

HOUSE BILL No. 2282

By Committee on Health and Human Services

2-10

1 AN ACT concerning hemp preparation treatments for seizure disorders;  
2 establishing registration of patients and preparation centers; protecting  
3 from arrest, prosecution or discrimination for authorized use.  
4

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

6 Section 1. The provisions of sections 1 through ~~§4~~ and amendments  
7 thereto, shall be known and may be cited as Otis's law.

8 Sec. 2. As used in sections 1 through ~~§4~~ and amendments thereto,  
9 unless the context requires otherwise:

10 ~~[(a)]~~ "Cardholder" means a patient or a designated caregiver to whom  
11 the department has issued a hemp preparation registration card or who has  
12 documentation that is deemed to be a hemp preparation registration card.

13 ~~[(b)]~~ "Designated caregiver" means a person who:

14 (1) Is either at least 21 years of age or a parent of a patient;

15 (2) has significant responsibility for managing the well-being of a  
16 patient; and

17 (3) has been approved by the department to assist a patient in  
18 obtaining hemp preparations.

19 ~~[(c)]~~ "Department" means the department of health and environment.

20 ~~[(d)]~~ "Hemp preparation" ~~includes:~~

21 (1) Cannabis plant material that is no more than 3%  
22 tetrahydrocannabinol by weight;

23 (2) an extract, mixture or preparation containing cannabis plant  
24 material that is no more than 3% tetrahydrocannabinol by weight; and

25 (3) ~~cannabis plant material or an extract, mixture or preparation~~  
26 ~~containing cannabis plant material that is approved by the department~~  
27 ~~pursuant to section 10, and amendments thereto.~~

28 ~~[(e)]~~ "Hemp preparation center agent" means an owner, officer, board  
29 member, employee, volunteer, contractor, property owner or landlord of a  
30 registered hemp preparation center.

31 ~~[(f)]~~ "Medical hemp establishment" means a registered hemp  
32 preparation center or a registered hemp testing laboratory.

33 ~~[(g)]~~ "Medical use" includes the acquisition, administration, delivery,  
34 possession, purchase, transfer, transportation or use of hemp preparations  
35 and paraphernalia relating to the administration of hemp preparations to  
36 treat or alleviate a patient cardholder's qualifying medical condition.

(a) "Cannabis" means all parts of all varieties of  
the plant cannabis sativa L. not exceeding 3%  
tetrahydrocannabinol by weight.

- (j) "Parent" means a parent or legal guardian responsible for the medical care of a patient under the age of 18.
- (i) "Patient" means an individual who has been diagnosed with a qualifying medical condition.
- (k) "Physician" means a person who is licensed by the state board of healing arts to practice medicine and surgery.
- (l) "Qualifying medical condition" means:
- (1) A condition causing seizures, including those characteristic of epilepsy; or
  - (2) any other debilitating or life-threatening medical condition or treatment approved by the department pursuant to section 9, and amendments thereto.
- (m) "Registered hemp preparation center" means an entity registered pursuant to section 14 and amendments thereto, that acquires, possesses, cultivates, transports and manufactures cannabis, hemp preparations and related paraphernalia and transfers, transports, sells, supplies or dispenses hemp preparations, paraphernalia related to hemp preparations and related supplies and educational materials to cardholders, visiting cardholders and other registered hemp preparation centers.
- (n) "Registered testing laboratory" means an entity registered pursuant to section 14 and amendments thereto, to analyze the safety and potency of hemp.
- (o) "Registration card" means a card issued by the department pursuant to section 3, and amendments thereto.
- (p) "Testing laboratory agent" means an owner, officer, board member, employee, volunteer, contractor, property owner or landlord of a registered testing laboratory.
- (q) "Written certification" means a document signed and dated by a physician stating that, in the physician's professional opinion, the patient may receive therapeutic or palliative benefit from the medical use of hemp preparations to treat or alleviate the patient's qualifying medical condition or symptoms associated with such patient's qualifying medical condition.
- (r) "Visiting cardholder" means a person who:
- (1) Has been diagnosed with a qualifying medical condition or is the parent, child, sibling, spouse, domestic partner, grandparent, grandchild or personal aide of an individual who has been diagnosed with a qualifying medical condition;
  - (2) possesses a valid registration card, its equivalent or other documentation that allows the person to possess hemp preparations in another jurisdiction pursuant to the laws of the other state, district, territory, commonwealth, insular possession of the United States or country recognized by the United States;
  - (3) is not a resident of Kansas or has been a resident of Kansas for

1 less than 30 days; and  
2 (4) has submitted any required documentation with the department, if  
3 the department has required registration.

