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Session of 2021

## HOUSE BILL No. 2184

By Committee on Federal and State Affairs

2-1

1 AN ACT concerning health and healthcare; enacting the Kansas medical  
2 marijuana regulation act; relating to medical cannabis; licensure and  
3 regulation of the manufacture, transportation and sale of medical  
4 cannabis; providing certain fines and penalties for violations; amending  
5 K.S.A. 44-1009, 44-1015, 65-28b08, 79-5201 and 79-5210 and K.S.A.  
6 2020 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710,  
7 23-3201, 38-2269, 44-501, 44-706 and 65-1120 and repealing the  
8 existing sections.  
9

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

11 New Section 1. The provisions of sections 1 through 46, and  
12 amendments thereto, shall be known and may be cited as the Kansas  
13 medical marijuana regulation act.

14 New Sec. 2. As used in the Kansas medical marijuana regulation act,  
15 section 1 et seq., and amendments thereto:

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

18 (b) "Associated employee" means an owner or prospective owner,  
19 officer or board member or prospective board member of an entity seeking  
20 a retail dispensary license.

21 (c) "Board of healing arts" means the state board of healing arts.

22 (d) "Caregiver" means an individual registered pursuant to section 8,  
23 and amendments thereto, who may purchase and possess medical  
24 marijuana in accordance with section 11, and amendments thereto.

25 (e) "Cultivator" means a person issued a license pursuant to section  
26 20, and amendments thereto, who may grow and sell medical marijuana in  
27 accordance with section 21, and amendments thereto.

28 (f) "Disqualifying offense" means a criminal offense, the conviction  
29 of which renders the offender unfit for registration or licensure under this  
30 act.

31 (g) "Distributor" means a person issued a license pursuant to section  
32 28, and amendments thereto, who may purchase and sell medical  
33 marijuana in accordance with section 30, and amendments thereto.

34 (h) "Electronic cigarette" means the same as defined in K.S.A. 79-  
35 3301, and amendments thereto.

36 (i) "Key employee" means a manager or other person responsible for

- 1 the daily operation of a licensed retail dispensary.
- 2 (j) "Marijuana" means the same as defined in K.S.A. 65-4101, and  
3 amendments thereto.
- 4 (k) "Medical marijuana" means marijuana that is cultivated,  
5 processed, tested, dispensed, possessed or used for a medical purpose.
- 6 (l) "Owned and controlled" means ownership of at least 51% of the  
7 business, including corporate stock if a corporation, control over the  
8 management and day-to-day operations of the business and an interest in  
9 the capital, assets and profits and losses of the business proportionate to  
10 such owner's percentage of ownership.
- 11 (m) "Patient" means an individual registered pursuant to section 8,  
12 and amendments thereto, who may purchase and possess medical  
13 marijuana in accordance with section 10, and amendments thereto.
- 14 (n) "Postsecondary educational institution" means the same as  
15 defined in K.S.A. 74-3201b, and amendments thereto.
- 16 (o) "Processor" means a person issued a license pursuant to section  
17 28, and amendments thereto, who may purchase, process and sell medical  
18 marijuana in accordance with section 29, and amendments thereto.
- 19 (p) "Physician" means an individual licensed to practice medicine and  
20 surgery in this state and who is certified by the board of healing arts to  
21 recommend treatment with medical marijuana pursuant to section 17, and  
22 amendments thereto.
- 23 (q) "Qualifying medical condition" means any of the following:
- 24 (1) Acquired immune deficiency syndrome;
- 25 (2) Alzheimer's disease;
- 26 (3) amyotrophic lateral sclerosis;
- 27 (4) cancer;
- 28 (5) chronic traumatic encephalopathy;
- 29 (6) Crohn's disease;
- 30 (7) epilepsy or another seizure disorder;
- 31 (8) fibromyalgia;
- 32 (9) glaucoma;
- 33 (10) hepatitis C;
- 34 (11) inflammatory bowel disease;
- 35 (12) multiple sclerosis;
- 36 ~~(13) pain that is either chronic and severe or intractable;~~
- 37 (14) Parkinson's disease;
- 38 (15) positive status for HIV;
- 39 (16) post-traumatic stress disorder;
- 40 (17) sickle cell anemia;
- 41 (18) spinal cord disease or injury;
- 42 (19) Tourette's syndrome;
- 43 (20) traumatic brain injury;

1 (21) ulcerative colitis; or  
2 ~~(22) any other disease or condition approved by the secretary of~~  
3 ~~health and environment pursuant to section 19, and amendments thereto.~~  
4 (r) "Retail dispensary" means a person issued a license pursuant to  
5 section 31, and amendments thereto, who may purchase and sell medical  
6 marijuana in accordance with section 32, and amendments thereto.  
7 (s) "Smoking" means the use of a lighted cigarette, cigar or pipe or  
8 otherwise burning marijuana in any other form for the purpose of  
9 consuming such marijuana.  
10 (t) "Support employee" means an individual employed by a licensed  
11 retail dispensary who does not have authority to make operational  
12 decisions. **medical**  
13 (u) "Vaporization" means the use of an electronic cigarette for the  
14 purpose of consuming marijuana.  
15 (v) "Veteran" means a person who:  
16 (1) Has served in the army, navy, marine corps, air force, coast guard,  
17 air or army national guard or any branch of the military reserves of the  
18 United States; and  
19 (2) has been separated from the branch of service in which the person  
20 was honorably discharged or received a general discharge under honorable  
21 conditions.  
22 New Sec. 3. (a) No person shall grow, harvest, process, sell, barter,  
23 transport, deliver, furnish or otherwise possess any form of marijuana,  
24 except as specifically provided in the Kansas medical marijuana regulation  
25 act or the commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et  
26 seq., and amendments thereto.  
27 (b) Nothing in the Kansas medical marijuana regulation act shall be  
28 construed to:  
29 (1) Require a physician to recommend that a patient use medical  
30 marijuana to treat a qualifying medical condition;  
31 (2) permit the use, possession or administration of medical marijuana  
32 other than as authorized by this act;  
33 (3) permit the use, possession or administration of medical marijuana  
34 on federal land located in this state;  
35 (4) require any public place to accommodate a registered patient's use  
36 of medical marijuana;  
37 (5) prohibit any public place from accommodating a registered  
38 patient's use of medical marijuana; or  
39 (6) restrict research related to marijuana conducted at a postsecondary  
40 educational institution, academic medical center or private research and  
41 development organization as part of a research protocol approved by an  
42 institutional review board or equivalent entity.  
43 New Sec. 4. (a) There is hereby established a Kansas medical

(21) a chronic medical condition that:  
(A) Causes severe, persistent pain or persistent muscle spasms; or  
(B) is normally treated with a prescription medication that could lead to physical or psychological dependence if a licensed physician determines that treatment for such condition with medical marijuana would be effective and would serve as a safer alternative;  
(22) a debilitating psychiatric disorder that is diagnosed by a psychiatrist licensed in this state; or  
(23) any other chronic, debilitating or terminal condition that, in the professional judgment of a physician licensed by in this state, would be a detriment to the patient's mental or physical health if left untreated.

in which such medical marijuana comes into direct contact with a heating element

1 marijuana regulation program.

2 (b) The secretary of health and environment shall administer the  
3 program in accordance with the provisions of this act and provide for the  
4 registration of patients and caregivers, including the issuance of  
5 identification cards to registered patients and caregivers.

6 ~~(c) The secretary of agriculture shall administer the program in  
7 accordance with the provisions of this act and provide for the licensure of  
8 cultivators and laboratories that test medical marijuana.~~

9 (d) The director of alcoholic beverage control shall administer the  
10 program in accordance with the provisions of this act and provide for the  
11 licensure of processors, distributors and retail dispensaries.

cultivators, laboratories that  
test medical marijuana,

12 New Sec. 5. (a) The medical marijuana advisory committee is hereby  
13 created in the department of health and environment. The committee shall  
14 consist of the following:

15 (1) Eight members appointed by the governor as follows:

16 (A) Two members who are practicing pharmacists, at least one of  
17 whom supports the use of medical marijuana and at least one of whom is a  
18 member of the state board of pharmacy;

19 (B) two members who are practicing physicians, at least one of whom  
20 supports the use of medical marijuana and at least one of whom is a  
21 member of the board of healing arts;

22 (C) one member who represents employers;

23 (D) one member who represents agriculture;

24 (E) one member who represents persons involved in the treatment of  
25 alcohol and drug addiction; and

26 (F) one member who engages in academic research on the use or  
27 regulation of medical marijuana;

28 (2) two members appointed by the president of the senate as follows:

29 (A) One member who represents law enforcement; and

30 (B) one member who represents caregivers;

31 (3) one member, who is a nurse, appointed by the minority leader of  
32 the senate;

33 (4) two members appointed by the speaker of the house of  
34 representatives as follows:

35 (A) One member who represents persons involved in mental health  
36 treatment; and

37 (B) one member who represents patients;

38 (5) one member, who represents employees, appointed by the  
39 minority leader of the house of representatives; and

40 (6) the secretary of health and environment, who shall serve as  
41 chairperson.

42 (b) The initial appointments to the committee shall be made on or  
43 before July 31, 2021.

1 (c) Except for the secretary of health and environment, each member  
2 of the committee shall serve from the date of appointment until the  
3 committee ceases to exist, except that members shall serve at the pleasure  
4 of the appointing authority. A vacancy shall be filled in the same manner  
5 as the original appointment.

6 (d) Each member of the committee shall be paid compensation,  
7 subsistence allowances, mileage and other expenses as provided in K.S.A.  
8 75-3223(e), and amendments thereto.

9 (e) The committee shall hold its initial meeting not later than 30 days  
10 after the last member of the committee is appointed. The committee may  
11 develop and submit to the secretary of health and environment, ~~the~~  
12 ~~secretary of agriculture~~ and the director of alcoholic beverage control any  
13 recommendations related to the Kansas medical marijuana regulation  
14 program and the implementation and enforcement of this act.

15 (f) The medical marijuana advisory committee shall develop policies  
16 and procedures for the review, approval and denial of petitions for  
17 approval of a qualifying medical condition submitted pursuant to section  
18 19, and amendments thereto.

19 (g) The medical marijuana advisory committee shall make  
20 recommendations to the secretary of health and environment, ~~the secretary~~  
21 ~~of agriculture~~ and the director of alcoholic beverage control regarding  
22 those offenses that would disqualify an applicant from registration or  
23 licensure by the respective state agency. The committee shall annually  
24 review such offenses and make any subsequent recommendations the  
25 committee deems necessary.

26 (h) The provisions of this section shall expire on July 1, 2026.

27 New Sec. 6. (a) Except as permitted under subsection (c), the  
28 following individuals shall not solicit or accept, directly or indirectly, any  
29 gift, gratuity, emolument or employment from any person who is an  
30 applicant for any license or is a licensee under the provisions of the Kansas  
31 medical marijuana regulation act or any officer, agent or employee thereof,  
32 or solicit requests from or recommend, directly or indirectly, to any such  
33 person, the appointment of any individual to any place or position:

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

36 (2) ~~the secretary of agriculture or any officer, employee or agency of~~  
37 ~~the department of agriculture;~~

38 (3) the secretary of revenue, the director of alcoholic beverage control  
39 or any officer, employee or agent of the division of alcoholic beverage  
40 control; or

41 (4) any member of the board of healing arts.

42 (b) Except as permitted under subsection (c), an applicant for a  
43 license or a licensee under the provisions of the Kansas medical marijuana

1 regulation act shall not offer any gift, gratuity, emolument or employment  
2 to any of the following:

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

5 (2) ~~the secretary of agriculture or any officer, employee or agency of~~  
6 ~~the department of agriculture;~~

7 (3) the secretary of revenue, the director of alcoholic beverage control  
8 or any officer, employee or agent of the division of alcoholic beverage  
9 control; or

10 (4) any member of the board of healing arts.

11 (c) The board of healing arts and the secretaries of health and  
12 environment, ~~agriculture~~ and revenue may adopt rules and regulations for  
13 their respective agencies allowing the acceptance of official hospitality by  
14 members of the board of healing arts or the respective secretary and  
15 employees of each such respective agency, subject to any limits as  
16 prescribed by such rules and regulations.

17 (d) If any member of the board of healing arts, the secretary of health  
18 and environment, ~~the secretary of agriculture~~, the secretary of revenue or  
19 any employee of each such respective agency violates any provision of this  
20 section, such person shall be removed from such person's office or  
21 employment.

22 (e) Violation of any provision of this section is a misdemeanor  
23 punishable by a fine of not to exceed \$500 or imprisonment of not less  
24 than 60 days nor more than six months, or both such fine and  
25 imprisonment.

26 (f) Nothing in this section shall be construed to prohibit the  
27 prosecution and punishment of any person for bribery as defined in the  
28 Kansas criminal code.

29 New Sec. 7. All actions taken by the board of healing arts, the  
30 secretary of health and environment, ~~the secretary of agriculture~~ or the  
31 director of alcoholic beverage control under the Kansas medical marijuana  
32 regulation 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. 8. (a) A patient seeking to use medical marijuana or a  
36 caregiver seeking to assist a patient in the use or administration of medical  
37 marijuana shall apply to the department of health and environment for  
38 registration. The physician who is treating the patient, or such physician's  
39 designee, shall submit the application on the patient's or caregiver's behalf  
40 in such form and manner as prescribed by the secretary of health and  
41 environment.

42 (b) The application for registration shall include the following:

43 (1) A statement from the physician certifying that:

- 1 (A) A bona fide physician-patient relationship exists between the  
2 physician and patient;
- 3 (B) the patient has been diagnosed with a qualifying medical  
4 condition;
- 5 (C) the physician, or such physician's designee, has requested from  
6 the prescription monitoring program database a report of information  
7 related to the patient that covers at least the 12 months immediately  
8 preceding the date of the report;
- 9 (D) the physician has informed the patient of the risks and benefits of  
10 medical marijuana as it pertains to the patient's qualifying medical  
11 condition and medical history; and
- 12 (E) the physician has informed the patient that it is the physician's  
13 opinion that the benefits of medical marijuana outweigh its risks;
- 14 (2) in the case of an application submitted on behalf of a patient, the  
15 name or names of one or more caregivers, if any, who will assist the  
16 patient in the use or administration of medical marijuana;
- 17 (3) in the case of an application submitted on behalf of a caregiver,  
18 the name of the patient or patients whom the caregiver seeks to assist in  
19 the use or administration of medical marijuana; and
- 20 (4) in the case of a patient who is a minor, the name of the patient's  
21 parent or legal guardian who has consented to treatment with medical  
22 marijuana and who shall be designated as the patient's caregiver.
- 23 (c) If the application is complete and meets the requirements of this  
24 act and rules and regulations adopted thereunder and the patient or  
25 caregiver has paid the required fee, the secretary of health and  
26 environment shall register the patient or caregiver and issue to the patient  
27 or caregiver an identification card.
- 28 (d) (1) A registered caregiver must be at least 21 years of age, except  
29 that, if the caregiver is the parent or legal guardian of a patient who is a  
30 minor, then the registered caregiver must be at least 18 years of age.
- 31 (2) A registered patient may designate up to two registered  
32 caregivers. If the patient is a minor, a parent or legal guardian of such  
33 patient shall be designated as a registered caregiver for such patient.
- 34 (3) A registered caregiver may provide assistance to not more than  
35 two registered patients, unless the secretary approves a greater number of  
36 registered patients.
- 37 (4) A physician who submits an application on behalf of a patient  
38 may not also serve as such patient's registered caregiver.
- 39 (e) Any information collected by the department of health and  
40 environment pursuant to this section is confidential and not a public  
41 record. The department may share information identifying a specific  
42 patient with a licensed retail dispensary or any law enforcement agency for  
43 the purpose of confirming that such patient has a valid registration.



1 Information that does not identify a person may be released in summary,  
2 statistical or aggregate form. The provisions of this subsection shall expire  
3 on July 1, 2026, unless the legislature reviews and reenacts such  
4 provisions in accordance with K.S.A. 45-229, and amendments thereto,  
5 prior to July 1, 2026.

6 (f) The fees for a patient or caregiver registration, or the renewal  
7 thereof, shall be set by rules and regulations adopted by the secretary of  
8 health and environment in an amount not to exceed:

9 (1) Except as specified in paragraph (2), \$50 for a patient registration;

10 (2) \$25 for a patient registration if the patient is indigent or is a  
11 veteran; and

12 (3) \$25 for a caregiver registration.

13 (g) A registration shall be valid for a period of one year from the date  
14 the identification card is issued and may be renewed by submitting a  
15 registration renewal application and paying the required fee.

16 New Sec. 9. The department of health and environment shall assign a  
17 unique 24-character identification number to each registered patient and  
18 caregiver when issuing an identification card. Licensed retail dispensaries  
19 may request verification by the department that a patient or caregiver has a  
20 valid registration.

21 New Sec. 10. (a) A patient registered pursuant to section 8, and  
22 amendments thereto, who obtains medical marijuana from a licensed retail  
23 dispensary may:

24 (1) Use medical marijuana;

25 (2) subject to subsection (b), possess medical marijuana; and

26 (3) possess any paraphernalia or accessories ~~as specified in rules and~~  
27 ~~regulations adopted by the secretary of health and environment.~~

28 (b) A registered patient may possess medical marijuana in an amount  
29 not to exceed a 90-day supply.

30 (c) Nothing in this section shall be construed to authorize a registered  
31 patient to operate a motor vehicle, watercraft or aircraft while under the  
32 influence of medical marijuana.

