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MEMORANDUM

To: Chairman Barker and Members of the Committee on Federal and State Affairs
From: Office of Revisor of Statutes
Date: February 24, 2021
RE: House Bill 2184

HB 2184 would enact the Kansas Medical Marijuana Regulation Act. The bill would allow registered patients and caregivers to obtain a physician's recommendation to possess and administer medical marijuana for the medical treatment of a qualifying medical condition under the act.

Under the bill, the Secretary would provide for the registration of patients and caregiver, the issuance of identification cards, and provide for the licensure of cultivators and laboratories that test medical marijuana. The forms in which medical marijuana could be dispensed under the act would include oils, tinctures, plant material, edibles, patches, or any form approved by the Secretary of Revenue.

The Board of Healing Arts would regulate the issuance of certifications to physicians allowing for the recommendation of medical marijuana for treatment. The Secretary of Agriculture would provide for the licensure and regulation of the cultivation, possession, testing and sale of medical marijuana by cultivators and laboratories. The Director of Alcoholic Beverage Control would administer the program and provide for the licensure of processors, distributors, and retail dispensaries. The Director would establish and maintain an electronic database to monitor medical marijuana from its seed source through its cultivation, testing, processing, distribution and dispensing.

Section 2 is the definitions section for the act. Some of the definitions used throughout the act include:

- "Caregiver" means an individual registered pursuant to the act who may purchase and possess medical marijuana.
- "Cultivator" means a person issued a license pursuant to the act who may grow and sell medical marijuana.
- "Medical marijuana" means marijuana that is cultivated, processed, tested, dispensed, possessed or used for a medical purpose.
- "Patient" means an individual registered pursuant to the act who may purchase and possess medical marijuana.
- "Retail dispensary" means a person issued a license pursuant to the act who may purchase and sell medical marijuana.
- "Qualifying medical condition" means any of the following: (1) Acquired immune deficiency syndrome; (2) Alzheimer's disease; (3) amyotrophic lateral sclerosis; (4) cancer; (5) chronic

traumatic encephalopathy; (6) Crohn's disease; (7) epilepsy or another seizure disorder; (8) fibromyalgia; (9) glaucoma; (10) hepatitis C; (11) inflammatory bowel disease; (12) multiple sclerosis; (13) pain that is either chronic and severe or intractable; (14) Parkinson's disease; (15) positive status for HIV; (16) post-traumatic stress disorder; (17) sickle cell anemia; (18) spinal cord disease or injury; (19) Tourette's syndrome; (20) traumatic brain injury; (21) ulcerative colitis; or (22) any other disease or condition approved by the secretary of health and environment.

Section 3 of the bill prohibits anyone from growing, processing, selling, transporting, furnishing or possession any form of marijuana unless it was pursuant to the Kansas medical marijuana regulation act or the commercial industrial hemp act in K.S.A. 2-3901 et seq. The act would not: 1) Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition, 2) permit the use or possession of medical marijuana in any way other than as authorized in the act or on federal land, 3) require or prohibit a public place to accommodate a patient's use of medical marijuana, or 4) restrict research related to marijuana.

Section 4 would establish the Kansas medical marijuana regulation program to be administered by the Secretary of the Kansas Department of Health and Environment. The Secretary would provide for the registration of patients and caregiver, the issuance of identification cards, and provide for the licensure of cultivators and laboratories that test medical marijuana. The director of Alcoholic Beverage Control would administer the program and provide for the licensure of processors, distributors, and retail dispensaries.

Section 5 would create the medical marijuana advisory committee in the department of health and environment to consist of 15 members. The committee would consist of eight members who represent various interest and are appointed by the governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, one member appointed by the minority leader of the Senate, one member appointed by the minority leader of the House of Representatives, and the Secretary of KDHE who would serve as the chairperson. Each member of the committee shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A.75-3223(e).

