommended by the Kansas  
4 medical cannabis advisory board.

5 (b) It is intended by this act that the director shall have broad  
6 discretionary powers to govern the traffic in medical cannabis in this state  
7 and to strictly enforce all the provisions of this act in the interest of  
8 sanitation, purity of products, truthful representation and honest dealings  
9 in such manner as generally will promote the public health and welfare.  
10 All valid rules and regulations adopted under the provisions of this act  
11 shall be absolutely binding upon all licensees and enforceable by the  
12 director through the power of suspension or revocation of licenses.

13 New Sec. 31. The director shall establish and maintain an electronic  
14 database to monitor medical cannabis from its seed source through its  
15 cultivation, testing, processing, distribution and dispensing. The director  
16 may contract with a separate entity to establish and maintain all or any  
17 portion of the electronic database on behalf of the agency.

18 New Sec. 32. (a) There is hereby established the medical cannabis  
19 regulation fund in the state treasury. The director of the Kansas medical  
20 cannabis agency shall administer the medical cannabis regulation fund and  
21 remit all moneys collected from the payment of all fees and fines imposed  
22 by the director pursuant to the Kansas medical cannabis act and any other  
23 moneys received by or on behalf of the director pursuant to this act to the  
24 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
25 amendments thereto. Upon receipt of each such remittance, the state  
26 treasurer shall deposit the entire amount in the state treasury to the credit  
27 of the medical cannabis regulation fund. Moneys credited to the medical  
28 cannabis regulation fund shall only be expended or transferred as provided  
29 in this section. Expenditures from such fund shall be made in accordance  
30 with appropriation acts upon warrants of the director of accounts and  
31 reports issued pursuant to vouchers approved by the director, or the  
32 director's designee.

33 (b) Moneys in the medical cannabis regulation fund shall be used for  
34 costs related to the regulation and enforcement of the cultivation,  
35 possession, processing and sale of medical cannabis by the Kansas medical  
36 cannabis agency.

37 New Sec. 33. (a) In addition to or in lieu of any other civil or criminal  
38 penalty as provided by law, the director may impose a civil penalty or  
39 suspend or revoke a license upon a finding that the licensee committed a  
40 violation as provided in this section.

41 (b) (1) Upon a finding that a licensee has sold, transferred or  
42 otherwise distributed medical cannabis in violation of this act, the director  
43 may impose a civil fine not to exceed \$1,000 for a first offense and not to

1 exceed \$5,000 for a second or subsequent offense.

2 (2) Upon a showing that a licensee acted willfully or with gross  
3 negligence in selling, transferring or otherwise distributing medical  
4 cannabis in violation of this act, the director may suspend or revoke such  
5 licensee's license.

6 (c) (1) Upon a finding that a patient or caregiver intentionally  
7 diverted medical cannabis or medical cannabis products to an unauthorized  
8 person in violation of this act, the director may impose a civil fine not to  
9 exceed \$2,000 for a first offense and not to exceed \$5,000 for a second or  
10 subsequent offense.

11 (2) Upon a showing that a patient or caregiver acted willfully or with  
12 gross negligence in intentionally diverting medical cannabis or medical  
13 cannabis products to an unauthorized person in violation of this act, the  
14 director may suspend or revoke such patient's or caregiver's identification  
15 card.

16 (d) Upon a showing that a patient or caregiver violated any reporting  
17 requirements with respect to medical cannabis cultivated by such patient  
18 or caregiver, the director may impose a civil fine not to exceed \$250.

19 New Sec. 34. No state or municipal law enforcement agency, or any  
20 officer or employee thereof, shall provide any identifying information  
21 concerning a patient or caregiver who has been issued an identification  
22 card pursuant to section 9, and amendments thereto, to any federal law  
23 enforcement agency or law enforcement agency of another jurisdiction for  
24 the purpose of any investigation of a crime involving possession of  
25 cannabis, unless such law enforcement agency recognizes the lawful  
26 purchase, possession and consumption of medical cannabis under the  
27 Kansas medical cannabis act.

28 New Sec. 35. Nothing in this act shall prohibit a commercial real  
29 property owner or a business owner from prohibiting the consumption of  
30 medical cannabis or medical cannabis products on such owner's premises  
31 or within 10 feet of any entryway to such premises.

32 New Sec. 36. (a) No rental agreement for subsidized housing shall  
33 contain a provision or impose a rule that prohibits a patient or caregiver  
34 who has been issued an identification card pursuant to section 9, and  
35 amendments thereto, to agree, as a condition of tenancy, to a prohibition or  
36 restriction on the possession or use of medical cannabis in such person's  
37 residence. A landlord may impose reasonable restrictions related to the use  
38 of medical cannabis by any person in public areas of the premises and such  
39 possession and use shall be in accordance with this act.

40 (b) As used in this section:

41 (1) "Rental agreement" means an agreement, written or oral, and  
42 valid rules and regulations embodying the terms and conditions concerning  
43 the use and occupancy of a dwelling unit; and

1 (2) (A) "Subsidized housing" means a rental unit for which the  
2 landlord receives rental assistance payments under a rental assistance  
3 agreement administered by the United States department of agriculture  
4 under the multi-family housing rental assistance program under title V of  
5 the federal housing act of 1949 or receives housing assistance payments  
6 under a housing assistance payment contract administered by the United  
7 States department of housing and urban development under the housing  
8 choice voucher program, the new construction program, the substantial  
9 rehabilitation program or the moderate rehabilitation program under  
10 section 8 of the United States housing act of 1937.

11 (B) "Subsidized housing" does not include owner-occupied housing  
12 accommodations of four units or fewer.

13 New Sec. 37. No patient or caregiver who has been issued an  
14 identification card pursuant to section 9, and amendments thereto, shall be  
15 denied the ability to purchase or possess a firearm, ammunition or firearm  
16 accessories solely on the basis that such individual purchases, possesses or  
17 consumes medical cannabis in accordance with the provisions of this act.

18 New Sec. 38. (a) A patient or caregiver who has been issued an  
19 identification card pursuant to section 9, and amendments thereto, shall not  
20 be denied eligibility in any public assistance or social welfare programs,  
21 including, but not limited to, the state medical assistance program, the  
22 supplemental nutrition assistance program, the women, infants and  
23 children nutrition program and the temporary assistance for needy families  
24 program solely on the basis that such individual purchases, possesses or  
25 consumes medical cannabis in accordance with this act.

26 (b) Nothing in this section shall be construed to require the state  
27 medical assistance program or any other public assistance program to  
28 reimburse an individual for the costs associated with the purchase,  
29 possession or consumption of medical cannabis, unless otherwise required  
30 by federal law.

31 (c) Nothing in this section shall be construed to prohibit a person  
32 from taking any action necessary to procure or retain any monetary benefit  
33 provided under federal law, or any rules and regulations adopted  
34 thereunder, or to obtain or maintain any license, certificate, registration or  
35 other legal status issued or bestowed under federal law, or any rules and  
36 regulations adopted thereunder.

37 New Sec. 39. (a) The board of education of a school district may  
38 prohibit the consumption of medical cannabis on the premises of any  
39 school operated by such school district except by patients who have been  
40 issued an identification card pursuant to section 9, and amendments  
41 thereto, and who consume medical cannabis through any means other than  
42 smoking in accordance with the provisions of this act.

43 (b) No student shall be denied participation in any curricular or

1 extracurricular activities solely on the basis that such student possesses or  
2 consumes medical cannabis in accordance with the provisions of this act.

3 New Sec. 40. (a) The governing body or the chief administrative  
4 officer, if no governing body exists, of a postsecondary educational  
5 institution, as defined in K.S.A. 74-3201b, and amendments thereto, shall  
6 permit any student enrolled in such postsecondary educational institution  
7 who is a patient that has been issued an identification card pursuant to  
8 section 9, and amendments thereto, to possess and consume medical  
9 cannabis in accordance with the provisions of this act.

10 (b) No student shall be denied participation in any curricular or  
11 extracurricular activities solely on the basis that such student possesses or  
12 consumes medical cannabis in accordance with the provisions of this act.

13 New Sec. 41. The provisions of the Kansas medical cannabis act are  
14 hereby declared to be severable. If any part or provision of the Kansas  
15 medical cannabis act is held to be void, invalid or unconstitutional, such  
16 part or provision shall not affect or impair any of the remaining parts or  
17 provisions of the Kansas medical cannabis act and any such remaining  
18 parts or provisions shall continue in full force and effect.

19 New Sec. 42. (a) A covered entity, solely on the basis that an  
20 individual consumes medical cannabis in accordance with the provisions  
21 of the Kansas medical cannabis act, section 1 et seq., and amendments  
22 thereto, shall not:

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

25 (2) deny medical and other services related to organ transplantation,  
26 including evaluation, surgery, counseling and post-transplantation  
27 treatment and services;

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

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

32 (5) place such individual at a lower-priority position on an organ  
33 transplant waiting list than the position at which such individual would  
34 have been placed if not for such individual's consumption of medical  
35 cannabis.

36 (b) A covered entity may take into account an individual's  
37 consumption of medical cannabis when making treatment or coverage  
38 recommendations or decisions, solely to the extent that such consumption  
39 has been found by a physician, following an individualized evaluation of  
40 the individual, to be medically significant to the provision of the  
41 anatomical gift.

42 (c) Nothing in this section shall be construed to require a covered  
43 entity to make a referral or recommendation for or perform a medically

1 inappropriate organ transplant.

2 (d) As used in this section:

3 (1) The terms "anatomical gift," "covered entity" and "organ  
4 transplant" mean the same as such terms are defined in K.S.A. 65-3276,  
5 and amendments thereto; and

6 (2) the term "medical cannabis" means the same as defined in section  
7 2, and amendments thereto.

8 New Sec. 43. (a) No order shall be issued pursuant to K.S.A. 38-  
9 2242, 38-2243 or 38-2244, and amendments thereto, if the sole basis for  
10 the threat to the child's safety or welfare is that the child resides with an  
11 individual who consumes medical cannabis in accordance with the  
12 provisions of the Kansas medical cannabis act, section 1 et seq., and  
13 amendments thereto, or the child consumes medical cannabis in  
14 accordance with such act.

15 (b) This section shall be a part of and supplemental to the revised  
16 Kansas code for care of children.

17 New Sec. 44. (a) Notwithstanding any other provision of law, any  
18 person, board, commission or similar body that determines the  
19 qualifications of individuals for licensure, certification or registration shall  
20 not disqualify an individual from licensure, certification or registration  
21 solely because such individual consumes medical cannabis in accordance  
22 with the Kansas medical cannabis act, section 1 et seq., and amendments  
23 thereto.

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

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

26 (2) Kansas highway patrol;

27 (3) office of the attorney general;

28 (4) department of health and environment; or

29 (5) division of alcoholic beverage control.

30 New Sec. 45. (a) Subject to the provisions of K.S.A. 44-1018, and  
31 amendments thereto, it shall be unlawful for any person:

32 (1) To refuse to sell or rent after the making of a bona fide offer, to  
33 fail to transmit a bona fide offer or refuse to negotiate in good faith for the  
34 sale or rental of, or otherwise make unavailable or deny, real property to  
35 any person because such person consumes medical cannabis in accordance  
36 with the provisions of the Kansas medical cannabis act, section 1 et seq.,  
37 and amendments thereto;

38 (2) to discriminate against any person in the terms, conditions or  
39 privileges of sale or rental of real property, or in the provision of services  
40 or facilities in connection therewith, because such person consumes  
41 medical cannabis in accordance with the provisions of the Kansas medical  
42 cannabis act, section 1 et seq., and amendments thereto; and

43 (3) to discriminate against any person in such person's use or

1 occupancy of real property because such person associates with another  
2 person who consumes medical cannabis in accordance with the provisions  
3 of the Kansas medical cannabis act, section 1 et seq., and amendments  
4 thereto.

5 (b) (1) It shall be unlawful for any person or other entity whose  
6 business includes engaging in real estate-related transactions to  
7 discriminate against any person in making available such a transaction, or  
8 in the terms or conditions of such a transaction, because such person or  
9 any person associated with such person in connection with any real estate  
10 related transaction consumes medical cannabis in accordance with the  
11 provisions of the Kansas medical cannabis act, section 1 et seq., and  
12 amendments thereto.

13 (2) Nothing in this subsection prohibits a person engaged in the  
14 business of furnishing appraisals of real property to take into consideration  
15 factors other than an individual's consumption of medical cannabis in  
16 accordance with the provisions of the Kansas medical cannabis act, section  
17 1 et seq., and amendments thereto.

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

21 (c) It shall be unlawful to coerce, intimidate, threaten or interfere with  
22 any person in the exercise or enjoyment of, or on account of such person's  
23 having exercised or enjoyed, or on account of such person's having aided  
24 or encouraged any other person in the exercise or enjoyment of, any right  
25 granted or protected by subsection (a) or (b).

26 (d) Nothing in this section shall be construed to prohibit a person  
27 from taking any action necessary to procure or retain any monetary benefit  
28 provided under federal law, or any rules and regulations adopted  
29 thereunder, or to obtain or maintain any license, certificate, registration or  
30 other legal status issued or bestowed under federal law, or any rules and  
31 regulations adopted thereunder.

32 (e) The provisions of this section shall be a part of and supplemental  
33 to the Kansas act against discrimination.

34 New Sec. 46. (a) Any individual or group health insurance policy,  
35 medical service plan, contract, hospital service corporation contract,  
36 hospital and medical service corporation contract, fraternal benefit society  
37 or health maintenance organization, municipal group-funded pool and the  
38 state employee healthcare benefits plan shall not exclude coverage for an  
39 insured individual solely on the basis that such insured individual  
40 purchases, possesses or consumes medical cannabis in accordance with the  
41 provisions of the Kansas medical cannabis act, section 1 et seq., and  
42 amendments thereto.

43 (b) No health insurance exchange established within this state or any

1 health insurance exchange administered by the federal government or its  
2 agencies within this state shall exclude from coverage an insured  
3 individual solely on the basis that such insured individual purchases,  
4 possesses or consumes medical cannabis in accordance with the provisions  
5 of the Kansas medical cannabis act, section 1 et seq., and amendments  
6 thereto.

7 (c) Nothing in this section shall be construed to prohibit a person  
8 from taking any action necessary to procure or retain any monetary benefit  
9 provided under federal law, or any rules and regulations adopted  
10 thereunder, or to obtain or maintain any license, certificate, registration or  
11 other legal status issued or bestowed under federal law, or any rules and  
12 regulations adopted thereunder.

13 Sec. 47. K.S.A. 2024 Supp. 8-1567 is hereby amended to read as  
14 follows: 8-1567. (a) Driving under the influence is operating or attempting  
15 to operate any vehicle within this state while:

16 (1) The alcohol concentration in the person's blood or breath as  
17 shown by any competent evidence, including other competent evidence, as  
18 defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

19 (2) the alcohol concentration in the person's blood or breath, as  
20 measured within three hours of the time of operating or attempting to  
21 operate a vehicle, is 0.08 or more;

22 (3) under the influence of alcohol to a degree that renders the person  
23 incapable of safely driving a vehicle;

24 (4) under the influence of any drug or combination of drugs to a  
25 degree that renders the person incapable of safely driving a vehicle; or

26 (5) under the influence of a combination of alcohol and any drug or  
27 drugs to a degree that renders the person incapable of safely driving a  
28 vehicle.

29 (b) (1) Driving under the influence is:

30 (A) On a first conviction, a class B, nonperson misdemeanor. The  
31 person convicted shall be sentenced to not less than 48 consecutive hours  
32 nor more than six months' imprisonment, or in the court's discretion 100  
33 hours of public service, and fined not less than \$750 nor more than \$1,000;

34 (B) on a second conviction, a class A, nonperson misdemeanor. The  
35 person convicted shall be sentenced to not less than 90 days nor more than  
36 one year's imprisonment and fined not less than \$1,250 nor more than  
37 \$1,750. The following conditions shall apply to such sentence:

38 (i) As a condition of any probation granted under this subsection, the  
39 person shall serve at least 120 hours of confinement. The hours of  
40 confinement shall include at least 48 hours of imprisonment and otherwise  
41 may be served by a combination of: Imprisonment; a work release  
42 program, if such work release program requires such person to return to  
43 the confinement at the end of each day in the work release program; or a



1 house arrest program pursuant to K.S.A. 21-6609, and amendments  
2 thereto;

3 (ii) (a) if the person is placed into a work release program or placed  
4 under a house arrest program for any portion of the minimum of 120 hours  
5 of confinement mandated by this subsection, the person shall receive hour-  
6 for-hour credit for time served in such program until the minimum  
7 sentence is met. If the person is placed into a work release program or  
8 placed under a house arrest program for more than the minimum of 120  
9 hours of confinement mandated by this subsection, the person shall receive  
10 hour-for-hour credit for time served in such program until the minimum of  
11 120 hours of confinement is completed, and thereafter, the person shall  
12 receive day-for-day credit for time served in such program unless  
13 otherwise ordered by the court; and

14 (b) when in a work release program, the person shall only be given  
15 credit for the time served in confinement at the end of and continuing to  
16 the beginning of the person's work day. When under a house arrest  
17 program, the person shall be monitored by an electronic monitoring device  
18 that verifies the person's location and shall only be given credit for the  
19 time served within the boundaries of the person's residence;

20 (C) on a third conviction, a class A, nonperson misdemeanor, except  
21 as provided in subsection (b)(1)(D). The person convicted shall be  
22 sentenced to not less than 90 days nor more than one year's imprisonment  
23 and fined not less than \$1,750 nor more than \$2,500. The following  
24 conditions shall apply to such sentence:

25 (i) As a condition of any probation granted under this subsection, the  
26 person shall serve at least 30 days of confinement. After at least 48  
27 consecutive hours of imprisonment, the remainder of the period of  
28 confinement may be served by a combination of: Imprisonment; a work  
29 release program, if such work release program requires such person to  
30 return to the confinement at the end of each day in the work release  
31 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
32 amendments thereto; and

33 (ii) (a) if the person is placed into a work release program or placed  
34 under a house arrest program for any portion of the minimum of 30 days  
35 of confinement mandated by this subsection, the person shall receive hour-  
36 for-hour credit for time served in such program for the first 240 hours of  
37 confinement, and thereafter, the person shall receive day-for-day credit for  
38 time served in such program unless otherwise ordered by the court; and

39 (b) when in a work release program, the person shall only be given  
40 credit for the time served in confinement at the end of and continuing to  
41 the beginning of the person's work day. When under a house arrest  
42 program, the person shall be monitored by an electronic monitoring device  
43 that verifies the person's location and shall only be given credit for the

1 time served within the boundaries of the person's residence;

2 (D) on a third conviction, a severity level 6, nonperson felony if the  
3 person has a prior conviction which occurred within the preceding 10  
4 years, not including any period of incarceration. The following conditions  
5 shall apply to such sentence:

6 (i) As a condition of any probation granted under this subsection, the  
7 person shall serve at least 30 days of confinement. After at least 48  
8 consecutive hours of imprisonment, the remainder of the period of  
9 confinement may be served by a combination of: Imprisonment; a work  
10 release program, if such work release program requires such person to  
11 return to the confinement at the end of each day in the work release  
12 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
13 amendments thereto; and

14 (ii) (a) if the person is placed into a work release program or placed  
15 under a house arrest program for any portion of the minimum of 30 days  
16 of confinement mandated by this subsection, the person shall receive hour-  
17 for-hour credit for time served in such program for the first 240 hours of  
18 confinement, and thereafter, the person shall receive day-for-day credit for  
19 time served in such program unless otherwise ordered by the court; and

20 (b) when in a work release program, the person shall only be given  
21 credit for the time served in confinement at the end of and continuing to  
22 the beginning of the person's work day. When under a house arrest  
23 program, the person shall be monitored by an electronic monitoring device  
24 that verifies the person's location and shall only be given credit for the  
25 time served within the boundaries of the person's residence; and

26 (E) on a fourth or subsequent conviction, a severity level 6,  
27 nonperson felony. The following conditions shall apply to such sentence:

28 (i) As a condition of any probation granted under this subsection, the  
29 person shall serve at least 30 days of confinement. After at least 48  
30 consecutive hours of imprisonment, the remainder of the period of  
31 confinement may be served by a combination of: Imprisonment; a work  
32 release program, if such work release program requires such person to  
33 return to the confinement at the end of each day in the work release  
34 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
35 amendments thereto; and

36 (ii) (a) if the person is placed into a work release program or placed  
37 under a house arrest program for any portion of the minimum of 30 days  
38 of confinement mandated by this subsection, the person shall receive hour-  
39 for-hour credit for time served in such program for the first 240 hours of  
40 confinement, and thereafter, the person shall receive day-for-day credit for  
41 time served in such program unless otherwise ordered by the court; and

42 (b) when in a work release program, the person shall only be given  
43 credit for the time served in confinement at the end of and continuing to

1 the beginning of the person's work day. When under a house arrest  
2 program, the person shall be monitored by an electronic monitoring device  
3 that verifies the person's location and shall only be given credit for the  
4 time served within the boundaries of the person's residence.

5 (2) (A) The court may order that the term of imprisonment imposed  
6 pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in  
7 the custody of the secretary of corrections in a facility designated by the  
8 secretary for the provision of substance abuse treatment pursuant to the  
9 provisions of K.S.A. 21-6804, and amendments thereto. The secretary of  
10 corrections may refuse to admit the person to the designated facility and  
11 place the person in a different state facility, or admit the person and  
12 subsequently transfer the person to a different state facility, if the secretary  
13 determines: (i) That substance abuse treatment resources or the capacity of  
14 the facility designated by the secretary for the incarceration and treatment  
15 of the person is not available; (ii) the person has failed to meaningfully  
16 participate in the treatment program of the designated facility; (iii) the  
17 person is disruptive to the security or operation of the designated facility;  
18 or (iv) the medical or mental health condition of the person renders the  
19 person unsuitable for confinement at the designated facility. The  
20 determination by the secretary that the person either is not to be admitted  
21 into the designated facility or is to be transferred from the designated  
22 facility is not subject to review.

23 (B) In addition to the provisions of subsection (b)(1), for any  
24 conviction pursuant to subsection (b)(1)(D) or (b)(1)(E), if the person is  
25 granted probation, the court shall determine whether the person shall be  
26 supervised by community correctional services or court services based on  
27 the risk and needs of the person. The risk and needs of the person shall be  
28 determined by use of a risk assessment tool specified by the Kansas  
29 sentencing commission. During the probation supervision, the person shall  
30 be required to participate in a multidisciplinary model of services for  
31 substance use disorders facilitated by a Kansas department for aging and  
32 disability services designated care coordination agency to include  
33 assessment and, if appropriate, referral to a community based substance  
34 use disorder treatment including recovery management and mental health  
35 counseling as needed. The multidisciplinary team shall include the  
36 designated care coordination agency, the supervision officer, the Kansas  
37 department for aging and disability services designated treatment provider  
38 and the person.