4 Sec. 3. (a) The department shall issue a hemp preparation registration  
5 card to each individual who is over the age of 18 who:

6 (1) Provides the department with a written certification signed by a  
7 physician that was issued within 90 days immediately preceding the date  
8 of an application;

9 (2) Pays the department a fee in an amount established by the  
10 department pursuant to section 5, and amendments thereto; and

11 (3) Submits an application or renewal to the department on a form  
12 created by the department that contains:

13 (A) The individual's name and address;

14 (B) A copy of the individual's valid photo identification; and

15 (C) Any other information the department reasonably considers  
16 necessary to implement the provisions of this section.

17 (b) The department shall issue a hemp preparation registration card to  
18 each individual who is under the age of 18 whose parent:

19 (1) Submits the information required of patients over the age of 18  
20 according to subsection (a); and

21 (2) Agrees to serve as a designated caregiver for the patient.

22 (c) Except as provided in subsection (d), the department shall issue a  
23 hemp preparation registration card to each designated caregiver applicant  
24 who:

25 (1) Is designated in a patient's application; and

26 (2) Submits an application to the department on a form created by the  
27 department that contains:

28 (A) The applicant's name and address;

29 (B) The patient's name;

30 (C) A copy of the designated caregiver's valid photo identification;  
31 and

32 (D) Any other information the department reasonably considers  
33 necessary to implement the provisions of this section.

34 (d) A patient may designate only one caregiver at any given time  
35 unless the patient or such patient's parent submits documentation  
36 demonstrating that a greater number of designated caregivers are needed  
37 due to the patient's age or medical condition.

38 (e) The department shall, not later than 30 calendar days after the date  
39 of the receipt of the completed application materials, approve the  
40 application and issue to the applicant a registration card with a unique,  
41 random identification number.

42 (f) Until the department issues, renews or denies a registration card, a  
43 copy of the individual's application, a copy of the patient's written

1 certification and proof that the application was submitted to the  
2 department shall be deemed a registration card.

3 (g) Until the department makes applications available, a valid, written  
4 certification issued within the previous year shall be deemed a registration  
5 card for a patient.

6 (h) Until the department makes applications available, the following  
7 shall be deemed a designated caregiver registration card:

8 (1) A copy of a patient's valid written certification issued within the  
9 previous year; and

10 (2) a signed affidavit attesting that the person has significant  
11 responsibility for managing the well-being of the patient and that the  
12 person has been chosen to assist a patient in obtaining hemp preparations.

13 (i) Except as provided in this subsection, the expiration date of a  
14 registration card shall be one year after the date of issuance. If a physician  
15 states in the written certification that a patient would benefit from hemp  
16 preparations until a specified earlier date, then the registration card shall  
17 expire on that date.

18 Sec. 4. (a) The department shall maintain a confidential list of all  
19 cardholders and each cardholder's address and registry identification  
20 number. This confidential list shall not be combined or linked in any  
21 manner with any other list or database, nor shall it be used for any purpose  
22 not provided for in sections 1 through 11 and amendments thereto.

23 (b) The department shall treat written certifications, applications,  
24 renewals, supporting information, the names of applicants, cardholders,  
25 visiting cardholders and physicians and related records as protected health  
26 information under the health insurance portability and accountability act of  
27 1996 (public law 104-191), except from disclosure under the Kansas open  
28 records act, K.S.A. 45-415 et seq., and amendments thereto, and not  
29 subject to disclosure to any individual or public or private entity, except as  
30 provided in this section.