33 New Sec. 11. (a) A caregiver registered pursuant to section 8, and  
34 amendments thereto, who obtains medical marijuana from a licensed retail  
35 dispensary may:

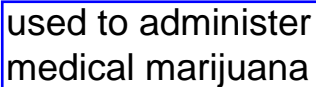
36 (1) Subject to subsection (b), possess medical marijuana on behalf of  
37 a registered patient under the caregiver's care;

38 (2) assist a registered patient under the caregiver's care in the use or  
39 administration of medical marijuana; and

40 (3) possess any paraphernalia or accessories ~~as specified in rules and~~  
41 ~~regulations adopted by the secretary of health and environment.~~

42 (b) A registered caregiver may possess medical marijuana on behalf  
43 of a registered patient in an amount not to exceed a 90-day supply. If a

used to administer  
medical marijuana





1 caregiver provides care to more than one registered patient, the caregiver  
2 shall maintain separate inventories of medical marijuana for each patient.

3 (c) Nothing in this section shall be construed to permit a registered  
4 caregiver to personally use medical marijuana unless the caregiver is also a  
5 registered patient.

6 New Sec. 12. (a) In addition to or in lieu of any other civil or criminal  
7 penalty as provided by law, the secretary of health and environment may  
8 impose a civil penalty or suspend or revoke a registration upon a finding  
9 that the patient or caregiver committed a violation as provided in this  
10 section.

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

14 (c) Upon a finding that a registrant has submitted fraudulent  
15 information or otherwise falsified or misrepresented information required  
16 to be submitted by such registrant, the secretary may impose a civil fine of  
17 not to exceed \$500 for a first offense and may suspend or revoke the  
18 individual's registration for a second or subsequent offense.

19 (d) If the secretary suspends, revokes or refuses to renew any  
20 registration issued pursuant to this act and determines that there is clear  
21 and convincing evidence of a danger of immediate and serious harm to any  
22 person, the secretary may place under seal all medical marijuana owned by  
23 or in the possession, custody or control of the affected registrant. Except as  
24 provided in this section, the secretary shall not dispose of the sealed  
25 medical marijuana until a final order is issued authorizing such disposition.  
26 During the pendency of an appeal from any order issued by the secretary, a  
27 court may order the secretary to sell medical marijuana that is perishable,  
28 and the proceeds of any such sale shall be deposited with the court.

29 New Sec. 13. (a) There is hereby established the medical marijuana  
30 registration fund in the state treasury. The secretary of health and  
31 environment shall administer the medical marijuana registration fund and  
32 shall remit all moneys collected from the payment of all fees and fines  
33 imposed by the secretary pursuant to the Kansas medical marijuana  
34 regulation act and any other moneys received by or on behalf of the  
35 secretary pursuant to such act to the state treasurer in accordance with the  
36 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
37 each such remittance, the state treasurer shall deposit the entire amount in  
38 the state treasury to the credit of the medical marijuana registration fund.  
39 Moneys credited to the medical marijuana registration fund shall only be  
40 expended or transferred as provided in this section. Expenditures from  
41 such fund shall be made in accordance with appropriation acts upon  
42 warrants of the director of accounts and reports issued pursuant to  
43 vouchers approved by the secretary or the secretary's designee.

, after consulting with the  
medical marijuana advisory  
committee,

subject to the  
provisions of  
subsection (b),

Any maximum supply of medical marijuana that  
may be purchased or possessed by a patient or  
caregiver shall allow at least three ounces of  
dried, unprocessed medical marijuana or its  
equivalent as a 30-day supply and allow for  
exceptions from any such limitation upon  
submission of a written certification from two  
independent physicians that there are  
compelling reasons for the patient or caregiver  
to purchase and possess greater quantities of  
medical marijuana.

(c)

A medical marijuana registry identification card, or its  
equivalent, that is issued under the laws of another state,  
district, territory, commonwealth or insular possession of the  
United States that is verifiable by the jurisdiction of issuance  
and allows a nonresident patient to possess medical  
marijuana for medical purposes shall have the same force and  
effect as an identification card issued by the director pursuant  
to this act, and amendments thereto, if the nonresident  
patient has not been residing in this state for more than 180  
days.

1 (b) Moneys in the medical marijuana registration fund shall be used  
2 for the payment or reimbursement of costs related to the regulation and  
3 enforcement of the possession and use of medical marijuana by the  
4 secretary.

5 New Sec. 14. (a) On or before July 1, 2022, the secretary of health  
6 and environment shall adopt rules and regulations to administer the Kansas  
7 medical marijuana regulation program and implement and enforce the  
8 provisions of the Kansas medical marijuana regulation act. Such rules and  
9 regulations shall:

10 (1) Establish procedures for registration of patients and caregivers  
11 and eligibility requirements for registration;

12 (2) establish procedures for the issuance of patient or caregiver  
13 identification cards;

14 (3) establish a renewal schedule, renewal procedures and renewal  
15 fees for registrations;

16 (4) specify, by form and tetrahydrocannabinol content, a maximum  
17 90-day supply of medical marijuana that may be possessed;

18 (5) ~~specify the paraphernalia or other accessories that may be used in~~  
19 ~~the administration to a registered patient of medical marijuana;~~

20 (6) specify the forms or methods of using medical marijuana that are  
21 attractive to children;

22 (7) establish procedures for reviewing, approving and denying  
23 petitions for approval of new forms or methods of using medical  
24 marijuana;

25 (8) establish a program to assist patients who are indigent or who are  
26 veterans in obtaining medical marijuana; and

27 (9) ~~establish procedures for reviewing, approving and denying a~~  
28 ~~petition for approval of a qualifying medical condition submitted pursuant~~  
29 ~~to section 19, and amendments thereto.~~

30 (b) ~~When adopting rules and regulations under this section, the~~  
31 ~~secretary shall consider standards and procedures that have been found to~~  
32 ~~be best practices relative to the use and regulation of medical marijuana.~~

33 New Sec. 15. On or before July 1, 2022, the department of health and  
34 environment shall make a website available for the public to access  
35 information regarding patient and caregiver registration under the Kansas  
36 medical marijuana regulation act

37 New Sec. 16. (a) ~~The secretary of health and environment shall~~  
38 ~~negotiate in good faith to enter into a reciprocity agreement with any other~~  
39 ~~state under which a medical marijuana registry identification card or~~  
40 ~~equivalent authorization that is issued by the other state is recognized in~~  
41 ~~this state. A reciprocity agreement may be entered into only if the secretary~~  
42 ~~determines that the following apply:~~

43 (1) ~~The eligibility requirements imposed by the other state for~~

1 ~~authorization to purchase, possess and use medical marijuana are~~  
2 ~~substantially comparable to the eligibility requirements for a patient or~~  
3 ~~caregiver registration and identification card issued under section 8, and~~  
4 ~~amendments thereto; and~~

5 ~~(2) the other state recognizes a patient or caregiver registration and~~  
6 ~~identification card issued under section 8, and amendments thereto.~~

7 ~~(b) If a reciprocity agreement is entered into in accordance with this~~  
8 ~~section, the authorization issued by the other state shall be recognized in~~  
9 ~~this state, shall be accepted and valid in this state and shall grant the~~  
10 ~~patient or caregiver the same right to use, possess, obtain or administer~~  
11 ~~medical marijuana in this state as a patient or caregiver who was registered~~  
12 ~~and issued an identification card under section 8, and amendments thereto.~~

13 New Sec. 17. (a) Except as provided in subsection (j), a physician  
14 seeking to recommend treatment with medical marijuana shall apply to the  
15 board of healing arts for a certificate authorizing such physician to  
16 recommend treatment with medical marijuana. The application shall be  
17 submitted in such form and manner as prescribed by the board. The board  
18 shall grant a certificate to recommend if the following conditions are  
19 satisfied:

20 (1) The application is complete and meets the requirements  
21 established in rules and regulations adopted by the board of healing arts;  
22 and

23 (2) the applicant demonstrates that the applicant does not have an  
24 ownership or investment interest in or compensation arrangement with an  
25 entity licensed by the department of health and environment, ~~the~~  
26 ~~department of agriculture~~ or the director of alcoholic beverage control  
27 under this act or an applicant for such licensure.

28 (b) A certificate to recommend shall be renewed when the holder's  
29 license to practice medicine and surgery is renewed, conditioned upon the  
30 holder's certification of having met the requirements in subsection (a) and  
31 having completed at least two hours of continuing medical education in  
32 medical marijuana annually in accordance with subsection (g).

33 (c) A physician who holds a certificate to recommend treatment with  
34 medical marijuana may recommend that a patient be treated with medical  
35 marijuana if:

36 (1) The patient has been diagnosed with a qualifying medical  
37 condition;

38 (2) ~~a bona fide physician-patient relationship has existed for a~~  
39 ~~minimum of 12 months, or as otherwise specified by rules and regulations~~  
40 ~~adopted by the board;~~

41 (3) ~~an in-person physical examination of the patient was performed~~  
42 ~~by the physician; and~~

43 (4) ~~the physician, or the physician's designee, has requested from the~~

a physical examination or review of the  
medical history of the patient was  
performed by the physician; and  
(3)

1 prescription monitoring program database a report of information related  
2 to the patient that covers at least the 12 months immediately preceding the  
3 date of the report, and the physician has reviewed such report.

4 (d) In the case of a patient who is a minor, the physician may  
5 recommend treatment with medical marijuana only after obtaining the  
6 consent of the patient's parent or other person responsible for providing  
7 consent to treatment.

8 (e) When issuing a written recommendation to a patient, the  
9 physician shall specify any information required by rules and regulations  
10 adopted by the board of healing arts. A written recommendation issued to a  
11 patient under this section is valid for a period of not more than 90 days.  
12 The physician may renew the recommendation for not more than three  
13 additional periods of not more than 90 days each. Thereafter, the physician  
14 may issue another recommendation to the patient only upon a physical  
15 examination of the patient

or a review of the  
medical history of the  
patient

16 (f) Each year a physician holding a certificate to recommend  
17 treatment with medical marijuana shall submit to the board of healing arts  
18 a report that describes the physician's observations regarding the  
19 effectiveness of medical marijuana in treating the physician's patients  
20 during the year covered by the report. When submitting reports, a  
21 physician shall not include any information that identifies or would tend to  
22 identify any specific patient.

23 (g) Annually, each physician who holds a certificate to recommend  
24 treatment with medical marijuana shall complete at least two hours of  
25 continuing medical education in the treatment with and use of medical  
26 marijuana as approved by the board of healing arts.

27 (h) A physician shall not issue a recommendation for treatment with  
28 medical marijuana for a family member or the physician's self, or  
29 personally furnish or otherwise dispense medical marijuana.

30 (i) A physician who holds a certificate to recommend treatment with  
31 medical marijuana shall be immune from civil liability, shall not be subject  
32 to professional disciplinary action by the board of healing arts and shall  
33 not be subject to criminal prosecution for any of the following actions:

34 (1) Advising a patient, patient representative or caregiver about the  
35 benefits and risks of medical marijuana to treat a qualifying medical  
36 condition;

37 (2) recommending that a patient use medical marijuana to treat or  
38 alleviate a qualifying medical condition; and

39 (3) monitoring a patient's treatment with medical marijuana.

40 (j) This section shall not apply to a physician who recommends  
41 treatment with marijuana or a drug derived from marijuana under any of  
42 the following that is approved by an institutional review board or  
43 equivalent entity, the United States food and drug administration or the

1 national institutes of health or one of its cooperative groups or centers  
2 under the United States department of health and human services:

- 3 (1) A research protocol;
- 4 (2) a clinical trial;
- 5 (3) an investigational new drug application; or
- 6 (4) an expanded access submission.

7 New Sec. 18. (a) On or before July 1, 2022, the board of healing arts  
8 shall adopt rules and regulations to implement and enforce the provisions  
9 of section 17, and amendments thereto. Such rules and regulations shall  
10 include:

- 11 (1) The procedures for applying for a certificate to recommend  
12 treatment with medical marijuana;
- 13 (2) the conditions for eligibility for a certificate to recommend  
14 treatment with medical marijuana;
- 15 (3) the schedule and procedures for renewing such a certificate;
- 16 (4) the reasons for which a certificate may be suspended or revoked;
- 17 (5) the standards under which a certificate suspension may be lifted;
- 18 and
- 19 (6) the minimum standards of care when recommending treatment  
20 with medical marijuana.

21 (b) The board of healing arts shall approve one or more continuing  
22 medical education courses of study that assist physicians holding  
23 certificates to recommend treatment with medical marijuana in diagnosing  
24 and treating qualifying medical conditions with medical marijuana.

25 ~~New Sec. 19. (a) Any person may submit a petition to the medical~~  
26 ~~marijuana advisory committee requesting that a disease or condition be~~  
27 ~~added as a qualifying medical condition for the purposes of this act. The~~  
28 ~~petition shall be submitted in such form and manner as prescribed by the~~  
29 ~~secretary of health and environment. A petition shall not seek to add a~~  
30 ~~broad category of diseases or conditions, but shall be limited to one~~  
31 ~~disease or condition and shall include a description of such disease or~~  
32 ~~condition.~~

33 ~~(b) Upon receipt of a petition, the committee shall review such~~  
34 ~~petition to determine whether to recommend the approval or denial of the~~  
35 ~~disease or condition described in the petition as an addition to the list of~~  
36 ~~qualifying medical conditions. The committee may consolidate the review~~  
37 ~~of petitions for the same or similar diseases or conditions. In making its~~  
38 ~~determination, the committee shall:~~

- 39 ~~(1) Consult with one or more experts who specialize in the study of~~  
40 ~~the disease or condition;~~
- 41 ~~(2) review any relevant medical or scientific evidence pertaining to~~  
42 ~~the disease or condition;~~
- 43 ~~(3) consider whether conventional medical therapies are insufficient~~

1 ~~to treat or alleviate the disease or condition;~~  
2 ~~(4) review evidence supporting the use of medical marijuana to treat~~  
3 ~~or alleviate the disease or condition; and~~  
4 ~~(5) review any letters of support provided by physicians with~~  
5 ~~knowledge of the disease or condition, including any letter provided by a~~  
6 ~~physician treating the petitioner.~~  
7 ~~(c) Upon completion of its review, the committee shall make a~~  
8 ~~recommendation to the secretary of health and environment whether to~~  
9 ~~approve or deny the addition of the disease or condition to the list of~~  
10 ~~qualifying medical conditions. The secretary shall adopt rules and~~  
11 ~~regulations in accordance with the recommendation of the committee.~~  
12 New Sec. 20. (a) Any entity that seeks to cultivate medical marijuana  
13 or to conduct laboratory testing of medical marijuana shall submit an  
14 application for the appropriate license to the ~~department of agriculture~~ in  
15 such form and manner as prescribed by the ~~secretary of agriculture~~. A  
16 separate license application shall be submitted for each location to be  
17 operated by the licensee.  
18 (b) The ~~secretary~~ shall issue a license to an applicant if:  
19 (1) The criminal history record check conducted pursuant to section  
20 43, and amendments thereto, with respect to the applicant demonstrates the  
21 following:  
22 (A) Subject to subparagraph (B), that the individual subject to the  
23 criminal history record check requirement has not been convicted of or  
24 pleaded guilty to any of the disqualifying offenses as specified in rules and  
25 regulations adopted by the secretary; or  
26 (B) that the disqualifying offense such individual was convicted of or  
27 pleaded guilty to is one of the offenses specified in rules and regulations as  
28 one that will not disqualify the applicant if the applicant was convicted of  
29 or pleaded guilty to the offense more than five years prior to the date the  
30 application for licensure is submitted;  
31 (2) the applicant is not applying for a laboratory license and  
32 demonstrates that it does not have an ownership or investment interest in  
33 or compensation arrangement with a laboratory licensed under this section  
34 or an applicant for such license;  
35 (3) the applicant is not applying for a laboratory license and  
36 demonstrates that it does not share any corporate officers or employees  
37 with a laboratory licensed under this section or an applicant for such  
38 license;  
39 (4) the applicant demonstrates that it will not violate the provisions of  
40 section 42, and amendments thereto;  
41 (5) the applicant has submitted a tax clearance certificate issued by  
42 the department of revenue; and  
43 (6) the applicant meets all other licensure eligibility conditions

director of alcoholic  
beverage control

director

director



1 established in rules and regulations adopted by the secretary and has paid  
2 all required fees.