39 (3) In addition to the provisions of subsection (b)(1), for any  
40 conviction pursuant to subsection (b)(1)(C), at the time of the filing of the  
41 judgment form or journal entry as required by K.S.A. 21-6711 or 22-3426,  
42 and amendments thereto, the court shall cause a certified copy to be sent to  
43 the officer having the person in charge. The court shall determine whether

1 the person, upon release from imprisonment, shall be supervised by  
2 community correctional services or court services based upon the risk and  
3 needs of the person. The risk and needs of the person shall be determined  
4 by use of a risk assessment tool specified by the Kansas sentencing  
5 commission. The law enforcement agency maintaining custody and control  
6 of a person for imprisonment shall cause a certified copy of the judgment  
7 form or journal entry to be sent to the supervision office designated by the  
8 court and upon expiration of the term of imprisonment shall deliver the  
9 person to a location designated by the supervision office designated by the  
10 court. After the term of imprisonment imposed by the court, the person  
11 shall be placed on supervision to community correctional services or court  
12 services, as determined by the court, for a mandatory one-year period of  
13 supervision, which such period of supervision shall not be reduced. During  
14 such supervision, the person shall be required to participate in a  
15 multidisciplinary model of services for substance use disorders facilitated  
16 by a Kansas department for aging and disability services designated care  
17 coordination agency to include assessment and, if appropriate, referral to a  
18 community based substance use disorder treatment including recovery  
19 management and mental health counseling as needed. The  
20 multidisciplinary team shall include the designated care coordination  
21 agency, the supervision officer, the Kansas department for aging and  
22 disability services designated treatment provider and the person. A person  
23 for whom a warrant has been issued by the court alleging a violation of  
24 this supervision shall be considered a fugitive from justice if it is found  
25 that the warrant cannot be served. If it is found that the person has violated  
26 the provisions of this supervision, the court shall determine whether the  
27 time from the issuing of the warrant to the date of the court's determination  
28 of an alleged violation, or any part of it, shall be counted as time served on  
29 supervision. Any violation of the conditions of such supervision may  
30 subject such person to revocation of supervision and imprisonment in jail  
31 for the remainder of the period of imprisonment, the remainder of the  
32 supervision period, or any combination or portion thereof. The term of  
33 supervision may be extended at the court's discretion beyond one year, and  
34 any violation of the conditions of such extended term of supervision may  
35 subject such person to the revocation of supervision and imprisonment in  
36 jail of up to the remainder of the original sentence, not the term of the  
37 extended supervision.

38 (4) In addition to the provisions of subsection (b)(1), prior to  
39 sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)  
40 (B), the court shall order the person to participate in an alcohol and drug  
41 evaluation conducted by a provider in accordance with K.S.A. 8-1008, and  
42 amendments thereto. The person shall be required to follow any  
43 recommendation made by the provider after such evaluation, unless

1 otherwise ordered by the court.

2 (c) Any person 18 years of age or older convicted of violating this  
3 section or an ordinance which prohibits the acts that this section prohibits  
4 who had one or more children under the age of 18 years in the vehicle at  
5 the time of the offense shall have such person's punishment enhanced by  
6 one month of imprisonment. This imprisonment must be served  
7 consecutively to any other minimum mandatory penalty imposed for a  
8 violation of this section or an ordinance which prohibits the acts that this  
9 section prohibits. Any enhanced penalty imposed shall not exceed the  
10 maximum sentence allowable by law. During the service of the enhanced  
11 penalty, the judge may order the person on house arrest, work release or  
12 other conditional release.

13 (d) (1) If a person is charged with a violation of subsection (a)(4) or  
14 (a)(5), the fact that the person is or has been entitled to use the drug under  
15 the laws of this state shall not constitute a defense against the charge.

16 (2) *The fact that a person tests positive for the presence of cannabis*  
17 *metabolites shall not constitute a violation of subsection (a)(4) or (a)(5).*

18 (e) The court may establish the terms and time for payment of any  
19 fines, fees, assessments and costs imposed pursuant to this section. Any  
20 assessment and costs shall be required to be paid not later than 90 days  
21 after imposed, and any remainder of the fine shall be paid prior to the final  
22 release of the person by the court.

23 (f) (1) In lieu of payment of a fine imposed pursuant to this section,  
24 the court may order that the person perform community service specified  
25 by the court. The person shall receive a credit on the fine imposed in an  
26 amount equal to \$5 for each full hour spent by the person in the specified  
27 community service. The community service ordered by the court shall be  
28 required to be performed not later than one year after the fine is imposed  
29 or by an earlier date specified by the court. If by the required date the  
30 person performs an insufficient amount of community service to reduce to  
31 zero the portion of the fine required to be paid by the person, the  
32 remaining balance of the fine shall become due on that date.

33 (2) The court may, in its discretion, waive any portion of a fine  
34 imposed pursuant to this section, except the \$250 required to be remitted  
35 to the state treasurer pursuant to subsection (q)(2), upon a showing that the  
36 person successfully completed court-ordered education or treatment.

37 (g) Prior to filing a complaint alleging a violation of this section, a  
38 prosecutor shall request and shall receive from the:

39 (1) Division a record of all prior convictions obtained against such  
40 person for any violations of any of the motor vehicle laws of this state; and

41 (2) Kansas bureau of investigation central repository all criminal  
42 history record information concerning such person.

43 (h) The court shall electronically report every conviction of a

1 violation of this section and every diversion agreement entered into in lieu  
2 of further criminal proceedings on a complaint alleging a violation of this  
3 section to the division including any finding regarding the alcohol  
4 concentration in the person's blood or breath. Prior to sentencing under the  
5 provisions of this section, the court shall request and shall receive from the  
6 division a record of all prior convictions obtained against such person for  
7 any violations of any of the motor vehicle laws of this state.

8 (i) For the purpose of determining whether a conviction is a first,  
9 second, third, fourth or subsequent conviction in sentencing under this  
10 section:

11 (1) Convictions for a violation of this section, or a violation of an  
12 ordinance of any city or resolution of any county that prohibits the acts  
13 that this section prohibits, or entering into a diversion agreement in lieu of  
14 further criminal proceedings on a complaint alleging any such violations,  
15 shall be taken into account, but only convictions or diversions occurring  
16 on or after July 1, 2001. Nothing in this provision shall be construed as  
17 preventing any court from considering any convictions or diversions  
18 occurring during the person's lifetime in determining the sentence to be  
19 imposed within the limits provided for a first, second, third, fourth or  
20 subsequent offense;

21 (2) any convictions for a violation of the following sections occurring  
22 during a person's lifetime shall be taken into account:

23 (A) Driving a commercial motor vehicle under the influence, K.S.A.  
24 8-2,144, and amendments thereto;

25 (B) operating a vessel under the influence of alcohol or drugs, K.S.A.  
26 32-1131, and amendments thereto;

27 (C) involuntary manslaughter while driving under the influence of  
28 alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)  
29 (3) or (a)(5), and amendments thereto;

30 (D) aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)  
31 (4), and amendments thereto; and

32 (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its  
33 repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the  
34 crime was committed while committing a violation of K.S.A. 8-1567, and  
35 amendments thereto;

36 (3) "conviction" includes:

37 (A) Entering into a diversion agreement in lieu of further criminal  
38 proceedings on a complaint alleging an offense described in subsection (i)  
39 (2); and

40 (B) conviction of a violation of an ordinance of a city in this state, a  
41 resolution of a county in this state or any law of another jurisdiction that  
42 would constitute an offense that is comparable to the offense described in  
43 subsection (i)(1) or (i)(2);

1 (4) multiple convictions of any crime described in subsection (i)(1) or  
2 (i)(2) arising from the same arrest shall only be counted as one conviction;

3 (5) it is irrelevant whether an offense occurred before or after  
4 conviction for a previous offense; and

5 (6) a person may enter into a diversion agreement in lieu of further  
6 criminal proceedings for a violation of this section, and amendments  
7 thereto, or an ordinance which prohibits the acts of this section, and  
8 amendments thereto, only once during the person's lifetime.

9 (j) For the purposes of determining whether an offense is comparable,  
10 the following shall be considered:

11 (1) The name of the out-of-jurisdiction offense;

12 (2) the elements of the out-of-jurisdiction offense; and

13 (3) whether the out-of-jurisdiction offense prohibits similar conduct  
14 to the conduct prohibited by the closest approximate Kansas offense.

15 (k) Upon conviction of a person of a violation of this section or a  
16 violation of a city ordinance or county resolution prohibiting the acts  
17 prohibited by this section, the division, upon receiving a report of  
18 conviction, shall suspend, restrict or suspend and restrict the person's  
19 driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

20 (l) (1) Nothing contained in this section shall be construed as  
21 preventing any city from enacting ordinances, or any county from adopting  
22 resolutions, declaring acts prohibited or made unlawful by this act as  
23 unlawful or prohibited in such city or county and prescribing penalties for  
24 violation thereof.

25 (2) The minimum penalty prescribed by any such ordinance or  
26 resolution shall not be less than the minimum penalty prescribed by this  
27 section for the same violation, and the maximum penalty in any such  
28 ordinance or resolution shall not exceed the maximum penalty prescribed  
29 for the same violation.

30 (3) On and after July 1, 2007, and retroactive for ordinance violations  
31 committed on or after July 1, 2006, an ordinance may grant to a municipal  
32 court jurisdiction over a violation of such ordinance which is concurrent  
33 with the jurisdiction of the district court over a violation of this section,  
34 notwithstanding that the elements of such ordinance violation are the same  
35 as the elements of a violation of this section that would constitute, and be  
36 punished as, a felony.

37 (4) Any such ordinance or resolution shall authorize the court to order  
38 that the convicted person pay restitution to any victim who suffered loss  
39 due to the violation for which the person was convicted.

40 (m) (1) Upon the filing of a complaint, citation or notice to appear  
41 alleging a person has violated a city ordinance prohibiting the acts  
42 prohibited by this section, and prior to conviction thereof, a city attorney  
43 shall request and shall receive from the:

1 (A) Division a record of all prior convictions obtained against such  
2 person for any violations of any of the motor vehicle laws of this state; and

3 (B) Kansas bureau of investigation central repository all criminal  
4 history record information concerning such person.

5 (2) If the elements of such ordinance violation are the same as the  
6 elements of a violation of this section that would constitute, and be  
7 punished as, a felony, the city attorney shall refer the violation to the  
8 appropriate county or district attorney for prosecution.

9 (n) No plea bargaining agreement shall be entered into nor shall any  
10 judge approve a plea bargaining agreement entered into for the purpose of  
11 permitting a person charged with a violation of this section, or a violation  
12 of any ordinance of a city or resolution of any county in this state which  
13 prohibits the acts prohibited by this section, to avoid the mandatory  
14 penalties established by this section or by the ordinance. For the purpose  
15 of this subsection, entering into a diversion agreement pursuant to K.S.A.  
16 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not  
17 constitute plea bargaining. This subsection shall not be construed to  
18 prohibit an amendment or dismissal of any charge where the admissible  
19 evidence is not sufficient to support a conviction beyond a reasonable  
20 doubt on such charge.

21 (o) The alternatives set out in subsection (a) may be pleaded in the  
22 alternative, and the state, city or county may, but shall not be required to,  
23 elect one or more of such alternatives prior to submission of the case to the  
24 fact finder.

25 (p) As used in this section:

26 (1) "Alcohol concentration" means the number of grams of alcohol  
27 per 100 milliliters of blood or per 210 liters of breath;

28 (2) "imprisonment" includes any restrained environment in which the  
29 court and law enforcement agency intend to retain custody and control of a  
30 person and such environment has been approved by the board of county  
31 commissioners or the governing body of a city; and

32 (3) "drug" includes toxic vapors as such term is defined in K.S.A. 21-  
33 5712, and amendments thereto.

34 (q) (1) The amount of the increase in fines as specified in this section  
35 shall be remitted by the clerk of the district court to the state treasurer in  
36 accordance with the provisions of K.S.A. 75-4215, and amendments  
37 thereto. Upon receipt of remittance of the increase provided in this act, the  
38 state treasurer shall deposit the entire amount in the state treasury and the  
39 state treasurer shall credit 50% to the community alcoholism and  
40 intoxication programs fund and 50% to the department of corrections  
41 alcohol and drug abuse treatment fund, which is hereby created in the state  
42 treasury.

43 (2) On and after July 1, 2011, the amount of \$250 from each fine



1 imposed pursuant to this section shall be remitted by the clerk of the  
2 district court to the state treasurer in accordance with the provisions of  
3 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
4 remittance, the state treasurer shall credit the entire amount to the  
5 community corrections supervision fund established by K.S.A. 75-52,113,  
6 and amendments thereto.

7 Sec. 48. K.S.A. 21-5703 is hereby amended to read as follows: 21-  
8 5703. (a) It shall be unlawful for any person to manufacture any controlled  
9 substance or controlled substance analog.

10 (b) Violation or attempted violation of subsection (a) is a:

11 (1) Drug severity level 2 felony, except as provided in subsections (b)  
12 (2) and (b)(3);

13 (2) drug severity level 1 felony if:

14 (A) The controlled substance is not methamphetamine, as defined by  
15 K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog  
16 thereof;

17 (B) the controlled substance is not a fentanyl-related controlled  
18 substance; and

19 (C) the offender has a prior conviction for unlawful manufacturing of  
20 a controlled substance under this section, K.S.A. 65-4159, prior to its  
21 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially  
22 similar offense from another jurisdiction and the substance was not  
23 methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and  
24 amendments thereto, or an analog thereof, in any such prior conviction;  
25 and

26 (3) drug severity level 1 felony if the controlled substance is  
27 methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and  
28 amendments thereto, or an analog thereof, or is a fentanyl-related  
29 controlled substance.

30 (c) The provisions of K.S.A. 21-5301(d), and amendments thereto,  
31 shall not apply to a violation of attempting to unlawfully manufacture any  
32 controlled substance or controlled substance analog pursuant to this  
33 section.

34 (d) For persons arrested and charged under this section, bail shall be  
35 at least \$50,000 cash or surety, and such person shall not be released upon  
36 the person's own recognizance pursuant to K.S.A. 22-2802, and  
37 amendments thereto, unless the court determines, on the record, that the  
38 defendant is not likely to re-offend, the court imposes pretrial supervision,  
39 or the defendant agrees to participate in a licensed or certified drug  
40 treatment program.

41 (e) The sentence of a person who violates this section shall not be  
42 subject to statutory provisions for suspended sentence, community service  
43 work or probation.

1 (f) The sentence of a person who violates this section, K.S.A. 65-  
 2 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its  
 3 transfer, shall not be reduced because these sections prohibit conduct  
 4 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their  
 5 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 21-  
 6 5705, and amendments thereto.

7 (g) *The provisions of this section shall not apply to a licensee, as*  
 8 *such term is defined in section 2, and amendments thereto, that is*  
 9 *producing medical cannabis or medical cannabis products, as such terms*  
 10 *are defined in section 2, and amendments thereto, when used for acts*  
 11 *authorized by the Kansas medical cannabis act, section 1 et seq., and*  
 12 *amendments thereto.*

13 Sec. 49. K.S.A. 2024 Supp. 21-5705 is hereby amended to read as  
 14 follows: 21-5705. (a) It shall be unlawful for any person to distribute or  
 15 possess with the intent to distribute any of the following controlled  
 16 substances or controlled substance analogs thereof:

17 (1) Opiates, opium or narcotic drugs, or any stimulant designated in  
 18 K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto;

19 (2) any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-  
 20 4109(b) or (c) or 65-4111(b), and amendments thereto;

21 (3) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)  
 22 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;

23 (4) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-  
 24 4107(g) or 65-4109(g), and amendments thereto;

25 (5) any substance designated in K.S.A. 65-4105(g) or 65-4111(c), (d),  
 26 (e), (f) or (g), and amendments thereto;

27 (6) any anabolic steroids as defined in K.S.A. 65-4109(f), and  
 28 amendments thereto; or

29 (7) any substance designated in K.S.A. 65-4105(h), and amendments  
 30 thereto.

31 (b) It shall be unlawful for any person to distribute or possess with  
 32 the intent to distribute a controlled substance or a controlled substance  
 33 analog designated in K.S.A. 65-4113, and amendments thereto.

34 (c) It shall be unlawful for any person to cultivate any controlled  
 35 substance or controlled substance analog listed in subsection (a).

36 (d) (1) Except as provided further, violation of subsection (a) is a:

37 (A) Drug severity level 4 felony if the quantity of the material was  
 38 less than 3.5 grams;

39 (B) drug severity level 3 felony if the quantity of the material was at  
 40 least 3.5 grams but less than 100 grams;

41 (C) drug severity level 2 felony if the quantity of the material was at  
 42 least 100 grams but less than 1 kilogram; and

43 (D) drug severity level 1 felony if the quantity of the material was 1

1 kilogram or more.

2 (2) Except as provided further, violation of subsection (a) with  
3 respect to material containing any quantity of marijuana, or an analog  
4 thereof, is a:

5 (A) Drug severity level 4 felony if the quantity of the material was  
6 less than 25 grams;

7 (B) drug severity level 3 felony if the quantity of the material was at  
8 least 25 grams but less than 450 grams;

9 (C) drug severity level 2 felony if the quantity of the material was at  
10 least 450 grams but less than 30 kilograms; and

11 (D) drug severity level 1 felony if the quantity of the material was 30  
12 kilograms or more.

13 (3) Except as provided further, violation of subsection (a) with  
14 respect to material containing any quantity of a fentanyl-related controlled  
15 substance, heroin as defined by K.S.A. 65-4105(c)(12), and amendments  
16 thereto, or methamphetamine as defined by K.S.A. 65-4107(d)(3) or (f)(1),  
17 and amendments thereto, or an analog thereof, is a:

18 (A) Drug severity level 4 felony if the quantity of the material was  
19 less than 1 gram;

20 (B) drug severity level 3 felony if the quantity of the material was at  
21 least 1 gram but less than 3.5 grams;

22 (C) drug severity level 2 felony if the quantity of the material was at  
23 least 3.5 grams but less than 100 grams; and

24 (D) drug severity level 1 felony if the quantity of the material was  
25 100 grams or more.

26 (4) Except as provided further, violation of subsection (a) with  
27 respect to material containing any quantity of a controlled substance  
28 designated in K.S.A. 65-4105, 65-4107, 65-4109 or 65-4111, and  
29 amendments thereto, or an analog thereof, distributed by dosage unit, is a:

30 (A) Drug severity level 4 felony if the number of dosage units was  
31 fewer than 10;

32 (B) drug severity level 3 felony if the number of dosage units was at  
33 least 10 but fewer than 100;

34 (C) drug severity level 2 felony if the number of dosage units was at  
35 least 100 but fewer than 1,000; and

36 (D) drug severity level 1 felony if the number of dosage units was  
37 1,000 or more.

38 (5) Violation of subsection (a) with respect to material containing any  
39 quantity of a fentanyl-related controlled substance, distributed by dosage  
40 unit, is a:

41 (A) Drug severity level 4 felony if the number of dosage units was  
42 fewer than 10;

43 (B) drug severity level 3 felony if the number of dosage units was at

1 least 10 but fewer than 50;

2 (C) drug severity level 2 felony if the number of dosage units was at  
3 least 50 but fewer than 250; and

4 (D) drug severity level 1 felony if the number of dosage units was  
5 250 or more.

6 (6) For any violation of subsection (a), the severity level of the  
7 offense shall be increased one level if the controlled substance or  
8 controlled substance analog was distributed or possessed with the intent to  
9 distribute on or within 1,000 feet of any school property.

10 (7) Violation of subsection (b) is a:

11 (A) Class A person misdemeanor, except as provided in subsection  
12 (d)(7)(B); and

13 (B) nondrug severity level 7, person felony if the substance was  
14 distributed to or possessed with the intent to distribute to a minor.

15 (8) Violation of subsection (c) is a:

16 (A) Drug severity level 3 felony if the number of plants cultivated  
17 was more than 4 but fewer than 50;

18 (B) drug severity level 2 felony if the number of plants cultivated was  
19 at least 50 but fewer than 100; and

20 (C) drug severity level 1 felony if the number of plants cultivated was  
21 100 or more.

22 (e) In any prosecution under this section, there shall be an inference  
23 of an intent to distribute if such an inference is supported by the facts and  
24 such person possesses the following quantities of controlled substances or  
25 analogs thereof:

26 (1) 450 grams or more of marijuana;

27 (2) 3.5 grams or more of a fentanyl-related controlled substance,  
28 heroin or methamphetamine;

29 (3) 50 dosage units or more containing any quantity of a fentanyl-  
30 related controlled substance;

31 (4) 100 dosage units or more containing any other controlled  
32 substance; or

33 (5) 100 grams or more of any other controlled substance.

34 (f) It shall not be a defense to charges arising under this section that  
35 the defendant:

36 (1) Was acting in an agency relationship on behalf of any other party  
37 in a transaction involving a controlled substance or controlled substance  
38 analog;

39 (2) did not know the quantity of the controlled substance or  
40 controlled substance analog; or

41 (3) did not know the specific controlled substance or controlled  
42 substance analog contained in the material that was distributed or  
43 possessed with the intent to distribute.

1 (g) *The provisions of (a)(4) shall not apply to a licensee, as such term*  
 2 *is defined in section 2, and amendments thereto, or any employee or agent*  
 3 *thereof that is growing, testing, processing, distributing or selling medical*  
 4 *cannabis or medical cannabis products, as such terms are defined in*  
 5 *section 2, and amendments thereto, in accordance with the Kansas*  
 6 *medical cannabis act, section 1 et seq., and amendments thereto.*

7 (h) As used in this section:

8 (1) "Material" means the total amount of any substance, including a  
 9 compound or a mixture, ~~which~~ *that* contains any quantity of a controlled  
 10 substance or controlled substance analog.

11 (2) "Dosage unit" means a controlled substance or controlled  
 12 substance analog distributed or possessed with the intent to distribute as a  
 13 discrete unit, including but not limited to, one pill, one capsule or one  
 14 microdot, and not distributed by weight.

15 (A) For steroids, or controlled substances in liquid solution legally  
 16 manufactured for prescription use, or an analog thereof, "dosage unit"  
 17 means the smallest medically approved dosage unit, as determined by the  
 18 label, materials provided by the manufacturer, a prescribing authority,  
 19 licensed health care professional or other qualified health authority.

20 (B) For illegally manufactured controlled substances in liquid  
 21 solution, or controlled substances in liquid products not intended for  
 22 ingestion by human beings, or an analog thereof, "dosage unit" means 10  
 23 milligrams, including the liquid carrier medium, except as provided in  
 24 ~~subsection (g)(2)(C)~~ *subparagraph (C)*.

25 (C) For lysergic acid diethylamide (LSD) in liquid form, or an analog  
 26 thereof, a dosage unit is defined as 0.4 milligrams, including the liquid  
 27 medium.

28 Sec. 50. K.S.A. 21-5706 is hereby amended to read as follows: 21-  
 29 5706. (a) It shall be unlawful for any person to possess any opiates, opium  
 30 or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)  
 31 (3) or (f)(1), and amendments thereto, or a controlled substance analog  
 32 thereof.

33 (b) It shall be unlawful for any person to possess any of the following  
 34 controlled substances or controlled substance analogs thereof:

35 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-  
 36 4109(b) or (c) or 65-4111(b), and amendments thereto;

37 (2) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)  
 38 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;

39 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-  
 40 4107(g) or 65-4109(g), and amendments thereto;

41 (4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c),  
 42 (d), (e), (f) or (g), and amendments thereto;

43 (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and

1 amendments thereto;

2 (6) any substance designated in K.S.A. 65-4113, and amendments  
3 thereto; or

4 (7) any substance designated in K.S.A. 65-4105(h), and amendments  
5 thereto.

6 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.

7 (2) Except as provided in subsection (c)(3):

8 (A) Violation of subsection (b) is a class A nonperson misdemeanor,  
9 except as provided in subparagraph (B); and

10 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug  
11 severity level 5 felony if that person has a prior conviction under such  
12 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially  
13 similar offense from another jurisdiction, or under any city ordinance or  
14 county resolution for a substantially similar offense if the substance  
15 involved was 3, 4-methylenedioxyamphetamine (MDMA), marijuana  
16 as designated in K.S.A. 65-4105(d), and amendments thereto, or any  
17 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an  
18 analog thereof.