The committee could develop and submit to the Secretary of KDHE, the Secretary of Agriculture, and the Director of Alcoholic Beverage Control any recommendations related to the program and the implementation and enforcement of the act. The committee would be required to make recommendations to those secretaries and the director regarding offenses that would disqualify an applicant from registration or licensure by the respective agency and annually review those offenses to make subsequent recommendations. The committee would be required to develop policies and procedures for the review, approval and denial of petitions for approval of a qualifying medical condition submitted pursuant to section 19.

Section 6 would prohibit any person from giving, and any employee of the Department of Health and Environment, Department of Agriculture, and the Division of Alcoholic Beverage Control from accepting, any gift or compensation from any person who is an applicant for any license or is a licensee under the act. Violation of this prohibition would be grounds for removal from such person's employment and would constitute a misdemeanor punishable by a fine of up to \$500 and between 60 days and 6 months of imprisonment.

Section 7 would require all actions taken by the Board of Healing Arts, the Secretary of KDHE, the Secretary of Agriculture, and the Director of Alcoholic Beverage Control under the act would be in accordance with the Kansas Administrative Procedure Act and reviewable under the Kansas Judicial Review Act.

Section 8 would allow a patient seeking medical marijuana or a caregiver seeking to assist a patient in the use of medical marijuana to apply to the Department of Health and Environment for registration under the act and the physician treating the patient would submit an application on behalf of the patient. The application for registration would include:

1) A statement from the physician certifying that:

- a physician-patient relationship exists,
- the patient had been diagnosed with a qualifying medical condition,
- the physician had requested a report related to the patient that covered the 12 preceding months from the prescription monitoring program database, and
- the physician has informed the patient of the risks and benefits of medical marijuana and that in the physician's opinion the benefits outweigh the risks for the patient

2) the name of any caregiver, if applicable, who will help administer medical marijuana,

3) if submitted by a caregiver, the names of all patients who the caregiver was seeking to assist with administering medical marijuana, and

4) for a patient that was a minor, the name of the patient's parent or legal guardian who had consented to treatment with medical marijuana.

The Secretary of KDHE would be required to register a patient or caregiver and issue an identification card if the application was complete and met the requirements of the act. Registered caregivers would be required to be 21 years of age, unless they were a parent for a patient, and could not provide assistance to more than two registered patients unless the secretary approved a greater number. Any physician that submits an application on behalf of a patient could not also serve as the patient's registered caregiver. Any information that was collected by the department of health and environment would be confidential and not a public record.

The fees to register for a patient or caregiver would be set by rules and regulations adopted by the Secretary of KDHE, but could not exceed \$50 for a patient registration, \$25 for an indigent patient or a veteran, and \$25 for a caregiver. Registration would be valid for one year from the date the identification card was issued and could be renewed by submitting a renewal application and paying the required fee.

Section 9 would require the department of health and environment to assign a unique 24-character identification number to each registered patient and caregiver when issuing an identification card. Under the act, licensed retail dispensaries could request verification by the department that a patient or caregiver has a valid registration.

Sections 10 and 11 would allow a registered patient or caregiver who obtained medical marijuana from a licensed retail dispensary to use, or assist a patient in using, medical marijuana, possess medical marijuana, and possess any paraphernalia allowed pursuant to rules and regulations adopted by the Secretary of KDHE. Registered patients and caregiver could not possess more than a 90-day supply of medical marijuana. Registered patients would be prohibited from operating a motor

vehicle, watercraft or aircraft while under the influence of medical marijuana and caregivers would not be authorized to use medical marijuana unless they were also a registered patient.

Section 12 would allow the Secretary of KDHE to impose a civil penalty or suspend or revoke a registration upon a finding that a patient or caregiver had committed a violation of the act. The Secretary could impose a civil fine of up to \$500 of a registrant if they submitted fraudulent information and could suspend or revoke a registration for a subsequent offense. If the Secretary suspends or revokes a registration and determines there is a danger of serious harm to any person, the Secretary could place under seal all medical marijuana in the possession of the affected registrant.