3 ~~(c) The secretary shall issue not less than 15% of cultivator and~~  
4 ~~laboratory licenses to entities that are owned and controlled by United~~  
5 ~~States citizens who are residents of this state and are members of one of~~  
6 ~~the following economically disadvantaged groups: Blacks or African~~  
7 ~~Americans, American Indians, Hispanics or Latinos and Asians. If no~~  
8 ~~applications or an insufficient number of applications are submitted by~~  
9 ~~such entities that meet the conditions set forth in subsection (b), licenses~~  
10 ~~shall be issued in accordance with subsections (a) and (b).~~

11 ~~(d) A license shall be valid for a period of one year from the date such~~  
12 ~~license is issued and may be renewed by submitting a license renewal~~  
13 ~~application and paying the required fee.~~

14 ~~New Sec. 21. (a) (1) A level I cultivator licensee may cultivate~~  
15 ~~medical marijuana in an area that shall not exceed 25,000 square feet and~~  
16 ~~may deliver or sell medical marijuana to one or more licensed processors.~~

17 ~~(2) A level II cultivator licensee may cultivate medical marijuana in~~  
18 ~~an area that shall not exceed 3,000 square feet and may deliver or sell~~  
19 ~~medical marijuana to one or more licensed processors.~~

20 ~~(b) (1) A licensee may submit an application to the department of~~  
21 ~~agriculture for approval of an expansion of such licensee's cultivation area.~~  
22 ~~Expansion approval applications shall be submitted in such form and~~  
23 ~~manner as prescribed by the secretary and shall include an expansion plan~~  
24 ~~that shall include the following:~~

25 ~~(A) Specifications for the expansion or alteration that demonstrate~~  
26 ~~compliance with all applicable zoning ordinances, building codes and any~~  
27 ~~other state and local laws and rules and regulations adopted thereunder;~~

28 ~~(B) a proposed timeline for completion of the expansion that, if~~  
29 ~~approved, will become a mandatory condition; and~~

30 ~~(C) a history of compliance with the Kansas medical marijuana~~  
31 ~~regulation act and all rules and regulations adopted thereunder, including a~~  
32 ~~history of enforcement actions and sanctions issued by the department or~~  
33 ~~any law enforcement agency against the licensee.~~

34 ~~(2) The secretary shall review all expansion approval applications. In~~  
35 ~~determining whether to approve or deny any application, the secretary~~  
36 ~~shall consider the population of this state and the number of patients~~  
37 ~~seeking to use medical marijuana. No licensee may submit an application~~  
38 ~~for expansion more than once during any 12-month period.~~

39 ~~(3) In no event shall the aggregate area of cultivation of a licensee~~  
40 ~~exceed 75,000 square feet if the licensee holds a level I cultivator license~~  
41 ~~or 9,000 square feet if the licensee holds a level II cultivator license.~~

42 ~~(c) When establishing the number of cultivator licenses that will be~~  
43 ~~permitted at any one time, the secretary shall consider the population of~~

A cultivator licensee may cultivate medical marijuana in an area either on open farmland or in a building and designated by the licensee. A licensee may deliver or sell medical marijuana to one or more licensed processors, distributors or dispensaries.

director of alcoholic beverage control

director



revenue

, including the concentrations of the following compounds: (A) Tetrahydrocannabinol; (B) cannabidiol; (C) cannabino; (D) cannabigerol; (E) tetrahydrocannabinolic acid; (F) cannabidiolic acid; and, (G) the terpenes listed in the 2014 edition of the cannabis inflorescence monograph published by the American herbal pharmacopeia;  
(2) determine that the presence of the following contaminants does not exceed the levels provided in the 2019 edition of the federal food and drug administration publication cannabis and cannabis-derived compounds: quality considerations for clinical research guidance for industry: (A) Any residual solvent or processing chemicals; (B) foreign material including hair, insects or any similar or related adulterant; (C) pesticide residue; (D) heavy metals; (E) microbiological impurities, including total aerobic microbial count, total yeast and mold count, escherichia coli, salmonella, aflatoxin B1, B2, G1 and G2 and ochratoxin A; and (F) residual levels of volatile organic compounds  
(3)

~~this state and the number of patients seeking to use medical marijuana.~~  
(d) A licensed cultivator shall not cultivate medical marijuana for personal, family or household use or on any public land.

New Sec. 22. (a) A laboratory licensee may:  
(1) Obtain medical marijuana from one or more licensed cultivators, processors or retail dispensaries; and

(2) conduct medical marijuana testing in accordance with rules and regulations adopted by the secretary of agriculture.

(b) When testing medical marijuana, a licensed laboratory shall:

(1) Test the marijuana for potency, homogeneity and contamination; and

~~(2) prepare and submit a report of the test results to the licensee requesting such testing.~~

New Sec. 23. (a) The fees for a cultivator license shall be set by rules and regulations adopted by the secretary of agriculture in an amount not to exceed:

~~(1) (A) \$20,000 for a level I cultivator license application;~~

~~(B) \$180,000 for a level I cultivator license; and~~

~~(C) \$200,000 for a renewal of a level I cultivator license; and~~

~~(2) (A) \$2,000 for a level II cultivator license application;~~

~~(B) \$18,000 for a level II cultivator license; and~~

~~(C) \$20,000 for a renewal of a level II cultivator license.~~

(b) The fees for a laboratory license shall be set by rules and regulations adopted by the secretary of agriculture in an amount not to exceed:

(1) \$2,000 for a laboratory license application;

(2) \$18,000 for a laboratory license; and

(3) \$20,000 for a renewal of a laboratory license.

New Sec. 24. The ~~secretary of agriculture~~ may refuse to issue or renew a license, or may revoke or suspend a license for any of the following reasons:

(a) The applicant has failed to comply with any provision of the Kansas medical marijuana regulation act or any rules and regulations adopted thereunder;

(b) the applicant has falsified or misrepresented any information submitted to the ~~secretary~~ in order to obtain a license;

(c) the applicant has failed to adhere to any acknowledgment, verification or other representation made to the ~~secretary~~ when applying for a license; or

(d) the applicant has failed to submit or disclose information requested by the ~~secretary~~.

New Sec. 25. (a) In addition to or in lieu of any other civil or criminal penalty as provided by law, the ~~secretary of agriculture~~ may impose a civil

revenue

an annual fee of:  
(1) \$5,000 for the license application; and  
(2) \$20 per plant at the time of licensing and each subsequent renewal for the maximum number of flowering medical marijuana plants, based upon a declaration by the applicant, that shall be cultivated by the licensee in the facility at any given time

director of alcoholic beverage control

director

; or  
(e) the applicant has failed to demonstrate that the person, limited liability company or corporation whose ownership on the date of issuance consists of at least 50% residents of Kansas domiciled in this state.

1 penalty or suspend or revoke a license upon a finding that the licensee  
2 committed a violation as provided in this section.

3 (b) (1) Upon a finding that a licensee has submitted fraudulent  
4 information or otherwise falsified or misrepresented information required  
5 to be submitted by such licensee, the ~~secretary~~ may impose a civil fine not  
6 to exceed \$5,000 for a first offense and may suspend or revoke such  
7 licensee's license for a second or subsequent offense.

8 (2) Upon a finding that a licensee has sold, transferred or otherwise  
9 distributed medical marijuana in violation of this act, the ~~secretary~~ may  
10 impose a civil fine not to exceed \$5,000 for a first offense and may  
11 suspend or revoke such licensee's license for a second or subsequent  
12 offense.

13 (c) If the ~~secretary~~ suspends, revokes or refuses to renew any license  
14 issued pursuant to this act and determines that there is clear and  
15 convincing evidence of a danger of immediate and serious harm to any  
16 person, the ~~secretary~~ may place under seal all medical marijuana owned by  
17 or in the possession, custody or control of the affected license holder.  
18 Except as provided in this section, the ~~secretary~~ shall not dispose of the  
19 sealed medical marijuana until a final order is issued authorizing such  
20 disposition. During the pendency of an appeal from any order by the  
21 ~~secretary~~, a court may order the ~~secretary~~ to sell medical marijuana that is  
22 perishable, and the proceeds of any such sale shall be deposited with the  
23 court.

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

40 (b) Moneys in the medical marijuana cultivation regulation fund shall  
41 be used for the payment or reimbursement of costs related to the regulation  
42 and enforcement of the cultivation, possession, testing and sale of medical  
43 marijuana by the ~~department of agriculture~~.

director

director of alcoholic  
beverage control

director's

director

division of  
alcoholic  
beverage control

1 ~~New Sec. 27. (a) On or before July 1, 2022, the secretary of~~  
2 ~~agriculture shall adopt rules and regulations to administer the Kansas~~  
3 ~~medical marijuana regulation program and implement and enforce the~~  
4 ~~provisions of the Kansas medical marijuana regulation act. Such rules and~~  
5 ~~regulations shall:~~

6 ~~(1) Establish application procedures and fees for licenses issued~~  
7 ~~under section 20, and amendments thereto;~~

8 ~~(2) specify the following:~~

9 ~~(A) The conditions for eligibility for licensure;~~

10 ~~(B) subject to paragraph (C), the criminal offenses for which an~~  
11 ~~applicant will be disqualified from licensure; and~~

12 ~~(C) the criminal offenses that will not disqualify an applicant from~~  
13 ~~licensure if the applicant was convicted of or pleaded guilty to the offense~~  
14 ~~more than five years prior to the date the application for licensure is filed;~~

15 ~~(3) establish the number of cultivator licenses that will be permitted~~  
16 ~~at any one time in accordance with section 21, and amendments thereto;~~

17 ~~(4) establish a license renewal schedule, renewal procedures and~~  
18 ~~renewal fees; and~~

19 ~~(5) establish standards and procedures for the testing of medical~~  
20 ~~marijuana by a licensed laboratory.~~

21 ~~(b) When adopting rules and regulations under this section, the~~  
22 ~~secretary shall consider standards and procedures that have been found to~~  
23 ~~be best practices relative to the use and regulation of medical marijuana.~~

24 New Sec. 28. (a) Any entity that seeks to process or distribute  
25 medical marijuana shall submit an application for the appropriate license  
26 to the director of alcoholic beverage control in such form and manner as  
27 prescribed by the director. A separate license application shall be submitted  
28 for each location to be operated by the licensee.

29 (b) The director shall issue a license to an applicant if:

30 (1) The criminal history record check conducted pursuant to section  
31 43, and amendments thereto, with respect to the applicant demonstrates the  
32 following:

33 (A) Subject to subparagraph (B), that the individual subject to the  
34 criminal history record check requirement has not been convicted of or  
35 pleaded guilty to any of the disqualifying offenses as specified in rules and  
36 regulations adopted by the secretary; or

37 (B) that the disqualifying offense such individual was convicted of or  
38 pleaded guilty to is one of the offenses specified in rules and regulations as  
39 one that will not disqualify the applicant if the applicant was convicted of  
40 or pleaded guilty to the offense more than five years prior to the date the  
41 application for licensure is submitted;

42 (2) the applicant demonstrates that it does not have an ownership or  
43 investment interest in or compensation arrangement with a laboratory

1 licensed under section 20, and amendments thereto, or an applicant for  
2 such license;

3 (3) the applicant demonstrates that it does not share any corporate  
4 officers or employees with a laboratory licensed under section 20, and  
5 amendments thereto, or an applicant for such license;

6 (4) the applicant demonstrates that it will not violate the provisions of  
7 section 42, and amendments thereto;

8 (5) the applicant has submitted a tax clearance certificate issued by  
9 the department of revenue; and

10 (6) the applicant meets all other licensure eligibility conditions  
11 established in rules and regulations adopted by the secretary and has paid  
12 all required fees.

13 ~~(c) The director shall issue not less than 15% of processor and~~  
14 ~~distributor licenses to entities that are owned and controlled by United~~  
15 ~~States citizens who are residents of this state and are members of one of~~  
16 ~~the following economically disadvantaged groups: Blacks or African~~  
17 ~~Americans, American Indians, Hispanics or Latinos and Asians. If no~~  
18 ~~applications or an insufficient number of applications are submitted by~~  
19 ~~such entities that meet the conditions set forth in subsection (b), licenses~~  
20 ~~shall be issued in accordance with subsections (a) and (b).~~

21 (d) A license shall be valid for a period of one year from the date such  
22 license is issued, and may be renewed by submitting a license renewal  
23 application and paying the required fee.

24 New Sec. 29. (a) A processor licensee may:

25 (1) Obtain medical marijuana from one or more licensed cultivators  
26 or processors;

27 (2) subject to subsection (b), process medical marijuana obtained  
28 from one or more licensed cultivators into a form described in section 20,  
29 and amendments thereto; and

30 (3) deliver or sell processed medical marijuana to one or more  
31 licensed processors, distributors or retail dispensaries.

32 (b) When processing medical marijuana, a licensed processor shall:

33 (1) Package the medical marijuana in accordance with child-resistant  
34 effectiveness standards described in 16 C.F.R. § 1700.15(b) in effect on  
35 July 1, 2021;

36 (2) label the medical marijuana packaging with the product's  
37 tetrahydrocannabinol and cannabidiol content; and

38 (3) comply with any packaging or labeling requirements established  
39 by rules and regulations adopted by the secretary of revenue.

40 ~~(c) When establishing the number of processor licenses that will be~~  
41 ~~permitted at any one time, the director of alcoholic beverage control shall~~  
42 ~~consider the population of this state and the number of patients seeking to~~  
43 ~~use medical marijuana.~~

packaging medical marijuana for  
final retail sale

1 New Sec. 30. (a) A distributor licensee may:  
2 (1) Purchase at wholesale medical marijuana from one or more  
3 licensed processors,  
4 (2) store medical marijuana obtained from one or more licensed  
5 processors in a form described in section 33, and amendments thereto; and  
6 (3) deliver or sell processed medical marijuana to one or more  
7 licensed retail dispensaries.

and cultivators

8 (b) When storing or selling medical marijuana, a licensed distributor  
9 shall ensure that such medical marijuana meets the packaging and labeling  
10 requirements established by rules and regulations adopted by the secretary  
11 of revenue.

, package for  
final sale

12 ~~(c) When establishing the number of distributor licenses that will be~~  
13 ~~permitted at any one time, the director shall consider the population of this~~  
14 ~~state and the number of patients seeking to use medical marijuana.~~

15 New Sec. 31. (a) Any entity that seeks to dispense at retail medical  
16 marijuana shall submit an application for a retail dispensary license in such  
17 form and manner as prescribed by the director of alcoholic beverage  
18 control. A separate license application shall be submitted for each location  
19 to be operated by the licensee.

20 (b) The director shall issue a license to an applicant if:  
21 (1) The criminal history record check conducted pursuant to section  
22 43, and amendments thereto, with respect to the applicant demonstrates the  
23 following:

24 (A) Subject to subparagraph (B), that the individual subject to the  
25 criminal history record check requirement has not been convicted of or  
26 pleaded guilty to any of the disqualifying offenses as specified in rules and  
27 regulations adopted by the secretary of revenue; or

28 (B) that the disqualifying offense such individual was convicted of or  
29 pleaded guilty to is one of the offenses specified in rules and regulations as  
30 one that will not disqualify the applicant if the applicant was convicted of  
31 or pleaded guilty to the offense more than five years prior to the date the  
32 application for licensure is submitted;

33 (2) the applicant demonstrates that it does not have an ownership or  
34 investment interest in or compensation arrangement with a laboratory  
35 licensed under section 20, and amendments thereto, or an applicant for  
36 such license;

37 (3) the applicant demonstrates that it does not share any corporate  
38 officers or employees with a laboratory licensed under section 20, and  
39 amendments thereto, or an applicant for such license;

40 (4) the applicant demonstrates that it will not violate the provisions of  
41 section 42, and amendments thereto;

42 (5) the applicant has submitted a tax clearance certificate issued by  
43 the department of revenue; and

1 (6) the applicant meets all other licensure eligibility conditions  
2 established in rules and regulations adopted by the secretary and has paid  
3 all required fees.

4 ~~(c) The director shall issue not less than 15% of retail dispensary~~  
5 ~~licenses to entities that are owned and controlled by United States citizens~~  
6 ~~who are residents of this state and are members of one of the following~~  
7 ~~economically disadvantaged groups: Blacks or African Americans,~~  
8 ~~American Indians, Hispanics or Latinos and Asians. If no application or an~~  
9 ~~insufficient number of applications are submitted by such entities that meet~~  
10 ~~the conditions set forth in subsection (b), licenses shall be issued in~~  
11 ~~accordance with subsections (a) and (b).~~

12 (d) Each associated, key and support employee of a licensed retail  
13 dispensary shall submit an application for an employee license for such  
14 employee in such form and manner as prescribed by the director. A  
15 separate license application shall be submitted for each employee. The  
16 director shall issue a license to an applicant if all of the following  
17 conditions are met:

18 (1) The criminal history record check conducted pursuant to section  
19 43, and amendments thereto, with respect to the applicant demonstrates the  
20 following:

21 (A) Subject to subparagraph (B), that the individual subject to the  
22 criminal history record check requirement has not been convicted of or  
23 pleaded guilty to any of the disqualifying offenses as specified in rules and  
24 regulations adopted by the secretary of revenue; or

25 (B) that the disqualifying offense such individual was convicted of or  
26 pleaded guilty to is one of the offenses specified in rules and regulations as  
27 one that will not disqualify the applicant if the applicant was convicted of  
28 or pleaded guilty to the offense more than five years prior to the date the  
29 application for licensure is submitted; and

30 (2) the applicant meets all other licensure eligibility conditions  
31 established in rules and regulations adopted by the secretary and has paid  
32 all required fees.

33 (e) A license shall be valid for a period of two years from the date  
34 such license is issued and may be renewed by submitting a license renewal  
35 application and paying the required fee.

36 ~~(f) When establishing the number of retail dispensary licenses that~~  
37 ~~will be permitted at any one time, the director shall consider all of the~~  
38 ~~following:~~

39 ~~(1) The population of this state;~~

40 ~~(2) the number of patients seeking to use medical marijuana; and~~

41 ~~(3) the geographic distribution of retail dispensaries in an effort to~~  
42 ~~ensure patient access to medical marijuana.~~

43 New Sec. 32. (a) A retail dispensary licensee may:



1 (1) Obtain medical marijuana from one or more licensed processors  
2 or distributors; and  
3 (2) dispense or sell medical marijuana in accordance with subsection  
4 (b).  
5 (b) When dispensing or selling medical marijuana, a retail dispensary  
6 shall:  
7 (1) Dispense or sell medical marijuana only to a person who shows a  
8 current, valid identification card and only in accordance with a written  
9 recommendation issued by a physician;  
10 (2) ~~report to the prescription monitoring program database the~~  
11 ~~information required by K.S.A. 65-1683, and amendments thereto;~~  
12 (3) ~~label~~ the package containing medical marijuana with the  
13 following information:  
14 (A) The name and address of the licensed processor that produced the  
15 product and the retail dispensary;  
16 (B) the name of the patient and caregiver, if any;  
17 (C) the name of the physician who recommended treatment with  
18 medical marijuana;  
19 (D) the directions for use, if any, as recommended by the physician;  
20 (E) a health warning as specified in rules and regulations adopted by  
21 the secretary of health and environment;  
22 (F) the date on which the medical marijuana was dispensed; and  
23 (G) the quantity, strength, kind or form of medical marijuana  
24 contained in the package.  
25 (c) A retail dispensary shall employ only those individuals who hold a  
26 current, valid employee license issued pursuant to section 31, and  
27 amendments thereto, and who have completed the training requirements  
28 established by rules and regulations adopted by the secretary of revenue.  
29 (d) A retail dispensary shall not make public any information it  
30 collects that identifies or would tend to identify any specific patient.  
31 New Sec. 33. (a) Only the following forms of medical marijuana may  
32 be dispensed under the Kansas medical marijuana regulation act:  
33 (1) Oils;  
34 (2) tinctures;  
35 (3) plant material;  
36 (4) edibles;  
37 (5) patches; or  
38 (6) any other form approved by the secretary of revenue under section  
39 34, and amendments thereto.  
40 (b) The smoking, combustion or vaporization of medical marijuana is  
41 prohibited.  
42 (c) Any form or method of using medical marijuana that is considered  
43 attractive to children is prohibited.

cultivators,

ensure that

is labeled with



in its final, dispensed form

1 (d) Plant material shall have a tetrahydrocannabinol content of not  
2 more than 35%.