19 (3) If the substance involved is marijuana, as designated in K.S.A.  
20 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as  
21 designated in K.S.A. 65-4105(h), and amendments thereto, violation of  
22 subsection (b) is a:

23 (A) Class B nonperson misdemeanor, except as provided in  
24 subparagraphs (B) and (C);

25 (B) class A nonperson misdemeanor if that person has a prior  
26 conviction under such subsection, under K.S.A. 65-4162, prior to its  
27 repeal, under a substantially similar offense from another jurisdiction, or  
28 under any city ordinance or county resolution for a substantially similar  
29 offense; and

30 (C) drug severity level 5 felony if that person has two or more prior  
31 convictions under such subsection, under K.S.A. 65-4162, prior to its  
32 repeal, under a substantially similar offense from another jurisdiction, or  
33 under any city ordinance or county resolution for a substantially similar  
34 offense.

35 ~~(d) It shall be an affirmative defense to prosecution under this section  
36 arising out of a person's possession of any cannabidiol treatment  
37 preparation if the person:~~

38 ~~(1) Has a debilitating medical condition, as defined in K.S.A. 2024  
39 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a  
40 minor child who has such debilitating medical condition;~~

41 ~~(2) is possessing a cannabidiol treatment preparation, as defined in  
42 K.S.A. 2024 Supp. 65-6235, and amendments thereto, that is being used to  
43 treat such debilitating medical condition; and~~

1       ~~(3) has possession of a letter, at all times while the person has~~  
2 ~~possession of the cannabidiol treatment preparation, that:~~

3       ~~(A) Shall be shown to a law enforcement officer on such officer's~~  
4 ~~request;~~

5       ~~(B) is dated within the preceding 15 months and signed by the~~  
6 ~~physician licensed to practice medicine and surgery in Kansas who~~  
7 ~~diagnosed the debilitating medical condition;~~

8       ~~(C) is on such physician's letterhead; and~~

9       ~~(D) identifies the person or the person's minor child as such~~  
10 ~~physician's patient and identifies the patient's debilitating medical~~  
11 ~~condition.~~

12 *If the substance involved is medical cannabis or a medical*  
13 *cannabis product, as such terms are defined in section 2, and amendments*  
14 *thereto, the provisions of subsection (b) shall not apply to any person who*  
15 *has been issued a valid identification card pursuant to section 9, and*  
16 *amendments thereto, and whose possession is authorized by the Kansas*  
17 *medical cannabis act, section 1 et seq., and amendments thereto.*

18       (e) It shall not be a defense to charges arising under this section that  
19 the defendant was acting in an agency relationship on behalf of any other  
20 party in a transaction involving a controlled substance or controlled  
21 substance analog.

22       Sec. 51. K.S.A. 21-5707 is hereby amended to read as follows: 21-  
23 5707. (a) It shall be unlawful for any person to knowingly or intentionally  
24 use any communication facility:

25       (1) In committing, causing, or facilitating the commission of any  
26 felony under K.S.A. 21-5703, 21-5705 or 21-5706, and amendments  
27 thereto; or

28       (2) in any attempt to commit, any conspiracy to commit, or any  
29 criminal solicitation of any felony under K.S.A. 21-5703, 21-5705 or 21-  
30 5706, and amendments thereto. Each separate use of a communication  
31 facility may be charged as a separate offense under this subsection.

32       (b) Violation of subsection (a) is a nondrug severity level 8,  
33 nonperson felony.

34       (c) *The provisions of this section shall not apply to any person using*  
35 *communication facilities for activities authorized by the Kansas medical*  
36 *cannabis act, section 1 et seq., and amendments thereto.*

37       (d) As used in this section, "communication facility" means any and  
38 all public and private instrumentalities used or useful in the transmission  
39 of writing, signs, signals, pictures or sounds of all kinds and includes  
40 telephone, wire, radio, computer, computer networks, beepers, pagers and  
41 all other means of communication.

42       Sec. 52. K.S.A. 21-5709 is hereby amended to read as follows: 21-  
43 5709. (a) It shall be unlawful for any person to possess ephedrine,  
pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine,

1 anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or  
2 their salts, isomers or salts of isomers with an intent to use the product to  
3 manufacture a controlled substance.

4 (b) It shall be unlawful for any person to use or possess with intent to  
5 use any drug paraphernalia to:

6 (1) Manufacture, cultivate, plant, propagate, harvest, test, analyze or  
7 distribute a controlled substance; or

8 (2) store, contain, conceal, inject, ingest, inhale or otherwise  
9 introduce a controlled substance into the human body.

10 (c) It shall be unlawful for any person to use or possess with intent to  
11 use anhydrous ammonia or pressurized ammonia in a container not  
12 approved for that chemical by the Kansas department of agriculture.

13 (d) It shall be unlawful for any person to purchase, receive or  
14 otherwise acquire at retail any compound, mixture or preparation  
15 containing more than 3.6 grams of pseudoephedrine base or ephedrine  
16 base in any single transaction or any compound, mixture or preparation  
17 containing more than nine grams of pseudoephedrine base or ephedrine  
18 base within any 30-day period.

19 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;

20 (2) violation of subsection (b)(1) is a:

21 (A) Drug severity level 5 felony, except as provided in subsection (e)  
22 (2)(B); and

23 (B) class B nonperson misdemeanor if the drug paraphernalia was  
24 used to cultivate fewer than five marijuana plants;

25 (3) violation of subsection (b)(2) is a class B nonperson  
26 misdemeanor;

27 (4) violation of subsection (c) is a drug severity level 5 felony; and

28 (5) violation of subsection (d) is a class A nonperson misdemeanor.

29 (f) For persons arrested and charged under subsection (a) or (c), bail  
30 shall be at least \$50,000 cash or surety, and such person shall not be  
31 released upon the person's own recognizance pursuant to K.S.A. 22-2802,  
32 and amendments thereto, unless the court determines, on the record, that  
33 the defendant is not likely to reoffend, the court imposes pretrial  
34 supervision or the defendant agrees to participate in a licensed or certified  
35 drug treatment program.

36 (g) *The provisions of subsection (b) shall not apply to any person*  
37 *who has been issued a valid identification card pursuant to section 9, and*  
38 *amendments thereto, and whose possession of such equipment or material*  
39 *is used solely to produce or for the administration of medical cannabis or*  
40 *medical cannabis products, as such terms are defined in section 2, and*  
41 *amendments thereto, in a manner authorized by the Kansas medical*  
42 *cannabis act, section 1 et seq., and amendments thereto.*

43 Sec. 53. K.S.A. 21-5710 is hereby amended to read as follows: 21-



1 5710. (a) It shall be unlawful for any person to advertise, market, label,  
2 distribute or possess with the intent to distribute:

3 (1) Any product containing ephedrine, pseudoephedrine, red  
4 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,  
5 pressurized ammonia or phenylpropanolamine or their salts, isomers or  
6 salts of isomers if the person knows or reasonably should know that the  
7 purchaser will use the product to manufacture a controlled substance or  
8 controlled substance analog; or

9 (2) any product containing ephedrine, pseudoephedrine or  
10 phenylpropanolamine, or their salts, isomers or salts of isomers for  
11 indication of stimulation, mental alertness, weight loss, appetite control,  
12 energy or other indications not approved pursuant to the pertinent federal  
13 over-the-counter drug final monograph or tentative final monograph or  
14 approved new drug application.

15 (b) It shall be unlawful for any person to distribute, possess with the  
16 intent to distribute or manufacture with intent to distribute any drug  
17 paraphernalia, knowing or under circumstances where one reasonably  
18 should know that it will be used to manufacture or distribute a controlled  
19 substance or controlled substance analog in violation of K.S.A. 21-5701  
20 through 21-5717, and amendments thereto.

21 (c) It shall be unlawful for any person to distribute, possess with  
22 intent to distribute or manufacture with intent to distribute any drug  
23 paraphernalia, knowing or under circumstances where one reasonably  
24 should know, that it will be used as such in violation of K.S.A. 21-5701  
25 through 21-5717, and amendments thereto, except ~~subsection (b)~~ of K.S.A.  
26 21-5706(b), and amendments thereto.

27 (d) It shall be unlawful for any person to distribute, possess with  
28 intent to distribute or manufacture with intent to distribute any drug  
29 paraphernalia, knowing, or under circumstances where one reasonably  
30 should know, that it will be used as such in violation of ~~subsection (b)~~ of  
31 K.S.A. 21-5706(b), and amendments thereto.

32 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;

33 (2) violation of subsection (b) is a:

34 (A) Drug severity level 5 felony, except as provided in ~~subsection (e)~~  
35 ~~(2)(B)~~ *subparagraph (B)*; and

36 (B) drug severity level 4 felony if the trier of fact makes a finding that  
37 the offender distributed or caused drug paraphernalia to be distributed to a  
38 minor or on or within 1,000 feet of any school property;

39 (3) violation of subsection (c) is a:

40 (A) Nondrug severity level 9, nonperson felony, except as provided in  
41 ~~subsection (e)(3)(B)~~ *subparagraph (B)*; and

42 (B) drug severity level 5 felony if the trier of fact makes a finding that  
43 the offender distributed or caused drug paraphernalia to be distributed to a

1 minor or on or within 1,000 feet of any school property; and

2 (4) violation of subsection (d) is a:

3 (A) Class A nonperson misdemeanor, except as provided in  
4 ~~subsection (c)(4)(B)~~ *subparagraph (B)*; and

5 (B) nondrug severity level 9, nonperson felony if the trier of fact  
6 makes a finding that the offender distributed or caused drug paraphernalia  
7 to be distributed to a minor or on or within 1,000 feet of any school  
8 property.

9 (f) For persons arrested and charged under subsection (a), bail shall  
10 be at least \$50,000 cash or surety, and such person shall not be released  
11 upon the person's own recognizance pursuant to K.S.A. 22-2802, and  
12 amendments thereto, unless the court determines, on the record, that the  
13 defendant is not likely to re-offend, the court imposes pretrial supervision  
14 or the defendant agrees to participate in a licensed or certified drug  
15 treatment program.

16 (g) *The provisions of subsection (c) shall not apply to any licensee, as*  
17 *such term is defined in section 2, and amendments thereto, whose*  
18 *distribution or manufacture is used solely to distribute or produce medical*  
19 *cannabis or medical cannabis products, as such terms are defined in*  
20 *section 2, and amendments thereto, in a manner authorized by the Kansas*  
21 *medical cannabis act, section 1 et seq., and amendments thereto.*

22 (h) As used in this section, "or under circumstances where one  
23 reasonably should know" that an item will be used in violation of this  
24 section, shall include, but not be limited to, the following:

25 (1) Actual knowledge from prior experience or statements by  
26 customers;

27 (2) inappropriate or impractical design for alleged legitimate use;

28 (3) receipt of packaging material, advertising information or other  
29 manufacturer supplied information regarding the item's use as drug  
30 paraphernalia; or

31 (4) receipt of a written warning from a law enforcement or  
32 prosecutorial agency having jurisdiction that the item has been previously  
33 determined to have been designed specifically for use as drug  
34 paraphernalia.

35 Sec. 54. K.S.A. 21-6109 is hereby amended to read as follows: 21-  
36 6109. As used in K.S.A. 21-6109 through 21-6116, and amendments  
37 thereto:

38 (a) "Access point" means the area within a ten foot radius outside of  
39 any doorway, open window or air intake leading into a building or facility  
40 that is not exempted pursuant to K.S.A. 21-6110(d), and amendments  
41 thereto.

42 (b) "Bar" means any indoor area that is operated and licensed for the  
43 sale and service of alcoholic beverages, including alcoholic liquor as

1 defined in K.S.A. 41-102, and amendments thereto, or cereal malt  
2 beverages as defined in K.S.A. 41-2701, and amendments thereto, for on-  
3 premises consumption.

4 (c) "*Cannabis*" means the same as defined in section 2, and  
5 amendments thereto.

6 (d) "*Electronic cigarette*" means the same as defined in K.S.A. 79-  
7 3301, and amendments thereto.

8 (e) "Employee" means any person who is employed by an employer  
9 in consideration for direct or indirect monetary wages or profit and any  
10 person who volunteers their services for a nonprofit entity.

11 ~~(f)~~(f) "Employer" means any person, partnership, corporation,  
12 association or organization, including municipal or nonprofit entities, that  
13 employs one or more individual persons.

14 ~~(e)~~(g) "Enclosed area" means all space between a floor and ceiling  
15 that is enclosed on all sides by solid walls, windows or doorways that  
16 extend from the floor to the ceiling, including all space therein screened by  
17 partitions that do not extend to the ceiling or are not solid or similar  
18 structures. For purposes of this section, the following shall not be  
19 considered an "enclosed area": (1) Rooms or areas, enclosed by walls,  
20 windows or doorways, having neither a ceiling nor a roof and that are  
21 completely open to the elements and weather at all times; and (2) rooms or  
22 areas, enclosed by walls, fences, windows or doorways and a roof or  
23 ceiling, having openings that are permanently open to the elements and  
24 weather and that comprise an area that is at least 30% of the total  
25 perimeter wall area of such room or area.

26 ~~(f)~~(h) "Food service establishment" means any place in which food is  
27 served or is prepared for sale or service on the premises. Such term shall  
28 include, but not be limited to, fixed or mobile restaurants, coffee shops,  
29 cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich  
30 shops, soda fountains, taverns, private clubs, roadside kitchens,  
31 commissaries and any other private, public or nonprofit organization or  
32 institution routinely serving food and any other eating or drinking  
33 establishment or operation where food is served or provided for the public  
34 with or without charge.

35 ~~(g)~~(i) "Gaming floor" means the area of a lottery gaming facility or  
36 racetrack gaming facility, as those terms are defined in K.S.A. 74-8702,  
37 and amendments thereto, where patrons engage in Class III gaming. The  
38 gaming floor shall not include any areas used for accounting, maintenance,  
39 surveillance, security, administrative offices, storage, cash or cash  
40 counting, records, food service, lodging or entertainment, except that the  
41 gaming floor may include a bar where alcoholic beverages are served so  
42 long as the bar is located entirely within the area where Class III gaming is  
43 conducted.

1       (†)(j) "Medical care facility" means a physician's office, general  
2 hospital, special hospital, ambulatory surgery center or recuperation center,  
3 as defined by K.S.A. 65-425, and amendments thereto, and any psychiatric  
4 hospital licensed under K.S.A. 39-2001 et seq., and amendments thereto.

5       (†)(k) "Outdoor recreational facility" means a hunting, fishing,  
6 shooting or golf club, business or enterprise operated primarily for the  
7 benefit of its owners, members and their guests and not normally open to  
8 the general public.

9       (†)(l) "Place of employment" means any enclosed area under the  
10 control of a public or private employer, including, but not limited to, work  
11 areas, auditoriums, elevators, private offices, employee lounges and  
12 restrooms, conference and meeting rooms, classrooms, employee  
13 cafeterias, stairwells and hallways, that is used by employees during the  
14 course of employment. For purposes of this section, a private residence  
15 shall not be considered a "place of employment" unless such residence is  
16 used as a day care home, as defined in K.S.A. 65-530, and amendments  
17 thereto.

18       (†)(m) "Private club" means an outdoor recreational facility operated  
19 primarily for the use of its owners, members and their guests that in its  
20 ordinary course of business is not open to the general public for which use  
21 of its facilities has substantial dues or membership fee requirements for its  
22 members.

23       (†)(n) "Public building" means any building owned or operated by: (1)  
24 The state, including any branch, department, agency, bureau, commission,  
25 authority or other instrumentality thereof; (2) any county, city, township,  
26 other political subdivision, including any commission, authority, agency or  
27 instrumentality thereof; or (3) any other separate corporate instrumentality  
28 or unit of the state or any municipality.

29       (†)(o) "Public meeting" means any meeting open to the public  
30 pursuant to K.S.A. 75-4317 et seq., and amendments thereto, or any other  
31 law of this state.

32       (†)(p) "Public place" means any enclosed areas open to the public or  
33 used by the general public including, but not limited to: Banks, bars, food  
34 service establishments, retail service establishments, retail stores, public  
35 means of mass transportation, passenger elevators, health care institutions  
36 or any other place where health care services are provided to the public,  
37 medical care facilities, educational facilities, libraries, courtrooms, public  
38 buildings, restrooms, grocery stores, school buses, museums, theaters,  
39 auditoriums, arenas and recreational facilities. For purposes of this section,  
40 a private residence shall not be considered a "public place" unless such  
41 residence is used as a day care home, as defined in K.S.A. 65-530, and  
42 amendments thereto.

43       (†)(q) "Smoking" means possession of a lighted cigarette, cigar, pipe

1 or the use of an electronic cigarette, or burning tobacco or cannabis in any  
2 other form or device designed for the use of tobacco or cannabis,  
3 including for the consumption of a medical cannabis product, as defined  
4 in section 2, and amendments thereto.

5 ~~(p)~~(r) "Tobacco shop" means any indoor area operated primarily for  
6 the retail sale of tobacco, tobacco products or smoking devices or  
7 accessories, and that derives not less than 65% of its gross receipts from  
8 the sale of tobacco.

9 ~~(q)~~(s) "Substantial dues or membership fee requirements" means  
10 initiation costs, dues or fees proportional to the cost of membership in  
11 similarly-situated outdoor recreational facilities that are not considered  
12 nominal and implemented to otherwise avoid or evade restrictions of a  
13 statewide ban on smoking.

14 Sec. 55. K.S.A. 2024 Supp. 21-6607 is hereby amended to read as  
15 follows: 21-6607. (a) Except as required by subsection (c), nothing in this  
16 section shall be construed to limit the authority of the court to impose or  
17 modify any general or specific conditions of probation, suspension of  
18 sentence or assignment to a community correctional services program. The  
19 court services officer or community correctional services officer may  
20 recommend, and the court may order, the imposition of any conditions of  
21 probation, suspension of sentence or assignment to a community  
22 correctional services program. For crimes committed on or after July 1,  
23 1993, in presumptive nonprison cases, the court services officer or  
24 community correctional services officer may recommend, and the court  
25 may order, the imposition of any conditions of probation or assignment to  
26 a community correctional services program. The court may at any time  
27 order the modification of such conditions, after notice to the court services  
28 officer or community correctional services officer and an opportunity for  
29 such officer to be heard thereon. The court shall cause a copy of any such  
30 order to be delivered to the court services officer and the probationer or to  
31 the community correctional services officer and the community corrections  
32 participant, as the case may be. The provisions of K.S.A. 75-5291, and  
33 amendments thereto, shall be applicable to any assignment to a community  
34 correctional services program pursuant to this section.

35 (b) *Except as provided in subsection (d)*, the court may impose any  
36 conditions of probation, suspension of sentence or assignment to a  
37 community correctional services program that the court deems proper,  
38 including, but not limited to, requiring that the defendant:

39 (1) Obey all laws and ordinances and report any law enforcement  
40 contact to the defendant's supervision officer within 24 hours after such  
41 contact;

42 (2) not engage in physical violence or threats of violence of any kind  
43 and, if the defendant is being supervised for conviction of a felony, not

- 1 purchase or possess a dangerous weapon, including a firearm, while on  
2 supervision;
- 3 (3) report to the defendant's supervision officer as directed and be  
4 truthful in all matters;
- 5 (4) remain within the state of Kansas or other specified areas as  
6 defined by the defendant's supervision officer;
- 7 (5) reside at the defendant's approved residence unless the defendant  
8 receives permission from the defendant's supervision officer to relocate  
9 and notify the defendant's supervision officer within 24 hours after any  
10 emergency changes in residence or contact information;
- 11 (6) not possess, use or distribute any controlled substances except  
12 those prescribed by a licensed medical professional;
- 13 (7) not possess or consume any form of alcohol or intoxicating  
14 substance or enter any establishment where alcohol is sold or consumed as  
15 the primary business;
- 16 (8) submit to any form of alcohol or substance use testing directed by  
17 the defendant's supervision officer and not alter or tamper with the  
18 specimen or test;
- 19 (9) participate in assessment, treatment, programming and other  
20 directives of the court or the defendant's supervision officer;
- 21 (10) be subject to searches of the defendant's person, effects, vehicle,  
22 residence and property by a court services officer, community correctional  
23 services officer or any other law enforcement officer based on reasonable  
24 suspicion that the defendant violated conditions of probation or engaged in  
25 criminal activity; or
- 26 (11) refrain from contacting victims unless authorized by the court to  
27 contact a victim as part of rehabilitative or therapeutic purposes.
- 28 (c) In addition to any conditions of probation, suspension of sentence  
29 or assignment to a community correctional services program ordered  
30 pursuant to subsection (b), the court shall order the defendant to:
- 31 (1) Make reparation or restitution to the aggrieved party for the  
32 damage or loss caused by the defendant's crime in accordance with K.S.A.  
33 21-6604(b), and amendments thereto;
- 34 (2) (A) pay a correctional supervision fee of \$60 if the person was  
35 convicted of a misdemeanor or a fee of \$120 if the person was convicted  
36 of a felony. In any case the amount of the correctional supervision fee  
37 specified by this paragraph may be reduced or waived by the judge if the  
38 person is unable to pay that amount;
- 39 (B) the correctional supervision fee imposed by this paragraph shall  
40 be charged and collected by the district court. The clerk of the district  
41 court shall remit all revenues received under this paragraph from  
42 correctional supervision fees to the state treasurer in accordance with the  
43 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of

1 each such remittance, the state treasurer shall deposit the entire amount in  
2 the state treasury to the credit of the state general fund, a sum equal to  
3 41.67% of such remittance, and to the correctional supervision fund, a sum  
4 equal to 58.33% of such remittance;

5 (C) this paragraph shall apply to persons placed on felony or  
6 misdemeanor probation or released on misdemeanor parole to reside in  
7 Kansas and supervised by Kansas court services officers under the  
8 interstate compact for offender supervision; and

9 (D) this paragraph shall not apply to persons placed on probation or  
10 released on parole to reside in Kansas under the uniform act for out-of-  
11 state parolee supervision; and

12 (3) reimburse the state general fund for all or a part of the  
13 expenditures by the state board of indigents' defense services to provide  
14 counsel and other defense services to the defendant. In determining the  
15 amount and method of payment of such sum, the court shall take account  
16 of the financial resources of the defendant and the nature of the burden that  
17 payment of such sum will impose. A defendant who has been required to  
18 pay such sum and who is not willfully in default in the payment thereof  
19 may at any time petition the court which sentenced the defendant to waive  
20 payment of such sum or of any unpaid portion thereof. If it appears to the  
21 satisfaction of the court that payment of the amount due will impose  
22 manifest hardship on the defendant or the defendant's immediate family,  
23 the court may waive payment of all or part of the amount due or modify  
24 the method of payment. The amount of attorney fees to be included in the  
25 court order for reimbursement shall be the amount claimed by appointed  
26 counsel on the payment voucher for indigents' defense services or the  
27 amount prescribed by the board of indigents' defense services  
28 reimbursement tables as provided in K.S.A. 22-4522, and amendments  
29 thereto, whichever is less.

30 (d) The office of judicial administration and the department of  
31 corrections shall collaborate to develop documentation related to  
32 conditions of supervision.

33 (e) *For any defendant who has been issued a valid identification card*  
34 *pursuant to section 9, and amendments thereto, the court shall not order*  
35 *any condition that prohibits such defendant from purchasing, possessing*  
36 *or consuming medical cannabis or medical cannabis products, as such*  
37 *terms are defined in section 2, and amendments thereto, in accordance*  
38 *with the Kansas medical cannabis act, section 1 et seq., and amendments*  
39 *thereto.*

40 (f) Any law enforcement officer who conducts a search pursuant to  
41 subsection (b)(10) shall submit a written report to the appropriate court  
42 services officer or community correctional services officer not later than  
43 the close of business the next day after such search is conducted. The

1 written report shall include the facts leading to such search, the scope of  
2 such search and any findings resulting from such search.