Section 13 would establish the medical marijuana registration fund to be administered by the Secretary of KDHE for the deposit of all moneys collected from fees and fines. Moneys in the fund could only be used for the payment or reimbursement of costs related to the regulation and enforcement of the possession and use of medical marijuana.

Sections 14 and 15 would require the Secretary of KDHE to adopt rules and regulation to administer and enforce the act and make a website available to the public to access information regarding patient and caregiver registration by July 1, 2022. The rules and regulations would include: 1) Procedures for registration of patients and caregivers and eligibility requirements for registration, 2) procedures for the issuance of patient and caregiver identification cards, 3) a renewal schedule, procedures and fees for registrations, 4) the maximum 90-day supply of medical marijuana that could be possessed and the paraphernalia that could be used in administering medical marijuana to a registered patient, 5) a list of the forms and methods of using medical marijuana that are attractive to children, 6) procedures for reviewing petitions for approval of new forms or methods of using medical marijuana and a qualifying medical condition, and 7) a program to assist patients who are indigent or who are veterans in obtaining medical marijuana.

Section 16 would require the Secretary of KDHE to negotiate in good faith to enter into a reciprocity agreement with any other state under which a medical marijuana registry identification card that was issued by another state was recognized in Kansas. For the Secretary to enter a reciprocity agreement, the Secretary must determine that the eligibility requirements of the other state to purchase, possess and use medical marijuana was substantially comparable to the requirements of this act and that such state would recognize a Kansas patient or caregiver registration and identification card.

Section 17 would require a physician seeking to recommend treatment with medical marijuana to apply to the Board of Healing Arts for a certificate authorizing the physician to recommend such treatment. The Board would grant a certificate if the application was complete and met the requirements of the Board established by rules and regulations and the applicant demonstrates that they do not have an ownership or compensation arrangement with an entity licensed under the act. A certificate to recommend would be renewed when the physician's license to practice medicine was renewed.

A physician with a certificate to recommend treatment with medical marijuana could recommend that treatment to a patient if: 1) The patient had been diagnosed with a qualifying medical condition, 2) a physician-patient relationship has existed for at least 12 months unless allowed by rules and regulations adopted by the Board, 3) an in-person physical examination of the patient was performed, and 4) the physician had requested and reviewed a report related to the patient that covered the 12 preceding months from the prescription monitoring program database.

Recommendations issued by a physician would only be valid for 90 days. A physician could only recommend treatment with medical marijuana for a minor after obtaining consent from the patient's parent or legal guardian. Every year, a physician would be required to submit a report to the Board of Healing Arts describing the physician's observations regarding the effectiveness of medical marijuana treatments. Every year, physicians would be required to complete two hours of continuing medical education in the treatment and use of medical marijuana to maintain their certificate. Physicians could not prescribe medical marijuana to themselves or their family.

Section 18 would require the Board of Healing Arts to adopt rules and regulations to implement the act prior to July 1, 2022. Those rules and regulations would include: 1) Procedures for applying for and renewing a certificate to recommend treatment with medical marijuana, 2) conditions for eligibility for a certificate to recommend treatment with medical marijuana, 3) reason for which a certificate may be suspended or revoked and the standards for how a suspension may be lifted, and 4) the minimum standards of care when recommending treatment with medical marijuana.

Section 19 would allow a person to submit a petition to the medical marijuana advisory committee requesting that a disease or condition be added as a qualifying medical condition. In determining whether to make a recommendation to approve or deny such a request, the committee would: 1) Consult with experts who specialize in the study of the disease or condition, 2) review relevant medical or scientific evidence pertaining to the disease or condition, 3) consider whether conventional medical treatments are insufficient, 4) review evidence supporting the use of medical marijuana to treat the disease or condition, and 5) review any letters of support provided by physicians with knowledge of the disease or condition. The committee would make a recommendation to the Secretary of KDHE whether to approve or deny the addition and the Secretary would be required to adopt rules and regulations consistent with the committee's recommendation.