31 (c) Nothing in this section shall preclude the following:

32 (1) Authorized employees of the department accessing the  
33 information to perform official duties pursuant to this act;

34 (2) department employees notifying state or local law enforcement  
35 about falsified or fraudulent information submitted to the department or of  
36 other apparent criminal violations of this act;

37 (3) department employees notifying the state board of healing arts if  
38 the department has reasonable suspicion to believe a physician violated the  
39 standard of care or for other suspected violations of this act by a physician;

40 (4) the department verifying registration cards pursuant to subsection  
41 (d);

42 (5) at a cardholder's request, the department confirming such  
43 cardholder's status as a cardholder to a third party, such as a landlord,

1 school, medical professional or court, and  
 2 (6) provided that no identifying information pertaining to  
 3 cardholders, visiting cardholders, or physicians is disclosed:

4 (A) The department may release data that was voluntarily submitted  
 5 by cardholders and visiting cardholders on the effectiveness and any side  
 6 effects of medical hemp preparations to researchers at institutions of  
 7 higher education; and

8 (B) the department may release information on the number of patients  
 9 and designated caregivers approved, the number of registry identification  
 10 cards revoked and aggregate information from voluntary reports on the  
 11 effectiveness of medical hemp preparations and any side effects patients  
 12 have experienced.

13 (d) Within 120 days of the effective date of this act, the department  
 14 shall establish a secure phone or web-based verification system. Such  
 15 verification system must allow law enforcement personnel, medical hemp  
 16 establishments and medical hemp establishment agents to enter a registry  
 17 identification number and determine whether or not the number  
 18 corresponds with a current, valid registration card. The system may  
 19 disclose only whether the registration card is valid, the name of the  
 20 cardholder and whether the cardholder is a registered patient or a  
 21 designated caregiver. The department may also include visiting  
 22 cardholders in the database.

23 Sec. 5. (a) Not later than 120 days after the effective date of this act,  
 24 the department shall promulgate rules and regulations:

25 (1) Establishing the form and content of registration and renewal  
 26 applications submitted under this act;

27 (2) establishing the form and content of registration cards;

28 ~~(3) Governing the manner in which the department shall consider~~  
 29 ~~petitions from the public to add to qualifying medical conditions set forth~~  
 30 ~~in section 2(k), and amendments thereto, and hemp preparations set forth~~  
 31 ~~in section 2(d), and amendments thereto, including public notice of and an~~  
 32 ~~opportunity to comment in public hearings on the petitions;~~  
 33 (4) determining the number of testing laboratories that will be  
 34 allowed in the state, which may not be fewer than two;

35 ~~(5) determining the number of hemp preparation centers that will be~~  
 36 allowed in the state, which shall be:

37 (A) No fewer than is reasonably necessary to ensure safe, steady  
 38 access to hemp preparations to cardholders located throughout the state;  
 39 and

40 (B) no fewer than a total of three  
 41 ~~(6) establishing a system to numerically score competing medical~~  
 42 hemp establishment applicants that must include analysis of:

43 (A) in the case of hemp preparation centers, the suitability of the

1 proposed location and its accessibility for patients;  
2 (B) the character, veracity, background and relevant experience of  
3 principal officers and board members; and

4 (C) the business plan proposed by the applicant, which in the case of  
5 hemp preparation centers shall include the ability to maintain an adequate  
6 supply of hemp preparations, plans to ensure safety and security of patrons  
7 and the community and procedures to be used to prevent diversion;

8 ~~[(7)]~~ governing the manner in which it shall consider applications for  
9 and renewals of registration cards, which may include creating a  
10 standardized written certification form;

11 ~~[(8)]~~ governing medical hemp establishments to prevent diversion and  
12 theft without imposing an undue burden or compromising the  
13 confidentiality of cardholders, including:

14 (A) Oversight requirements;

15 (B) recordkeeping requirements;

16 (C) security requirements, including at a minimum, lighting, physical  
17 security, transportation, waste destruction, video, and alarm requirements;  
18 (D) health and safety requirements, including prohibiting the use of  
19 harmful pesticides;

20 (E) restrictions on advertising and signage;

21 (F) requirements and procedures for the safe and accurate packaging  
22 and labeling of medical hemp including requiring:

23 (i) Disclosure of whether the hemp preparation is organic or non-  
24 organic;

25 (ii) specifying the length of time it typically takes for a product to  
26 take effect;

27 (iii) listing ingredients and possible allergens in edible and potable  
28 preparations;

29 (iv) a nutritional fact panel on all edible and potable products; and  
30 (v) a unique serial number that will match the product with a hemp  
31 preparation center batch and lot number so as to facilitate any warnings or  
32 recalls;

33 (G) rules for random sample testing to ensure that hemp preparations  
34 available to cardholders and visiting cardholders are accurately labeled for  
35 content and potency in accordance with standards established by the  
36 department to ensure the health and safety of patient cardholders;