3 ~~(f)~~(g) There is hereby established in the state treasury the correctional  
4 supervision fund. All moneys credited to the correctional supervision fund  
5 shall be used for: (1) The implementation of and training for use of a  
6 statewide, mandatory, standardized risk assessment tool or instrument as  
7 specified by the Kansas sentencing commission, pursuant to K.S.A. 75-  
8 5291, and amendments thereto; (2) the implementation of and training for  
9 use of a statewide, mandatory, standardized risk assessment tool or  
10 instrument for juveniles adjudicated to be juvenile offenders; and (3)  
11 evidence-based adult and juvenile offender supervision programs by  
12 judicial branch personnel. If all expenditures for the program have been  
13 paid and moneys remain in the correctional supervision fund for a fiscal  
14 year, remaining moneys may be expended from the correctional  
15 supervision fund to support adult and juvenile offender supervision by  
16 court services officers. All expenditures from the correctional supervision  
17 fund shall be made in accordance with appropriation acts upon warrants of  
18 the director of accounts and reports issued pursuant to vouchers approved  
19 by the chief justice of the Kansas supreme court or by a person or persons  
20 designated by the chief justice.

21 Sec. 56. K.S.A. 2024 Supp. 22-3717 is hereby amended to read as  
22 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.  
23 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through  
24 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-  
25 6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and  
26 K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate  
27 sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-  
28 6707, and amendments thereto, shall be eligible for parole after serving the  
29 entire minimum sentence imposed by the court, less good time credits.

30 (b) (1) An inmate sentenced to imprisonment for life without the  
31 possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto,  
32 shall not be eligible for parole.

33 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to  
34 their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and  
35 amendments thereto, an inmate sentenced to imprisonment for the crime  
36 of: (A) Capital murder committed on or after July 1, 1994, shall be eligible  
37 for parole after serving 25 years of confinement, without deduction of any  
38 good time credits; (B) murder in the first degree based upon a finding of  
39 premeditated murder committed on or after July 1, 1994, but prior to July  
40 1, 2014, shall be eligible for parole after serving 25 years of confinement,  
41 without deduction of any good time credits; and (C) murder in the first  
42 degree as described in K.S.A. 21-5402(a)(2), and amendments thereto,  
43 committed on or after July 1, 2014, shall be eligible for parole after



1 serving 25 years of confinement, without deduction of any good time  
2 credits.

3 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),  
4 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through  
5 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and  
6 21-6625, and amendments thereto, an inmate sentenced to imprisonment  
7 for an off-grid offense committed on or after July 1, 1993, but prior to July  
8 1, 1999, shall be eligible for parole after serving 15 years of confinement,  
9 without deduction of any good time credits and an inmate sentenced to  
10 imprisonment for an off-grid offense committed on or after July 1, 1999,  
11 shall be eligible for parole after serving 20 years of confinement without  
12 deduction of any good time credits.

13 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its  
14 repeal, an inmate sentenced for a class A felony committed before July 1,  
15 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to  
16 its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for  
17 parole after serving 15 years of confinement, without deduction of any  
18 good time credits.

19 (5) An inmate sentenced to imprisonment for a violation of K.S.A.  
20 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but  
21 prior to July 1, 1999, shall be eligible for parole after serving 10 years of  
22 confinement without deduction of any good time credits.

23 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
24 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto,  
25 committed on or after July 1, 2006, shall be eligible for parole after  
26 serving the mandatory term of imprisonment without deduction of any  
27 good time credits.

28 (c) (1) Except as provided in subsection (e), if an inmate is sentenced  
29 to imprisonment for more than one crime and the sentences run  
30 consecutively, the inmate shall be eligible for parole after serving the total  
31 of:

32 (A) The aggregate minimum sentences, as determined pursuant to  
33 K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments  
34 thereto, less good time credits for those crimes which are not class A  
35 felonies; and

36 (B) an additional 15 years, without deduction of good time credits,  
37 for each crime which is a class A felony.

38 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-  
39 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for  
40 crimes committed on or after July 1, 2006, the inmate shall be eligible for  
41 parole after serving the mandatory term of imprisonment.

42 (d) (1) Persons sentenced for crimes, other than off-grid crimes,  
43 committed on or after July 1, 1993, or persons subject to subparagraph

1 (G), will not be eligible for parole, but will be released to a mandatory  
2 period of postrelease supervision upon completion of the prison portion of  
3 their sentence as follows:

4 (A) Except as provided in subparagraphs (D) and (E), persons  
5 sentenced for nondrug severity levels 1 through 4 crimes, drug severity  
6 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July  
7 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after  
8 July 1, 2012, must serve 36 months on postrelease supervision.

9 (B) Except as provided in subparagraphs (D) and (E), persons  
10 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3  
11 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and  
12 drug severity level 4 crimes committed on or after July 1, 2012, must serve  
13 24 months on postrelease supervision.

14 (C) Except as provided in subparagraphs (D) and (E), persons  
15 sentenced for nondrug severity levels 7 through 10 crimes, drug severity  
16 level 4 crimes committed on or after July 1, 1993, but prior to July 1,  
17 2012, and drug severity level 5 crimes committed on or after July 1, 2012,  
18 must serve 12 months on postrelease supervision.

19 (D) Persons sentenced to a term of imprisonment that includes a  
20 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and  
21 amendments thereto, committed on or after July 1, 1993, but prior to July  
22 1, 2006, a sexually motivated crime in which the offender has been  
23 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and  
24 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its  
25 repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual  
26 relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and  
27 amendments thereto, shall serve the period of postrelease supervision as  
28 provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount  
29 of good time and program credit earned and retained pursuant to K.S.A.  
30 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto,  
31 on postrelease supervision.

32 (i) If the sentencing judge finds substantial and compelling reasons to  
33 impose a departure based upon a finding that the current crime of  
34 conviction was sexually motivated, departure may be imposed to extend  
35 the postrelease supervision to a period of up to 60 months.

36 (ii) If the sentencing judge departs from the presumptive postrelease  
37 supervision period, the judge shall state on the record at the time of  
38 sentencing the substantial and compelling reasons for the departure.  
39 Departures in this section are subject to appeal pursuant to K.S.A. 21-  
40 4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

41 (iii) In determining whether substantial and compelling reasons exist,  
42 the court shall consider:

43 (a) Written briefs or oral arguments submitted by either the defendant

1 or the state;

2 (b) any evidence received during the proceeding;

3 (c) the presentence report, the victim's impact statement and any  
4 psychological evaluation as ordered by the court pursuant to K.S.A. 21-  
5 4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto;  
6 and

7 (d) any other evidence the court finds trustworthy and reliable.

8 (iv) The sentencing judge may order that a psychological evaluation  
9 be prepared and the recommended programming be completed by the  
10 offender. The department of corrections or the prisoner review board shall  
11 ensure that court ordered sex offender treatment be carried out.

12 (v) In carrying out the provisions of subsection (d)(1)(D), the court  
13 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and  
14 amendments thereto.

15 (vi) Upon petition and payment of any restitution ordered pursuant to  
16 K.S.A. 21-6604, and amendments thereto, the prisoner review board may  
17 provide for early discharge from the postrelease supervision period  
18 imposed pursuant to subsection (d)(1)(D)(i) upon completion of court  
19 ordered programs and completion of the presumptive postrelease  
20 supervision period, as determined by the crime of conviction, pursuant to  
21 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from  
22 postrelease supervision is at the discretion of the board.

23 (vii) Persons convicted of crimes deemed sexually violent or sexually  
24 motivated shall be registered according to the offender registration act,  
25 K.S.A. 22-4901 through 22-4910, and amendments thereto.

26 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their  
27 repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to  
28 participate in a treatment program for sex offenders during the postrelease  
29 supervision period.

30 (E) The period of postrelease supervision provided in subparagraphs  
31 (A) and (B) may be reduced by up to 12 months and the period of  
32 postrelease supervision provided in subparagraph (C) may be reduced by  
33 up to six months based on the offender's compliance with conditions of  
34 supervision and overall performance while on postrelease supervision. The  
35 reduction in the supervision period shall be on an earned basis pursuant to  
36 rules and regulations adopted by the secretary of corrections.

37 (F) In cases where sentences for crimes from more than one severity  
38 level have been imposed, the offender shall serve the longest period of  
39 postrelease supervision as provided by this section available for any crime  
40 upon which sentence was imposed irrespective of the severity level of the  
41 crime. Supervision periods will not aggregate.

42 (G) (i) Except as provided in subsection(v), persons sentenced to  
43 imprisonment for a sexually violent crime committed on or after July 1,

1 2006, when the offender was 18 years of age or older, and who are  
2 released from prison, shall be released to a mandatory period of  
3 postrelease supervision for the duration of the person's natural life.

4 (ii) Persons sentenced to imprisonment for a sexually violent crime  
5 committed on or after the effective date of this act, when the offender was  
6 under 18 years of age, and who are released from prison, shall be released  
7 to a mandatory period of postrelease supervision for 60 months, plus the  
8 amount of good time and program credit earned and retained pursuant to  
9 K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments  
10 thereto.

11 (2) Persons serving a period of postrelease supervision pursuant to  
12 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner  
13 review board for early discharge. Upon payment of restitution, the prisoner  
14 review board may provide for early discharge.

15 (3) Persons serving a period of incarceration for a supervision  
16 violation shall not have the period of postrelease supervision modified  
17 until such person is released and returned to postrelease supervision.

18 (4) Offenders whose crime of conviction was committed on or after  
19 July 1, 2013, and whose probation, assignment to a community  
20 correctional services program, suspension of sentence or nonprison  
21 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments  
22 thereto, or whose underlying prison term expires while serving a sanction  
23 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a  
24 period of postrelease supervision upon the completion of the underlying  
25 prison term.

26 (5) As used in this subsection, "sexually violent crime" means:

27 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and  
28 amendments thereto;

29 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,  
30 or K.S.A. 21-5506(a), and amendments thereto;

31 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior  
32 to its repeal, or K.S.A. 21-5506(b), and amendments thereto;

33 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its  
34 repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;

35 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,  
36 or K.S.A. 21-5504(b), and amendments thereto;

37 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,  
38 or K.S.A. 21-5508(a), and amendments thereto;

39 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior  
40 to its repeal, or K.S.A. 21-5508(b), and amendments thereto;

41 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,  
42 or K.S.A. 21-5510, and amendments thereto;

43 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or

1 K.S.A. 21-5505(b), and amendments thereto;

2 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.  
3 21-5604(b), and amendments thereto;

4 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,  
5 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if  
6 committed in whole or in part for the purpose of the sexual gratification of  
7 the defendant or another;

8 (L) internet trading in child pornography, as defined in K.S.A. 21-  
9 5514(a), and amendments thereto;

10 (M) aggravated internet trading in child pornography, as defined in  
11 K.S.A. 21-5514(b), and amendments thereto;

12 (N) commercial sexual exploitation of a child, as defined in K.S.A.  
13 21-6422, and amendments thereto; or

14 (O) an attempt, conspiracy or criminal solicitation, as defined in  
15 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-  
16 5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent  
17 crime as defined in this section.

18 (6) As used in this subsection, "sexually motivated" means that one of  
19 the purposes for which the defendant committed the crime was for the  
20 purpose of the defendant's sexual gratification.

21 (e) If an inmate is sentenced to imprisonment for a crime committed  
22 while on parole or conditional release, the inmate shall be eligible for  
23 parole as provided by subsection (c), except that the prisoner review board  
24 may postpone the inmate's parole eligibility date by assessing a penalty not  
25 exceeding the period of time which could have been assessed if the  
26 inmate's parole or conditional release had been violated for reasons other  
27 than conviction of a crime.

28 (f) If a person is sentenced to prison for a crime committed on or after  
29 July 1, 1993, while on probation, parole, conditional release or in a  
30 community corrections program, for a crime committed prior to July 1,  
31 1993, and the person is not eligible for retroactive application of the  
32 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-  
33 4724, prior to its repeal, the new sentence shall not be aggregated with the  
34 old sentence, but shall begin when the person is paroled or reaches the  
35 conditional release date on the old sentence. If the offender was past the  
36 offender's conditional release date at the time the new offense was  
37 committed, the new sentence shall not be aggregated with the old sentence  
38 but shall begin when the person is ordered released by the prisoner review  
39 board or reaches the maximum sentence expiration date on the old  
40 sentence, whichever is earlier. The new sentence shall then be served as  
41 otherwise provided by law. The period of postrelease supervision shall be  
42 based on the new sentence, except that those offenders whose old sentence  
43 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.

1 21-4628, prior to its repeal, or an indeterminate sentence with a maximum  
2 term of life imprisonment, for which there is no conditional release or  
3 maximum sentence expiration date, shall remain on postrelease  
4 supervision for life or until discharged from supervision by the prisoner  
5 review board.

6 (g) Subject to the provisions of this section, the prisoner review board  
7 may release on parole those persons confined in institutions who are  
8 eligible for parole when: (1) The board believes that the inmate should be  
9 released for hospitalization, deportation or to answer the warrant or other  
10 process of a court and is of the opinion that there is reasonable probability  
11 that the inmate can be released without detriment to the community or to  
12 the inmate; or (2) the secretary of corrections has reported to the board in  
13 writing that the inmate has satisfactorily completed the programs required  
14 by any agreement entered under K.S.A. 75-5210a, and amendments  
15 thereto, or any revision of such agreement, and the board believes that the  
16 inmate is able and willing to fulfill the obligations of a law abiding citizen  
17 and is of the opinion that there is reasonable probability that the inmate  
18 can be released without detriment to the community or to the inmate.  
19 Parole shall not be granted as an award of clemency and shall not be  
20 considered a reduction of sentence or a pardon.

21 (h) The prisoner review board shall hold a parole hearing at least the  
22 month prior to the month an inmate will be eligible for parole under  
23 subsections (a), (b) and (c). At least one month preceding the parole  
24 hearing, the county or district attorney of the county where the inmate was  
25 convicted shall give written notice of the time and place of the public  
26 comment sessions for the inmate to any victim of the inmate's crime who  
27 is alive and whose address is known to the county or district attorney or,  
28 if the victim is deceased, to the victim's family if the family's address is  
29 known to the county or district attorney. Except as otherwise provided,  
30 failure to notify pursuant to this section shall not be a reason to postpone a  
31 parole hearing. In the case of any inmate convicted of an off-grid felony or  
32 a class A felony, the secretary of corrections shall give written notice of the  
33 time and place of the public comment session for such inmate at least one  
34 month preceding the public comment session to any victim of such  
35 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and  
36 amendments thereto. If notification is not given to such victim or such  
37 victim's family in the case of any inmate convicted of an off-grid felony or  
38 a class A felony, the board shall postpone a decision on parole of the  
39 inmate to a time at least 30 days after notification is given as provided in  
40 this section. Nothing in this section shall create a cause of action against  
41 the state or an employee of the state acting within the scope of the  
42 employee's employment as a result of the failure to notify pursuant to this  
43 section. If granted parole, the inmate may be released on parole on the date

1 specified by the board, but not earlier than the date the inmate is eligible  
2 for parole under subsections (a), (b) and (c). At each parole hearing and, if  
3 parole is not granted, at such intervals thereafter as it determines  
4 appropriate, the board shall consider: (1) Whether the inmate has  
5 satisfactorily completed the programs required by any agreement entered  
6 under K.S.A. 75-5210a, and amendments thereto, or any revision of such  
7 agreement; and (2) all pertinent information regarding such inmate,  
8 including, but not limited to, the circumstances of the offense of the  
9 inmate; the presentence report; the previous social history and criminal  
10 record of the inmate; the conduct, employment, and attitude of the inmate  
11 in prison; the reports of such physical and mental examinations as have  
12 been made, including, but not limited to, risk factors revealed by any risk  
13 assessment of the inmate; comments of the victim and the victim's family  
14 including in person comments, contemporaneous comments and  
15 prerecorded comments made by any technological means; comments of  
16 the public; official comments; any recommendation by the staff of the  
17 facility where the inmate is incarcerated; proportionality of the time the  
18 inmate has served to the sentence a person would receive under the Kansas  
19 sentencing guidelines for the conduct that resulted in the inmate's  
20 incarceration; and capacity of state correctional institutions.

21 (i) In those cases involving inmates sentenced for a crime committed  
22 after July 1, 1993, the prisoner review board will review the inmate's  
23 proposed release plan. The board may schedule a hearing if they desire.  
24 The board may impose any condition they deem necessary to insure public  
25 safety, aid in the reintegration of the inmate into the community, or items  
26 not completed under the agreement entered into under K.S.A. 75-5210a,  
27 and amendments thereto. The board may not advance or delay an inmate's  
28 release date. Every inmate while on postrelease supervision shall remain in  
29 the legal custody of the secretary of corrections and is subject to the orders  
30 of the secretary.

31 (j) (1) Before ordering the parole of any inmate, the prisoner review  
32 board shall have the inmate appear either in person or via a video  
33 conferencing format and shall interview the inmate unless impractical  
34 because of the inmate's physical or mental condition or absence from the  
35 institution. Every inmate while on parole shall remain in the legal custody  
36 of the secretary of corrections and is subject to the orders of the secretary.  
37 Whenever the board formally considers placing an inmate on parole and  
38 no agreement has been entered into with the inmate under K.S.A. 75-  
39 5210a, and amendments thereto, the board shall notify the inmate in  
40 writing of the reasons for not granting parole. If an agreement has been  
41 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate  
42 has not satisfactorily completed the programs specified in the agreement,  
43 or any revision of such agreement, the board shall notify the inmate in

1 writing of the specific programs the inmate must satisfactorily complete  
2 before parole will be granted. If parole is not granted only because of a  
3 failure to satisfactorily complete such programs, the board shall grant  
4 parole upon the secretary's certification that the inmate has successfully  
5 completed such programs. If an agreement has been entered under K.S.A.  
6 75-5210a, and amendments thereto, and the secretary of corrections has  
7 reported to the board in writing that the inmate has satisfactorily  
8 completed the programs required by such agreement, or any revision  
9 thereof, the board shall not require further program participation.  
10 However, if the board determines that other pertinent information  
11 regarding the inmate warrants the inmate's not being released on parole,  
12 the board shall state in writing the reasons for not granting the parole. If  
13 parole is denied for an inmate sentenced for a crime other than a class A or  
14 class B felony or an off-grid felony, the board shall hold another parole  
15 hearing for the inmate not later than one year after the denial unless the  
16 board finds that it is not reasonable to expect that parole would be granted  
17 at a hearing if held in the next three years or during the interim period of a  
18 deferral. In such case, the board may defer subsequent parole hearings for  
19 up to three years but any such deferral by the board shall require the board  
20 to state the basis for its findings. If parole is denied for an inmate  
21 sentenced for a class A or class B felony or an off-grid felony, the board  
22 shall hold another parole hearing for the inmate not later than three years  
23 after the denial unless the board finds that it is not reasonable to expect  
24 that parole would be granted at a hearing if held in the next 10 years or  
25 during the interim period of a deferral. In such case, the board may defer  
26 subsequent parole hearings for up to 10 years, but any such deferral shall  
27 require the board to state the basis for its findings.

28 (2) Inmates sentenced for a class A or class B felony who have not  
29 had a board hearing in the five years prior to July 1, 2010, shall have such  
30 inmates' cases reviewed by the board on or before July 1, 2012. Such  
31 review shall begin with the inmates with the oldest deferral date and  
32 progress to the most recent. Such review shall be done utilizing existing  
33 resources unless the board determines that such resources are insufficient.  
34 If the board determines that such resources are insufficient, then the  
35 provisions of this paragraph are subject to appropriations therefor.

36 (k) (1) Parolees and persons on postrelease supervision shall be  
37 assigned, upon release, to the appropriate level of supervision pursuant to  
38 the criteria established by the secretary of corrections.

39 (2) Parolees and persons on postrelease supervision are, and shall  
40 agree in writing to be, subject to searches of the person and the person's  
41 effects, vehicle, residence and property by a parole officer or a department  
42 of corrections enforcement, apprehension and investigation officer, at any  
43 time of the day or night, with or without a search warrant and with or



1 without cause. Nothing in this subsection shall be construed to authorize  
2 such officers to conduct arbitrary or capricious searches or searches for the  
3 sole purpose of harassment.

4 (3) Parolees and persons on postrelease supervision are, and shall  
5 agree in writing to be, subject to searches of the person and the person's  
6 effects, vehicle, residence and property by any law enforcement officer  
7 based on reasonable suspicion of the person violating conditions of parole  
8 or postrelease supervision or reasonable suspicion of criminal activity. Any  
9 law enforcement officer who conducts such a search shall submit a written  
10 report to the appropriate parole officer no later than the close of the next  
11 business day after such search. The written report shall include the facts  
12 leading to such search, the scope of such search and any findings resulting  
13 from such search.

14 (1) The prisoner review board shall promulgate rules and regulations  
15 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not  
16 inconsistent with the law and as it may deem proper or necessary, with  
17 respect to the conduct of parole hearings, postrelease supervision reviews,  
18 revocation hearings, orders of restitution, reimbursement of expenditures  
19 by the state board of indigents' defense services and other conditions to be  
20 imposed upon parolees or releasees. Whenever an order for parole or  
21 postrelease supervision is issued it shall recite the conditions thereof.

22 (m) Whenever the prisoner review board orders the parole of an  
23 inmate or establishes conditions for an inmate placed on postrelease  
24 supervision, the board shall require that the inmate:

25 (1) Obey all laws and ordinances and report any law enforcement  
26 contact to the inmate's supervision officer within 24 hours after such  
27 contact;

28 (2) not engage in physical violence or threats of violence of any kind  
29 and, if the inmate is being supervised for conviction of a felony, not  
30 purchase or possess a dangerous weapon, including a firearm, while on  
31 supervision;

32 (3) report to the inmate's supervision officer as directed and be  
33 truthful in all matters;

34 (4) remain within the state of Kansas or other specified areas as  
35 defined by the defendant's supervision officer;

36 (5) reside at the inmate's approved residence unless the defendant  
37 receives permission from the inmate's supervision officer to relocate and  
38 notify the inmate's supervision officer within 24 hours after any emergency  
39 changes in residence or contact information;

40 (6) not possess, use or distribute any controlled substances except  
41 those prescribed by a licensed medical professional;

42 (7) not possess or consume any form of alcohol or intoxicating  
43 substance or enter any establishment where alcohol is sold or consumed as

1 the primary business;

2 (8) submit to any form of alcohol or substance use testing directed by  
3 the inmate's supervision officer and not alter or tamper with the specimen  
4 or test;

5 (9) participate in assessment, treatment, programming and other  
6 directives of the court or the inmate's supervision officer;

7 (10) submit to searches of the person and the person's effects, vehicle,  
8 residence and property by a parole officer or a department of corrections  
9 enforcement, apprehension and investigation officer, at any time of the day  
10 or night, with or without a search warrant and with or without cause,  
11 except that nothing in this paragraph shall be construed to authorize such  
12 officers to conduct arbitrary or capricious searches or searches for the sole  
13 purpose of harassment;

14 (11) submit to searches of the person and the person's effects, vehicle,  
15 residence and property by any law enforcement officer based on  
16 reasonable suspicion of the person violating conditions of parole or  
17 postrelease supervision or reasonable suspicion of criminal activity;

18 (12) refrain from contacting victims unless authorized by the board to  
19 contact a victim as part of rehabilitative or therapeutic purposes;

20 (13) pay the administrative fee imposed pursuant to K.S.A. 22-4529,  
21 and amendments thereto, unless the board finds compelling circumstances  
22 that would render payment unworkable; and

23 (14) unless the board finds compelling circumstances that would  
24 render a plan of payment unworkable, reimburse the state for all or part of  
25 the expenditures by the state board of indigents' defense services to  
26 provide counsel and other defense services to the person. In determining  
27 the amount and method of payment of such sum, the prisoner review board  
28 shall take account of the financial resources of the person and the nature of  
29 the burden that the payment of such sum will impose. Such amount shall  
30 not exceed the amount claimed by appointed counsel on the payment  
31 voucher for indigents' defense services or the amount prescribed by the  
32 board of indigents' defense services reimbursement tables as provided in  
33 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any  
34 previous payments for such services.