3 (e) Extracts shall have a tetrahydrocannabinol content of not more  
4 than 70%.

in their final, dispensed form

5 (f) No form of medical marijuana shall be dispensed from a vending  
6 machine or through electronic commerce.

7 New Sec. 34. (a) Any person may submit a petition to the director of  
8 alcoholic beverage control requesting that a form or method of using  
9 medical marijuana be approved for the purposes of section 33, and  
10 amendments thereto. The petition shall be submitted in such form and  
11 manner as prescribed by the director.

12 (b) Upon receipt of a petition, the director shall review such petition  
13 to determine whether to recommend approval of the form or method of  
14 using medical marijuana described in the petition. The director may  
15 consolidate the review of petitions for the same or similar forms or  
16 methods. The director shall consult with the medical marijuana advisory  
17 committee and review any relevant scientific evidence when reviewing a  
18 petition. The director shall recommend to the secretary of revenue whether  
19 to approve or deny the proposed form or method of using medical  
20 marijuana. The secretary shall approve or deny such proposed form or  
21 method. The secretary's decision is final.

22 ~~(c) The secretary shall not approve any petition that seeks approval of~~  
23 ~~a form or method of using medical marijuana that involves smoking,~~  
24 ~~combustion or vaporization.~~

25 New Sec. 35. (a) The fees for a processor license shall be set by rules  
26 and regulations adopted by the secretary of revenue in an amount not to  
27 exceed:

- 28 (1) ~~\$10,000 for a processor license application;~~
- 29 (2) ~~\$90,000 for a processor license; and~~
- 30 (3) ~~\$100,000 for a renewal of a processor license.~~

\$5,000 for a processor license application; and  
(2) \$40,000 for a processor license and any  
renewal thereof

31 (b) The fees for a distributor license shall be set by rules and  
32 regulations adopted by the secretary of revenue in an amount not to  
33 exceed:

- 34 (1) ~~\$10,000 for a distributor license application;~~
- 35 (2) ~~\$90,000 for a distributor license; and~~
- 36 (3) ~~\$100,000 for a renewal of a distributor license.~~

\$5,000 for a distributor license application; and  
(2) \$40,000 for a distributor license and any  
renewal thereof

37 (c) The fees for a retail dispensary license shall be set by rules and  
38 regulations adopted by the secretary of revenue in an amount not to  
39 exceed:

- 40 (1) \$5,000 for a retail dispensary license application;
- 41 (2) ~~\$70,000~~ for a retail dispensary license and any renewal thereof;
- 42 (3) \$500 for each associated employee license application;
- 43 (4) \$250 for each key employee license application; and

\$40,000

1 (5) \$100 for each support employee license application.  
2 New Sec. 36. The director of alcoholic beverage control may refuse  
3 to issue or renew a license, or may revoke or suspend a license for any of  
4 the following reasons:  
5 (a) The applicant has failed to comply with any provision of the  
6 Kansas medical marijuana regulation act or any rules and regulations  
7 adopted thereunder;  
8 (b) the applicant has falsified or misrepresented any information  
9 submitted to the director in order to obtain a license;  
10 (c) the applicant has failed to adhere to any acknowledgment,  
11 verification or other representation made to the director when applying for  
12 a license; or  
13 (d) the applicant has failed to submit or disclose information  
14 requested by the director.  
15 New Sec. 37. (a) In addition to or in lieu of any other civil or criminal  
16 penalty as provided by law, the director of alcoholic beverage control may  
17 impose a civil penalty or suspend or revoke a license upon a finding that  
18 the licensee committed a violation as provided in this section.  
19 (b) (1) Upon a finding that a licensee has submitted fraudulent  
20 information or otherwise falsified or misrepresented information required  
21 to be submitted by such licensee, the director may impose a civil fine not  
22 to exceed \$5,000 for a first offense and may suspend or revoke such  
23 licensee's license for a second or subsequent offense.  
24 (2) Upon a finding that a licensee has sold, transferred or otherwise  
25 distributed medical marijuana in violation of this act, the director may  
26 impose a civil fine not to exceed \$5,000 for a first offense and may  
27 suspend or revoke such licensee's license for a second or subsequent  
28 offense.  
29 (c) If the director suspends, revokes or refuses to renew any license  
30 issued pursuant to this act and determines that there is clear and  
31 convincing evidence of a danger of immediate and serious harm to any  
32 person, the director may place under seal all medical marijuana owned by  
33 or in the possession, custody or control of the affected license holder.  
34 Except as provided in this section, the director shall not dispose of the  
35 sealed medical marijuana until a final order is issued authorizing such  
36 disposition. During the pendency of an appeal from any order by the  
37 director, a court may order the director to sell medical marijuana that is  
38 perishable, and the proceeds of any such sale shall be deposited with the  
39 court.  
40 New Sec. 38. (a) There is hereby established the medical marijuana  
41 business entity regulation fund in the state treasury. The director of  
42 alcoholic beverage control shall administer the medical marijuana business  
43 entity regulation fund and shall remit all moneys collected from the

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

13 (b) Moneys in the medical marijuana business entity regulation fund  
14 shall be used for the payment or reimbursement of costs related to the  
15 regulation and enforcement of the possession, processing and sale of  
16 medical marijuana by the division of alcoholic beverage control.

17 New Sec. 39. (a) On or before July 1, 2022, the secretary of revenue  
18 shall adopt rules and regulations to administer the Kansas medical  
19 marijuana regulation program and implement and enforce the provisions of  
20 the Kansas medical marijuana regulation act. Such rules and regulations  
21 shall:

22 (1) Establish application procedures and fees for licenses issued  
23 under sections 28 and 31, and amendments thereto;

24 (2) specify the following:

25 (A) The conditions for eligibility for licensure;

26 (B) subject to paragraph (C), the criminal offenses for which an  
27 applicant will be disqualified from licensure; and

28 (C) the criminal offenses that will not disqualify an applicant from  
29 licensure if the applicant was convicted of or pleaded guilty to the offense  
30 more than five years prior to the date the application for licensure is filed;

31 ~~(3) establish the number of licenses that will be permitted at any one~~  
32 ~~time in accordance with sections 29, 30 and 31, and amendments thereto;~~

33 (4) establish a license renewal schedule, renewal procedures and  
34 renewal fees; and

35 (5) establish training requirements for employees of retail  
36 dispensaries.

37 (b) The director shall propose such rules and regulations as necessary  
38 to carry out the intent and purposes of this act. After the hearing on a  
39 proposed rule and regulation has been held as required by law, the director  
40 shall submit the proposed rule and regulation to the secretary of revenue  
41 who, if the secretary approves it, shall adopt the rule and regulation.

42 (c) When adopting rules and regulations under this section, the  
43 secretary shall consider standards and procedures that have been found to

, after consulting with the  
medical marijuana advisory  
committee,

20, 22,

(5) establish standards and  
procedures for the testing of  
medical marijuana by a  
licensed laboratory; and  
(6)

1 be best practices relative to the use and regulation of medical marijuana.  
2 New Sec. 40. (a) The director of alcoholic beverage control shall  
3 establish and maintain an electronic database to monitor medical  
4 marijuana from its seed source through its cultivation, testing, processing,  
5 distribution and dispensing. The director may contract with a separate  
6 entity to establish and maintain all or any portion of the electronic  
7 database on behalf of the division of alcoholic beverage control.  
8 (b) The electronic database shall allow for information regarding  
9 medical marijuana to be updated instantaneously. Any licensed cultivator,  
10 laboratory, processor, distributor or retail dispensary shall submit such  
11 information to the director as the director determines is necessary for  
12 maintaining the electronic database.  
13 (c) The director, any employee of the division, any entity under  
14 contract with the director and any employee or agent thereof shall not  
15 make public any information reported to or collected by the director under  
16 this section that identifies or would tend to identify any specific patient.  
17 Such information shall be kept confidential to protect the privacy of the  
18 patient. The provisions of this subsection shall expire on July 1, 2026,  
19 unless the legislature reviews and reenacts such provisions in accordance  
20 with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.  
21 New Sec. 41. (a) The director of alcoholic beverage control may, in  
22 cooperation with the state treasurer, establish a closed-loop payment  
23 processing system whereby the state treasurer creates accounts to be used  
24 only by registered patients and caregivers at licensed retail dispensaries  
25 and all licensed cultivators, laboratories, processors and distributors. The  
26 system may include record-keeping and accounting functions that identify  
27 all parties in transactions involving the purchase and sale of medical  
28 marijuana. If established, such system shall be designed to prevent:  
29 (1) Revenue from the sale of marijuana going to criminal enterprises,  
30 gangs and cartels;  
31 (2) the diversion of marijuana from a state where it is legal in some  
32 form under that state's law to another state;  
33 (3) the distribution of marijuana to minors; and  
34 (4) the use of state-authorized marijuana activity as a cover or pretext  
35 for the trafficking of other illegal drugs or for other illegal activity.  
36 (b) The information recorded by the system shall be fully accessible  
37 to the department of health and environment, ~~the department of~~  
38 ~~agriculture~~, the director and all state and federal law enforcement agencies,  
39 including the United States department of the treasury's financial crimes  
40 enforcement network.  
41 New Sec. 42. (a) Except as provided in subsections (b) and (c), no  
42 licensed cultivator, laboratory, processor, distributor or retail dispensary  
43 shall be located within 1,000 feet of the boundaries of a parcel of real

1 estate having situated on it a school, religious organization, public library  
2 or public park. If the relocation of a licensed cultivator, laboratory,  
3 processor, distributor or retail dispensary results in such licensee being  
4 located within 1,000 feet of the boundaries of a parcel of real estate having  
5 situated on it a school, religious organization, public library or public park,  
6 the ~~secretary of agriculture or~~ the director shall revoke the license such  
7 agency previously issued to such cultivator, laboratory, processor,  
8 distributor or retail dispensary.

(1)

9 (b) ~~The secretary or the~~ director may, in such officer's discretion, not  
10 revoke the license of a cultivator, laboratory, processor, distributor or retail  
11 dispensary if such licensee existed at a location prior to the establishment  
12 of a school, religious organization, public library or public park within  
13 1,000 feet of such licensee.

(2) Any licensee can petition for and receive exemption from this section upon approval by the secretary of the department of health and environment and the director of alcoholic beverage control.

14 (c) This section shall not apply to research related to marijuana  
15 conducted at a postsecondary educational institution, academic medical  
16 center or private research and development organization as part of a  
17 research protocol approved by an institutional review board or equivalent  
18 entity.

19 (d) As used in this section:

20 (1) "Public library" means any library established pursuant to article  
21 12 of chapter 12 of the Kansas Statutes Annotated, and amendments  
22 thereto, and any other library that serves the general public and is funded  
23 in whole, or in part, from moneys derived from tax levies;

24 (2) "public park" means any park or other outdoor recreational area or  
25 facility, including, but not limited to, parks, open spaces, trails, swimming  
26 pools, playgrounds and playing courts and fields, established by the state,  
27 or any political subdivision thereof;

28 (3) "religious organization" means any organization, church, body of  
29 communicants or group, gathered in common membership for mutual  
30 support and edification in piety, worship and religious observances, or a  
31 society of individuals united for religious purposes at a definite place and  
32 such religious organization maintains an established place of worship  
33 within this state and has a regular schedule of services or meetings at least  
34 on a weekly basis and has been determined to be organized and created as  
35 a bona fide religious organization; and

36 (4) "school" means any public or private educational institution,  
37 including, but not limited to, any college, university, community college,  
38 technical college, high school, middle school, elementary school, trade  
39 school, vocational school or other professional school providing training  
40 or education.

41 New Sec. 43. Each applicant for a cultivator license, laboratory  
42 license, processor license, distributor license or retail dispensary license  
43 shall require any owner, director, officer and any employee or agent of

is

1 such applicant to be fingerprinted and to submit to a state and national  
2 criminal history record check. The ~~secretary of agriculture and the director~~  
3 of alcoholic beverage control ~~are~~ authorized to submit the fingerprints to  
4 the Kansas bureau of investigation and the federal bureau of investigation  
5 for a state and national criminal history record check. The ~~department of~~  
6 ~~agriculture and the~~ director shall use the information obtained from  
7 fingerprinting and the state and national criminal history record check for  
8 purposes of verifying the identification of the applicant and for making a  
9 determination of the qualifications of the applicant for licensure. The  
10 Kansas bureau of investigation may charge a reasonable fee to the  
11 applicant for fingerprinting and conducting a criminal history record  
12 check.

13 New Sec. 44. (a) A financial institution that provides financial  
14 services to any licensed cultivator, laboratory, processor, distributor or  
15 retail dispensary shall be exempt from any criminal law of this state an  
16 element of which may be proven by substantiating that a person provides  
17 financial services to a person who possesses, delivers or manufactures  
18 marijuana or marijuana-derived products, including any of the offenses  
19 specified in article 53 or 57 of chapter 21 of the Kansas Statutes  
20 Annotated, and amendments thereto, if the cultivator, laboratory,  
21 processor, distributor or retail dispensary is in compliance with the  
22 provisions of this act and all applicable tax laws of this state.

23 (b) (1) Upon the request of a financial institution, ~~the department of~~  
24 ~~agriculture or~~ the director of alcoholic beverage control shall provide to  
25 the financial institution the following information:

26 (A) Whether a person with whom the financial institution is seeking  
27 to do business is a licensed cultivator, laboratory, processor, distributor or  
28 retail dispensary;

29 (B) the name of any other business or individual affiliated with the  
30 person;

31 (C) an unredacted copy of such person's application for a license, and  
32 any supporting documentation, that was submitted by the person;

33 (D) if applicable, information relating to sales and volume of product  
34 sold by the person;

35 (E) whether the person is in compliance with the provisions of this  
36 act; and

37 (F) any past or pending violations of the Kansas medical marijuana  
38 regulation act or any rules and regulations adopted thereunder committed  
39 by such person, and any penalty imposed on the person for such violation.

40 (2) The ~~secretary or the~~ director may charge a financial institution a  
41 reasonable fee to cover the administrative cost of providing information  
42 requested under this section.

43 (c) Information received by a financial institution under subsection



1 (b) is confidential. Except as otherwise permitted by any other state or  
2 federal law, a financial institution shall not make the information available  
3 to any person other than the customer to whom the information applies and  
4 any trustee, conservator, guardian, personal representative or agent of that  
5 customer.

6 (d) As used in this section:

7 (1) "Financial institution" means any bank, trust company, savings  
8 bank, credit union or savings and loan association or any other financial  
9 institution regulated by the state of Kansas, any agency of the United  
10 States or other state with an office in Kansas; and

11 (2) "financial services" means services that a financial institution is  
12 authorized to provide under chapter nine or article 22 of chapter 17 of the  
13 Kansas Statutes Annotated, and amendments thereto, as applicable.

14 New Sec. 45. Nothing in this act authorizes ~~the secretary of~~  
15 ~~agriculture or~~ the director of alcoholic beverage control to oversee or limit  
16 research conducted at a postsecondary educational institution, academic  
17 medical center or private research and development organization that is  
18 related to marijuana and is approved by an agency, board, center,  
19 department or institute of the United States government, including any of  
20 the following:

21 (a) The agency for health care research and quality;

22 (b) the national institutes of health;

23 (c) the national academy of sciences;

24 (d) the centers for medicare and medicaid services;

25 (e) the United States department of defense;

26 (f) the centers for disease control and prevention;

27 (g) the United States department of veterans affairs;

28 (h) the drug enforcement administration;

29 (i) the food and drug administration; and

30 (j) any board recognized by the national institutes of health for the  
31 purpose of evaluating the medical value of health care services.

32 New Sec. 46. The provisions of the Kansas medical marijuana  
33 regulation act are hereby declared to be severable. If any part or provision  
34 of the Kansas medical marijuana regulation act is held to be void, invalid  
35 or unconstitutional, such part or provision shall not affect or impair any of  
36 the remaining parts or provisions of the Kansas medical marijuana  
37 regulation act, and any such remaining provisions shall continue in full  
38 force and effect.