37 (H) procedures for mandatory and voluntary recalls of hemp  
38 preparations; and

39 (I) reporting requirements for changes, alterations or modifications of  
40 the premises;

41 ~~[(9)]~~ establishing procedures for suspending or terminating the  
42 registration certificates or registration cards of cardholders and medical  
43 hemp establishments that commit multiple or serious violations of the

provisions of this act or any rules and regulations promulgated pursuant to this section; and

~~[(40)] establishing reasonable application and renewal fees for~~ **(9)** registration cards, hemp preparation center registration certificates, ~~[and]~~ testing laboratory registration certificates; according to the following:

and such other fees that the department deems reasonably necessary to administer this act

(A) The fees shall be no greater than the amount reasonably necessary to cover the cost the department incurs to implement the provisions of this act;

(B) the fees for registration cards shall be no greater than the amount reasonably necessary to cover the cost the department incurs processing the identification cards; ~~[and]~~

(C) the fee structure established by the department must incorporate a sliding scale for cardholders who receive medicaid, supplemental security income or social security disability insurance; ~~and~~ **(9)** and

(D) the following fees shall not exceed:

Hemp preparation center registration certificate application . . . \$5,000  
Hemp preparation center registration certificate . . . \$20,000  
Testing laboratory registration certificate . . . \$2,000  
Individual hemp preparation registration card . . . \$75  
Visiting cardholder . . . \$80

(b) The department may promulgate rules and regulations:

(1) Establishing a presumptive maximum quantity of hemp preparations that a cardholder or a visiting cardholder may possess, provided that:

(A) The amount should be no less than a reasonable 60-day supply; and

(B) a patient may apply for a waiver if a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, the amount established by the department is an insufficient amount to properly alleviate the patient's medical condition or symptoms associated with such medical condition;

(2) requiring visiting cardholders to submit a medical practitioner's statement confirming that the patient has a qualifying medical condition and documentation demonstrating that the visiting cardholder is allowed to possess cannabis or hemp preparations in the jurisdiction where such person resides, provided that:

(A) Any fee required of visiting cardholders must be no greater than the amount reasonably necessary to cover the cost the department incurs in processing their documentation and issuing any confirmation; and

(B) if the department requires visiting cardholders to submit documentation to the department, a confirmation must be issued electronically to the individual no later than seven calendar days after such documentation is submitted.

Sec. 6. (a) A cardholder or visiting cardholder shall not be subject to arrest, prosecution under state or municipal law or denial of any right or privilege, including, but not limited to, civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of hemp preparations pursuant to sections 1 through ~~14~~ **11**.

1 and amendments thereto.

2 (b) No person may be subject to arrest, prosecution under state or  
3 municipal law or denial of any right or privilege, including, but not limited  
4 to, civil penalty or disciplinary action by a court or occupational or  
5 professional licensing board or bureau, for:

6 (1) Selling hemp paraphernalia to a registered medical hemp  
7 establishment, a cardholder or a visiting cardholder;

8 (2) being in the presence or vicinity of the medical use of hemp  
9 preparations as allowed by sections 1 through 10(a) and amendments thereto;  
10 or

11 (3) assisting a patient with a registration card in the act of using or  
12 administering hemp.

13 (c) A hemp preparation center or hemp preparation center agent shall  
14 not be subject to prosecution under state or municipal law, search or  
15 inspection, except by the department pursuant to section 10(a) and  
16 amendments thereto, seizure or penalty in any manner or be denied any  
17 right or privilege, including, but not limited to, civil penalty or disciplinary  
18 action by a court or business licensing board or entity, for acting pursuant  
19 to sections 1 through 11 and amendments thereto, and department rules  
20 and regulations to:

21 (1) Sell cannabis seeds to similar entities that are registered to  
22 dispense cannabis for medical use in other jurisdictions;

23 (2) acquire, cultivate, grow, harvest, manufacture, plant, possess,  
24 prepare, propagate, transport or store cannabis, hemp paraphernalia and  
25 hemp preparations;

26 (3) deliver, dispense, supply, sell, transfer or transport hemp  
27 preparations, paraphernalia for use with hemp preparations or related  
28 supplies and educational materials to cardholders and visiting cardholders;

29 (4) deliver, dispense, transfer, transport, sell or supply cannabis seeds,  
30 cannabis seedlings, cannabis plants, cannabis, hemp preparations or related  
31 supplies and educational materials to other hemp preparation centers; or

32 (5) deliver, transfer or transport cannabis or hemp preparations to  
33 registered testing laboratories.