35 (n) Any law enforcement officer who conducts a search pursuant to  
36 subsection (m)(11) shall submit a written report to the inmate's parole  
37 officer not later than the close of business the next day after such search is  
38 conducted. The written report shall include the facts leading to such  
39 search, the scope of such search and any findings resulting from such  
40 search.

41 (o) If the court that sentenced an inmate specified at the time of  
42 sentencing the amount and the recipient of any restitution ordered as a  
43 condition of parole or postrelease supervision, the prisoner review board

1 shall order as a condition of parole or postrelease supervision that the  
2 inmate pay restitution in the amount and manner provided in the journal  
3 entry unless the board finds compelling circumstances that would render a  
4 plan of restitution unworkable.

5 (p) Whenever the prisoner review board grants the parole of an  
6 inmate, the board, within 14 days of the date of the decision to grant  
7 parole, shall give written notice of the decision to the county or district  
8 attorney of the county where the inmate was sentenced.

9 (q) When an inmate is to be released on postrelease supervision, the  
10 secretary, within 30 days prior to release, shall provide the county or  
11 district attorney of the county where the inmate was sentenced written  
12 notice of the release date.

13 (r) Inmates shall be released on postrelease supervision upon the  
14 termination of the prison portion of their sentence. Time served while on  
15 postrelease supervision will vest.

16 (s) An inmate who is allocated regular good time credits as provided  
17 in K.S.A. 22-3725, and amendments thereto, may receive meritorious  
18 good time credits in increments of not more than 90 days per meritorious  
19 act. These credits may be awarded by the secretary of corrections when an  
20 inmate has acted in a heroic or outstanding manner in coming to the  
21 assistance of another person in a life-threatening situation, preventing  
22 injury or death to a person, preventing the destruction of property or taking  
23 actions that result in a financial savings to the state.

24 (t) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and  
25 (d)(1)(E) shall be applied retroactively as provided in subsection(u).

26 (u) For offenders sentenced prior to July 1, 2014, who are eligible for  
27 modification of their postrelease supervision obligation, the department of  
28 corrections shall modify the period of postrelease supervision as provided  
29 for by this section:

30 (1) On or before September 1, 2013, for offenders convicted of:

31 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid  
32 for nondrug crimes;

33 (B) severity level 4 crimes on the sentencing guidelines grid for drug  
34 crimes committed prior to July 1, 2012; and

35 (C) severity level 5 crimes on the sentencing guidelines grid for drug  
36 crimes committed on and after July 1, 2012;

37 (2) on or before November 1, 2013, for offenders convicted of:

38 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines  
39 grid for nondrug crimes;

40 (B) level 3 crimes on the sentencing guidelines grid for drug crimes  
41 committed prior to July 1, 2012; and

42 (C) level 4 crimes on the sentencing guidelines grid for drug crimes  
43 committed on or after July 1, 2012; and

1 (3) on or before January 1, 2014, for offenders convicted of:

2 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing  
3 guidelines grid for nondrug crimes;

4 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid  
5 for drug crimes committed at any time; and

6 (C) severity level 3 crimes on the sentencing guidelines grid for drug  
7 crimes committed on or after July 1, 2012.

8 (v) An inmate sentenced to imprisonment pursuant to K.S.A. 21-  
9 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for  
10 crimes committed on or after July 1, 2006, shall be placed on parole for  
11 life and shall not be discharged from supervision by the prisoner review  
12 board. When the board orders the parole of an inmate pursuant to this  
13 subsection, the board shall order as a condition of parole that the inmate be  
14 electronically monitored for the duration of the inmate's natural life.

15 (w) Whenever the prisoner review board orders a person to be  
16 electronically monitored pursuant to this section, or the court orders a  
17 person to be electronically monitored pursuant to K.S.A. 21-6604(r), and  
18 amendments thereto, the board shall order the person to reimburse the state  
19 for all or part of the cost of such monitoring. In determining the amount  
20 and method of payment of such sum, the board shall take account of the  
21 financial resources of the person and the nature of the burden that the  
22 payment of such sum will impose.

23 (x) (1) On and after July 1, 2012, for any inmate who is a sex  
24 offender, as defined in K.S.A. 22-4902, and amendments thereto,  
25 whenever the prisoner review board orders the parole of such inmate or  
26 establishes conditions for such inmate placed on postrelease supervision,  
27 such inmate shall agree in writing to not possess pornographic materials.

28 (A) As used in this subsection, "pornographic materials" means any  
29 obscene material or performance depicting sexual conduct, sexual contact  
30 or a sexual performance; and any visual depiction of sexually explicit  
31 conduct.

32 (B) As used in this subsection, all other terms have the meanings  
33 provided by K.S.A. 21-5510, and amendments thereto.

34 (2) The provisions of this subsection shall be applied retroactively to  
35 every sex offender, as defined in K.S.A. 22-4902, and amendments  
36 thereto, who is on parole or postrelease supervision on July 1, 2012. The  
37 prisoner review board shall obtain the written agreement required by this  
38 subsection from such offenders as soon as practicable.

39 (y) *For any parolee or person on postrelease supervision who has*  
40 *been issued a valid identification card pursuant to section 9, and*  
41 *amendments thereto, the prisoner review board shall not order any*  
42 *condition that prohibits such parolee or person on postrelease supervision*  
43 *from purchasing, possessing or consuming medical cannabis or medical*

1 *cannabis products, as such terms are defined in section 2, and*  
2 *amendments thereto, in accordance with the Kansas medical cannabis act,*  
3 *section 1 et seq., and amendments thereto.*

4 Sec. 57. K.S.A. 2024 Supp. 22-4714 is hereby amended to read as  
5 follows: 22-4714. (a) A governmental agency other than a criminal justice  
6 agency as defined in K.S.A. 22-4701, and amendments thereto, identified  
7 in subsection (b) may require a person to be fingerprinted and shall submit  
8 such fingerprints to the Kansas bureau of investigation and the federal  
9 bureau of investigation for a search of the state and federal database.  
10 Fingerprints provided pursuant to this section may be used to identify a  
11 person and to determine whether such person has a record of criminal  
12 history in this state or in another jurisdiction. An agency identified in  
13 subsection (b) may use the information obtained from the criminal history  
14 record check for the purposes of verifying the identification of a person  
15 and in the official determination of the qualifications and fitness of such  
16 person to be issued or maintain employment, licensure, registration,  
17 certification or a permit, act as an agent of a licensee, hold ownership of a  
18 licensee or serve as a director or officer of a licensee.

19 (b) (1) The Kansas bureau of investigation shall release criminal  
20 history record information related to adult convictions, adult non-  
21 convictions, adult diversions, adult expunged records, juvenile  
22 adjudications, juvenile non-adjudications, juvenile diversions and juvenile  
23 expunged records to the Kansas department for children and families or  
24 the Kansas department for aging and disability services for initial or  
25 continuing employment or participation in any program administered for  
26 the placement, safety, protection or treatment of vulnerable children or  
27 adults as described in K.S.A. 75-53,105, and amendments thereto.

28 (2) The Kansas bureau of investigation shall release criminal history  
29 record information related to adult convictions, adult non-convictions,  
30 adult diversions, adult expunged records and juvenile expunged records to:

31 (A) The state lottery for candidates for employees as defined in  
32 K.S.A. 74-8702, and amendments thereto, in connection with such  
33 employment as described in K.S.A. 74-8704, and amendments thereto; and

34 (B) the Kansas racing and gaming commission for candidates for  
35 employees or licensees as defined in K.S.A. 74-8802, and amendments  
36 thereto, in connection with such employment or license as described in  
37 K.S.A. 74-8804, and amendments thereto, including an applicant for a  
38 simulcasting license.

39 (3) The Kansas bureau of investigation shall release criminal history  
40 record information related to adult convictions, adult non-convictions,  
41 adult diversions, adult expunged records, juvenile adjudications, juvenile  
42 non-adjudications and juvenile diversions to:

43 (A) The emergency medical services board for applicants as defined

1 in K.S.A. 65-6129, and amendments thereto, in connection with such  
2 application as described in K.S.A. 65-6129, and amendments thereto;

3 (B) the attorney general for applicants as defined in K.S.A. 75-7c01,  
4 and amendments thereto, in connection with such application as described  
5 in K.S.A. 75-7c05, and amendments thereto; and

6 (C) the department of administration for candidates for sensitive  
7 employees as defined in K.S.A. 75-3707e, and amendments thereto, in  
8 connection with such employment as described in K.S.A. 75-3707e, and  
9 amendments thereto.

10 (4) The Kansas bureau of investigation shall release criminal history  
11 record information related to adult convictions, adult non-convictions,  
12 adult diversions and adult expunged records to:

13 (A) The supreme court and state board of law examiners for  
14 applicants as defined in K.S.A. 7-127, and amendments thereto, in  
15 connection with such application as described in K.S.A. 7-127, and  
16 amendments thereto;

17 (B) the state gaming agency for candidates for employees and  
18 licensees as defined in K.S.A. 74-9802, and amendments thereto, in  
19 connection with such employment or license as described in K.S.A. 74-  
20 9805, and amendments thereto;

21 (C) the attorney general for applicants as defined in K.S.A. 75-7b01,  
22 and amendments thereto, in connection with such application as described  
23 in K.S.A. 75-7b04, and amendments thereto;

24 (D) the attorney general for applicants as defined in K.S.A. 75-7b01,  
25 and amendments thereto, in connection with such application for  
26 certification as described in K.S.A. 75-7b21, and amendments thereto; and

27 (E) the commission on peace officers' standards and training for  
28 applicants for certification under the Kansas law enforcement training act  
29 as described in K.S.A. 74-5607, and amendments thereto.

30 (5) The Kansas bureau of investigation shall release criminal history  
31 record information related to adult convictions, adult non-convictions,  
32 adult diversions and juvenile adjudications to:

33 (A) The athletic commission within the Kansas department of  
34 commerce for a candidate for boxing commission as defined in K.S.A. 74-  
35 50,182, and amendments thereto, in connection with such appointment as  
36 described in K.S.A. 74-50,184, and amendments thereto; and

37 (B) the secretary of health and environment for employees at a child  
38 care facility as defined in K.S.A. 65-503, and amendments thereto, in  
39 connection with such employment as described in K.S.A. 65-516, and  
40 amendments thereto.

41 (6) The Kansas bureau of investigation shall release criminal history  
42 record information related to adult convictions and juvenile adjudications  
43 to:

1 (A) The secretary for aging and disability services for applicants as  
2 defined in K.S.A. 39-970, and amendments thereto, in connection with  
3 such application as described in K.S.A. 39-970, and amendments thereto;

4 (B) the Kansas department for aging and disability services for  
5 applicants as defined in K.S.A. 39-2009, and amendments thereto, in  
6 connection with such application as described in K.S.A. 39-2009, and  
7 amendments thereto; and

8 (C) the secretary for aging and disability services for applicants as  
9 defined in K.S.A. 65-5117, and amendments thereto, in connection with  
10 such application as described in K.S.A. 65-5117, and amendments thereto.

11 (7) The Kansas bureau of investigation shall release criminal history  
12 record information related to adult convictions and adult non-convictions  
13 to:

14 (A) The division of motor vehicles within the department of revenue  
15 for applicants for reinstatement of a license to drive a commercial motor  
16 vehicle as described in K.S.A. 8-2,142, and amendments thereto;

17 (B) the board of examiners in optometry for applicants or licensees as  
18 defined in K.S.A. 65-1501, and amendments thereto, in connection with  
19 such application or an investigation as described in K.S.A. 65-1505, and  
20 amendments thereto;

21 (C) the board of pharmacy for fingerprint candidates as defined in  
22 K.S.A. 65-1626, and amendments thereto, in connection with such  
23 application or license as described in K.S.A. 65-1696, and amendments  
24 thereto;

25 (D) the state board of healing arts for applicants or licensees as  
26 defined in K.S.A. 65-2802, and amendments thereto, in connection with  
27 such application or an investigation as described in K.S.A. 65-28,129, and  
28 amendments thereto;

29 (E) the state board of healing arts for applicants or licensees as  
30 defined in K.S.A. 65-2901, and amendments thereto, in connection with  
31 such application or an investigation as described in K.S.A. 65-2924, and  
32 amendments thereto;

33 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,  
34 and amendments thereto, in connection with such application as described  
35 in K.S.A. 74-1112, and amendments thereto;

36 (G) the behavioral sciences regulatory board for licensees as defined  
37 in K.S.A. 74-7511, and amendments thereto, in connection with such  
38 application or license as described in K.S.A. 74-7511, and amendments  
39 thereto;

40 (H) the state lottery for a vendor to whom a major procurement  
41 contract is to be awarded in connection with an investigation as described  
42 in K.S.A. 74-8705, and amendments thereto;

43 (I) the attorney general for appointees of the governor to positions

1 subject to confirmation by the senate and judicial appointees as described  
2 in K.S.A. 75-712, and amendments thereto;

3 (J) appointing authorities as defined in K.S.A. 75-4315d, and  
4 amendments thereto, for nongubernatorial appointees as described in  
5 K.S.A. 75-4315d, and amendments thereto;

6 (K) the Kansas real estate commission for applicants as defined in  
7 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in  
8 K.S.A. 58-3035, and amendments thereto, in connection with an  
9 investigation as described in K.S.A. 58-3039, and amendments thereto;

10 (L) the insurance commissioner for applicants for licensure as an  
11 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in  
12 connection with such application as described in K.S.A. 40-4905, and  
13 amendments thereto; and

14 (M) the insurance commissioner for applicants as defined in K.S.A.  
15 40-5501, and amendments thereto, in connection with such application as  
16 described in K.S.A. 40-5505, and amendments thereto.

17 (8) The Kansas bureau of investigation shall release criminal history  
18 record information related to adult convictions to:

19 (A) The department of agriculture for hemp employees as defined in  
20 K.S.A. 2-3901, and amendments thereto, in connection with such  
21 employment as described in K.S.A. 2-3902, and amendments thereto;

22 (B) the department of agriculture for applicants for licensure as a  
23 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in  
24 connection with such application as described in K.S.A. 2-3906, and  
25 amendments thereto;

26 (C) the office of state fire marshal for applicants for registration as a  
27 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in  
28 connection with such application as described in K.S.A. 2-3907, and  
29 amendments thereto;

30 (D) the department of agriculture for hemp destruction employees as  
31 defined in K.S.A. 2-3901, and amendments thereto, in connection with  
32 such employment as described in K.S.A. 2-3911, and amendments thereto;

33 (E) the bank commissioner for any applicant as defined in K.S.A. 9-  
34 508, and amendments thereto, in connection with such application as  
35 described in K.S.A. 9-509, and amendments thereto;

36 (F) the bank commissioner for an applicant for employment as a new  
37 executive officer or director with a money transmitter company as  
38 described in K.S.A. 9-513e, and amendments thereto;

39 (G) the bank commissioner for any applicant as defined in K.S.A. 9-  
40 1719, and amendments thereto, in connection with such application as  
41 described in K.S.A. 9-1722, and amendments thereto;

42 (H) the bank commissioner for an applicant, registrant or licensee as  
43 defined in K.S.A. 9-2201, and amendments thereto, in connection with



1 such application, registration or license as described in K.S.A. 9-2209, and  
2 amendments thereto;

3 (I) the state banking board for any officer, director or organizer of a  
4 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and  
5 amendments thereto, in connection with such role as described in K.S.A.  
6 9-2302, and amendments thereto;

7 (J) municipalities for applicants for merchant or security police as  
8 described in K.S.A. 12-1679, and amendments thereto;

9 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-  
10 104, and amendments thereto, in connection with such application as  
11 described in K.S.A. 16a-6-104, and amendments thereto;

12 (L) the state department of credit unions for every candidate as  
13 defined in K.S.A. 17-2234, and amendments thereto, in connection with  
14 such employment as described in K.S.A. 17-2234, and amendments  
15 thereto;

16 (M) the division of alcoholic beverage control within the department  
17 of revenue for applicants as defined in K.S.A. 41-102, and amendments  
18 thereto, in connection with such application as described in K.S.A. 41-  
19 311b, and amendments thereto;

20 (N) the division of post audit for employees as defined in K.S.A. 46-  
21 1103, and amendments thereto, in connection with such employment as  
22 described in K.S.A. 46-1103, and amendments thereto;

23 (O) the bank commissioner for licensees as defined in K.S.A. 50-  
24 1126, and amendments thereto, in connection with such license as  
25 described in K.S.A. 50-1128, and amendments thereto;

26 (P) the real estate appraisal board for licensees as defined in K.S.A.  
27 58-4102, and amendments thereto, in connection with an application or  
28 investigation as described in K.S.A. 58-4127, and amendments thereto;

29 (Q) the real estate appraisal board for applicants as defined in K.S.A.  
30 58-4703, and amendments thereto, in connection with such application as  
31 described in K.S.A. 58-4709, and amendments thereto;

32 (R) the department of health and environment for an employee as  
33 defined in K.S.A. 65-2401, and amendments thereto, in connection with  
34 such employment as described in K.S.A. 65-2402, and amendments  
35 thereto;

36 (S) the Kansas commission on veterans affairs office for candidates  
37 as defined in K.S.A. 73-1210a, and amendments thereto, in connection  
38 with an application as described in K.S.A. 73-1210a, and amendments  
39 thereto;

40 (T) a senate standing committee for a member named, appointed or  
41 elected to the public employee retirement systems board of trustee  
42 membership as described in K.S.A. 74-4905, and amendments thereto;

43 (U) the attorney general for applicants as defined in K.S.A. 75-7e01,

1 and amendments thereto, in connection with such application as described  
2 in K.S.A. 75-7e03, and amendments thereto;

3 (V) the department of revenue for employees as defined in K.S.A. 75-  
4 5133c, and amendments thereto, in connection with such employment as  
5 described in K.S.A. 75-5133c, and amendments thereto;

6 (W) the division of motor vehicles within the department of revenue  
7 for employees as defined in K.S.A. 75-5156, and amendments thereto, in  
8 connection with such employment as described in K.S.A. 75-5156, and  
9 amendments thereto;

10 (X) the Kansas commission for the deaf and hard of hearing for  
11 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in  
12 connection with such application as described in K.S.A. 75-5393a, and  
13 amendments thereto;

14 (Y) the Kansas commission for the deaf and hard of hearing for  
15 employees as defined in K.S.A. 75-5397f, and amendments thereto, in  
16 connection with such employment as described in K.S.A. 75-5393c, and  
17 amendments thereto;

18 (Z) the department of health and environment for employees as  
19 defined in K.S.A. 75-5609a, and amendments thereto, in connection with  
20 such employment as described in K.S.A. 75-5609a, and amendments  
21 thereto; ~~and~~

22 (AA) an executive branch agency head for employees as defined in  
23 K.S.A. 75-7241, and amendments thereto, in connection with such  
24 employment as described in K.S.A. 75-7241, and amendments thereto;  
25 *and*

26 *(BB) the director of alcoholic beverage control for applicants as*  
27 *described in section 19, and amendments thereto, in connection with such*  
28 *applications as described in section 17, and amendments thereto.*

29 (c) State and local law enforcement agencies shall assist with taking  
30 fingerprints of individuals as authorized by this section.

31 (d) Any board, commission, committee or other public body shall  
32 recess into a closed executive session pursuant to K.S.A. 75-4319, and  
33 amendments thereto, to receive and discuss criminal history record  
34 information obtained pursuant to this section.

35 (e) The Kansas bureau of investigation may charge a reasonable fee  
36 for conducting a criminal history record check.

37 (f) (1) Fingerprints and criminal history record information received  
38 pursuant to this section shall be confidential and shall not be subject to the  
39 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and  
40 amendments thereto. The provisions of this paragraph shall expire on July  
41 1, 2029, unless the legislature reviews and reenacts this provision pursuant  
42 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

43 (2) Disclosure or use of any information received pursuant to this

1 section for any purpose other than the purpose described in this section  
2 shall be a class A nonperson misdemeanor and shall constitute grounds for  
3 removal from office.

4 Sec. 58. K.S.A. 23-3201 is hereby amended to read as follows: 23-  
5 3201. (a) The court shall determine legal custody, residency and parenting  
6 time of a child in accordance with the best interests of the child.

7 (b) *The court shall not consider the fact that a parent consumes*  
8 *medical cannabis or medical cannabis products, as defined in section 2,*  
9 *and amendments thereto, in accordance with the Kansas medical cannabis*  
10 *act, section 1 et seq., and amendments thereto, when determining the legal*  
11 *custody, residency or parenting time of a child.*

12 Sec. 59. K.S.A. 38-2269 is hereby amended to read as follows: 38-  
13 2269. (a) When the child has been adjudicated to be a child in need of  
14 care, the court may terminate parental rights or appoint a permanent  
15 custodian when the court finds by clear and convincing evidence that the  
16 parent is unfit by reason of conduct or condition which renders the parent  
17 unable to care properly for a child and the conduct or condition is unlikely  
18 to change in the foreseeable future.

19 (b) In making a determination of unfitness the court shall consider,  
20 but is not limited to, the following, if applicable:

21 (1) Emotional illness, mental illness, mental deficiency or physical  
22 disability of the parent, of such duration or nature as to render the parent  
23 unable to care for the ongoing physical, mental and emotional needs of the  
24 child;

25 (2) conduct toward a child of a physically, emotionally or sexually  
26 cruel or abusive nature;

27 (3) the use of intoxicating liquors or narcotic or dangerous drugs of  
28 such duration or nature as to render the parent unable to care for the  
29 ongoing physical, mental or emotional needs of the child, *except that the*  
30 *use of medical cannabis or medical cannabis products, as defined in*  
31 *section 2, and amendments thereto, in accordance with the Kansas*  
32 *medical cannabis act, section 1 et seq., and amendments thereto, shall not*  
33 *be considered to render the parent unable to care for the ongoing physical,*  
34 *mental or emotional needs of the child;*

35 (4) physical, mental or emotional abuse or neglect or sexual abuse of  
36 a child;

37 (5) conviction of a felony and imprisonment;

38 (6) unexplained injury or death of another child or stepchild of the  
39 parent or any child in the care of the parent at the time of injury or death;

40 (7) failure of reasonable efforts made by appropriate public or private  
41 agencies to rehabilitate the family;

42 (8) lack of effort on the part of the parent to adjust the parent's  
43 circumstances, conduct or conditions to meet the needs of the child; and

1 (9) whether, as a result of the actions or inactions attributable to the  
2 parent and one or more of the factors listed in subsection (c) apply, the  
3 child has been in the custody of the secretary and placed with neither  
4 parent for 15 of the most recent 22 months beginning 60 days after the  
5 date on which a child in the secretary's custody was removed from the  
6 child's home.