39 ~~New Sec. 47. (a) It shall be unlawful to store or otherwise leave~~  
40 ~~medical marijuana where it is readily accessible to a child under the age of~~  
41 ~~18 years. Such conduct shall be unlawful with no requirement of a~~  
42 ~~culpable mental state.~~

43 ~~(b) Violation of this section is a class A person misdemeanor.~~



1 ~~(c) This section shall not apply to any person who stores or otherwise~~  
2 ~~leaves medical marijuana where it is readily accessible to a child under the~~  
3 ~~age of 18 years if:~~

4 ~~(1) Such child is a patient registered pursuant to section 8, and~~  
5 ~~amendments thereto; and~~

6 ~~(2) such medical marijuana is not readily accessible to any child~~  
7 ~~under the age of 18 years other than the child described in paragraph (1).~~

8 ~~(d) As used in this section:~~

9 ~~(1) "Medical marijuana" means the same as defined in section 2, and~~  
10 ~~amendments thereto; and~~

11 ~~(2) "readily accessible" means the medical marijuana is not stored in~~  
12 ~~a locked container, and that restricts entry to such container solely to~~  
13 ~~individuals who are over the age of 17, or who are registered patients~~  
14 ~~pursuant to section 8, and amendments thereto.~~

15 ~~(e) This section shall be a part of and supplemental to the Kansas~~  
16 ~~criminal code.~~

17 New Sec. 48. (a) Subject to the provisions of K.S.A. 44-1018, and  
18 amendments thereto, it shall be unlawful for any person:

19 (1) To refuse to sell or rent after the making of a bona fide offer, to  
20 fail to transmit a bona fide offer or refuse to negotiate in good faith for the  
21 sale or rental of, or otherwise make unavailable or deny, real property to  
22 any person because such person consumes medical marijuana in  
23 accordance with section 10, and amendments thereto;

24 (2) to discriminate against any person in the terms, conditions or  
25 privileges of sale or rental of real property, or in the provision of services  
26 or facilities in connection therewith, because such person consumes  
27 medical marijuana in accordance with section 10, and amendments  
28 thereto; and

29 (3) to discriminate against any person in such person's use or  
30 occupancy of real property because such person associates with another  
31 person who consumes medical marijuana in accordance with section 10,  
32 and amendments thereto.

33 (b) (1) It shall be unlawful for any person or other entity whose  
34 business includes engaging in real estate related transactions to  
35 discriminate against any person in making available such a transaction, or  
36 in the terms or conditions of such a transaction, because such person or  
37 any person associated with such person in connection with any real estate  
38 related transaction consumes medical marijuana in accordance with  
39 section 10, and amendments thereto.

40 (2) Nothing in this subsection prohibits a person engaged in the  
41 business of furnishing appraisals of real property to take into consideration  
42 factors other than an individual's consumption of medical marijuana in  
43 accordance with section 10, and amendments thereto.

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

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

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

15 (e) The provisions of this section shall be a part of and supplement to  
16 the Kansas act against discrimination.

17 New Sec. 49. (a) A covered entity, solely on the basis that an  
18 individual consumes medical marijuana in accordance with section 10, and  
19 amendments thereto, shall not:

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

22 (2) deny medical and other services related to organ transplantation,  
23 including evaluation, surgery, counseling and post-transplantation  
24 treatment and services;

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

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

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

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

39 (c) Nothing in this section shall be construed to require a covered  
40 entity to make a referral or recommendation for or perform a medically  
41 inappropriate organ transplant.

42 (d) As used in this section, the terms "anatomical gift," "covered  
43 entity" and "organ transplant" mean the same as those terms are defined in

1 K.S.A. 65-3276, and amendments thereto.  
2 New Sec. 50. (a) No order shall be issued pursuant to K.S.A. 2020  
3 Supp. 38-2242, 38-2243 or 38-2244, and amendments thereto, if the sole  
4 basis for the threat to the child's safety or welfare is that the child resides  
5 with an individual who consumes medical marijuana in accordance with  
6 section 10, and amendments thereto, or the child consumes medical  
7 marijuana in accordance with section 10, and amendments thereto.  
8 (b) The provisions of this section shall be a part of and supplemental  
9 to the revised Kansas code for care of children.  
10 New Sec. 51. Notwithstanding the provisions of K.S.A. 65-2836, and  
11 amendments thereto, the board shall not revoke, suspend or limit a  
12 physician's license, publicly censure a physician or place a physician's  
13 license under probationary conditions upon any of the following:  
14 (a) The physician has:  
15 (1) Advised a patient about the possible benefits and risks of using  
16 medical marijuana;  
17 (2) advised the patient that using medical marijuana may mitigate the  
18 patient's symptoms; or  
19 (3) submitted an application on behalf of a patient or caregiver for  
20 registration as a patient or caregiver under section 8, and amendments  
21 thereto; or  
22 (b) the physician is a registered patient or caregiver pursuant to  
23 section 8, and amendments thereto, possesses or has possessed or uses or  
24 has used medical marijuana in accordance with the Kansas medical  
25 marijuana regulation act, section 1 et seq., and amendments thereto.  
26 New Sec. 52. Notwithstanding the provisions of K.S.A. 65-28a05,  
27 and amendments thereto, the board shall not revoke, suspend or limit a  
28 physician assistant's license, publicly or privately censure a physician  
29 assistant or deny an application for a license or for reinstatement of a  
30 license upon any of the following:  
31 (a) The physician assistant has:  
32 (1) Advised a patient about the possible benefits and risks of using  
33 medical marijuana; or  
34 (2) advised the patient that using medical marijuana may mitigate the  
35 patient's symptoms; or  
36 (b) the physician assistant is a registered patient or caregiver pursuant  
37 to section 8, and amendments thereto, possesses or has possessed or uses  
38 or has used medical marijuana in accordance with the Kansas medical  
39 marijuana regulation act, section 1 et seq., and amendments thereto.  
40 New Sec. 53. (a) Notwithstanding any other provision of law, any  
41 person, board, commission or similar body that determines the  
42 qualifications of individuals for licensure, certification or registration shall  
43 not disqualify an individual from licensure, certification or registration

1 solely because such individual consumes medical marijuana in  
2 accordance with section 10, and amendments thereto.

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

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

5 (2) Kansas highway patrol;

6 (3) office of the attorney general;

7 (4) department of health and environment;

8 (5) ~~department of agriculture;~~ or

9 (6) division of alcoholic beverage control.

10 Sec. 54. K.S.A. 2020 Supp. 21-5703 is hereby amended to read as  
11 follows: 21-5703. (a) It shall be unlawful for any person to manufacture  
12 any controlled substance or controlled substance analog.

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

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

16 (2) drug severity level 1 felony if:

17 (A) The controlled substance is not methamphetamine, as defined by  
18 ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-4107(d)(3) or (f)(1), and  
19 amendments thereto, or an analog thereof; and

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

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

30 (c) The provisions of ~~subsection (d) of~~ K.S.A. 2020 Supp. 21-  
31 5301(d), and amendments thereto, shall not apply to a violation of  
32 attempting to unlawfully manufacture any controlled substance or  
33 controlled substance analog pursuant to this 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. 2020  
6 Supp. 21-5705, and amendments thereto.

7 (g) ~~The provisions of this section shall not apply to a cultivator~~  
8 ~~licensed by the department of agriculture pursuant to section 20, and~~  
9 ~~amendments thereto, or a processor licensed by the director of alcoholic~~  
10 ~~beverage control pursuant to section 28, and amendments thereto, that is~~  
11 ~~producing medical marijuana, as defined in section 2, and amendments~~  
12 ~~thereto, when used for acts authorized by the Kansas medical marijuana~~  
13 ~~regulation act, section 1 et seq., and amendments thereto.~~

director of alcoholic  
beverage control

14 Sec. 55. K.S.A. 2020 Supp. 21-5705 is hereby amended to read as  
15 follows: 21-5705. (a) It shall be unlawful for any person to distribute or  
16 possess with the intent to distribute any of the following controlled  
17 substances or controlled substance analogs thereof:

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

21 (2) any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e),~~  
22 ~~subsection (e) of K.S.A. 65-4107(e), subsection (b) or (e) of K.S.A. 65-~~  
23 ~~4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b),~~ and amendments  
24 thereto;

25 (3) any stimulant designated in ~~subsection (f) of K.S.A. 65-4105(f),~~  
26 ~~subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107(d)(2), (d)(4),~~  
27 ~~(d)(5) or (f)(2) or subsection (e) of K.S.A. 65-4109(e),~~ and amendments  
28 thereto;

29 (4) any hallucinogenic drug designated in ~~subsection (d) of K.S.A.~~  
30 ~~65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of~~  
31 ~~K.S.A. 65-4109(g),~~ and amendments thereto;

32 (5) any substance designated in ~~subsection (g) of K.S.A. 65-4105(g)~~  
33 ~~and subsection (e), (d), (e), (f) or (g) of K.S.A. 65-4111(c), (d), (e), (f) or~~  
34 ~~(g),~~ and amendments thereto;

35 (6) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-~~  
36 ~~4109(f),~~ and amendments thereto; or

37 (7) any substance designated in ~~subsection (h) of K.S.A. 65-4105(h),~~  
38 and amendments thereto.

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

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

- 1 (d) (1) Except as provided further, violation of subsection (a) is a:
- 2 (A) Drug severity level 4 felony if the quantity of the material was
- 3 less than 3.5 grams;
- 4 (B) drug severity level 3 felony if the quantity of the material was at
- 5 least 3.5 grams but less than 100 grams;
- 6 (C) drug severity level 2 felony if the quantity of the material was at
- 7 least 100 grams but less than 1 kilogram; and
- 8 (D) drug severity level 1 felony if the quantity of the material was 1
- 9 kilogram or more.
- 10 (2) Violation of subsection (a) with respect to material containing any
- 11 quantity of marijuana, or an analog thereof, is a:
- 12 (A) Drug severity level 4 felony if the quantity of the material was
- 13 less than 25 grams;
- 14 (B) drug severity level 3 felony if the quantity of the material was at
- 15 least 25 grams but less than 450 grams;
- 16 (C) drug severity level 2 felony if the quantity of the material was at
- 17 least 450 grams but less than 30 kilograms; and
- 18 (D) drug severity level 1 felony if the quantity of the material was 30
- 19 kilograms or more.
- 20 (3) Violation of subsection (a) with respect to material containing any
- 21 quantity of heroin, as defined by ~~subsection (e)(1) of K.S.A. 65-4105(c)~~
- 22 *(1)*, and amendments thereto, or methamphetamine, as defined by
- 23 ~~subsection (d)(3) or (f)(1) of K.S.A. 65-4107(d)(3) or (f)(1)~~, and
- 24 amendments thereto, or an analog thereof, is a:
- 25 (A) Drug severity level 4 felony if the quantity of the material was
- 26 less than 1 gram;
- 27 (B) drug severity level 3 felony if the quantity of the material was at
- 28 least 1 gram but less than 3.5 grams;
- 29 (C) drug severity level 2 felony if the quantity of the material was at
- 30 least 3.5 grams but less than 100 grams; and
- 31 (D) drug severity level 1 felony if the quantity of the material was
- 32 100 grams or more.
- 33 (4) Violation of subsection (a) with respect to material containing any
- 34 quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107,
- 35 65-4109 or 65-4111, and amendments thereto, or an analog thereof,
- 36 distributed by dosage unit, is a:
- 37 (A) Drug severity level 4 felony if the number of dosage units was
- 38 fewer than 10;
- 39 (B) drug severity level 3 felony if the number of dosage units was at
- 40 least 10 but less than 100;
- 41 (C) drug severity level 2 felony if the number of dosage units was at
- 42 least 100 but less than 1,000; and
- 43 (D) drug severity level 1 felony if the number of dosage units was



1 1,000 or more.  
2 (5) For any violation of subsection (a), the severity level of the  
3 offense shall be increased one level if the controlled substance or  
4 controlled substance analog was distributed or possessed with the intent to  
5 distribute on or within 1,000 feet of any school property.  
6 (6) Violation of subsection (b) is a:  
7 (A) Class A person misdemeanor, except as provided in ~~subsection~~  
8 ~~(d)(6)(B)~~ *subparagraph (B)*; and  
9 (B) nondrug severity level 7, person felony if the substance was  
10 distributed to or possessed with the intent to distribute to a minor.  
11 (7) Violation of subsection (c) is a:  
12 (A) Drug severity level 3 felony if the number of plants cultivated  
13 was more than 4 but fewer than 50;  
14 (B) drug severity level 2 felony if the number of plants cultivated was  
15 at least 50 but fewer than 100; and  
16 (C) drug severity level 1 felony if the number of plants cultivated was  
17 100 or more.  
18 (e) In any prosecution under this section, there shall be a rebuttable  
19 presumption of an intent to distribute if any person possesses the following  
20 quantities of controlled substances or analogs thereof:  
21 (1) 450 grams or more of marijuana;  
22 (2) 3.5 grams or more of heroin or methamphetamine;  
23 (3) 100 dosage units or more containing a controlled substance; or  
24 (4) 100 grams or more of any other controlled substance.  
25 (f) It shall not be a defense to charges arising under this section that  
26 the defendant:  
27 (1) Was acting in an agency relationship on behalf of any other party  
28 in a transaction involving a controlled substance or controlled substance  
29 analog;  
30 (2) did not know the quantity of the controlled substance or  
31 controlled substance analog; or  
32 (3) did not know the specific controlled substance or controlled  
33 substance analog contained in the material that was distributed or  
34 possessed with the intent to distribute.  
35 (g) *The provisions of subsections (a)(4) and (a)(5) shall not apply to:*  
36 *(1) Any cultivator licensed by the ~~department of agriculture~~ pursuant*  
37 *to section 20, and amendments thereto, or any employee or agent thereof,*  
38 *that is growing medical marijuana for the purpose of sale to a licensed*  
39 *processor as authorized by section 21, and amendments thereto;*  
40 *(2) any processor licensed by the director of alcoholic beverage*  
41 *control pursuant to section 28, and amendments thereto, or any employee*  
42 *or agent thereof, that is processing medical marijuana for the purpose of*  
43 *sale or distribution to a licensed processor, distributor or retail dispensary*

director of alcoholic  
beverage control

1 *as authorized by section 29, and amendments thereto;*  
2 *(3) any distributor licensed by the director of alcoholic beverage*  
3 *control pursuant to section 28, and amendments thereto, or any employee*  
4 *or agent thereof, that is storing or distributing medical marijuana for the*  
5 *purpose of wholesale or distribution to a licensed retail dispensary as*  
6 *authorized by section 30, and amendments thereto; or*  
7 *(4) any retail dispensary licensed by the director of alcoholic*  
8 *beverage control pursuant to section 31, and amendments thereto, or any*  
9 *employee or agent thereof, that is engaging in the sale of medical*  
10 *marijuana in a manner authorized by section 32, and amendments thereto.*  
11 *(h) As used in this section:*  
12 *(1) "Material" means the total amount of any substance, including a*  
13 *compound or a mixture, which that contains any quantity of a controlled*  
14 *substance or controlled substance analog.*  
15 *(2) "Dosage unit" means a controlled substance or controlled*  
16 *substance analog distributed or possessed with the intent to distribute as a*  
17 *discrete unit, including, but not limited to, one pill, one capsule or one*  
18 *microdot, and not distributed by weight.*  
19 *(A) For steroids, or controlled substances in liquid solution legally*  
20 *manufactured for prescription use, or an analog thereof, "dosage unit"*  
21 *means the smallest medically approved dosage unit, as determined by the*  
22 *label, materials provided by the manufacturer, a prescribing authority,*  
23 *licensed health care professional or other qualified health authority.*  
24 *(B) For illegally manufactured controlled substances in liquid*  
25 *solution, or controlled substances in liquid products not intended for*  
26 *ingestion by human beings, or an analog thereof, "dosage unit" means 10*  
27 *milligrams, including the liquid carrier medium, except as provided in*  
28 *subsection (g)(2)(C) subparagraph (C).*  
29 *(C) For lysergic acid diethylamide (LSD) in liquid form, or an analog*  
30 *thereof, a dosage unit is defined as 0.4 milligrams, including the liquid*  
31 *medium.*  
32 *(3) "Medical marijuana" means the same as defined in section 2, and*  
33 *amendments thereto.*  
34 *Sec. 56. K.S.A. 2020 Supp. 21-5706 is hereby amended to read as*  
35 *follows: 21-5706. (a) It shall be unlawful for any person to possess any*  
36 *opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-*  
37 *4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled*  
38 *substance analog thereof.*  
39 *(b) It shall be unlawful for any person to possess any of the following*  
40 *controlled substances or controlled substance analogs thereof:*  
41 *(1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-*  
42 *4109(b) or (c) or 65-4111(b), and amendments thereto;*  
43 *(2) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)*

- 1 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;
- 2 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-  
3 4107(g) or 65-4109(g), and amendments thereto;
- 4 (4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c),  
5 (d), (e), (f) or (g), and amendments thereto;
- 6 (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and  
7 amendments thereto;
- 8 (6) any substance designated in K.S.A. 65-4113, and amendments  
9 thereto; or
- 10 (7) any substance designated in K.S.A. 65-4105(h), and amendments  
11 thereto.
- 12 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.
- 13 (2) Except as provided in subsection (c)(3):
- 14 (A) Violation of subsection (b) is a class A nonperson misdemeanor,  
15 except as provided in subparagraph (B); and
- 16 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug  
17 severity level 5 felony if that person has a prior conviction under such  
18 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially  
19 similar offense from another jurisdiction, or under any city ordinance or  
20 county resolution for a substantially similar offense if the substance  
21 involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana  
22 as designated in K.S.A. 65-4105(d), and amendments thereto, or any  
23 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an  
24 analog thereof.
- 25 (3) If the substance involved is marijuana, as designated in K.S.A.  
26 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as  
27 designated in K.S.A. 65-4105(h), and amendments thereto, violation of  
28 subsection (b) is a:
- 29 (A) Class B nonperson misdemeanor, except as provided in  
30 subparagraphs (B) ~~and~~, (C) *and* (D);
- 31 (B) class A nonperson misdemeanor if that person has a prior  
32 conviction under such subsection, under K.S.A. 65-4162, prior to its  
33 repeal, under a substantially similar offense from another jurisdiction, or  
34 under any city ordinance or county resolution for a substantially similar  
35 offense; ~~and~~
- 36 (C) drug severity level 5 felony if that person has two or more prior  
37 convictions under such subsection, under K.S.A. 65-4162, prior to its  
38 repeal, under a substantially similar offense from another jurisdiction, or  
39 under any city ordinance or county resolution for a substantially similar  
40 offense; *and*
- 41 (D) *nonperson misdemeanor punishable by a fine not to exceed \$400,*  
42 *if that person is not a registered patient or caregiver under the Kansas*  
43 *medical marijuana regulation act, section 1 et seq., and amendments*

1 *thereto, is found in possession of not more than 1.5 ounces of marijuana*  
2 *and provides a statement from such person's physician recommending the*  
3 *use of medical marijuana to treat such person's symptoms.*

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

7 ~~(1) Has a debilitating medical condition, as defined in K.S.A.2020~~  
8 ~~Supp. 65-6235, and amendments thereto, or is the parent or guardian of a~~  
9 ~~minor child who has such debilitating medical condition;~~

10 ~~(2) is possessing a cannabidiol treatment preparation, as defined in~~  
11 ~~K.S.A. 2020 Supp. 65-6235, and amendments thereto, that is being used to~~  
12 ~~treat such debilitating medical condition; and~~

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

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

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

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

21 ~~(D) identifies the person or the person's minor child as such~~  
22 ~~physician's patient and identifies the patient's debilitating medical~~  
23 ~~condition~~

24 *If the substance involved is medical marijuana, as defined in*  
25 *section 2, and amendments thereto, the provisions of subsections (b) and*  
26 *(c) shall not apply to any person who is registered or licensed pursuant to*  
27 *the Kansas medical marijuana regulation act, section 1 et seq., and*  
28 *amendments thereto, whose possession is authorized by such act.*

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

33 ~~Sec. 57. K.S.A. 2020 Supp. 21-5707 is hereby amended to read as~~  
34 ~~follows: 21-5707. (a) It shall be unlawful for any person to knowingly or~~  
35 ~~intentionally use any communication facility:~~

36 ~~(1) In committing, causing, or facilitating the commission of any~~  
37 ~~felony under K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5706, and~~  
38 ~~amendments thereto; or~~

39 ~~(2) in any attempt to commit, any conspiracy to commit, or any~~  
40 ~~criminal solicitation of any felony under K.S.A. 2020 Supp. 21-5703, 21-~~  
41 ~~5705 or 21-5706, and amendments thereto. Each separate use of a~~  
42 ~~communication facility may be charged as a separate offense under this~~  
43 ~~subsection.~~

44 ~~(b) Violation of subsection (a) is a nondrug severity level 8,~~

1 nonperson felony.