34 (d) A registered testing laboratory and testing laboratory agents acting  
35 on behalf of a testing laboratory shall not be subject to prosecution under  
36 state or municipal law, search, except by the department pursuant to  
37 section 10(a) and amendments thereto, seizure or penalty in any manner,  
38 or be denied any right or privilege, including, but not limited to, civil  
39 penalty or disciplinary action by a court or business licensing board or  
40 entity, solely for acting in accordance with this act and department rules  
41 and regulations to provide the following services:

42 (1) Acquiring, possessing, storing, analyzing, testing or transporting  
43 cannabis obtained from hemp preparation centers and hemp preparations



1 obtained from cardholders, visiting cardholders or hemp preparation  
2 centers;

3 (2) possessing, storing or transporting hemp paraphernalia;

4 (3) returning the hemp preparations to cardholders or hemp  
5 preparation centers; or

6 (4) receiving compensation for actions allowed under this section.

7 (e) Mere possession of, or application for, a registration card or  
8 medical hemp establishment registration shall not constitute probable  
9 cause or reasonable suspicion, nor shall it be used to support the search of  
10 the person, property or home of the person possessing or applying for the  
11 registration card. The possession of, or application for, a registration card  
12 or registration certificate shall not preclude the existence of probable cause  
13 if probable cause exists on other grounds.

14 (f) For the purposes of state law, the medical use of hemp  
15 preparations by a cardholder or visiting cardholder and activities a  
16 registered medical hemp establishment are registered to engage in shall be  
17 considered lawful as long as they are undertaken in accordance with  
18 sections 1 through 4 and amendments thereto. 11,

19 Sec. 7. (a) For the purposes of medical care, including organ and  
20 tissue transplants, a patient's medical use of hemp preparations in 11,  
21 accordance with sections 1 through 4 and amendments thereto, is the  
22 equivalent of the authorized use of any other medication in accordance  
23 with a prescription issued by a physician and does not constitute the use of  
24 an illicit substance or otherwise disqualify a patient cardholder from  
25 needed medical care.

26 (b) A person otherwise entitled to custody of or visitation or parenting  
27 time with a minor shall not be denied such a right, and there shall be no  
28 presumption of neglect or child endangerment, for conduct allowed by 11,  
29 sections 1 through 4 and amendments thereto, unless the person's actions  
30 in relation to hemp preparations were such that they created an  
31 unreasonable danger to the safety of the minor as established by clear and  
32 convincing evidence.

33 Sec. 8. (a) Sections 1 through 4 and amendments thereto, do not  
34 authorize any person to engage in, and do not prevent the imposition of  
35 any civil, criminal or other penalties for engaging in the following  
36 conduct:

37 (1) Undertaking any task under the influence of hemp preparations  
38 when doing so would constitute negligence or professional malpractice; or  
39 (2) operating, navigating or being in actual physical control of any  
40 motor vehicle, aircraft or motorboat while impaired by hemp preparations.

41 (b) Nothing in this act requires a government medical assistance  
42 program or private insurer to reimburse a person for costs associated with  
43 the medical use of hemp preparations.

1 Sec. 9. (a) ~~Any resident of Kansas may petition the department to add~~  
2 ~~medical conditions to the list of qualifying medical conditions in section~~  
3 ~~2(k), and amendments thereto. The department shall consider petitions in~~  
4 ~~the manner required by department rules and regulations, including public~~  
5 ~~notice, a hearing and consideration of the recommendation from the~~  
6 ~~advisory council.~~

7 ~~(b) The department shall accept petitions at least once every 180-~~  
8 ~~days.~~

9 ~~(c) The department shall approve or deny a petition within 180 days~~  
10 ~~of its submission.~~

11 ~~(d) The approval or denial of any petition is a final decision of the~~  
12 ~~department subject to judicial review pursuant to the Kansas judicial~~  
13 ~~review act, K.S.A. 77-601 et seq., and amendments thereto.~~

