



Marijuana Policy Project
P.O. Box 77492
Washington, DC 20013
p: (202) 462-5747 • f: (202) 232-0442
info@mpp.org • www.mpp.org

"We change laws."

Otis's Law – Kansas's Hemp Oil Bill HB 2282

Otis's Law is a limited high-CBD, low-THC medical hemp bill designed to allow regulated access to products which contain the active ingredient cannabidiol, or CBD. Unlike the vast majority of similar laws passed in other states, HB 2282 is based on the best features of regulated programs currently functioning in other states, and applies those lessons to a limited program for seizure patients in Kansas.

Bill Summary

Qualifying Conditions

- The law protects patients experiencing seizure conditions.
- As scientific research continues, the Department of Health and Environment may approve additional life-threatening or debilitating medical conditions that can benefit from CBD-based products, based on existing evidence. An advisory council made up of patients, parents, legislators, and medical professionals would evaluate studies and make recommendations to the department.

Required Documentation and Legal Protections

- Patients diagnosed with seizure conditions who participate in the program, along with those designated caregivers who care for them, would be protected from arrest and prosecution.
- To receive legal protections, patients must apply to the state health department for an ID card. To do so, they must submit doctor-issued written certifications.
- Before ID cards become available, a doctor-issued certification, approved by the state, would provide temporary protections similar to those offered by state-issued ID card.
- Patients who abide by the requirements of Otis's Law would be protected from discrimination in medical care or in child custody challenges.

Products Allowed

- HB 2282 allows access to products of the plant *Cannabis sativa* L which contain very low amounts of THC (3%), but can contain significantly greater amounts of CBD.
- Such plants which contain small amounts of THC are referred to as hemp.
- Patients would have limited access to medical hemp or its extracts and preparations.
- Any product provided to patients must contain no more than 3% THC per weight, which is not enough THC to lead to impairment.
- The department may approve additional types of cannabis following a recommendation from the advisory council.

Caregivers

- Each patient could have one designated caregiver, who must register with the health department. Patients could have additional caregivers if necessary and approved.

Hemp Preparations Producers

- The health department would register, regulate and inspect private producers of medical hemp and hemp products.
- Producers would cultivate state-compliant varieties of hemp, perform extraction processes, and meet packaging and labeling requirements established by the department.
- Producers could sell the product to each other or to qualified patients and caregivers.
- The department would decide the number of centers — ensuring there are enough to provide safe, steady access to all of the state's patients.
- The department would set rules for security, recordkeeping, oversight, advertising, and health and safety.

Testing and Labeling

- The department would also license and regulate testing labs.
- Labs would evaluate medical hemp products to test for potency and to check for potentially harmful contaminants to ensure that only the safest products are made available to patients.
- The state would set requirements for packaging and labeling products.

Minors as patients

Children are particularly susceptible to serious seizure conditions, and like Otis's Law, many of the state laws allowing regulated access to high-CBD medicine were motivated by the need for access by minors.

- HB 2282 provides access when a parent or legal guardian submits application on behalf of the child, containing all relevant information to the state on behalf of the minor.
- The parent or guardian must agree to serve as the designated caregiver, charged with responsibility for obtaining medical hemp preparations and administering them.
- The parent or guardian must meet all other conditions to qualify as a caregiver for the patient.
- The decision over whether or not to allow a minor to have access would be made by a physician and the minor's parent or guardian.

Visiting Patients and Caregivers

- Because nearly a dozen other states have adopted unworkable high-CBD laws, seriously ill patients and their families that reside in those states could receive assistance from the Kansas system established under Otis's Law.
- Non-resident patient protections apply only to those who meet requirements established in Kansas, along with a qualifying condition.
- Protections would also apply to personal care aides and close family members of out-of-state patients, again provided they have the required paperwork.