2 (c) *The provisions of this section shall not apply to any person using*  
3 *communication facilities for those activities authorized by the Kansas*  
4 *medical marijuana regulation act, section 1 et seq., and amendments*  
5 *thereto.*

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

11 Sec. 58. K.S.A. 2020 Supp. 21-5709 is hereby amended to read as  
12 follows: 21-5709. (a) It shall be unlawful for any person to possess  
13 ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal,  
14 iodine, anhydrous ammonia, pressurized ammonia or  
15 phenylpropanolamine, or their salts, isomers or salts of isomers with an  
16 intent to use the product to manufacture a controlled substance.

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

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

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

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

26 (d) It shall be unlawful for any person to purchase, receive or  
27 otherwise acquire at retail any compound, mixture or preparation  
28 containing more than 3.6 grams of pseudoephedrine base or ephedrine  
29 base in any single transaction or any compound, mixture or preparation  
30 containing more than nine grams of pseudoephedrine base or ephedrine  
31 base within any 30-day period.

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

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

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

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

38 (3) violation of subsection (b)(2) is a class B nonperson  
39 misdemeanor;

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

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

42 (f) For persons arrested and charged under subsection (a) or (c), bail  
43 shall be at least \$50,000 cash or surety, and such person shall not be

1 released upon the person's own recognizance pursuant to K.S.A. 22-2802,  
2 and amendments thereto, unless the court determines, on the record, that  
3 the defendant is not likely to reoffend, the court imposes pretrial  
4 supervision or the defendant agrees to participate in a licensed or certified  
5 drug treatment program.

6 *(g) The provisions of subsection (b) shall not apply to any person*  
7 *registered or licensed pursuant to the Kansas medical marijuana*  
8 *regulation act, section 1 et seq., and amendments thereto, whose*  
9 *possession of such equipment or material is used solely to produce or for*  
10 *the administration of medical marijuana, as defined in section 2, and*  
11 *amendments thereto, in a manner authorized by the Kansas medical*  
12 *marijuana regulation act, section 1 et seq., and amendments thereto.*

13 Sec. 59. K.S.A. 2020 Supp. 21-5710 is hereby amended to read as  
14 follows: 21-5710. (a) It shall be unlawful for any person to advertise,  
15 market, label, distribute or possess with the intent to distribute:

16 (1) Any product containing ephedrine, pseudoephedrine, red  
17 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,  
18 pressurized ammonia or phenylpropanolamine or their salts, isomers or  
19 salts of isomers if the person knows or reasonably should know that the  
20 purchaser will use the product to manufacture a controlled substance or  
21 controlled substance analog; or

22 (2) any product containing ephedrine, pseudoephedrine or  
23 phenylpropanolamine, or their salts, isomers or salts of isomers for  
24 indication of stimulation, mental alertness, weight loss, appetite control,  
25 energy or other indications not approved pursuant to the pertinent federal  
26 over-the-counter drug final monograph or tentative final monograph or  
27 approved new drug application.

28 (b) It shall be unlawful for any person to distribute, possess with the  
29 intent to distribute or manufacture with intent to distribute any drug  
30 paraphernalia, knowing or under circumstances where one reasonably  
31 should know that it will be used to manufacture or distribute a controlled  
32 substance or controlled substance analog in violation of K.S.A. 2020 Supp.  
33 21-5701 through 21-5717, and amendments thereto.

34 (c) It shall be unlawful for any person to distribute, possess with  
35 intent to distribute or manufacture with intent to distribute any drug  
36 paraphernalia, knowing or under circumstances where one reasonably  
37 should know, that it will be used as such in violation of K.S.A. 2020 Supp.  
38 21-5701 through 21-5717, and amendments thereto, ~~except subsection (b)~~  
39 ~~of K.S.A. 2020 Supp. 21-5706(b), and amendments thereto.~~

40 (d) It shall be unlawful for any person to distribute, possess with  
41 intent to distribute or manufacture with intent to distribute any drug  
42 paraphernalia, knowing, or under circumstances where one reasonably  
43 should know, that it will be used as such in violation of ~~subsection (b) of~~



1 K.S.A. 2020 Supp. 21-5706(b), and amendments thereto.  
2 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;  
3 (2) violation of subsection (b) is a:  
4 (A) Drug severity level 5 felony, except as provided in ~~subsection (e)~~  
5 ~~(2)(B)~~ *subparagraph (B)*; and  
6 (B) drug severity level 4 felony if the trier of fact makes a finding that  
7 the offender distributed or caused drug paraphernalia to be distributed to a  
8 minor or on or within 1,000 feet of any school property;  
9 (3) violation of subsection (c) is a:  
10 (A) Nondrug severity level 9, nonperson felony, except as provided in  
11 ~~subsection (e)(3)(B)~~ *subparagraph (B)*; and  
12 (B) drug severity level 5 felony if the trier of fact makes a finding that  
13 the offender distributed or caused drug paraphernalia to be distributed to a  
14 minor or on or within 1,000 feet of any school property; and  
15 (4) violation of subsection (d) is a:  
16 (A) Class A nonperson misdemeanor, except as provided in  
17 ~~subsection (e)(4)(B)~~ *subparagraph (B)*; and  
18 (B) nondrug severity level 9, nonperson felony if the trier of fact  
19 makes a finding that the offender distributed or caused drug paraphernalia  
20 to be distributed to a minor or on or within 1,000 feet of any school  
21 property.  
22 (f) For persons arrested and charged under subsection (a), bail shall  
23 be at least \$50,000 cash or surety, and such person shall not be released  
24 upon the person's own recognizance pursuant to K.S.A. 22-2802, and  
25 amendments thereto, unless the court determines, on the record, that the  
26 defendant is not likely to re-offend, the court imposes pretrial supervision  
27 or the defendant agrees to participate in a licensed or certified drug  
28 treatment program.  
29 (g) *The provisions of subsection (c) shall not apply to any person*  
30 *licensed pursuant to the Kansas medical marijuana regulation act, section*  
31 *1 et seq., and amendments thereto, whose distribution or manufacture is*  
32 *used solely to distribute or produce medical marijuana, as defined in*  
33 *section 2, and amendments thereto, in a manner authorized by the Kansas*  
34 *medical marijuana regulation act, section 1 et seq., and amendments*  
35 *thereto.*  
36 (h) As used in this section, "or under circumstances where one  
37 reasonably should know" that an item will be used in violation of this  
38 section, shall include, but not be limited to, the following:  
39 (1) Actual knowledge from prior experience or statements by  
40 customers;  
41 (2) inappropriate or impractical design for alleged legitimate use;  
42 (3) receipt of packaging material, advertising information or other  
43 manufacturer supplied information regarding the item's use as drug

1 paraphernalia; or  
2 (4) receipt of a written warning from a law enforcement or  
3 prosecutorial agency having jurisdiction that the item has been previously  
4 determined to have been designed specifically for use as drug  
5 paraphernalia.  
6 Sec. 60. K.S.A. 2020 Supp. 23-3201 is hereby amended to read as  
7 follows: 23-3201. (a) The court shall determine legal custody, residency  
8 and parenting time of a child in accordance with the best interests of the  
9 child.  
10 (b) *The court shall not consider the fact that a parent or a child*  
11 *consumes medical marijuana in accordance with section 10, and*  
12 *amendments thereto, when determining the legal custody, residency or*  
13 *parenting time of a child.*  
14 Sec. 61. K.S.A. 2020 Supp. 38-2269 is hereby amended to read as  
15 follows: 38-2269. (a) When the child has been adjudicated to be a child in  
16 need of care, the court may terminate parental rights or appoint a  
17 permanent custodian when the court finds by clear and convincing  
18 evidence that the parent is unfit by reason of conduct or condition which  
19 renders the parent unable to care properly for a child and the conduct or  
20 condition is unlikely to change in the foreseeable future.  
21 (b) In making a determination of unfitness the court shall consider,  
22 but is not limited to, the following, if applicable:  
23 (1) Emotional illness, mental illness, mental deficiency or physical  
24 disability of the parent, of such duration or nature as to render the parent  
25 unable to care for the ongoing physical, mental and emotional needs of the  
26 child;  
27 (2) conduct toward a child of a physically, emotionally or sexually  
28 cruel or abusive nature;  
29 (3) the use of intoxicating liquors or narcotic or dangerous drugs of  
30 such duration or nature as to render the parent unable to care for the  
31 ongoing physical, mental or emotional needs of the child, *except the use of*  
32 *medical marijuana in accordance with section 10, and amendments*  
33 *thereto, shall not be considered to render the parent unable to care for the*  
34 *ongoing physical, 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. 2020 Supp. 38-2282, and  
23 amendments thereto, or the child was left under such circumstances that  
24 the identity of the parents is unknown and cannot be ascertained, despite  
25 diligent searching, and the parents have not come forward to claim the  
26 child within 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. 2020 Supp. 38-2270, and amendments  
4 thereto, appointment of a permanent custodian pursuant to K.S.A. 2020  
5 Supp. 38-2272, and amendments thereto, or continued permanency  
6 planning.

7 (3) If the court does not terminate parental rights, the court may  
8 authorize appointment of a permanent custodian pursuant to K.S.A. 2020  
9 Supp. 38-2272, and amendments thereto, or continued permanency  
10 planning.

11 (h) If a parent is convicted of an offense as provided in K.S.A. 2020  
12 Supp. 38-2271(a)(7), and amendments thereto, or is adjudicated a juvenile  
13 offender because of an act which if committed by an adult would be an  
14 offense as provided in K.S.A. 2020 Supp. 38-2271(a)(7), and amendments  
15 thereto, and if the victim was the other parent of a child, the court may  
16 disregard such convicted or adjudicated parent's opinions or wishes in  
17 regard to the placement of such child.

18 (i) A record shall be made of the proceedings.

19 (j) When adoption, proceedings to appoint a permanent custodian or  
20 continued permanency planning has been authorized, the person or agency  
21 awarded custody of the child shall within 30 days submit a written plan for  
22 permanent placement which shall include measurable objectives and time  
23 schedules.

24 Sec. 62. K.S.A. 2020 Supp. 44-501 is hereby amended to read as  
25 follows: 44-501. (a) (1) Compensation for an injury shall be disallowed if  
26 such injury to the employee results from:

27 (A) The employee's deliberate intention to cause such injury;

28 (B) the employee's willful failure to use a guard or protection against  
29 accident or injury which is required pursuant to any statute and provided  
30 for the employee;

31 (C) the employee's willful failure to use a reasonable and proper  
32 guard and protection voluntarily furnished the employee by the employer;

33 (D) the employee's reckless violation of their employer's workplace  
34 safety rules or regulations; or

35 (E) the employee's voluntary participation in fighting or horseplay  
36 with a co-employee for any reason, work related or otherwise.

37 (2) ~~Subparagraphs (B) and (C) of paragraph (1) of subsection~~  
38 ~~(a) Subsections (a)(1)(B) and (a)(1)(C) shall not apply when it was~~  
39 reasonable under the totality of the circumstances to not use such  
40 equipment, or if the employer approved the work engaged in at the time of  
41 an accident or injury to be performed without such equipment.

42 (b) (1) (A) The employer shall not be liable under the workers  
43 compensation act where the injury, disability or death was contributed to

1 by the employee's use or consumption of alcohol or any drugs, chemicals  
2 or any other compounds or substances, including, but not limited to, any  
3 drugs or medications—~~which~~ *that* are available to the public without a  
4 prescription from a health care provider, prescription drugs or medications,  
5 any form or type of narcotic drugs, marijuana, stimulants, depressants or  
6 hallucinogens.

7 (B) (i) In the case of drugs or medications which are available to the  
8 public without a prescription from a health care provider and prescription  
9 drugs or medications, compensation shall not be denied if the employee  
10 can show that such drugs or medications were being taken or used in  
11 therapeutic doses and there have been no prior incidences of the  
12 employee's impairment on the job as the result of the use of such drugs or  
13 medications within the previous 24 months.

14 (ii) *In the case of marijuana or any other form of cannabis, including*  
15 *any cannabis derivatives, compensation shall not be denied if the*  
16 *employee is registered as a patient pursuant to section 8, and amendments*  
17 *thereto, such cannabis or cannabis derivative was used in accordance*  
18 *with the Kansas medical marijuana regulation act, section 1 et seq., and*  
19 *amendments thereto, and there has been no prior incidence of the*  
20 *employee's impairment on the job as a result of the use of such cannabis*  
21 *or cannabis derivative within the previous 24 months.*

22 (C) It shall be conclusively presumed that the employee was impaired  
23 due to alcohol or drugs if it is shown that, at the time of the injury, the  
24 employee had an alcohol concentration of .04 or more, or a GCMS  
25 confirmatory test by quantitative analysis showing a concentration at or  
26 above the levels shown on the following chart for the drugs of abuse listed:

	Confirmatory test cutoff levels (ng/ml)
30 Marijuana metabolite <sup>1</sup> .....	15
31 Cocaine metabolite <sup>2</sup> .....	150
32 Opiates:	
33 Morphine .....	2000
34 Codeine .....	2000
35 6-Acetylmorphine <sup>4</sup> .....	10 ng/ml
36 Phencyclidine .....	25
37 Amphetamines:	
38 Amphetamine .....	500
39 Methamphetamine <sup>3</sup> .....	500

40 <sup>1</sup> Delta-9-tetrahydrocannabinol-9-carboxylic acid.

41 <sup>2</sup> Benzoylcegonine.

42 <sup>3</sup> Specimen must also contain amphetamine at a concentration greater  
43 than or equal to 200 ng/ml.

1    <sup>4</sup> Test for 6-AM when morphine concentration exceeds 2,000 ng/ml.

2    (D) If it is shown that the employee was impaired pursuant to  
3 subsection (b)(1)(C) at the time of the injury, there shall be a rebuttable  
4 presumption that the accident, injury, disability or death was contributed to  
5 by such impairment. The employee may overcome the presumption of  
6 contribution by clear and convincing evidence.

7    (E) An employee's refusal to submit to a chemical test at the request  
8 of the employer shall result in the forfeiture of benefits under the workers  
9 compensation act if the employer had sufficient cause to suspect the use of  
10 alcohol or drugs by the claimant or if the employer's policy clearly  
11 authorizes post-injury testing.

12    (2) The results of a chemical test shall be admissible evidence to  
13 prove impairment if the employer establishes that the testing was done  
14 under any of the following circumstances:

15    (A) As a result of an employer mandated drug testing policy, in place  
16 in writing prior to the date of accident or injury, requiring any worker to  
17 submit to testing for drugs or alcohol;

18    (B) during an autopsy or in the normal course of medical treatment  
19 for reasons related to the health and welfare of the injured worker and not  
20 at the direction of the employer;

21    (C) the worker, prior to the date and time of the accident or injury,  
22 gave written consent to the employer that the worker would voluntarily  
23 submit to a chemical test for drugs or alcohol following any accident or  
24 injury;

25    (D) the worker voluntarily agrees to submit to a chemical test for  
26 drugs or alcohol following any accident or injury; or

27    (E) as a result of federal or state law or a federal or state rule or  
28 regulation having the force and effect of law requiring a post-injury testing  
29 program and such required program was properly implemented at the time  
30 of testing.