14 ~~Sec. 10. (a) Any resident of Kansas may petition the department to~~  
15 ~~add additional strains, mixtures or preparations of cannabis to the~~  
16 ~~definition of hemp preparations according to section 1(d), and~~  
17 ~~amendments thereto. The department shall consider petitions in the manner~~  
18 ~~required by department rules and regulations, including public notice, a~~  
19 ~~hearing and consultation with the advisory council.~~

20 ~~(b) The department shall approve or deny a petition within 180 days~~  
21 ~~of its submission.~~

22 ~~(c) The approval or denial of any petition is a final decision of the~~  
23 ~~department subject to judicial review pursuant to the Kansas judicial~~  
24 ~~review act, K.S.A. 77-601 et seq., and amendments thereto.~~

25 ~~Sec. 11. (a) Any person who operates a medical hemp establishment~~  
26 ~~must first submit an application form to the department and receive~~  
27 ~~approval. Each application must be for a single type of a medical hemp~~  
28 ~~establishment.~~

29 ~~(b) No later than 120 days after the effective date of this act, the~~  
30 ~~department shall begin accepting applications for hemp preparation centers~~  
31 ~~and testing laboratories.~~

32 ~~(c) Except as otherwise provided in this act, not later than 90 calendar~~  
33 ~~days after receiving an application to operate a medical hemp~~  
34 ~~establishment, the department shall register the medical hemp~~  
35 ~~establishment and issue a registration certificate and a random~~  
36 ~~identification number if:~~

37 ~~(1) The person or persons who wish to operate the proposed medical~~  
38 ~~hemp establishment have submitted to the department all of the following:~~

39 ~~(A) The application fee, as established by the department; and~~  
40 ~~(B) an application, which must include:~~

41 ~~(i) The legal name of the proposed medical cannabis establishment;~~

42 ~~(ii) the physical address where the proposed medical hemp~~  
43 ~~establishment will be located and the physical address of any co-owned~~

1 additional or otherwise associated medical hemp establishments, so long  
2 as the location of the proposed medical hemp establishment is not within  
3 1,000 feet of a public or private school that provides formal education  
4 traditionally associated with preschool or kindergarten through grade 12  
5 which existed on the date on which the application for the proposed  
6 medical hemp establishment was submitted to the department;

7 (C) evidence that the applicant controls not less than \$250,000 in  
8 liquid assets;

9 (D) evidence that the applicant owns the property on which the  
10 proposed medical hemp establishment will be located or has the written  
11 permission of the property owner to operate the proposed medical hemp  
12 establishment on that property;

13 (E) the name, address and date of birth of each person who is  
14 proposed to be an owner, officer or board member of the proposed medical  
15 hemp establishment;

16 (F) operating procedures consistent with rules and regulations of the  
17 department for oversight of the proposed medical hemp establishment,  
18 including procedures to ensure the use of adequate security measures;

19 (G) if the city, town or, in the case of a location in an unincorporated  
20 area, county in which the proposed medical hemp establishment will be  
21 located has enacted zoning restrictions or licensing requirements, proof of  
22 licensure with the applicable local governmental authority or an  
23 affirmation signed by the applicant that the proposed medical hemp  
24 establishment will be in compliance with those restrictions and satisfies all  
25 applicable zoning requirements; and

26 (H) such other information as the department may reasonably require  
27 by rules and regulations;

28 (2) none of the persons who are proposed to be owners, officers or  
29 board members of the proposed medical hemp establishment have served  
30 as an owner, officer or board member for a medical hemp establishment  
31 that has had its medical hemp establishment registration certificate  
32 revoked; and

33 (3) none of the persons who are proposed to be owners, officers or  
34 board members of the proposed medical hemp establishment are under 21  
35 years of age.

36 (b) When more qualifying applications are submitted for a proposed  
37 hemp preparation center or testing laboratory than the department will  
38 approve, the department shall use an impartial and numerically scored  
39 merit-based selection process to determine which application or  
40 applications to approve. The department may approve the highest scoring  
41 application or applications in specific geographic regions of the state. The  
42 department may conduct a background check of the principal officers and  
43 board members of any prospective hemp preparation center to carry out

1 the provisions of this subsection.

2 (c) Except as otherwise provided in this act, if an application for  
3 registration as a medical hemp establishment satisfies the requirements of  
4 this section and the establishment is not disqualified from being registered  
5 as a medical hemp establishment pursuant to this act or other applicable  
6 law, the department shall issue to the establishment a medical hemp  
7 establishment registration certificate. A medical hemp establishment  
8 registration certificate expires two years after the date of issuance and may  
9 be renewed upon:

10 (1) Submission of a renewal application; and  
11 (2) payment of the renewal fee established by the department.