Section 20 provides an application process for an entity that sought to cultivate medical marijuana or to conduct laboratory testing of medical marijuana to receive an annual license. The application would be submitted to the Secretary of Agriculture who would issue a license to an applicant if: 1) The criminal history record check required by the act demonstrated that the individual had not been convicted of any disqualifying offenses, 2) the applicant was not applying for a laboratory license and did not have an ownership interest or compensation agreement or share any corporate offices or employees with a laboratory licensed under the act, 3) the applicant demonstrated it will not be located within 1,000 feet of a school, religious organization, public library or public park, 4) the applicant had submitted a tax clearance certificate, and 5) the applicant meets all licensure conditions established by rules and regulations adopted by the Secretary and has paid all required fees.

The Secretary of Agriculture would be required to issue at least 15% of cultivator and laboratory licenses to entities that were owned and controlled by United States citizens who were residents of Kansas and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos and Asians. If there are an insufficient number of applications submitted by such entities, it would not prohibit the Secretary from issuing licenses to any applicants pursuant to the Act.

Section 21 would provide that cultivators would be either a level I or level II licensee. Level I licensees could cultivate medical marijuana in an area up to 25,000 square feet while level II licensees would be limited to an area of 3,000 square feet. Licensees could submit an application to the department of agriculture to expand the licensee's cultivation area. The Secretary would review all

expansion applications, but could not expand the total area of cultivation a level I licensee had beyond 75,000 square feet and a level II license beyond 9,000 square feet.

Section 22 would allow a laboratory licensee to obtain medical marijuana from licensed cultivators, processors or retail dispensaries and to conduct medical marijuana testing in accordance with rules and regulations adopted by the Secretary of Agriculture. When testing medical marijuana, a licensed laboratory would be required to test the marijuana for potency, homogeneity and contamination and submit a report of the test results to the licensee requesting the testing.

Section 23 would allow the Secretary of Agriculture to set the fees for a cultivator license and a laboratory license through rules and regulations, but such fees could not exceed:

- For a level I cultivator license: \$20,000 for the application, \$180,000 for the license, and \$200,000 for the renewal of a license.
- For a level II cultivator or a laboratory license: \$2,000 for the application, \$18,000 for the license, and \$20,000 for the renewal of a license.

Sections 24 and 25 would allow the Secretary of Agriculture to refuse to issue or renew a license or to revoke or suspend a license if the applicant has: 1) Failed to comply with the act, 2) falsified any information submitted to the Secretary to obtain a license, 3) failed to adhere to any representation made to the Secretary when applying for a license, or 4) failed to submit or disclose information requested by the Secretary.

The Secretary could impose a civil penalty of up to \$5,000 or suspend or revoke a license upon finding that a licensee has submitted fraudulent information or has sold or distributed medical marijuana in violation of the act. If the Secretary suspends, revokes or refuses to renew a license and determines there is a danger of serious harm to any person, the Secretary could place under seal all medical marijuana in the possession of the affected licensee.

Section 26 would establish the medical marijuana cultivation regulation fund to be administered by the Secretary of Agriculture for the deposit of all moneys collected from fees and fines. Moneys in the fund could only be used for the payment or reimbursement of costs related to the regulation and enforcement of the cultivation, possession, testing and sale of medical marijuana by the department of agriculture.

Section 27 would require the Secretary of Agriculture to adopt rules and regulations to implement and enforce the act by July 1, 2022. The rules and regulations would: 1) Establish procedures and fees for license applications and renewals, 2) specify the conditions for licensure and what criminal offenses would disqualify an applicant from licensure, 3) establish the number of cultivator licenses, and 4) establish standards and procedures for the testing of medical marijuana by a licensed laboratory.

In establishing the number of cultivator licenses that were permitted at a time, the Secretary of Agriculture would consider the population of the state and the number of patients seeking to use medical marijuana. Licensed cultivators would be prohibited from cultivating medical marijuana for personal, family or household use or on any public land.