31    (3) Notwithstanding subsection (b)(2), the results of a chemical test  
32 performed on a sample collected by an employer shall not be admissible  
33 evidence to prove impairment unless the following conditions are met:

34    (A) The test sample was collected within a reasonable time following  
35 the accident or injury;

36    (B) the collecting and labeling of the test sample was performed by or  
37 under the supervision of a licensed health care professional;

38    (C) the test was performed by a laboratory approved by the United  
39 States department of health and human services or licensed by the  
40 department of health and environment, except that a blood sample may be  
41 tested for alcohol content by a laboratory commonly used for that purpose  
42 by state law enforcement agencies;

43    (D) the test was confirmed by gas chromatography-mass



1 spectroscopy or other comparably reliable analytical method, except that  
2 no such confirmation is required for a blood alcohol sample;

3 (E) the foundation evidence must establish, beyond a reasonable  
4 doubt, that the test results were from the sample taken from the employee;  
5 and

6 (F) a split sample sufficient for testing shall be retained and made  
7 available to the employee within 48 hours of a positive test.

8 (c) (1) Except as provided in paragraph (2), compensation shall not  
9 be paid in case of coronary or coronary artery disease or cerebrovascular  
10 injury unless it is shown that the exertion of the work necessary to  
11 precipitate the disability was more than the employee's usual work in the  
12 course of the employee's regular employment.

13 (2) For events occurring on or after July 1, 2014, in the case of a  
14 firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto,  
15 or a law enforcement officer as defined by K.S.A. 74-5602, and  
16 amendments thereto, coronary or coronary artery disease or  
17 cerebrovascular injury shall be compensable if:

18 (A) The injury can be identified as caused by a specific event  
19 occurring in the course and scope of employment;

20 (B) the coronary or cerebrovascular injury occurred within 24 hours  
21 of the specific event; and

22 (C) the specific event was the prevailing factor in causing the  
23 coronary or coronary artery disease or cerebrovascular injury.

24 (d) Except as provided in the workers compensation act, no  
25 construction design professional who is retained to perform professional  
26 services on a construction project or any employee of a construction  
27 design professional who is assisting or representing the construction  
28 design professional in the performance of professional services on the site  
29 of the construction project, shall be liable for any injury resulting from the  
30 employer's failure to comply with safety standards on the construction  
31 project for which compensation is recoverable under the workers  
32 compensation act, unless responsibility for safety practices is specifically  
33 assumed by contract. The immunity provided by this subsection to any  
34 construction design professional shall not apply to the negligent  
35 preparation of design plans or specifications.

36 (e) An award of compensation for permanent partial impairment,  
37 work disability, or permanent total disability shall be reduced by the  
38 amount of functional impairment determined to be preexisting. Any such  
39 reduction shall not apply to temporary total disability, nor shall it apply to  
40 compensation for medical treatment.

41 (1) Where workers compensation benefits have previously been  
42 awarded through settlement or judicial or administrative determination in  
43 Kansas, the percentage basis of the prior settlement or award shall

1 conclusively establish the amount of functional impairment determined to  
2 be preexisting. Where workers compensation benefits have not previously  
3 been awarded through settlement or judicial or administrative  
4 determination in Kansas, the amount of preexisting functional impairment  
5 shall be established by competent evidence.

6 (2) In all cases, the applicable reduction shall be calculated as  
7 follows:

8 (A) If the preexisting impairment is the result of injury sustained  
9 while working for the employer against whom workers compensation  
10 benefits are currently being sought, any award of compensation shall be  
11 reduced by the current dollar value attributable under the workers  
12 compensation act to the percentage of functional impairment determined to  
13 be preexisting. The "current dollar value" shall be calculated by  
14 multiplying the percentage of preexisting impairment by the compensation  
15 rate in effect on the date of the accident or injury against which the  
16 reduction will be applied.

17 (B) In all other cases, the employer against whom benefits are  
18 currently being sought shall be entitled to a credit for the percentage of  
19 preexisting impairment.

20 (f) If the employee receives, whether periodically or by lump sum,  
21 retirement benefits under the federal social security act or retirement  
22 benefits from any other retirement system, program, policy or plan ~~which~~  
23 *that* is provided by the employer against which the claim is being made,  
24 any compensation benefit payments which the employee is eligible to  
25 receive under the workers compensation act for such claim shall be  
26 reduced by the weekly equivalent amount of the total amount of all such  
27 retirement benefits, less any portion of any such retirement benefit, other  
28 than retirement benefits under the federal social security act, that is  
29 attributable to payments or contributions made by the employee, but in no  
30 event shall the workers compensation benefit be less than the workers  
31 compensation benefit payable for the employee's percentage of functional  
32 impairment. Where the employee elects to take retirement benefits in a  
33 lump sum, the lump sum payment shall be amortized at the rate of 4% per  
34 year over the employee's life expectancy to determine the weekly  
35 equivalent value of the benefits.

36 Sec. 63. K.S.A. 2020 Supp. 44-706 is hereby amended to read as  
37 follows: 44-706. The secretary shall examine whether an individual has  
38 separated from employment for each week claimed. The secretary shall  
39 apply the provisions of this section to the individual's most recent  
40 employment prior to the week claimed. An individual shall be disqualified  
41 for benefits:

42 (a) If the individual left work voluntarily without good cause  
43 attributable to the work or the employer, subject to the other provisions of

1 this subsection. For purposes of this subsection, "good cause" is cause of  
2 such gravity that would impel a reasonable, not supersensitive, individual  
3 exercising ordinary common sense to leave employment. Good cause  
4 requires a showing of good faith of the individual leaving work, including  
5 the presence of a genuine desire to work. Failure to return to work after  
6 expiration of approved personal or medical leave, or both, shall be  
7 considered a voluntary resignation. After a temporary job assignment,  
8 failure of an individual to affirmatively request an additional assignment  
9 on the next succeeding workday, if required by the employment  
10 agreement, after completion of a given work assignment, shall constitute  
11 leaving work voluntarily. The disqualification shall begin the day  
12 following the separation and shall continue until after the individual has  
13 become reemployed and has had earnings from insured work of at least  
14 three times the individual's weekly benefit amount. An individual shall not  
15 be disqualified under this subsection if:

16 (1) The individual was forced to leave work because of illness or  
17 injury upon the advice of a licensed and practicing health care provider  
18 and, upon learning of the necessity for absence, immediately notified the  
19 employer thereof, or the employer consented to the absence, and after  
20 recovery from the illness or injury, when recovery was certified by a  
21 practicing health care provider, the individual returned to the employer and  
22 offered to perform services and the individual's regular work or  
23 comparable and suitable work was not available. As used in this paragraph  
24 "health care provider" means any person licensed by the proper licensing  
25 authority of any state to engage in the practice of medicine and surgery,  
26 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

27 (2) the individual left temporary work to return to the regular  
28 employer;

29 (3) the individual left work to enlist in the armed forces of the United  
30 States, but was rejected or delayed from entry;

31 (4) the spouse of an individual who is a member of the armed forces  
32 of the United States who left work because of the voluntary or involuntary  
33 transfer of the individual's spouse from one job to another job, which is for  
34 the same employer or for a different employer, at a geographic location  
35 which makes it unreasonable for the individual to continue work at the  
36 individual's job. For the purposes of this provision the term "armed forces"  
37 means active duty in the army, navy, marine corps, air force, coast guard or  
38 any branch of the military reserves of the United States;

39 (5) the individual left work because of hazardous working conditions;  
40 in determining whether or not working conditions are hazardous for an  
41 individual, the degree of risk involved to the individual's health, safety and  
42 morals, the individual's physical fitness and prior training and the working  
43 conditions of workers engaged in the same or similar work for the same

1 and other employers in the locality shall be considered; as used in this  
2 paragraph, "hazardous working conditions" means working conditions that  
3 could result in a danger to the physical or mental well-being of the  
4 individual; each determination as to whether hazardous working  
5 conditions exist shall include, but shall not be limited to, a consideration  
6 of: (A) The safety measures used or the lack thereof; and (B) the condition  
7 of equipment or lack of proper equipment; no work shall be considered  
8 hazardous if the working conditions surrounding the individual's work are  
9 the same or substantially the same as the working conditions generally  
10 prevailing among individuals performing the same or similar work for  
11 other employers engaged in the same or similar type of activity;

12 (6) the individual left work to enter training approved under section  
13 236(a)(1) of the federal trade act of 1974, provided the work left is not of a  
14 substantially equal or higher skill level than the individual's past adversely  
15 affected employment, as defined for purposes of the federal trade act of  
16 1974, and wages for such work are not less than 80% of the individual's  
17 average weekly wage as determined for the purposes of the federal trade  
18 act of 1974;

19 (7) the individual left work because of unwelcome harassment of the  
20 individual by the employer or another employee of which the employing  
21 unit had knowledge and that would impel the average worker to give up  
22 such worker's employment;

23 (8) the individual left work to accept better work; each determination  
24 as to whether or not the work accepted is better work shall include, but  
25 shall not be limited to, consideration of: (A) The rate of pay, the hours of  
26 work and the probable permanency of the work left as compared to the  
27 work accepted; (B) the cost to the individual of getting to the work left in  
28 comparison to the cost of getting to the work accepted; and (C) the  
29 distance from the individual's place of residence to the work accepted in  
30 comparison to the distance from the individual's residence to the work left;

31 (9) the individual left work as a result of being instructed or requested  
32 by the employer, a supervisor or a fellow employee to perform a service or  
33 commit an act in the scope of official job duties which is in violation of an  
34 ordinance or statute;

35 (10) the individual left work because of a substantial violation of the  
36 work agreement by the employing unit and, before the individual left, the  
37 individual had exhausted all remedies provided in such agreement for the  
38 settlement of disputes before terminating. For the purposes of this  
39 paragraph, a demotion based on performance does not constitute a  
40 violation of the work agreement;

41 (11) after making reasonable efforts to preserve the work, the  
42 individual left work due to a personal emergency of such nature and  
43 compelling urgency that it would be contrary to good conscience to

1 impose a disqualification; or  
2 (12) (A) the individual left work due to circumstances resulting from  
3 domestic violence, including:  
4 (i) The individual's reasonable fear of future domestic violence at or  
5 en route to or from the individual's place of employment;  
6 (ii) the individual's need to relocate to another geographic area in  
7 order to avoid future domestic violence;  
8 (iii) the individual's need to address the physical, psychological and  
9 legal impacts of domestic violence;  
10 (iv) the individual's need to leave employment as a condition of  
11 receiving services or shelter from an agency which provides support  
12 services or shelter to victims of domestic violence; or  
13 (v) the individual's reasonable belief that termination of employment  
14 is necessary to avoid other situations which may cause domestic violence  
15 and to provide for the future safety of the individual or the individual's  
16 family.  
17 (B) An individual may prove the existence of domestic violence by  
18 providing one of the following:  
19 (i) A restraining order or other documentation of equitable relief by a  
20 court of competent jurisdiction;  
21 (ii) a police record documenting the abuse;  
22 (iii) documentation that the abuser has been convicted of one or more  
23 of the offenses enumerated in articles 34 and 35 of chapter 21 of the  
24 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of  
25 chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or  
26 K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-  
27 6422, and amendments thereto, where the victim was a family or  
28 household member;  
29 (iv) medical documentation of the abuse;  
30 (v) a statement provided by a counselor, social worker, health care  
31 provider, clergy, shelter worker, legal advocate, domestic violence or  
32 sexual assault advocate or other professional who has assisted the  
33 individual in dealing with the effects of abuse on the individual or the  
34 individual's family; or  
35 (vi) a sworn statement from the individual attesting to the abuse.  
36 (C) No evidence of domestic violence experienced by an individual,  
37 including the individual's statement and corroborating evidence, shall be  
38 disclosed by the department of labor unless consent for disclosure is given  
39 by the individual.  
40 (b) If the individual has been discharged or suspended for misconduct  
41 connected with the individual's work. The disqualification shall begin the  
42 day following the separation and shall continue until after the individual  
43 becomes reemployed and in cases where the disqualification is due to

1 discharge for misconduct has had earnings from insured work of at least  
2 three times the individual's determined weekly benefit amount, except that  
3 if an individual is discharged for gross misconduct connected with the  
4 individual's work, such individual shall be disqualified for benefits until  
5 such individual again becomes employed and has had earnings from  
6 insured work of at least eight times such individual's determined weekly  
7 benefit amount. In addition, all wage credits attributable to the  
8 employment from which the individual was discharged for gross  
9 misconduct connected with the individual's work shall be canceled. No  
10 such cancellation of wage credits shall affect prior payments made as a  
11 result of a prior separation.

12 (1) (A) For the purposes of this subsection, "misconduct" is defined as  
13 a violation of a duty or obligation reasonably owed the employer as a  
14 condition of employment including, but not limited to, a violation of a  
15 company rule, including a safety rule, if: ~~(A)~~(i) The individual knew or  
16 should have known about the rule; ~~(B)~~(ii) the rule was lawful and  
17 reasonably related to the job; and ~~(C)~~(iii) the rule was fairly and  
18 consistently enforced.

19 (B) *The term "misconduct" does not include any violation of a duty,*  
20 *obligation or company rule, if:*

21 (i) *The individual is a registered patient pursuant to section 8, and*  
22 *amendments thereto; and*

23 (ii) *the basis for the violation is the possession of an identification*  
24 *card issued under section 8, and amendments thereto, or the possession or*  
25 *use of medical marijuana in accordance with the Kansas medical*  
26 *marijuana regulation act, section 1 et seq., and amendments thereto.*

27 (2) (A) Failure of the employee to notify the employer of an absence  
28 and an individual's leaving work prior to the end of such individual's  
29 assigned work period without permission shall be considered prima facie  
30 evidence of a violation of a duty or obligation reasonably owed the  
31 employer as a condition of employment.

32 (B) For the purposes of this subsection, misconduct shall include, but  
33 not be limited to, violation of the employer's reasonable attendance  
34 expectations if the facts show:

35 (i) The individual was absent or tardy without good cause;

36 (ii) the individual had knowledge of the employer's attendance  
37 expectation; and

38 (iii) the employer gave notice to the individual that future absence or  
39 tardiness may or will result in discharge.

40 (C) For the purposes of this subsection, if an employee disputes being  
41 absent or tardy without good cause, the employee shall present evidence  
42 that a majority of the employee's absences or tardiness were for good  
43 cause. If the employee alleges that the employee's repeated absences or



1 tardiness were the result of health related issues, such evidence shall  
2 include documentation from a licensed and practicing health care provider  
3 as defined in subsection (a)(1).

4 (3) (A) (i) The term "gross misconduct" as used in this subsection  
5 shall be construed to mean conduct evincing extreme, willful or wanton  
6 misconduct as defined by this subsection. Gross misconduct shall include,  
7 but not be limited to: ~~(i)(a)~~ Theft; ~~(ii)(b)~~ fraud; ~~(iii)(c)~~ intentional damage  
8 to property; ~~(iv)(d)~~ intentional infliction of personal injury; or ~~(v)(e)~~ any  
9 conduct that constitutes a felony.