7 (c) In addition to the foregoing, when a child is not in the physical  
8 custody of a parent, the court, shall consider, but is not limited to, the  
9 following:

10 (1) Failure to assure care of the child in the parental home when able  
11 to do so;

12 (2) failure to maintain regular visitation, contact or communication  
13 with the child or with the custodian of the child;

14 (3) failure to carry out a reasonable plan approved by the court  
15 directed toward the integration of the child into a parental home; and

16 (4) failure to pay a reasonable portion of the cost of substitute  
17 physical care and maintenance based on ability to pay.

18 In making the above determination, the court may disregard incidental  
19 visitations, contacts, communications or contributions.

20 (d) A finding of unfitness may be made as provided in this section if  
21 the court finds that the parents have abandoned the child, the custody of  
22 the child was surrendered pursuant to K.S.A. 38-2282, and amendments  
23 thereto, or the child was left under such circumstances that the identity of  
24 the parents is unknown and cannot be ascertained, despite diligent  
25 searching, and the parents have not come forward to claim the child within  
26 three months after the child is found.

27 (e) If a person is convicted of a felony in which sexual intercourse  
28 occurred, or if a juvenile is adjudicated a juvenile offender because of an  
29 act which, if committed by an adult, would be a felony in which sexual  
30 intercourse occurred, and as a result of the sexual intercourse, a child is  
31 conceived, a finding of unfitness may be made.

32 (f) The existence of any one of the above factors standing alone may,  
33 but does not necessarily, establish grounds for termination of parental  
34 rights.

35 (g) (1) If the court makes a finding of unfitness, the court shall  
36 consider whether termination of parental rights as requested in the petition  
37 or motion is in the best interests of the child. In making the determination,  
38 the court shall give primary consideration to the physical, mental and  
39 emotional health of the child. If the physical, mental or emotional needs of  
40 the child would best be served by termination of parental rights, the court  
41 shall so order. A termination of parental rights under the code shall not  
42 terminate the right of a child to inherit from or through a parent. Upon  
43 such termination all rights of the parent to such child, including, such

1 parent's right to inherit from or through such child, shall cease.

2 (2) If the court terminates parental rights, the court may authorize  
3 adoption pursuant to K.S.A. 38-2270, and amendments thereto,  
4 appointment of a permanent custodian pursuant to K.S.A. 38-2272, and  
5 amendments thereto, or continued permanency planning.

6 (3) If the court does not terminate parental rights, the court may  
7 authorize appointment of a permanent custodian pursuant to K.S.A. 38-  
8 2272, and amendments thereto, or continued permanency planning.

9 (h) If a parent is convicted of an offense as provided in K.S.A. 38-  
10 2271(a)(7), and amendments thereto, or is adjudicated a juvenile offender  
11 because of an act which if committed by an adult would be an offense as  
12 provided in K.S.A. 38-2271(a)(7), and amendments thereto, and if the  
13 victim was the other parent of a child, the court may disregard such  
14 convicted or adjudicated parent's opinions or wishes in regard to the  
15 placement of such child.

16 (i) A record shall be made of the proceedings.

17 (j) When adoption, proceedings to appoint a permanent custodian or  
18 continued permanency planning has been authorized, the person or agency  
19 awarded custody of the child shall within 30 days submit a written plan for  
20 permanent placement which shall include measurable objectives and time  
21 schedules.

22 Sec. 60. K.S.A. 2024 Supp. 44-501 is hereby amended to read as  
23 follows: 44-501. (a) (1) Compensation for an injury shall be disallowed if  
24 such injury to the employee results from:

25 (A) The employee's deliberate intention to cause such injury;

26 (B) the employee's willful failure to use a guard or protection against  
27 accident or injury which is required pursuant to any statute and provided  
28 for the employee;

29 (C) the employee's willful failure to use a reasonable and proper  
30 guard and protection voluntarily furnished the employee by the employer;

31 (D) the employee's reckless violation of their employer's workplace  
32 safety rules or regulations; or

33 (E) the employee's voluntary participation in fighting or horseplay  
34 with a co-employee for any reason, work related or otherwise.

35 ~~(2) Subparagraphs (B) and (C) of paragraph (1) of subsection~~  
36 ~~(a) Subsections (a)(1)(B) and (a)(1)(C) shall not apply when it was~~  
37 reasonable under the totality of the circumstances to not use such  
38 equipment, or if the employer approved the work engaged in at the time of  
39 an accident or injury to be performed without such equipment.

40 (b) (1) (A) The employer shall not be liable under the workers  
41 compensation act where the injury, disability or death was contributed to  
42 by the employee's use or consumption of alcohol or any drugs, chemicals  
43 or any other compounds or substances, including, but not limited to, any

1 drugs or medications—~~which~~ *that* are available to the public without a  
2 prescription from a healthcare provider, prescription drugs or medications,  
3 any form or type of narcotic drugs, marijuana, stimulants, depressants or  
4 hallucinogens.

5 (B) (i) In the case of drugs or medications which are available to the  
6 public without a prescription from a healthcare provider and prescription  
7 drugs or medications, compensation shall not be denied if the employee  
8 can show that such drugs or medications were being taken or used in  
9 therapeutic doses and there have been no prior incidences of the  
10 employee's impairment on the job as the result of the use of such drugs or  
11 medications within the previous 24 months.

12 (ii) *In the case of cannabis, including any cannabis derivatives,*  
13 *compensation shall not be denied if the employee has been issued a valid*  
14 *identification card pursuant to the Kansas medical cannabis act, section 1*  
15 *et seq., and amendments thereto, such cannabis or cannabis derivative*  
16 *was used in accordance with such act, and there has been no prior*  
17 *incidence of the employee's impairment on the job as a result of the use of*  
18 *such cannabis or cannabis derivative within the immediately preceding 24*  
19 *months.*

20 (C) It shall be conclusively presumed that the employee was impaired  
21 due to alcohol or drugs if it is shown that, at the time of the injury, the  
22 employee had an alcohol concentration of .04 or more, or a GCMS  
23 confirmatory test by quantitative analysis showing a concentration at or  
24 above the levels shown on the following chart for the drugs of abuse listed:

	Confirmatory test cutoff levels (ng/ml)
25	
26	
27	
28 Marijuana metabolite <sup>1</sup> .....	15
29 Cocaine metabolite <sup>2</sup> .....	150
30 Opiates:	
31     Morphine .....	2000
32     Codeine .....	2000
33     6-Acetylmorphine <sup>4</sup> .....	10 ng/ml
34 Phencyclidine .....	25
35 Amphetamines:	
36     Amphetamine .....	500
37     Methamphetamine <sup>3</sup> .....	500

38 <sup>1</sup> Delta-9-tetrahydrocannabinol-9-carboxylic acid.

39 <sup>2</sup> Benzoyllecgonine.

40 <sup>3</sup> Specimen must also contain amphetamine at a concentration greater  
41 than or equal to 200 ng/ml.

42 <sup>4</sup> Test for 6-AM when morphine concentration exceeds 2,000 ng/ml.

43 (D) If it is shown that the employee was impaired pursuant to

1 subsection (b)(1)(C) at the time of the injury, there shall be a rebuttable  
2 presumption that the accident, injury, disability or death was contributed to  
3 by such impairment. The employee may overcome the presumption of  
4 contribution by clear and convincing evidence.

5 (E) An employee's refusal to submit to a chemical test at the request  
6 of the employer shall result in the forfeiture of benefits under the workers  
7 compensation act if the employer had sufficient cause to suspect the use of  
8 alcohol or drugs by the claimant or if the employer's policy clearly  
9 authorizes post-injury testing.

10 (2) The results of a chemical test shall be admissible evidence to  
11 prove impairment if the employer establishes that the testing was done  
12 under any of the following circumstances:

13 (A) As a result of an employer mandated drug testing policy, in place  
14 in writing prior to the date of accident or injury, requiring any worker to  
15 submit to testing for drugs or alcohol;

16 (B) during an autopsy or in the normal course of medical treatment  
17 for reasons related to the health and welfare of the injured worker and not  
18 at the direction of the employer;

19 (C) the worker, prior to the date and time of the accident or injury,  
20 gave written consent to the employer that the worker would voluntarily  
21 submit to a chemical test for drugs or alcohol following any accident or  
22 injury;

23 (D) the worker voluntarily agrees to submit to a chemical test for  
24 drugs or alcohol following any accident or injury; or

25 (E) as a result of federal or state law or a federal or state rule or  
26 regulation having the force and effect of law requiring a post-injury testing  
27 program and such required program was properly implemented at the time  
28 of testing.

29 (3) Notwithstanding subsection (b)(2), the results of a chemical test  
30 performed on a sample collected by an employer shall not be admissible  
31 evidence to prove impairment unless the following conditions are met:

32 (A) The test sample was collected within a reasonable time following  
33 the accident or injury;

34 (B) the collecting and labeling of the test sample was performed by or  
35 under the supervision of a licensed healthcare professional;

36 (C) the test was performed by a laboratory approved by the United  
37 States department of health and human services or licensed by the  
38 department of health and environment, except that a blood sample may be  
39 tested for alcohol content by a laboratory commonly used for that purpose  
40 by state law enforcement agencies;

41 (D) the test was confirmed by gas chromatography-mass  
42 spectroscopy or other comparably reliable analytical method, except that  
43 no such confirmation is required for a blood alcohol sample;

1 (E) the foundation evidence must establish, beyond a reasonable  
2 doubt, that the test results were from the sample taken from the employee;  
3 and

4 (F) a split sample sufficient for testing shall be retained and made  
5 available to the employee within 48 hours of a positive test.

6 (c) (1) Except as provided in paragraph (2), compensation shall not  
7 be paid in case of coronary or coronary artery disease or cerebrovascular  
8 injury unless it is shown that the exertion of the work necessary to  
9 precipitate the disability was more than the employee's usual work in the  
10 course of the employee's regular employment.

11 (2) For events occurring on or after July 1, 2014, in the case of a  
12 firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto,  
13 or a law enforcement officer as defined by K.S.A. 74-5602, and  
14 amendments thereto, coronary or coronary artery disease or  
15 cerebrovascular injury shall be compensable if:

16 (A) The injury can be identified as caused by a specific event  
17 occurring in the course and scope of employment;

18 (B) the coronary or cerebrovascular injury occurred within 24 hours  
19 of the specific event; and

20 (C) the specific event was the prevailing factor in causing the  
21 coronary or coronary artery disease or cerebrovascular injury.

22 (d) Except as provided in the workers compensation act, no  
23 construction design professional who is retained to perform professional  
24 services on a construction project or any employee of a construction  
25 design professional who is assisting or representing the construction  
26 design professional in the performance of professional services on the site  
27 of the construction project, shall be liable for any injury resulting from the  
28 employer's failure to comply with safety standards on the construction  
29 project for which compensation is recoverable under the workers  
30 compensation act, unless responsibility for safety practices is specifically  
31 assumed by contract. The immunity provided by this subsection to any  
32 construction design professional shall not apply to the negligent  
33 preparation of design plans or specifications.

34 (e) An award of compensation for permanent partial impairment,  
35 work disability, or permanent total disability shall be reduced by the  
36 amount of functional impairment determined to be preexisting to the same  
37 physical structure as the body part injured. Any such reduction shall not  
38 apply to temporary total disability, nor shall it apply to compensation for  
39 medical treatment.

40 (1) Where workers compensation benefits have previously been  
41 awarded through settlement or judicial or administrative determination in  
42 Kansas, the percentage basis of the prior settlement or award shall  
43 conclusively establish the amount of functional impairment determined to



1 be preexisting. Where workers compensation benefits have not previously  
2 been awarded through settlement or judicial or administrative  
3 determination in Kansas, the amount of preexisting functional impairment  
4 shall be established by competent evidence.

5 (2) In all cases, the applicable reduction shall be calculated as  
6 follows:

7 (A) If the preexisting impairment is the result of injury sustained  
8 while working for the employer against whom workers compensation  
9 benefits are currently being sought, any award of compensation shall be  
10 reduced by the current dollar value attributable under the workers  
11 compensation act to the percentage of functional impairment determined to  
12 be preexisting. The "current dollar value" shall be calculated by  
13 multiplying the percentage of preexisting impairment by the compensation  
14 rate in effect on the date of the accident or injury against which the  
15 reduction will be applied.

16 (B) In all other cases, the employer against whom benefits are  
17 currently being sought shall be entitled to a credit for the percentage of  
18 preexisting impairment.

19 (f) If the employee receives retirement benefits under the federal  
20 social security act, any compensation benefit payments for permanent  
21 partial disability or permanent total disability that the employee is eligible  
22 to receive under the workers compensation act for such claim shall be  
23 reduced by 50% of the weekly equivalent amount of such retirement  
24 benefits, but in no event shall the workers compensation benefit be less  
25 than the workers compensation benefit payable for the employee's  
26 percentage of functional impairment. The reduction in benefits allowed by  
27 this subsection shall not apply to temporary total disability compensation  
28 or temporary partial disability compensation.

29 (g) If the employee receives retirement benefits from any other  
30 retirement system, program, policy or plan that is provided by the  
31 employer against whom the claim is being made, any compensation for  
32 permanent partial disability or permanent total disability benefits the  
33 employee is eligible to receive under the workers compensation act for the  
34 claim shall be reduced by the weekly equivalent amount of such retirement  
35 benefits less any portion of any such retirement benefit that is attributable  
36 to payments or contributions made by the employee. In no event shall the  
37 workers compensation benefit be less than the workers compensation  
38 benefit payable for the employee's percentage of functional impairment.  
39 The credit allowed by this subsection shall not apply to temporary total  
40 disability compensation or temporary partial disability compensation.

41 (h) Where the employee elects to take retirement benefits in a lump  
42 sum, the lump sum payment shall be amortized at the rate of 4% per year  
43 over the employee's life expectancy to determine the weekly equivalent

1 value of the benefits.

2 Sec. 61. K.S.A. 2024 Supp. 44-706 is hereby amended to read as  
3 follows: 44-706. The secretary shall examine whether an individual has  
4 separated from employment for each week claimed. The secretary shall  
5 apply the provisions of this section to the individual's most recent  
6 employment prior to the week claimed. An individual shall be disqualified  
7 for benefits:

8 (a) If the individual left work voluntarily without good cause  
9 attributable to the work or the employer, subject to the other provisions of  
10 this subsection. For purposes of this subsection, "good cause" is cause of  
11 such gravity that would impel a reasonable, not supersensitive, individual  
12 exercising ordinary common sense to leave employment. Good cause  
13 requires a showing of good faith of the individual leaving work, including  
14 the presence of a genuine desire to work. Failure to return to work after  
15 expiration of approved personal or medical leave, or both, shall be  
16 considered a voluntary resignation. After a temporary job assignment,  
17 failure of an individual to affirmatively request an additional assignment  
18 on the next succeeding workday, if required by the employment  
19 agreement, after completion of a given work assignment, shall constitute  
20 leaving work voluntarily. The disqualification shall begin the day  
21 following the separation and shall continue until after the individual has  
22 become reemployed and has had earnings from insured work of at least  
23 three times the individual's weekly benefit amount. An individual shall not  
24 be disqualified under this subsection if:

25 (1) The individual was forced to leave work because of illness or  
26 injury upon the advice of a licensed and practicing healthcare provider  
27 and, upon learning of the necessity for absence, immediately notified the  
28 employer thereof, or the employer consented to the absence, and after  
29 recovery from the illness or injury, when recovery was certified by a  
30 practicing health care provider, the individual returned to the employer and  
31 offered to perform services and the individual's regular work or  
32 comparable and suitable work was not available. As used in this paragraph  
33 "healthcare provider" means any person licensed by the proper licensing  
34 authority of any state to engage in the practice of medicine and surgery,  
35 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

36 (2) the individual left temporary work to return to the regular  
37 employer;

38 (3) the individual left work to enter active service in the armed forces  
39 of the United States but was rejected or delayed from entry;

40 (4) The spouse of an individual who is a member of the armed forces  
41 of the United States who left work because of the voluntary or involuntary  
42 transfer of the individual's spouse from one job to another job that is for  
43 the same employer or for a different employer, at a geographic location

1 that makes it unreasonable for the individual to continue work at the  
2 individual's job. For the purposes of this provision "member of the armed  
3 forces" means a person performing active service in the army, navy,  
4 marine corps, air force, space force, coast guard or any component of the  
5 military reserves of the United States;

6 (5) the individual left work because of hazardous working conditions;  
7 in determining whether or not working conditions are hazardous for an  
8 individual, the degree of risk involved to the individual's health, safety and  
9 morals, the individual's physical fitness and prior training and the working  
10 conditions of workers engaged in the same or similar work for the same  
11 and other employers in the locality shall be considered; as used in this  
12 paragraph, "hazardous working conditions" means working conditions that  
13 could result in a danger to the physical or mental well-being of the  
14 individual; each determination as to whether hazardous working  
15 conditions exist shall include, but shall not be limited to, a consideration  
16 of: (A) The safety measures used or the lack thereof; and (B) the condition  
17 of equipment or lack of proper equipment; no work shall be considered  
18 hazardous if the working conditions surrounding the individual's work are  
19 the same or substantially the same as the working conditions generally  
20 prevailing among individuals performing the same or similar work for  
21 other employers engaged in the same or similar type of activity;

22 (6) the individual left work to enter training approved under section  
23 236(a)(1) of the federal trade act of 1974, provided the work left is not of a  
24 substantially equal or higher skill level than the individual's past adversely  
25 affected employment, as defined for purposes of the federal trade act of  
26 1974, and wages for such work are not less than 80% of the individual's  
27 average weekly wage as determined for the purposes of the federal trade  
28 act of 1974;

29 (7) the individual left work because of unwelcome harassment of the  
30 individual by the employer or another employee of which the employing  
31 unit had knowledge and that would impel the average worker to give up  
32 such worker's employment;

33 (8) the individual left work to accept better work; each determination  
34 as to whether or not the work accepted is better work shall include, but  
35 shall not be limited to, consideration of: (A) The rate of pay, the hours of  
36 work and the probable permanency of the work left as compared to the  
37 work accepted; (B) the cost to the individual of getting to the work left in  
38 comparison to the cost of getting to the work accepted; and (C) the  
39 distance from the individual's place of residence to the work accepted in  
40 comparison to the distance from the individual's residence to the work left;

41 (9) the individual left work as a result of being instructed or requested  
42 by the employer, a supervisor or a fellow employee to perform a service or  
43 commit an act in the scope of official job duties that is in violation of an

1 ordinance or statute;

2 (10) the individual left work because of a substantial violation of the  
3 work agreement by the employing unit and, before the individual left, the  
4 individual had exhausted all remedies provided in such agreement for the  
5 settlement of disputes before terminating. For the purposes of this  
6 paragraph, a demotion based on performance does not constitute a  
7 violation of the work agreement;

8 (11) after making reasonable efforts to preserve the work, the  
9 individual left work due to a personal emergency of such nature and  
10 compelling urgency that it would be contrary to good conscience to  
11 impose a disqualification; or

12 (12) (A) the individual left work due to circumstances resulting from  
13 domestic violence, including:

14 (i) The individual's reasonable fear of future domestic violence at or  
15 en route to or from the individual's place of employment;

16 (ii) the individual's need to relocate to another geographic area in  
17 order to avoid future domestic violence;

18 (iii) the individual's need to address the physical, psychological and  
19 legal impacts of domestic violence;

20 (iv) the individual's need to leave employment as a condition of  
21 receiving services or shelter from an agency that provides support services  
22 or shelter to victims of domestic violence; or

23 (v) the individual's reasonable belief that termination of employment  
24 is necessary to avoid other situations that may cause domestic violence and  
25 to provide for the future safety of the individual or the individual's family.

26 (B) An individual may prove the existence of domestic violence by  
27 providing one of the following:

28 (i) A restraining order or other documentation of equitable relief by a  
29 court of competent jurisdiction;

30 (ii) a police record documenting the abuse;

31 (iii) documentation that the abuser has been convicted of one or more  
32 of the offenses enumerated in articles 34 and 35 of chapter 21 of the  
33 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of  
34 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325,  
35 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the  
36 victim was a family or household member;

37 (iv) medical documentation of the abuse;

38 (v) a statement provided by a counselor, social worker, health care  
39 provider, clergy, shelter worker, legal advocate, domestic violence or  
40 sexual assault advocate or other professional who has assisted the  
41 individual in dealing with the effects of abuse on the individual or the  
42 individual's family; or

43 (vi) a sworn statement from the individual attesting to the abuse.

1 (C) No evidence of domestic violence experienced by an individual,  
2 including the individual's statement and corroborating evidence, shall be  
3 disclosed by the department of labor unless consent for disclosure is given  
4 by the individual.

5 (b) If the individual has been discharged or suspended for misconduct  
6 connected with the individual's work. The disqualification shall begin the  
7 day following the separation and shall continue until after the individual  
8 becomes reemployed and in cases where the disqualification is due to  
9 discharge for misconduct has had earnings from insured work of at least  
10 three times the individual's determined weekly benefit amount, except that  
11 if an individual is discharged for gross misconduct connected with the  
12 individual's work, such individual shall be disqualified for benefits until  
13 such individual again becomes employed and has had earnings from  
14 insured work of at least eight times such individual's determined weekly  
15 benefit amount. In addition, all wage credits attributable to the  
16 employment from which the individual was discharged for gross  
17 misconduct connected with the individual's work shall be canceled. No  
18 such cancellation of wage credits shall affect prior payments made as a  
19 result of a prior separation.

20 (1) (A) As used in this subsection, "misconduct" means a violation of  
21 a duty or obligation reasonably owed the employer as a condition of  
22 employment including, but not limited to, a violation of a company rule,  
23 including a safety rule, if: ~~(A)~~(i) The individual knew or should have  
24 known about the rule; ~~(B)~~(ii) the rule was lawful and reasonably related to  
25 the job; and ~~(C)~~(iii) the rule was fairly and consistently enforced.

26 (B) *"Misconduct" does not include any violation of a duty, obligation*  
27 *or company rule, if: (i) The individual is a patient who has been issued a*  
28 *valid identification card pursuant to section 9, and amendments thereto;*  
29 *and (ii) the basis for the violation is the possession of such identification*  
30 *card or the possession or use of medical cannabis or a medical cannabis*  
31 *product, as such terms are defined in section 2, and amendments thereto,*  
32 *in accordance with the Kansas medical cannabis act, section 1 et seq., and*  
33 *amendments thereto.*

34 (2) (A) Failure of the employee to notify the employer of an absence  
35 and an individual's leaving work prior to the end of such individual's  
36 assigned work period without permission shall be considered prima facie  
37 evidence of a violation of a duty or obligation reasonably owed the  
38 employer as a condition of employment.

39 (B) For the purposes of this subsection, misconduct shall include, but  
40 not be limited to, violation of the employer's reasonable attendance  
41 expectations if the facts show:

42 (i) The individual was absent or tardy without good cause;

43 (ii) the individual had knowledge of the employer's attendance

1 expectation; and

2 (iii) the employer gave notice to the individual that future absence or  
3 tardiness may or will result in discharge.

4 (C) For the purposes of this subsection, if an employee disputes being  
5 absent or tardy without good cause, the employee shall present evidence  
6 that a majority of the employee's absences or tardiness were for good  
7 cause. If the employee alleges that the employee's repeated absences or  
8 tardiness were the result of health related issues, such evidence shall  
9 include documentation from a licensed and practicing healthcare provider  
10 as defined in subsection (a)(1).