Sections 28 through 32 would allow entities seeking to distribute, process or sell at retail medical marijuana to apply to the Director of Alcoholic Beverage Control for an annual license. The director would issue a license to an applicant if: 1) The criminal history record check required by the act demonstrated that the individual had not been convicted of any disqualifying offenses, 2) the applicant was not applying for a laboratory license and did not have an ownership interest or compensation

agreement or share any corporate offices or employees with a laboratory licensed under the act, 3) the applicant demonstrated it will not be located within 1,000 feet of a school, religious organization, public library or public park, 4) the applicant had submitted a tax clearance certificate, and 5) the applicant meets all licensure conditions established by rules and regulations adopted by the Secretary and has paid all required fees.

Processor licensees would be allowed to obtain medical marijuana from one or more licensed cultivators or processors, process medical marijuana into a form for laboratory testing, and deliver or sell process medical marijuana to licensed processors, distributors and retail dispensaries. In processing medical marijuana, a processor would be required to: 1) Package the medical marijuana with child-resistant effectiveness standards, 2) label the medical marijuana packaging with the products THC and cannabidiol content, and 3) comply with any packaging or labeling requirements established by rules and regulation adopted by the Secretary of Revenue. In establishing the number of processor licenses, the Director would consider the population of the state and the number of patients seeking to use medical marijuana.

Distributor licensees would be allowed to purchase wholesale medical marijuana from licensed processors, store medical marijuana in a form approved for distribution under the act, and deliver or sell processed medical marijuana to licensed retail dispensaries. When storing or selling medical marijuana, a distributor would be required to meet all packaging and labeling requirements established by rules and regulations.

Retail dispensary licensees would be allowed to obtain medical marijuana from licensed processors and dispense or sell medical marijuana. When selling medical marijuana, a dispensary would be required to: 1) Only sell to a person who shows a current, valid identification card and only in accordance with a written recommendation from a physician, 2) report to the prescription monitoring program database information required by K.S.A. 65-1683, and 3) label the package containing medical marijuana with identifying information pertaining to the dispensary, the patient and physician, directions for use, health warnings, and the quantity, strength and form of medical marijuana. Retail dispensaries could only employ individuals who hold a current and valid license and have completed training requirements established by rules and regulations.

Section 33 prescribes the forms in which medical marijuana could be dispensed under the act to include oils, tinctures, plant material, edibles, patches, or any form approved by the Secretary of Revenue. The smoking, combustion or vaporization and any form or method that was considered attractive to children of medical marijuana would be prohibited. Plant material could not have a THC content above 35% and extracts could not have a THC content above 70%. Medical marijuana would be prohibited from being dispensed from a vending machine or electronic commerce.

Section 34 would allow a person to submit a petition to the Director of Alcoholic Beverage Control requesting that a form or method of using medical marijuana be approved. Upon receiving the petition, the Director would consult with the medical marijuana advisory committee and review any relevant scientific evidence. The Director would make a recommendation to the Secretary of Revenue to either approve or deny the proposed form or method and the Secretary of Revenue would make a final determination. The Secretary would be prohibited from approving any method that involved smoking, combustion or vaporization.

Section 35 would allow the Secretary of Revenue to set the fees for a processor license, distributor license, and a retail dispensary license through rules and regulations, but such fees could not exceed:

- For a processor or a distributor license: \$10,000 for the application, \$90,000 for the license, and \$100,000 for the renewal of a license.
- For a retail dispensary license: \$5,000 for the application, \$70,000 for the license and any renewal thereof, \$500 for each associated employee license application, \$250 for each key employee license application, and \$100 for each support employee license application.

Sections 36 and 37 would allow the Director of Alcoholic Beverage Control to refuse to issue or renew a license or to revoke or suspend a license if the applicant has: 1) Failed to comply with the act, 2) falsified any information submitted to the Director to obtain a license, 3) failed to adhere to any representation made to the Director when applying for a license, or 4) failed to submit or disclose information requested by the Director.