12 Sec. ~~12~~ (a) Medical hemp establishments are subject to reasonable  
13 inspection by the department.

10.

14 (b) A medical hemp establishment may not employ or accept as a  
15 volunteer any person who is under 21 years of age.

16 (c) The operating documents of a medical hemp establishment must  
17 include procedures for the oversight of the medical hemp establishment  
18 and procedures to ensure accurate recordkeeping.

19 (d) A medical hemp establishment shall implement appropriate  
20 security measures designed to deter and prevent:

21 (1) The theft of cannabis and hemp preparations; and

22 (2) unauthorized entrance into areas containing cannabis or hemp  
23 preparations.

24 (e) Before hemp preparations may be dispensed to a cardholder or  
25 visiting cardholder, a hemp preparation center agent must:

26 (1) Make a diligent effort to verify that the registration card or other  
27 documentation presented to the hemp preparation center is valid; and

28 (2) make a diligent effort to verify that the person presenting the card  
29 is the person identified on the registration card presented to the hemp  
30 preparation center agent.

31 (f) A hemp preparation center must dispense hemp preparations in a  
32 sealed container with a label that conforms to department regulations and  
33 that indicates the hemp preparation's ingredients and its percentages of  
34 tetrahydrocannabinol and cannabidiol by weight.

35 (g) Hemp preparation centers shall collect and submit to the  
36 department data on strains used, methods of delivery, any side effects  
37 experienced and the therapeutic effectiveness of hemp preparations for  
38 each patient who is willing to provide the information. Such data  
39 collection shall be done under the patient's registry identification number  
40 to protect the patient's confidentiality.

41 ~~Sec. 13. (a) There is hereby established a nine-member advisory~~  
42 ~~council on medical hemp. The advisory council shall meet at least three~~  
43 ~~times per year for the purpose of evaluating and making recommendations~~

to the legislature and the department regarding:

(1) The ability of qualifying patients in all areas of the state to obtain timely access to high-quality medical hemp preparations;

(2) the effectiveness of registered hemp preparation centers, individually and together, in serving the needs of qualifying patients, including the provision of educational and support services, the reasonableness of their prices, whether they are generating any complaints or security problems and the sufficiency of the number operating to serve the state's patient cardholders;

(3) the effectiveness of the registered hemp testing laboratories, including whether a sufficient number are operating and the reasonableness of their fees;

(4) the sufficiency of the regulatory, health and safety and security safeguards contained in this act and in rules and regulations adopted by the department;

(5) any recommended additions or revisions to the department rules and regulations of this act, including relating to security, health and safety qualifications of staff, labeling and nomenclature;

(6) whether additional qualifying medical conditions should be approved; and

(7) whether additional hemp preparations should be approved.

(b) The advisory council shall consist of the following members:

(1) One member of the house of representatives, selected by the speaker of the house of representatives;

(2) one member of the senate, selected by the president of the senate;

(3) one parent of a minor patient who is either a registered cardholder or who intends to become one once the registry is open;

(4) one member who is either a patient or the parent of a minor patient who is either a registered cardholder or who intends to become one once the registry is open;

(5) four members representing health care providers, including one physician who has issued written certifications to patients and one certified pain specialist; and

(6) the secretary of health and environment or the secretary's designee.

(c) Advisory council members specified in paragraphs (3), (4) and (5) shall be appointed by the governor in consultation with the secretary of health and environment.

(d) On or before January 15 of each year, the advisory council shall submit a report to the department summarizing its recommendations.

(e) The advisory council shall submit written recommendations to the department within 120 days of the department's receipt of a petition to:

(1) Add a condition to the list of qualifying medical conditions; or

1 ~~(2) revise the definition of hemp preparations.~~  
2 Sec. ~~[4]~~ If any provision of sections 1 through ~~[4]~~ and amendments 11.  
3 thereto, or the application thereof to any person or circumstance is held 11.  
4 invalid, such invalidity shall not affect the application of any other  
5 provision of this act that can be given full effect without the invalid section  
6 or application.  
7 Sec. ~~[5]~~ This act shall take effect and be in force from and after its 12.  
8 publication in the statute book.