11 (3) (A) (i) The term "gross misconduct" as used in this subsection  
12 shall be construed to mean conduct evincing extreme, willful or wanton  
13 misconduct as defined by this subsection. Gross misconduct shall include,  
14 but not be limited to: ~~(i)~~(a) Theft; ~~(ii)~~(b) fraud; ~~(iii)~~(c) intentional damage  
15 to property; ~~(iv)~~(d) intentional infliction of personal injury; or ~~(v)~~(e) any  
16 conduct that constitutes a felony.

17 (ii) *"Gross misconduct" does not include any conduct of an*  
18 *individual, if: (i) The individual is a patient who has been issued a valid*  
19 *identification card pursuant to section 9, and amendments thereto; and (ii)*  
20 *the basis for the violation is the possession of such identification card or*  
21 *the possession or use of medical cannabis or a medical cannabis product,*  
22 *as such terms are defined in section 2, and amendments thereto, in*  
23 *accordance with the Kansas medical cannabis act, section 1 et seq., and*  
24 *amendments thereto.*

25 (B) For the purposes of this subsection, the following shall be  
26 conclusive evidence of gross misconduct:

27 (i) The use of alcoholic liquor, cereal malt beverage or a  
28 nonprescribed controlled substance by an individual while working;

29 (ii) the impairment caused by alcoholic liquor, cereal malt beverage  
30 or a nonprescribed controlled substance by an individual while working;

31 (iii) a positive breath alcohol test or a positive chemical test, if:

32 (a) The test was either:

33 (1) Required by law and was administered pursuant to the drug free  
34 workplace act, 41 U.S.C. § 701 et seq.;

35 (2) administered as part of an employee assistance program or other  
36 drug or alcohol treatment program in which the employee was  
37 participating voluntarily or as a condition of further employment;

38 (3) requested pursuant to a written policy of the employer of which  
39 the employee had knowledge and was a required condition of  
40 employment;

41 (4) required by law and the test constituted a required condition of  
42 employment for the individual's job; or

43 (5) there was reasonable suspicion to believe that the individual used,

1 had possession of, or was impaired by alcoholic liquor, cereal malt  
2 beverage or a nonprescribed controlled substance while working;

3 (b) the test sample was collected either:

4 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et  
5 seq.;

6 (2) as prescribed by an employee assistance program or other drug or  
7 alcohol treatment program in which the employee was participating  
8 voluntarily or as a condition of further employment;

9 (3) as prescribed by the written policy of the employer of which the  
10 employee had knowledge and that constituted a required condition of  
11 employment;

12 (4) as prescribed by a test that was required by law and which  
13 constituted a required condition of employment for the individual's job; or

14 (5) at a time contemporaneous with the events establishing probable  
15 cause;

16 (c) the collecting and labeling of a chemical test sample was  
17 performed by a licensed health care professional or any other individual  
18 certified pursuant to ~~paragraph (b)(3)(A)(iii)(f)~~ subsection (b)(3)(B)(iii)(f)  
19 or authorized to collect or label test samples by federal or state law, or a  
20 federal or state rule or regulation having the force or effect of law,  
21 including law enforcement personnel;

22 (d) the chemical test was performed by a laboratory approved by the  
23 United States department of health and human services or licensed by the  
24 department of health and environment, except that a blood sample may be  
25 tested for alcohol content by a laboratory commonly used for that purpose  
26 by state law enforcement agencies;

27 (e) the chemical test was confirmed by gas chromatography, gas  
28 chromatography-mass spectroscopy or other comparably reliable  
29 analytical method, except that no such confirmation is required for a blood  
30 alcohol sample or a breath alcohol test;

31 (f) the breath alcohol test was administered by an individual trained  
32 to perform breath tests, the breath testing instrument used was certified  
33 and operated strictly according to a description provided by the  
34 manufacturers and the reliability of the instrument performance was  
35 assured by testing with alcohol standards; and

36 (g) the foundation evidence establishes, beyond a reasonable doubt,  
37 that the test results were from the sample taken from the individual;

38 (iv) an individual's refusal to submit to a chemical test or breath  
39 alcohol test, if:

40 (a) The test meets the standards of the drug free workplace act, 41  
41 U.S.C. § 701 et seq.;

42 (b) the test was administered as part of an employee assistance  
43 program or other drug or alcohol treatment program in which the

- 1 employee was participating voluntarily or as a condition of further  
2 employment;
- 3 (c) the test was otherwise required by law and the test constituted a  
4 required condition of employment for the individual's job;
- 5 (d) the test was requested pursuant to a written policy of the employer  
6 of which the employee had knowledge and was a required condition of  
7 employment; or
- 8 (e) there was reasonable suspicion to believe that the individual used,  
9 possessed or was impaired by alcoholic liquor, cereal malt beverage or a  
10 nonprescribed controlled substance while working; and
- 11 (v) an individual's dilution or other tampering of a chemical test.
- 12 (C) For purposes of this subsection:
- 13 (i) "Alcohol concentration" means the number of grams of alcohol  
14 per 210 liters of breath;
- 15 (ii) "alcoholic liquor" means the same as defined in K.S.A. 41-102,  
16 and amendments thereto;
- 17 (iii) "cereal malt beverage" means the same as defined in K.S.A. 41-  
18 2701, and amendments thereto;
- 19 (iv) "chemical test" includes, but is not limited to, tests of urine,  
20 blood or saliva;
- 21 (v) "controlled substance" means the same as defined in K.S.A. 21-  
22 5701, and amendments thereto;
- 23 (vi) "required by law" means required by a federal or state law, a  
24 federal or state rule or regulation having the force and effect of law, a  
25 county resolution or municipal ordinance, or a policy relating to public  
26 safety adopted in an open meeting by the governing body of any special  
27 district or other local governmental entity;
- 28 (vii) "positive breath test" means a test result showing an alcohol  
29 concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if  
30 applicable, unless the test was administered as part of an employee  
31 assistance program or other drug or alcohol treatment program in which  
32 the employee was participating voluntarily or as a condition of further  
33 employment, in which case "positive chemical test" means a test result  
34 showing an alcohol concentration at or above the levels provided for in the  
35 assistance or treatment program; and
- 36 (viii) "positive chemical test" means a chemical result showing a  
37 concentration at or above the levels listed in K.S.A. 44-501, and  
38 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or  
39 abuse listed therein, unless the test was administered as part of an  
40 employee assistance program or other drug or alcohol treatment program  
41 in which the employee was participating voluntarily or as a condition of  
42 further employment, in which case "positive chemical test" means a  
43 chemical result showing a concentration at or above the levels provided for



1 in the assistance or treatment program.

2 (4) An individual shall not be disqualified under this subsection if the  
3 individual is discharged under the following circumstances:

4 (A) The employer discharged the individual after learning the  
5 individual was seeking other work or when the individual gave notice of  
6 future intent to quit, except that the individual shall be disqualified after  
7 the time that such individual intended to quit and any individual who  
8 commits misconduct after such individual gives notice to such individual's  
9 intent to quit shall be disqualified;

10 (B) the individual was making a good faith effort to do the assigned  
11 work but was discharged due to:

12 (i) Inefficiency;

13 (ii) unsatisfactory performance due to inability, incapacity or lack of  
14 training or experience;

15 (iii) isolated instances of ordinary negligence or inadvertence;

16 (iv) good faith errors in judgment or discretion; or

17 (v) unsatisfactory work or conduct due to circumstances beyond the  
18 individual's control; or

19 (C) the individual's refusal to perform work in excess of the contract  
20 of hire.

21 (c) If the individual has failed, without good cause, to either apply for  
22 suitable work when so directed by the employment office of the secretary  
23 of labor, or to accept suitable work when offered to the individual by the  
24 employment office, the secretary of labor, or an employer, such  
25 disqualification shall begin with the week in which such failure occurred  
26 and shall continue until the individual becomes reemployed and has had  
27 earnings from insured work of at least three times such individual's  
28 determined weekly benefit amount. In determining whether or not any  
29 work is suitable for an individual, the secretary of labor, or a person or  
30 persons designated by the secretary, shall consider the degree of risk  
31 involved to health, safety and morals, physical fitness and prior training,  
32 experience and prior earnings, length of unemployment and prospects for  
33 securing local work in the individual's customary occupation or work for  
34 which the individual is reasonably fit by training or experience, and the  
35 distance of the available work from the individual's residence.  
36 Notwithstanding any other provisions of this act, an otherwise eligible  
37 individual shall not be disqualified for refusing an offer of suitable  
38 employment, or failing to apply for suitable employment when notified by  
39 an employment office, or for leaving the individual's most recent work  
40 accepted during approved training, including training approved under  
41 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying  
42 for suitable employment or continuing such work would require the  
43 individual to terminate approved training and no work shall be deemed

1 suitable and benefits shall not be denied under this act to any otherwise  
2 eligible individual for refusing to accept new work under any of the  
3 following conditions:

4 (1) If the position offered is vacant due directly to a strike, lockout or  
5 other labor dispute;

6 (2) if the remuneration, hours or other conditions of the work offered  
7 are substantially less favorable to the individual than those prevailing for  
8 similar work in the locality;

9 (3) if as a condition of being employed, the individual would be  
10 required to join or to resign from or refrain from joining any labor  
11 organization; and

12 (4) if the individual left employment as a result of domestic violence,  
13 and the position offered does not reasonably accommodate the individual's  
14 physical, psychological, safety, or legal needs relating to such domestic  
15 violence.

16 (d) For any week with respect to which the secretary of labor, or a  
17 person or persons designated by the secretary, finds that the individual's  
18 unemployment is due to a stoppage of work that exists because of a labor  
19 dispute or there would have been a work stoppage had normal operations  
20 not been maintained with other personnel previously and currently  
21 employed by the same employer at the factory, establishment or other  
22 premises at which the individual is or was last employed, except that this  
23 subsection (d) shall not apply if it is shown to the satisfaction of the  
24 secretary of labor, or a person or persons designated by the secretary, that:

25 (1) The individual is not participating in or financing or directly  
26 interested in the labor dispute that caused the stoppage of work; and

27 (2) the individual does not belong to a grade or class of workers of  
28 which, immediately before the commencement of the stoppage, there were  
29 members employed at the premises where the stoppage occurs any of  
30 whom are participating in or financing or directly interested in the dispute.  
31 If in any case separate branches of work that are commonly conducted as  
32 separate businesses in separate premises are conducted in separate  
33 departments of the same premises, each such department shall, for the  
34 purpose of this subsection be deemed to be a separate factory,  
35 establishment or other premises. For the purposes of this subsection,  
36 failure or refusal to cross a picket line or refusal for any reason during the  
37 continuance of such labor dispute to accept the individual's available and  
38 customary work at the factory, establishment or other premises where the  
39 individual is or was last employed shall be considered as participation and  
40 interest in the labor dispute.

41 (e) For any week or a part of the week in which the individual has  
42 received or is seeking unemployment benefits under the unemployment  
43 compensation law of any other state or of the United States, except that if

1 the appropriate agency of such other state or the United States finally  
2 determines that the individual is not entitled to such unemployment  
3 benefits, this disqualification shall not apply.

4 (f) For any week in which the individual is entitled to receive any  
5 unemployment allowance or compensation granted by the United States  
6 under an act of congress to former members of the armed forces in  
7 recognition of former service with the military, naval, air or space services  
8 of the United States.

9 (g) If the individual, or another in such individual's behalf with the  
10 knowledge of the individual, has knowingly made a false statement or  
11 representation, or has knowingly failed to disclose a material fact to obtain  
12 or increase benefits under this act or any other unemployment  
13 compensation law administered by the secretary of labor, unless the  
14 individual has repaid the full amount of the overpayment as determined by  
15 the secretary or the secretary's designee, including, but not limited to, the  
16 total amount of money erroneously paid as benefits or unlawfully  
17 obtained, interest, penalties and any other costs or fees provided by law. If  
18 the individual has made such repayment, the individual shall be  
19 disqualified for a period of one year for the first occurrence or five years  
20 for any subsequent occurrence, beginning with the first day following the  
21 date the department of labor confirmed the individual has successfully  
22 repaid the full amount of the overpayment. In addition to the penalties set  
23 forth in K.S.A. 44-719, and amendments thereto, an individual who has  
24 knowingly made a false statement or representation or who has knowingly  
25 failed to disclose a material fact to obtain or increase benefits under this  
26 act or any other unemployment compensation law administered by the  
27 secretary of labor shall be liable for a penalty in the amount equal to 25%  
28 of the amount of benefits unlawfully received. Notwithstanding any other  
29 provision of law, such penalty shall be deposited into the employment  
30 security trust fund. No person who is a victim of identify theft shall be  
31 subject to the provisions of this subsection. The secretary shall investigate  
32 all cases of an alleged false statement or representation or failure to  
33 disclose a material fact to ensure no victim of identity theft is disqualified,  
34 required to repay or subject to any penalty as provided by this subsection  
35 as a result of identity theft.

36 (h) For any week in which the individual is receiving compensation  
37 for temporary total disability or permanent total disability under the  
38 workmen's compensation law of any state or under a similar law of the  
39 United States.

40 (i) For any week of unemployment on the basis of service in an  
41 instructional, research or principal administrative capacity for an  
42 educational institution as defined in K.S.A. 44-703(v), and amendments  
43 thereto, if such week begins during the period between two successive

1 academic years or terms or, when an agreement provides instead for a  
2 similar period between two regular but not successive terms during such  
3 period or during a period of paid sabbatical leave provided for in the  
4 individual's contract, if the individual performs such services in the first of  
5 such academic years or terms and there is a contract or a reasonable  
6 assurance that such individual will perform services in any such capacity  
7 for any educational institution in the second of such academic years or  
8 terms.

9 (j) For any week of unemployment on the basis of service in any  
10 capacity other than service in an instructional, research, or administrative  
11 capacity in an educational institution, as defined in K.S.A. 44-703(v), and  
12 amendments thereto, if such week begins during the period between two  
13 successive academic years or terms if the individual performs such  
14 services in the first of such academic years or terms and there is a  
15 reasonable assurance that the individual will perform such services in the  
16 second of such academic years or terms, except that if benefits are denied  
17 to the individual under this subsection and the individual was not offered  
18 an opportunity to perform such services for the educational institution for  
19 the second of such academic years or terms, such individual shall be  
20 entitled to a retroactive payment of benefits for each week for which the  
21 individual filed a timely claim for benefits and such benefits were denied  
22 solely by reason of this subsection.

23 (k) For any week of unemployment on the basis of service in any  
24 capacity for an educational institution as defined in K.S.A. 44-703(v), and  
25 amendments thereto, if such week begins during an established and  
26 customary vacation period or holiday recess, if the individual performs  
27 services in the period immediately before such vacation period or holiday  
28 recess and there is a reasonable assurance that such individual will perform  
29 such services in the period immediately following such vacation period or  
30 holiday recess.

31 (l) For any week of unemployment on the basis of any services,  
32 consisting of participating in sports or athletic events or training or  
33 preparing to so participate, if such week begins during the period between  
34 two successive sport seasons or similar period if such individual  
35 performed services in the first of such seasons or similar periods and there  
36 is a reasonable assurance that such individual will perform such services in  
37 the later of such seasons or similar periods.

38 (m) For any week on the basis of services performed by an alien  
39 unless such alien is an individual who was lawfully admitted for  
40 permanent residence at the time such services were performed, was  
41 lawfully present for purposes of performing such services, or was  
42 permanently residing in the United States under color of law at the time  
43 such services were performed, including an alien who was lawfully present

1 in the United States as a result of the application of the provisions of  
2 section 212(d)(5) of the federal immigration and nationality act. Any data  
3 or information required of individuals applying for benefits to determine  
4 whether benefits are not payable to them because of their alien status shall  
5 be uniformly required from all applicants for benefits. In the case of an  
6 individual whose application for benefits would otherwise be approved, no  
7 determination that benefits to such individual are not payable because of  
8 such individual's alien status shall be made except upon a preponderance  
9 of the evidence.

10 (n) For any week in which an individual is receiving a governmental  
11 or other pension, retirement or retired pay, annuity or other similar  
12 periodic payment under a plan maintained by a base period employer and  
13 to which the entire contributions were provided by such employer, except  
14 that:

15 (1) If the entire contributions to such plan were provided by the base  
16 period employer but such individual's weekly benefit amount exceeds such  
17 governmental or other pension, retirement or retired pay, annuity or other  
18 similar periodic payment attributable to such week, the weekly benefit  
19 amount payable to the individual shall be reduced, but not below zero, by  
20 an amount equal to the amount of such pension, retirement or retired pay,  
21 annuity or other similar periodic payment that is attributable to such week;  
22 ~~or~~

23 (2) if only a portion of contributions to such plan were provided by  
24 the base period employer, the weekly benefit amount payable to such  
25 individual for such week shall be reduced, but not below zero, by the  
26 prorated weekly amount of the pension, retirement or retired pay, annuity  
27 or other similar periodic payment after deduction of that portion of the  
28 pension, retirement or retired pay, annuity or other similar periodic  
29 payment that is directly attributable to the percentage of the contributions  
30 made to the plan by such individual;~~or~~

31 (3) if the entire contributions to the plan were provided by such  
32 individual, or by the individual and an employer, or any person or  
33 organization, who is not a base period employer, no reduction in the  
34 weekly benefit amount payable to the individual for such week shall be  
35 made under this subsection; or

36 (4) whatever portion of contributions to such plan were provided by  
37 the base period employer, if the services performed for the employer by  
38 such individual during the base period, or remuneration received for the  
39 services, did not affect the individual's eligibility for, or increased the  
40 amount of, such pension, retirement or retired pay, annuity or other similar  
41 periodic payment, no reduction in the weekly benefit amount payable to  
42 the individual for such week shall be made under this subsection. No  
43 reduction shall be made for payments made under the social security act or

1 railroad retirement act of 1974.

2 (o) For any week of unemployment on the basis of services  
3 performed in any capacity and under any of the circumstances described in  
4 subsection (i), (j) or (k) that an individual performed in an educational  
5 institution while in the employ of an educational service agency. For the  
6 purposes of this subsection, the term "educational service agency" means a  
7 governmental agency or entity that is established and operated exclusively  
8 for the purpose of providing such services to one or more educational  
9 institutions.

10 (p) For any week of unemployment on the basis of service as a school  
11 bus or other motor vehicle driver employed by a private contractor to  
12 transport pupils, students and school personnel to or from school-related  
13 functions or activities for an educational institution, as defined in K.S.A.  
14 44-703(v), and amendments thereto, if such week begins during the period  
15 between two successive academic years or during a similar period between  
16 two regular terms, whether or not successive, if the individual has a  
17 contract or contracts, or a reasonable assurance thereof, to perform  
18 services in any such capacity with a private contractor for any educational  
19 institution for both such academic years or both such terms. An individual  
20 shall not be disqualified for benefits as provided in this subsection for any  
21 week of unemployment:

22 (1) That the individual is a participating employee in a short-term  
23 compensation program established pursuant to K.S.A. 44-757, and  
24 amendments thereto; or

25 (2) on the basis of service as a bus or other motor vehicle driver  
26 employed by a private contractor to transport persons to or from  
27 nonschool-related functions or activities.

28 (q) For any week of unemployment on the basis of services  
29 performed by the individual in any capacity and under any of the  
30 circumstances described in subsection (i), (j), (k) or (o) that are provided  
31 to or on behalf of an educational institution, as defined in K.S.A. 44-  
32 703(v), and amendments thereto, while the individual is in the employ of  
33 an employer that is a governmental entity, Indian tribe or any employer  
34 described in section 501(c)(3) of the federal internal revenue code of 1986  
35 that is exempt from income under section 501(a) of the code.

36 (r) For any week in which an individual is registered at and attending  
37 an established school, training facility or other educational institution, or is  
38 on vacation during or between two successive academic years or terms. An  
39 individual shall not be disqualified for benefits as provided in this  
40 subsection if:

41 (1) The individual was engaged in full-time employment concurrent  
42 with the individual's school attendance;

43 (2) the individual is attending approved training as defined in K.S.A.

1 44-703(s), and amendments thereto; or

2 (3) the individual is attending evening, weekend or limited day time  
3 classes that would not affect availability for work, and is otherwise eligible  
4 under K.S.A. 44-705(c), and amendments thereto.

5 (s) For any week in which an individual is receiving or has received  
6 remuneration in the form of a back pay award or settlement. The  
7 remuneration shall be allocated to the week or weeks in the manner as  
8 specified in the award or agreement, or in the absence of such specificity  
9 in the award or agreement, such remuneration shall be allocated to the  
10 week or weeks for which such remuneration, in the judgment of the  
11 secretary, would have been paid.

12 (1) For any such weeks that an individual receives remuneration in  
13 the form of a back pay award or settlement, an overpayment will be  
14 established in the amount of unemployment benefits paid and shall be  
15 collected from the claimant.

16 (2) If an employer chooses to withhold from a back pay award or  
17 settlement, amounts paid to a claimant while they claimed unemployment  
18 benefits, such employer shall pay the department the amount withheld.  
19 With respect to such amount, the secretary shall have available all of the  
20 collection remedies authorized or provided in K.S.A. 44-717, and  
21 amendments thereto.

22 (t) (1) Any applicant for or recipient of unemployment benefits who  
23 tests positive for unlawful use of a controlled substance or controlled  
24 substance analog shall be required to complete a substance abuse treatment  
25 program approved by the secretary of labor, secretary of commerce or  
26 secretary for children and families, and a job skills program approved by  
27 the secretary of labor, secretary of commerce or the secretary for children  
28 and families. Subject to applicable federal laws, any applicant for or  
29 recipient of unemployment benefits who fails to complete or refuses to  
30 participate in the substance abuse treatment program or job skills program  
31 as required under this subsection shall be ineligible to receive  
32 unemployment benefits until completion of such substance abuse  
33 treatment and job skills programs. Upon completion of both substance  
34 abuse treatment and job skills programs, such applicant for or recipient of  
35 unemployment benefits may be subject to periodic drug screening, as  
36 determined by the secretary of labor. Upon a second positive test for  
37 unlawful use of a controlled substance or controlled substance analog, an  
38 applicant for or recipient of unemployment benefits shall be ordered to  
39 complete again a substance abuse treatment program and job skills  
40 program, and shall be terminated from unemployment benefits for a period  
41 of 12 months, or until such applicant for or recipient of unemployment  
42 benefits completes both substance abuse treatment and job skills programs,  
43 whichever is later. Upon a third positive test for unlawful use of a

1 controlled substance or controlled substance analog, an applicant for or a  
2 recipient of unemployment benefits shall be terminated from receiving  
3 unemployment benefits, subject to applicable federal law.

4 (2) Any individual who has been discharged or refused employment  
5 for failing a preemployment drug screen required by an employer may  
6 request that the drug screening specimen be sent to a different drug testing  
7 facility for an additional drug screening. Any such individual who requests  
8 an additional drug screening at a different drug testing facility shall be  
9 required to pay the cost of drug screening.

10 (3) *The provisions of this subsection shall not apply to any individual*  
11 *who is a patient who has been issued a valid identification card pursuant*  
12 *to section 10, and amendments thereto.*

13 (u) If the individual was found not to have a disqualifying  
14 adjudication or conviction under K.S.A. 39-970 or 65-5117, and  
15 amendments thereto, was hired and then was subsequently convicted of a  
16 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments  
17 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and  
18 amendments thereto. The disqualification shall begin the day following the  
19 separation and shall continue until after the individual becomes  
20 reemployed and has had earnings from insured work of at least three times  
21 the individual's determined weekly benefit amount.