The Director could impose a civil penalty of up to \$5,000 or suspend or revoke a license upon finding that a licensee has submitted fraudulent information or has sold or distributed medical marijuana in violation of the act. If the Director suspends, revokes or refuses to renew a license and determines there is a danger of serious harm to any person, the Secretary could place under seal all medical marijuana in the possession of the affected licensee.

Section 38 would establish the medical marijuana business entity regulation fund to be administered by the Director of Alcoholic Beverage Control for the deposit of all moneys collected from fees and fines. Moneys in the fund would be used for the costs related to the regulation and enforcement of the possession, processing, and sale of medical marijuana by the Division of Alcoholic Beverage Control.

Section 39 would require the Secretary of Revenue to adopt rules and regulations to implement and enforce the act by July 1, 2022. The rules and regulations would include the: 1) Procedures and fees for application and renewal of licenses, 2) conditions for eligibility for licensure, 3) number of licenses that will be permitted at any one time, and 4) training requirements for employees of retail dispensaries. The Director would propose such rules and regulations necessary to carry out the act. After the hearing on a proposed rule and regulation, the director would submit the proposed rule and regulation to the Secretary for a final determination of whether to adopt the rule and regulation.

Section 40 would require the Director of Alcoholic Beverage Control to establish and maintain an electronic database to monitor medical marijuana from its seed source through its cultivation, testing, processing, distribution and dispensing. The database would allow for information to be updated instantaneously and all licensed cultivators, laboratories, processors, distributors, and retail dispensaries would be required to submit to the database any information the Director determined was necessary. All information reported to the database would be kept confidential and would not be made public.

Section 41 would authorize the Director to establish a closed-loop payment processing system with the State Treasurer in which the accounts were created to be used only by registered patients and caregivers at licensed retail dispensaries and all licensed cultivators, laboratories, processors and distributors. The system could include record-keeping and accounting functions that identify all parties in transactions of medical marijuana. If established, the system would be intended to prevent: 1)

Revenue from the sale of medical marijuana from going to criminal enterprises, 2) the diversion of marijuana from a state where it is legal in some form under that state's law to another state, 3) the distribution of marijuana to minors, and 4) the use of state-authorized marijuana activity as a pretest for the trafficking of other illegal drugs or activity.

Section 42 would prohibit a licensed cultivator, laboratory, processor, distributor and retail dispensary from being located within 1,000 feet of a school, religious organization, public library, or public park. If a licensee relocated within 1,000 of one of these structures, the license would be revoked. The prohibition would not apply to research related to marijuana conducted at a postsecondary educational institution.

Section 43 would require each applicant for a cultivator, laboratory, distributor, or retail dispensary license to require any owner, director, officer, and employee of such applicant to be fingerprinted and submit to a state and national criminal history record check. The Kansas Bureau of Investigation could charge a reasonable fee for fingerprinting and conducting a criminal history record check.

Section 44 would exempt any financial institution that provides financial services to a licensed cultivator, laboratory, processor, distributor, or retail dispensary that is in compliance with the act and all applicable tax requirements from any criminal law in Kansas for an element of a crime which requires that a person provides financial services to a person who possesses, delivers or manufactures marijuana or marijuana-derived products.

Upon the request of a financial institution, the department of agriculture or the Director shall provide the following information: 1) Whether a person is a licensed cultivator, laboratory, processor, distributor, or retail dispensary, 2) the name of any other affiliated business or individual, 3) an unredacted copy of such person's application for a license, 4) information pertaining to sales and volume of product sold, 5) whether the person is in compliance with the act, and 6) any past or pending violations of the act committed by the person. The Secretary and the Director could charge an administrative fee to cover the cost of providing such information and the information received by the financial institution would be confidential.

Section 45 would clarify that the Secretary and Director could not oversee or limit any research conducted at a postsecondary educational institution, academic medical center or private research and development organization that was related to marijuana and was approved by the United States government.

Section 46 is a severability clause for the Kansas Medical Marijuana Regulation Act.

Section 47 would make it a class A misdemeanor to store medical marijuana where it was readily available to a child. The section would not apply if it was readily accessible to a child who was a registered patient. This section would be a part of the Kansas criminal code.

Section 48 would make it unlawful to refuse to rent or sell real property, discriminate in the terms or conditions of sale of real property, or discriminate against any person in their use or occupancy of real property because such person consumes medical marijuana in accordance with this act. It would be unlawful for any person engaged in real estate transactions to discriminate against any person in the terms or conditions of a real estate transaction because such person or any person associated with such person consumes medical marijuana. It would not be prohibited to take into consideration factors other

than the individual's consumption of medical marijuana. This section would be a part of the Kansas act against discrimination.

Section 49 would prohibit, solely on the basis that an individual consumed medical marijuana, a licensed health care provider, medical care facility, laboratory, state psychiatric hospital, adult care home, group home, institutional medical unit in a correctional facility, or any entity responsible for potential recipients of the anatomical gift from: 1) Considering such individual ineligible to receive an anatomical gift or organ transplant, 2) denying medical or other services related to organ transplantation, 3) refusing to refer the individual to a transplant center or related specialist, 4) refusing to place such individual on an organ transplant waiting list, or 5) placing such individual at a lower-priority position in an organ transplant list. The listed providers could consider an individual's consumption of medical marijuana when making treatment or coverage recommendations to the extent such consumption had been found by a physician to be medically significant to the provision of an anatomical gift.

Section 50 would prohibit an order for protective custody, temporary custody, removal of a child from parental custody, or informal supervision if the sole basis for the threat to the child's safety or welfare is that the child resides with an individual who consumes medical marijuana in accordance with the Kansas Medical Marijuana Regulation Act. This section would be a part of the Kansas code for care of children.

Sections 51 and 52 would prohibit the revocation, suspension, or limitation of a physician's license and the public censure or the placement of probationary conditions on such licensee due to:

- 1) The physician advising a patient about the possible benefits and risks of using medical marijuana, advising the patient that using medical marijuana may mitigate the patient's symptoms, or submitting an application on behalf of a patient or caregiver for registration pursuant to this act; or
- 2) the physician was a registered patient or caregiver pursuant to the act and possesses or uses medical marijuana in accordance with the act.

Section 53 would prohibit any person, board, commission, or body that determines qualification of individuals for licensure, certification, or registration from disqualifying an individual from licensure solely because the individual consumes medical marijuana in accordance with the Kansas Medical Marijuana Regulation Act. This prohibition would not apply to the: 1) Kansas commission on peace officers' standards and training, 2) Kansas highway patrol, 3) office of the attorney general, 4) department of health and environment, 5) department of agriculture, or 6) division of alcoholic beverage control.

Sections 54 and 55 would amend K.S.A. 21-5703 concerning the unlawful manufacture of a controlled substance and K.S.A. 21-5705 concerning the unlawful distribution and possession of a controlled substance to exempt a licensed cultivator, processor, distributor, or retail dispensary.

Section 56 would amend K.S.A. 21-5706 concerning the unlawful possession of a controlled substance and would exempt a person registered or licensed under the Kansas Medical Marijuana Regulation Act whose possession was authorized under the act. For individuals that were not registered or licensed under the act, the penalty would be reduced to a nonperson misdemeanor punishable by a fine of up to \$400 if that person was found in possession of not more than 1.5 ounces of marijuana and provided a statement from their physician recommending the use of medical marijuana.

Section 57 would amend K.S.A. 21-5707 concerning the unlawful use of a communication facility in the commission of a felony to exempt a person using communication facilities for activities authorized by the Kansas Medical Marijuana Regulation Act.