22 (v) Notwithstanding the provisions of any subsection, an individual  
23 shall not be disqualified for such week of part-time employment in a  
24 substitute capacity for an educational institution if such individual's most  
25 recent employment prior to the individual's benefit year begin date was for  
26 a non-educational institution and such individual demonstrates application  
27 for work in such individual's customary occupation or for work for which  
28 the individual is reasonably fit by training or experience.

29 Sec. 62. K.S.A. 44-1009 is hereby amended to read as follows: 44-  
30 1009. (a) It shall be an unlawful employment practice:

31 (1) For an employer, because of the race, religion, color, sex,  
32 disability, national origin or ancestry of any person to refuse to hire or  
33 employ such person to bar or discharge such person from employment or  
34 to otherwise discriminate against such person in compensation or in terms,  
35 conditions or privileges of employment; to limit, segregate, separate,  
36 classify or make any distinction in regards to employees; or to follow any  
37 employment procedure or practice which, in fact, results in discrimination,  
38 segregation or separation without a valid business necessity.

39 (2) For a labor organization, because of the race, religion, color, sex,  
40 disability, national origin or ancestry of any person, to exclude or to expel  
41 from its membership such person or to discriminate in any way against any  
42 of its members or against any employer or any person employed by an  
43 employer.



1 (3) For any employer, employment agency or labor organization to  
2 print or circulate or cause to be printed or circulated any statement,  
3 advertisement or publication, or to use any form of application for  
4 employment or membership or to make any inquiry in connection with  
5 prospective employment or membership, which expresses, directly or  
6 indirectly, any limitation, specification or discrimination as to race,  
7 religion, color, sex, disability, national origin or ancestry, or any intent to  
8 make any such limitation, specification or discrimination, unless based on  
9 a bona fide occupational qualification.

10 (4) For any employer, employment agency or labor organization to  
11 discharge, expel or otherwise discriminate against any person because such  
12 person has opposed any practices or acts forbidden under this act or  
13 because such person has filed a complaint, testified or assisted in any  
14 proceeding under this act.

15 (5) For an employment agency to refuse to list and properly classify  
16 for employment or to refuse to refer any person for employment or  
17 otherwise discriminate against any person because of such person's race,  
18 religion, color, sex, disability, national origin or ancestry; or to comply  
19 with a request from an employer for a referral of applicants for  
20 employment if the request expresses, either directly or indirectly, any  
21 limitation, specification or discrimination as to race, religion, color, sex,  
22 disability, national origin or ancestry.

23 (6) For an employer, labor organization, employment agency, or  
24 school which provides, coordinates or controls apprenticeship, on-the-job,  
25 or other training or retraining program, to maintain a practice of  
26 discrimination, segregation or separation because of race, religion, color,  
27 sex, disability, national origin or ancestry, in admission, hiring,  
28 assignments, upgrading, transfers, promotion, layoff, dismissal,  
29 apprenticeship or other training or retraining program, or in any other  
30 terms, conditions or privileges of employment, membership,  
31 apprenticeship or training; or to follow any policy or procedure which, in  
32 fact, results in such practices without a valid business motive.

33 (7) For any person, whether an employer or an employee or not, to  
34 aid, abet, incite, compel or coerce the doing of any of the acts forbidden  
35 under this act, or attempt to do so.

36 (8) For an employer, labor organization, employment agency or joint  
37 labor-management committee to: (A) Limit, segregate or classify a job  
38 applicant or employee in a way that adversely affects the opportunities or  
39 status of such applicant or employee because of the disability of such  
40 applicant or employee; (B) participate in a contractual or other  
41 arrangement or relationship, including a relationship with an employment  
42 or referral agency, labor union, an organization providing fringe benefits to  
43 an employee or an organization providing training and apprenticeship

1 programs that has the effect of subjecting a qualified applicant or  
2 employee with a disability to the discrimination prohibited by this act; (C)  
3 utilize standards criteria, or methods of administration that have the effect  
4 of discrimination on the basis of disability or that perpetuate the  
5 discrimination of others who are subject to common administrative  
6 control; (D) exclude or otherwise deny equal jobs or benefits to a qualified  
7 individual because of the known disability of an individual with whom the  
8 qualified individual is known to have a relationship or association; (E) not  
9 make reasonable accommodations to the known physical or mental  
10 limitations of an otherwise qualified individual with a disability who is an  
11 applicant or employee, unless such employer, labor organization,  
12 employment agency or joint labor-management committee can  
13 demonstrate that the accommodation would impose an undue hardship on  
14 the operation of the business thereof; (F) deny employment opportunities  
15 to a job applicant or employee who is an otherwise qualified individual  
16 with a disability, if such denial is based on the need to make reasonable  
17 accommodation to the physical or mental impairments of the employee or  
18 applicant; (G) use qualification standards, employment tests or other  
19 selection criteria that screen out or tend to screen out an individual with a  
20 disability or a class of individuals with disabilities unless the standard, test  
21 or other selection criteria, as used, is shown to be job-related for the  
22 position in question and is consistent with business necessity; or (H) fail to  
23 select and administer tests concerning employment in the most effective  
24 manner to ensure that, when such test is administered to a job applicant or  
25 employee who has a disability that impairs sensory, manual or speaking  
26 skills, the test results accurately reflect the skills, aptitude or whatever  
27 other factor of such applicant or employee that such test purports to  
28 measure, rather than reflecting the impaired sensory, manual or speaking  
29 skills of such employee or applicant—(, except where such skills are the  
30 factors that the test purports to measure).

31 (9) For any employer to:

32 (A) Seek to obtain, to obtain or to use genetic screening or testing  
33 information of an employee or a prospective employee to distinguish  
34 between or discriminate against or restrict any right or benefit otherwise  
35 due or available to an employee or a prospective employee; or

36 (B) subject, directly or indirectly, any employee or prospective  
37 employee to any genetic screening or test.

38 (10) (A) *For an employer, because a person is a patient or caregiver*  
39 *who has been issued a valid identification card pursuant to section 9, and*  
40 *amendments thereto, or possesses or uses medical cannabis in accordance*  
41 *with the Kansas medical cannabis act, section 1 et seq., and amendments*  
42 *thereto, to:*

43 (i) *Refuse to hire or employ a person;*

1       (ii) *bar or discharge such person from employment; or*  
 2       (iii) *otherwise discriminate against such person in compensation or*  
 3 *in terms, conditions or privileges of employment without a valid business*  
 4 *necessity.*

5       (B) *For a labor organization, because a person is a patient or*  
 6 *caregiver who has been issued a valid identification card pursuant to*  
 7 *section 9, and amendments thereto, or possesses or uses medical cannabis*  
 8 *in accordance with the Kansas medical cannabis act, section 1 et seq., and*  
 9 *amendments thereto, to exclude or expel such person from such labor*  
 10 *organization's 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       (b) It shall not be an unlawful employment practice to fill vacancies  
 18 in such way as to eliminate or reduce imbalance with respect to race,  
 19 religion, color, sex, disability, national origin or ancestry.

20       (c) It shall be an unlawful discriminatory practice:

21       (1) For any person, as defined herein being the owner, operator,  
 22 lessee, manager, agent or employee of any place of public accommodation  
 23 to refuse, deny or make a distinction, directly or indirectly, in offering its  
 24 goods, services, facilities, and accommodations to any person as covered  
 25 by this act because of race, religion, color, sex, disability, national origin or  
 26 ancestry, except where a distinction because of sex is necessary because of  
 27 the intrinsic nature of such accommodation.

28       (2) For any person, whether or not specifically enjoined from  
 29 discriminating under any provisions of this act, to aid, abet, incite, compel  
 30 or coerce the doing of any of the acts forbidden under this act, or to  
 31 attempt to do so.

32       (3) For any person, to refuse, deny, make a distinction, directly or  
 33 indirectly, or discriminate in any way against persons because of the race,  
 34 religion, color, sex, disability, national origin or ancestry of such persons  
 35 in the full and equal use and enjoyment of the services, facilities,  
 36 privileges and advantages of any institution, department or agency of the  
 37 state of Kansas or any political subdivision or municipality thereof.

38       Sec. 63. K.S.A. 44-1015 is hereby amended to read as follows: 44-  
 39 1015. As used in this act, unless the context otherwise requires:

40       (a) "Commission" means the Kansas human rights commission.

41       (b) "Real property" means and includes:

42       (1) All vacant or unimproved land; and

43       (2) any building or structure which is occupied or designed or

1 intended for occupancy, or any building or structure having a portion  
2 thereof which is occupied or designed or intended for occupancy.

3 (c) "Family" includes a single individual.

4 (d) "Person" means an individual, corporation, partnership,  
5 association, labor organization, legal representative, mutual company,  
6 joint-stock company, trust, unincorporated organization, trustee, trustee in  
7 bankruptcy, receiver and fiduciary.

8 (e) "To rent" means to lease, to sublease, to let and otherwise to grant  
9 for a consideration the right to occupy premises not owned by the  
10 occupant.

11 (f) "Discriminatory housing practice" means any act that is unlawful  
12 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, *or*  
13 *section 45, and amendments thereto.*

14 (g) "Person aggrieved" means any person who claims to have been  
15 injured by a discriminatory housing practice or believes that such person  
16 will be injured by a discriminatory housing practice that is about to occur.

17 (h) "Disability" ~~has the meaning provided by~~ *means the same as*  
18 *defined in K.S.A. 44-1002 and amendments thereto.*

19 (i) "Familial status" means having one or more individuals less than  
20 18 years of age domiciled with:

21 (1) A parent or another person having legal custody of such  
22 individual or individuals; or

23 (2) the designee of such parent or other person having such custody,  
24 with the written permission of such parent or other person.

25 Sec. 64. K.S.A. 2024 Supp. 65-1120 is hereby amended to read as  
26 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may  
27 deny, revoke, limit or suspend any license or authorization to practice  
28 nursing as a registered professional nurse, as a licensed practical nurse, as  
29 an advanced practice registered nurse or as a registered nurse anesthetist  
30 that is issued by the board or applied for under this act, or may require the  
31 licensee to attend a specific number of hours of continuing education in  
32 addition to any hours the licensee may already be required to attend or  
33 may publicly or privately censure a licensee or holder of a temporary  
34 permit or authorization, if the applicant, licensee or holder of a temporary  
35 permit or authorization is found after hearing:

36 (1) To be guilty of fraud or deceit in practicing nursing or in  
37 procuring or attempting to procure a license to practice nursing;

38 (2) to have been guilty of a felony or to have been guilty of a  
39 misdemeanor involving an illegal drug offense unless the applicant or  
40 licensee establishes sufficient rehabilitation to warrant the public trust,  
41 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
42 license or authorization to practice nursing as a licensed professional  
43 nurse, as a licensed practical nurse, as an advanced practice registered

1 nurse or registered nurse anesthetist shall be granted to a person with a  
2 felony conviction for a crime against persons as specified in article 34 of  
3 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article  
4 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-  
5 6325, 21-6326 or 21-6418, and amendments thereto;

6 (3) has been convicted or found guilty or has entered into an agreed  
7 disposition of a misdemeanor offense related to the practice of nursing as  
8 determined on a case-by-case basis;

9 (4) to have committed an act of professional incompetency as defined  
10 in subsection (e);

11 (5) to be unable to practice with skill and safety due to current abuse  
12 of drugs or alcohol;

13 (6) to be a person who has been adjudged in need of a guardian or  
14 conservator, or both, under the act for obtaining a guardian or conservator,  
15 or both, and who has not been restored to capacity under that act;

16 (7) to be guilty of unprofessional conduct as defined by rules and  
17 regulations of the board;

18 (8) to have willfully or repeatedly violated the provisions of the  
19 Kansas nurse practice act or any rules and regulations adopted pursuant to  
20 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

21 (9) to have a license to practice nursing as a registered nurse or as a  
22 practical nurse denied, revoked, limited or suspended, or to be publicly or  
23 privately censured, by a licensing authority of another state, agency of the  
24 United States government, territory of the United States or country or to  
25 have other disciplinary action taken against the applicant or licensee by a  
26 licensing authority of another state, agency of the United States  
27 government, territory of the United States or country. A certified copy of  
28 the record or order of public or private censure, denial, suspension,  
29 limitation, revocation or other disciplinary action of the licensing authority  
30 of another state, agency of the United States government, territory of the  
31 United States or country shall constitute prima facie evidence of such a  
32 fact for purposes of this paragraph (9); or

33 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to  
34 its repeal, or K.S.A. 21-5407, and amendments thereto, as established by  
35 any of the following:

36 (A) A copy of the record of criminal conviction or plea of guilty for a  
37 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-  
38 5407, and amendments thereto;

39 (B) A copy of the record of a judgment of contempt of court for  
40 violating an injunction issued under K.S.A. 60-4404, and amendments  
41 thereto; *or*

42 (C) A copy of the record of a judgment assessing damages under  
43 K.S.A. 60-4405, and amendments thereto.

1 (b) *Proceedings*. Upon filing of a sworn complaint with the board  
2 charging a person with having been guilty of any of the unlawful practices  
3 specified in subsection (a), two or more members of the board shall  
4 investigate the charges, or the board may designate and authorize an  
5 employee or employees of the board to conduct an investigation. After  
6 investigation, the board may institute charges. If an investigation, in the  
7 opinion of the board, reveals reasonable grounds for believing the  
8 applicant or licensee is guilty of the charges, the board shall fix a time and  
9 place for proceedings, which shall be conducted in accordance with the  
10 provisions of the Kansas administrative procedure act.

11 (c) *Witnesses*. No person shall be excused from testifying in any  
12 proceedings before the board under this act or in any civil proceedings  
13 under this act before a court of competent jurisdiction on the ground that  
14 such testimony may incriminate the person testifying, but such testimony  
15 shall not be used against the person for the prosecution of any crime under  
16 the laws of this state except the crime of perjury as defined in K.S.A. 21-  
17 5903, and amendments thereto.

18 (d) *Costs*. If final agency action of the board in a proceeding under  
19 this section is adverse to the applicant or licensee, the costs of the board's  
20 proceedings shall be charged to the applicant or licensee as in ordinary  
21 civil actions in the district court, but if the board is the unsuccessful party,  
22 the costs shall be paid by the board. Witness fees and costs may be taxed  
23 by the board according to the statutes relating to procedure in the district  
24 court. All costs accrued by the board, when it is the successful party, and  
25 ~~which that~~ the attorney general certifies cannot be collected from the  
26 applicant or licensee shall be paid from the board of nursing fee fund. All  
27 moneys collected following board proceedings shall be credited in full to  
28 the board of nursing fee fund.

29 (e) *Professional incompetency defined*. As used in this section,  
30 "professional incompetency" means:

31 (1) One or more instances involving failure to adhere to the  
32 applicable standard of care to a degree ~~which that~~ constitutes gross  
33 negligence, as determined by the board;

34 (2) repeated instances involving failure to adhere to the applicable  
35 standard of care to a degree ~~which that~~ constitutes ordinary negligence, as  
36 determined by the board; or

37 (3) a pattern of practice or other behavior ~~which that~~ demonstrates a  
38 manifest incapacity or incompetence to practice nursing.

39 (f) *Criminal justice information*. The board upon request shall receive  
40 from the Kansas bureau of investigation such criminal history record  
41 information relating to arrests and criminal convictions as necessary for  
42 the purpose of determining initial and continuing qualifications of  
43 licensees of and applicants for licensure by the board in accordance with

1 K.S.A. 2024 Supp. 22-4715, and amendments thereto.

2 (g) *Medical cannabis exemption. The board shall not deny, revoke,*  
3 *limit or suspend the license of any licensee or publicly or privately*  
4 *censure any licensee for:*

5 (1) *Advising a patient about the possible benefits and risks of using*  
6 *medical cannabis or that using medical cannabis may mitigate the*  
7 *patient's symptoms; or*

8 (2) *any actions as a patient or caregiver who has been issued a valid*  
9 *identification card pursuant to the Kansas medical cannabis act, section 1*  
10 *et seq., and amendments thereto, including whether the licensee possesses*  
11 *or has possessed or uses or has used medical cannabis in accordance with*  
12 *such act.*

13 Sec. 65. K.S.A. 2024 Supp. 65-28b08 is hereby amended to read as  
14 follows: 65-28b08. (a) The board may deny, revoke, limit or suspend any  
15 license or authorization issued to a certified nurse-midwife to engage in  
16 the independent practice of midwifery that is issued by the board or  
17 applied for under this act, or may publicly censure a licensee or holder of a  
18 temporary permit or authorization, if the applicant or licensee is found  
19 after a hearing:

20 (1) To be guilty of fraud or deceit while engaging in the independent  
21 practice of midwifery or in procuring or attempting to procure a license to  
22 engage in the independent practice of midwifery;

23 (2) to have been found guilty of a felony or to have been found guilty  
24 of a misdemeanor involving an illegal drug offense unless the applicant or  
25 licensee establishes sufficient rehabilitation to warrant the public trust,  
26 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
27 license or authorization to practice and engage in the independent practice  
28 of midwifery shall be granted to a person with a felony conviction for a  
29 crime against persons as specified in article 34 of chapter 21 of the Kansas  
30 Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the  
31 Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104,  
32 21-6325, 21-6326 or 21-6418, and amendments thereto;

33 (3) to have committed an act of professional incompetence as defined  
34 in subsection (c);

35 (4) to be unable to practice the healing arts with reasonable skill and  
36 safety by reason of impairment due to physical or mental illness or  
37 condition or use of alcohol, drugs or controlled substances. All  
38 information, reports, findings and other records relating to impairment  
39 shall be confidential and not subject to discovery or release to any person  
40 or entity outside of a board proceeding;

41 (5) to be a person who has been adjudged in need of a guardian or  
42 conservator, or both, under the act for obtaining a guardian or conservator,  
43 or both, and who has not been restored to capacity under that act;

1 (6) to be guilty of unprofessional conduct as defined by rules and  
2 regulations of the board;

3 (7) to have willfully or repeatedly violated the provisions of the  
4 Kansas nurse practice act or any rules and regulations adopted pursuant to  
5 such act;

6 (8) to have a license to practice nursing as a registered nurse or as a  
7 practical nurse denied, revoked, limited or suspended, or to have been  
8 publicly or privately censured, by a licensing authority of another state,  
9 agency of the United States government, territory of the United States or  
10 country or to have other disciplinary action taken against the applicant or  
11 licensee by a licensing authority of another state, agency of the United  
12 States government, territory of the United States or country. A certified  
13 copy of the record or order of public or private censure, denial, suspension,  
14 limitation, revocation or other disciplinary action of the licensing authority  
15 of another state, agency of the United States government, territory of the  
16 United States or country shall constitute prima facie evidence of such a  
17 fact for purposes of this paragraph; or

18 (9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its  
19 repeal, or K.S.A. 21-5407, and amendments thereto, as established by any  
20 of the following:

21 (A) A copy of the record of criminal conviction or plea of guilty to a  
22 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-  
23 5407, and amendments thereto;

24 (B) a copy of the record of a judgment of contempt of court for  
25 violating an injunction issued under K.S.A. 60-4404, and amendments  
26 thereto; or

27 (C) a copy of the record of a judgment assessing damages under  
28 K.S.A. 60-4405, and amendments thereto.

29 (b) No person shall be excused from testifying in any proceedings  
30 before the board under this act or in any civil proceedings under this act  
31 before a court of competent jurisdiction on the ground that such testimony  
32 may incriminate the person testifying, but such testimony shall not be used  
33 against the person for the prosecution of any crime under the laws of this  
34 state, except the crime of perjury as defined in K.S.A. 21-5903, and  
35 amendments thereto.

36 (c) *The board shall not deny, revoke, limit or suspend the license or*  
37 *authorization issued to a certified nurse-midwife or publicly or privately*  
38 *censure a certified nurse-midwife for:*

39 (1) *Advising a patient about the possible benefits and risks of using*  
40 *medical cannabis or that using medical cannabis may mitigate the*  
41 *patient's symptoms; or*

42 (2) *any actions as a patient or caregiver who has been issued a valid*  
43 *identification card pursuant to the Kansas medical cannabis act, section 1*



1 *et seq., and amendments thereto, including whether the licensee possesses*  
 2 *or has possessed or uses or has used medical cannabis in accordance with*  
 3 *such act.*

4 (d) As used in this section, "professional incompetency" means:

5 (1) One or more instances involving failure to adhere to the  
 6 applicable standard of care to a degree ~~which~~ *that* constitutes gross  
 7 negligence, as determined by the board;

8 (2) repeated instances involving failure to adhere to the applicable  
 9 standard of care to a degree ~~which~~ *that* constitutes ordinary negligence, as  
 10 determined by the board; or

11 (3) a pattern of practice or other behavior ~~which~~ *that* demonstrates a  
 12 manifest incapacity or incompetence to engage in the independent practice  
 13 of midwifery.

14 ~~(d)~~(e) The board, upon request, shall receive from the Kansas bureau  
 15 of investigation such criminal history record information relating to arrests  
 16 and criminal convictions, as necessary, for the purpose of determining  
 17 initial and continuing qualifications of licensees and applicants for  
 18 licensure by the board.

19 Sec. 66. K.S.A. 79-5201 is hereby amended to read as follows: 79-  
 20 5201. As used in ~~this act~~ *article 52 of chapter 79 of the Kansas Statutes*  
 21 *Annotated, and amendments thereto:*

22 (a) ~~"Marijuana" means any marijuana, whether real or counterfeit, as~~  
 23 ~~defined by K.S.A. 21-5701, and amendments thereto, which is held,~~  
 24 ~~possessed, transported, transferred, sold or offered to be sold in violation~~  
 25 ~~of the laws of Kansas;~~

26 ~~(b)~~—"Controlled substance" means any drug or substance, whether real  
 27 or counterfeit, as defined by K.S.A. 21-5701, and amendments thereto,  
 28 which is held, possessed, transported, transferred, sold or offered to be  
 29 sold in violation of the laws of Kansas. Such term shall not include  
 30 marijuana;

31 ~~(e)~~(b) "dealer" means any person who, in violation of Kansas law,  
 32 manufactures, produces, ships, transports or imports into Kansas or in any  
 33 manner acquires or possesses more than 28 grams of marijuana, or more  
 34 than one gram of any controlled substance, or 10 or more dosage units of  
 35 any controlled substance ~~which~~ *that* is not sold by weight;

36 ~~(d)~~(c) "domestic marijuana plant" means any cannabis plant at any  
 37 level of growth ~~which~~ *that* is harvested or tended, manicured, irrigated,  
 38 fertilized or where there is other evidence that it has been treated in any  
 39 other way in an effort to enhance growth;

40 (d) *"marijuana" means any marijuana, whether real or counterfeit,*  
 41 *as defined in K.S.A. 21-5701, and amendments thereto, that is held,*  
 42 *possessed, transported, transferred, sold or offered for sale in violation of*  
 43 *the laws of Kansas; and*

1       (e) *"medical cannabis"* means the same as defined in section 2, and  
2 *amendments thereto*.

3       Sec. 67. K.S.A. 79-5210 is hereby amended to read as follows: 79-  
4 5210. Nothing in this act requires persons registered under article 16 of  
5 chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*, or  
6 otherwise lawfully in possession of marijuana, *medical cannabis* or a  
7 controlled substance to pay the tax required under this act.

8       Sec. 68. K.S.A. 21-5703, 21-5706, 21-5707, 21-5709, 21-5710, 21-  
9 6109, 23-3201, 38-2269, 44-1009, 44-1015, 79-5201 and 79-5210 and  
10 K.S.A. 2024 Supp. 8-1567, 21-5705, 21-6607, 22-3717, 22-4714, 44-501,  
11 44-706, 65-1120 and 65-28b08 are hereby repealed.

12       Sec. 69. This act shall take effect and be in force from and after its  
13 publication in the statute book.