Section 58 would amend K.S.A. 21-5709 concerning the unlawful possession of drug paraphernalia to exempt any person registered or licensed pursuant to the Kansas Medical Marijuana Regulation Act whose possession was used solely to produce or for the administration of medical marijuana in a manner authorized by the act.

Section 59 would amend K.S.A. 21-5710 concerning the unlawful distribution or manufacture of drug paraphernalia to exempt any person licensed pursuant to the Kansas Medical Marijuana Regulation Act whose distribution or manufacture was used solely to produce medical marijuana in a manner authorized by the act.

Section 60 would amend K.S.A. 23-3201 concerning a court's determination of legal custody, residency and parenting time of a child to exclude a parent or a child's use of medical marijuana in accordance with the Kansas Medical Marijuana Regulation Act as a factor in determining custody, residency, or parenting time.

Section 61 would amend K.S.A. 38-2269 concerning a child in need of care to prohibit the court from considering the use of medical marijuana by a parent in accordance with the Kansas Medical Marijuana Regulation Act in making a determination of unfitness.

Section 62 would amend K.S.A. 44-501 concerning workers compensation and the disallowance of recovery for an injury to prohibit denial of compensation to the employee if the employee was registered as a patient pursuant to the Kansas Medical Marijuana Regulation Act, their use of medical marijuana was in accordance with the act, and there had been no prior incidence of the employee's impairment on the job as a result of such use.

Section 63 would amend K.S.A. 44-706 concerning the qualification for unemployment benefits if an employee was dismissed for misconduct or gross misconduct to exclude from those definitions of misconduct and gross misconduct the possession of an identification card or the possession or use of medical marijuana in accordance with the Kansas Medical Marijuana Regulation Act. Current law also requires a recipient of unemployment benefits who tests positive for the unlawful use of a controlled substance to complete a substance abuse treatment program or become ineligible to receive such benefits. This requirement would not apply to a person who was a registered patient pursuant to the act.

Section 64 would amend K.S.A. 44-1009 concerning unlawful employment practices to make it unlawful, because a person is a registered patient or caregiver or possesses or uses medical marijuana pursuant to the Kansas Medical Marijuana Regulation Act to: 1) For an employer to refuse to hire or fire a person or discriminate against such person in compensation or terms of employment and 2) for a labor organization to exclude or expel such person.

Section 65 would amend K.S.A. 44-1015 to make conforming amendments to Section 48.

Section 66 would amend K.S.A. 65-1120 concerning the regulation of nursing to prohibit the Board of Nursing from revoking, suspending, or limiting an advanced practice registered nurse's license and the public censure or the placement of probationary conditions on such licensee due for:

- 1) The advanced practice registered nurse advising a patient about the possible benefits and risks of using medical marijuana, advising the patient that using medical marijuana may mitigate the patient's symptoms, or submitting an application on behalf of a patient or caregiver for registration pursuant to this act; or
- 2) the advanced practice registered nurse being a registered patient or caregiver pursuant to the act who possesses or uses medical marijuana in accordance with the act.

Section 67 would amend K.S.A. 65-28b08 concerning the regulation of midwifery to prohibit the Board of Healing Arts from revoking, suspending, or limiting an certified nurse-midwife's license and the public censure or the placement of probationary conditions on such licensee due for:

- 1) The certified nurse-midwife advising a patient about the possible benefits and risks of using medical marijuana, advising the patient that using medical marijuana may mitigate the patient's symptoms, or submitting an application on behalf of a patient or caregiver for registration pursuant to this act; or
- 2) the certified nurse-midwife' being a registered patient or caregiver pursuant to the act who possesses or uses medical marijuana in accordance with the act.

Section 68 would amend K.S.A. 79-5201 concerning the taxation of marijuana and controlled substances by adding a definition for medical marijuana as defined in the Kansas Medical Marijuana Regulation Act.

Section 69 would amend K.S.A. 79-5210 to exempt lawful possession of medical marijuana to pay the tax required by K.S.A. 79-5202.