10 (ii) *The term "gross misconduct" does not include any conduct of an*  
11 *individual, if:*

12 (a) *The individual is a registered patient pursuant to section 8, and*  
13 *amendments thereto; and*

14 (b) *the basis for such conduct is the possession of an identification*  
15 *card issued under section 8, and amendments thereto, or the possession or*  
16 *use of medical marijuana in accordance with the Kansas medical*  
17 *marijuana regulation act, section 1 et seq., and amendments thereto.*

18 (B) For the purposes of this subsection, the following shall be  
19 conclusive evidence of gross misconduct:

20 (i) The use of alcoholic liquor, cereal malt beverage or a  
21 nonprescribed controlled substance by an individual while working;

22 (ii) the impairment caused by alcoholic liquor, cereal malt beverage  
23 or a nonprescribed controlled substance by an individual while working;

24 (iii) a positive breath alcohol test or a positive chemical test,  
25 provided:

26 (a) The test was either:

27 (1) Required by law and was administered pursuant to the drug free  
28 workplace act, 41 U.S.C. § 701 et seq.;

29 (2) administered as part of an employee assistance program or other  
30 drug or alcohol treatment program in which the employee was  
31 participating voluntarily or as a condition of further employment;

32 (3) requested pursuant to a written policy of the employer of which  
33 the employee had knowledge and was a required condition of  
34 employment;

35 (4) required by law and the test constituted a required condition of  
36 employment for the individual's job; or

37 (5) there was reasonable suspicion to believe that the individual used,  
38 had possession of, or was impaired by alcoholic liquor, cereal malt  
39 beverage or a nonprescribed controlled substance while working;

40 (b) the test sample was collected either:

41 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et  
42 seq.;

43 (2) as prescribed by an employee assistance program or other drug or

- 1 alcohol treatment program in which the employee was participating  
2 voluntarily or as a condition of further employment;
- 3 (3) as prescribed by the written policy of the employer of which the  
4 employee had knowledge and which constituted a required condition of  
5 employment;
- 6 (4) as prescribed by a test which was required by law and which  
7 constituted a required condition of employment for the individual's job; or
- 8 (5) at a time contemporaneous with the events establishing probable  
9 cause;
- 10 (c) the collecting and labeling of a chemical test sample was  
11 performed by a licensed health care professional or any other individual  
12 certified pursuant to paragraph—~~(b)(3)(A)(iii)(f)~~ *(b)(3)(B)(iii)(f)* or  
13 authorized to collect or label test samples by federal or state law, or a  
14 federal or state rule or regulation having the force or effect of law,  
15 including law enforcement personnel;
- 16 (d) the chemical test was performed by a laboratory approved by the  
17 United States department of health and human services or licensed by the  
18 department of health and environment, except that a blood sample may be  
19 tested for alcohol content by a laboratory commonly used for that purpose  
20 by state law enforcement agencies;
- 21 (e) the chemical test was confirmed by gas chromatography, gas  
22 chromatography-mass spectroscopy or other comparably reliable  
23 analytical method, except that no such confirmation is required for a blood  
24 alcohol sample or a breath alcohol test;
- 25 (f) the breath alcohol test was administered by an individual trained  
26 to perform breath tests, the breath testing instrument used was certified  
27 and operated strictly according to a description provided by the  
28 manufacturers and the reliability of the instrument performance was  
29 assured by testing with alcohol standards; and
- 30 (g) the foundation evidence establishes, beyond a reasonable doubt,  
31 that the test results were from the sample taken from the individual;
- 32 (iv) an individual's refusal to submit to a chemical test or breath  
33 alcohol test, provided:
- 34 (a) The test meets the standards of the drug free workplace act, 41  
35 U.S.C. § 701 et seq.;
- 36 (b) the test was administered as part of an employee assistance  
37 program or other drug or alcohol treatment program in which the  
38 employee was participating voluntarily or as a condition of further  
39 employment;
- 40 (c) the test was otherwise required by law and the test constituted a  
41 required condition of employment for the individual's job;
- 42 (d) the test was requested pursuant to a written policy of the employer  
43 of which the employee had knowledge and was a required condition of

1 employment; or  
2 (e) there was reasonable suspicion to believe that the individual used,  
3 possessed or was impaired by alcoholic liquor, cereal malt beverage or a  
4 nonprescribed controlled substance while working;  
5 (v) an individual's dilution or other tampering of a chemical test.  
6 (C) For purposes of this subsection:  
7 (i) "Alcohol concentration" means the number of grams of alcohol  
8 per 210 liters of breath;  
9 (ii) "alcoholic liquor" ~~shall be defined~~ *means the same* as provided in  
10 K.S.A. 41-102, and amendments thereto;  
11 (iii) "cereal malt beverage" ~~shall be defined~~ *means the same* as  
12 provided in K.S.A. 41-2701, and amendments thereto;  
13 (iv) "chemical test" ~~shall include~~ *includes*, but is not limited to, tests  
14 of urine, blood or saliva;  
15 (v) "controlled substance" ~~shall be defined~~ *means the same* as  
16 provided in K.S.A. 2020 Supp. 21-5701, and amendments thereto;  
17 (vi) "required by law" means required by a federal or state law, a  
18 federal or state rule or regulation having the force and effect of law, a  
19 county resolution or municipal ordinance, or a policy relating to public  
20 safety adopted in an open meeting by the governing body of any special  
21 district or other local governmental entity;  
22 (vii) "positive breath test" ~~shall mean~~ *means* a test result showing an  
23 alcohol concentration of 0.04 or greater, or the levels listed in 49 C.F.R.  
24 part 40, if applicable, unless the test was administered as part of an  
25 employee assistance program or other drug or alcohol treatment program  
26 in which the employee was participating voluntarily or as a condition of  
27 further employment, in which case "positive chemical test" ~~shall mean~~  
28 *means* a test result showing an alcohol concentration at or above the levels  
29 provided for in the assistance or treatment program;  
30 (viii) "positive chemical test" ~~shall mean~~ *means* a chemical result  
31 showing a concentration at or above the levels listed in K.S.A. 44-501, and  
32 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or  
33 abuse listed therein, unless the test was administered as part of an  
34 employee assistance program or other drug or alcohol treatment program  
35 in which the employee was participating voluntarily or as a condition of  
36 further employment, in which case "positive chemical test" shall mean a  
37 chemical result showing a concentration at or above the levels provided for  
38 in the assistance or treatment program.  
39 (4) An individual shall not be disqualified under this subsection if the  
40 individual is discharged under the following circumstances:  
41 (A) The employer discharged the individual after learning the  
42 individual was seeking other work or when the individual gave notice of  
43 future intent to quit, except that the individual shall be disqualified after

1 the time at which such individual intended to quit and any individual who  
2 commits misconduct after such individual gives notice to such individual's  
3 intent to quit shall be disqualified;

4 (B) the individual was making a good-faith effort to do the assigned  
5 work but was discharged due to:

6 (i) Inefficiency;

7 (ii) unsatisfactory performance due to inability, incapacity or lack of  
8 training or experience;

9 (iii) isolated instances of ordinary negligence or inadvertence;

10 (iv) good-faith errors in judgment or discretion; or

11 (v) unsatisfactory work or conduct due to circumstances beyond the  
12 individual's control; or

13 (C) the individual's refusal to perform work in excess of the contract  
14 of hire.

15 (c) If the individual has failed, without good cause, to either apply for  
16 suitable work when so directed by the employment office of the secretary  
17 of labor, or to accept suitable work when offered to the individual by the  
18 employment office, the secretary of labor, or an employer, such  
19 disqualification shall begin with the week in which such failure occurred  
20 and shall continue until the individual becomes reemployed and has had  
21 earnings from insured work of at least three times such individual's  
22 determined weekly benefit amount. In determining whether or not any  
23 work is suitable for an individual, the secretary of labor, or a person or  
24 persons designated by the secretary, shall consider the degree of risk  
25 involved to health, safety and morals, physical fitness and prior training,  
26 experience and prior earnings, length of unemployment and prospects for  
27 securing local work in the individual's customary occupation or work for  
28 which the individual is reasonably fitted by training or experience, and the  
29 distance of the available work from the individual's residence.  
30 Notwithstanding any other provisions of this act, an otherwise eligible  
31 individual shall not be disqualified for refusing an offer of suitable  
32 employment, or failing to apply for suitable employment when notified by  
33 an employment office, or for leaving the individual's most recent work  
34 accepted during approved training, including training approved under  
35 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying  
36 for suitable employment or continuing such work would require the  
37 individual to terminate approved training and no work shall be deemed  
38 suitable and benefits shall not be denied under this act to any otherwise  
39 eligible individual for refusing to accept new work under any of the  
40 following conditions: (1) If the position offered is vacant due directly to a  
41 strike, lockout or other labor dispute; (2) if the remuneration, hours or  
42 other conditions of the work offered are substantially less favorable to the  
43 individual than those prevailing for similar work in the locality; (3) if as a

1 condition of being employed, the individual would be required to join or to  
2 resign from or refrain from joining any labor organization; and (4) if the  
3 individual left employment as a result of domestic violence, and the  
4 position offered does not reasonably accommodate the individual's  
5 physical, psychological, safety, or legal needs relating to such domestic  
6 violence.

7 (d) For any week with respect to which the secretary of labor, or a  
8 person or persons designated by the secretary, finds that the individual's  
9 unemployment is due to a stoppage of work which exists because of a  
10 labor dispute or there would have been a work stoppage had normal  
11 operations not been maintained with other personnel previously and  
12 currently employed by the same employer at the factory, establishment or  
13 other premises at which the individual is or was last employed, except that  
14 this subsection (d) shall not apply if it is shown to the satisfaction of the  
15 secretary of labor, or a person or persons designated by the secretary, that:  
16 (1) The individual is not participating in or financing or directly interested  
17 in the labor dispute which caused the stoppage of work; and (2) the  
18 individual does not belong to a grade or class of workers of which,  
19 immediately before the commencement of the stoppage, there were  
20 members employed at the premises at which the stoppage occurs any of  
21 whom are participating in or financing or directly interested in the dispute.  
22 If in any case separate branches of work which are commonly conducted  
23 as separate businesses in separate premises are conducted in separate  
24 departments of the same premises, each such department shall, for the  
25 purpose of this subsection be deemed to be a separate factory,  
26 establishment or other premises. For the purposes of this subsection,  
27 failure or refusal to cross a picket line or refusal for any reason during the  
28 continuance of such labor dispute to accept the individual's available and  
29 customary work at the factory, establishment or other premises where the  
30 individual is or was last employed shall be considered as participation and  
31 interest in the labor dispute.

32 (e) For any week with respect to which or a part of which the  
33 individual has received or is seeking unemployment benefits under the  
34 unemployment compensation law of any other state or of the United  
35 States, except that if the appropriate agency of such other state or the  
36 United States finally determines that the individual is not entitled to such  
37 unemployment benefits, this disqualification shall not apply.

38 (f) For any week with respect to which the individual is entitled to  
39 receive any unemployment allowance or compensation granted by the  
40 United States under an act of congress to ex-service men and women in  
41 recognition of former service with the military or naval services of the  
42 United States.

43 (g) For the period of five years beginning with the first day following

1 the last week of unemployment for which the individual received benefits,  
2 or for five years from the date the act was committed, whichever is the  
3 later, if the individual, or another in such individual's behalf with the  
4 knowledge of the individual, has knowingly made a false statement or  
5 representation, or has knowingly failed to disclose a material fact to obtain  
6 or increase benefits under this act or any other unemployment  
7 compensation law administered by the secretary of labor. In addition to the  
8 penalties set forth in K.S.A. 44-719, and amendments thereto, an  
9 individual who has knowingly made a false statement or representation or  
10 who has knowingly failed to disclose a material fact to obtain or increase  
11 benefits under this act or any other unemployment compensation law  
12 administered by the secretary of labor shall be liable for a penalty in the  
13 amount equal to 25% of the amount of benefits unlawfully received.  
14 Notwithstanding any other provision of law, such penalty shall be  
15 deposited into the employment security trust fund.

16 (h) For any week with respect to which the individual is receiving  
17 compensation for temporary total disability or permanent total disability  
18 under the workmen's compensation law of any state or under a similar law  
19 of the United States.

20 (i) For any week of unemployment on the basis of service in an  
21 instructional, research or principal administrative capacity for an  
22 educational institution as defined in K.S.A. 44-703(v), and amendments  
23 thereto, if such week begins during the period between two successive  
24 academic years or terms or, when an agreement provides instead for a  
25 similar period between two regular but not successive terms during such  
26 period or during a period of paid sabbatical leave provided for in the  
27 individual's contract, if the individual performs such services in the first of  
28 such academic years or terms and there is a contract or a reasonable  
29 assurance that such individual will perform services in any such capacity  
30 for any educational institution in the second of such academic years or  
31 terms.

32 (j) For any week of unemployment on the basis of service in any  
33 capacity other than service in an instructional, research, or administrative  
34 capacity in an educational institution, as defined in K.S.A. 44-703(v), and  
35 amendments thereto, if such week begins during the period between two  
36 successive academic years or terms if the individual performs such  
37 services in the first of such academic years or terms and there is a  
38 reasonable assurance that the individual will perform such services in the  
39 second of such academic years or terms, except that if benefits are denied  
40 to the individual under this subsection and the individual was not offered  
41 an opportunity to perform such services for the educational institution for  
42 the second of such academic years or terms, such individual shall be  
43 entitled to a retroactive payment of benefits for each week for which the



1 individual filed a timely claim for benefits and for which benefits were  
2 denied solely by reason of this subsection.

3 (k) For any week of unemployment on the basis of service in any  
4 capacity for an educational institution as defined in K.S.A. 44-703(v), and  
5 amendments thereto, if such week begins during an established and  
6 customary vacation period or holiday recess, if the individual performs  
7 services in the period immediately before such vacation period or holiday  
8 recess and there is a reasonable assurance that such individual will perform  
9 such services in the period immediately following such vacation period or  
10 holiday recess.

11 (l) For any week of unemployment on the basis of any services,  
12 substantially all of which consist of participating in sports or athletic  
13 events or training or preparing to so participate, if such week begins during  
14 the period between two successive sport seasons or similar period if such  
15 individual performed services in the first of such seasons or similar periods  
16 and there is a reasonable assurance that such individual will perform such  
17 services in the later of such seasons or similar periods.

18 (m) For any week on the basis of services performed by an alien  
19 unless such alien is an individual who was lawfully admitted for  
20 permanent residence at the time such services were performed, was  
21 lawfully present for purposes of performing such services, or was  
22 permanently residing in the United States under color of law at the time  
23 such services were performed, including an alien who was lawfully present  
24 in the United States as a result of the application of the provisions of  
25 section 212(d)(5) of the federal immigration and nationality act. Any data  
26 or information required of individuals applying for benefits to determine  
27 whether benefits are not payable to them because of their alien status shall  
28 be uniformly required from all applicants for benefits. In the case of an  
29 individual whose application for benefits would otherwise be approved, no  
30 determination that benefits to such individual are not payable because of  
31 such individual's alien status shall be made except upon a preponderance  
32 of the evidence.

33 (n) For any week in which an individual is receiving a governmental  
34 or other pension, retirement or retired pay, annuity or other similar  
35 periodic payment under a plan maintained by a base period employer and  
36 to which the entire contributions were provided by such employer, except  
37 that: (1) If the entire contributions to such plan were provided by the base  
38 period employer but such individual's weekly benefit amount exceeds such  
39 governmental or other pension, retirement or retired pay, annuity or other  
40 similar periodic payment attributable to such week, the weekly benefit  
41 amount payable to the individual shall be reduced, but not below zero, by  
42 an amount equal to the amount of such pension, retirement or retired pay,  
43 annuity or other similar periodic payment which is attributable to such

1 week; ~~or~~ (2) if only a portion of contributions to such plan were provided  
2 by the base period employer, the weekly benefit amount payable to such  
3 individual for such week shall be reduced, but not below zero, by the  
4 prorated weekly amount of the pension, retirement or retired pay, annuity  
5 or other similar periodic payment after deduction of that portion of the  
6 pension, retirement or retired pay, annuity or other similar periodic  
7 payment that is directly attributable to the percentage of the contributions  
8 made to the plan by such individual; ~~or~~ (3) if the entire contributions to the  
9 plan were provided by such individual, or by the individual and an  
10 employer, or any person or organization, who is not a base period  
11 employer, no reduction in the weekly benefit amount payable to the  
12 individual for such week shall be made under this subsection; or (4)  
13 whatever portion of contributions to such plan were provided by the base  
14 period employer, if the services performed for the employer by such  
15 individual during the base period, or remuneration received for the  
16 services, did not affect the individual's eligibility for, or increased the  
17 amount of, such pension, retirement or retired pay, annuity or other similar  
18 periodic payment, no reduction in the weekly benefit amount payable to  
19 the individual for such week shall be made under this subsection. No  
20 reduction shall be made for payments made under the social security act or  
21 railroad retirement act of 1974.

22 (o) For any week of unemployment on the basis of services  
23 performed in any capacity and under any of the circumstances described in  
24 subsection (i), (j) or (k) ~~which~~ *that* an individual performed in an  
25 educational institution while in the employ of an educational service  
26 agency. For the purposes of this subsection, the term "educational service  
27 agency" means a governmental agency or entity which is established and  
28 operated exclusively for the purpose of providing such services to one or  
29 more educational institutions.

30 (p) For any week of unemployment on the basis of service as a school  
31 bus or other motor vehicle driver employed by a private contractor to  
32 transport pupils, students and school personnel to or from school-related  
33 functions or activities for an educational institution, as defined in K.S.A.  
34 44-703(v), and amendments thereto, if such week begins during the period  
35 between two successive academic years or during a similar period between  
36 two regular terms, whether or not successive, if the individual has a  
37 contract or contracts, or a reasonable assurance thereof, to perform  
38 services in any such capacity with a private contractor for any educational  
39 institution for both such academic years or both such terms. An individual  
40 shall not be disqualified for benefits as provided in this subsection for any  
41 week of unemployment on the basis of service as a bus or other motor  
42 vehicle driver employed by a private contractor to transport persons to or  
43 from nonschool-related functions or activities.

1 (q) For any week of unemployment on the basis of services  
2 performed by the individual in any capacity and under any of the  
3 circumstances described in subsection (i), (j), (k) or (o) ~~which~~ *that* are  
4 provided to or on behalf of an educational institution, as defined in K.S.A.  
5 44-703(v), and amendments thereto, while the individual is in the employ  
6 of an employer which is a governmental entity, Indian tribe or any  
7 employer described in section 501(c)(3) of the federal internal revenue  
8 code of 1986 which is exempt from income under section 501(a) of the  
9 code.

10 (r) For any week in which an individual is registered at and attending  
11 an established school, training facility or other educational institution, or is  
12 on vacation during or between two successive academic years or terms. An  
13 individual shall not be disqualified for benefits as provided in this  
14 subsection provided:

15 (1) The individual was engaged in full-time employment concurrent  
16 with the individual's school attendance;

17 (2) the individual is attending approved training as defined in K.S.A.  
18 44-703(s), and amendments thereto; or

19 (3) the individual is attending evening, weekend or limited day time  
20 classes, which would not affect availability for work, and is otherwise  
21 eligible under K.S.A. 44-705(c), and amendments thereto.

22 (s) For any week with respect to which an individual is receiving or  
23 has received remuneration in the form of a back pay award or settlement.  
24 The remuneration shall be allocated to the week or weeks in the manner as  
25 specified in the award or agreement, or in the absence of such specificity  
26 in the award or agreement, such remuneration shall be allocated to the  
27 week or weeks in which such remuneration, in the judgment of the  
28 secretary, would have been paid.

29 (1) For any such weeks that an individual receives remuneration in  
30 the form of a back pay award or settlement, an overpayment will be  
31 established in the amount of unemployment benefits paid and shall be  
32 collected from the claimant.

33 (2) If an employer chooses to withhold from a back pay award or  
34 settlement, amounts paid to a claimant while they claimed unemployment  
35 benefits, such employer shall pay the department the amount withheld.  
36 With respect to such amount, the secretary shall have available all of the  
37 collection remedies authorized or provided in K.S.A. 44-717, and  
38 amendments thereto.

39 (t) (1) Any applicant for or recipient of unemployment benefits who  
40 tests positive for unlawful use of a controlled substance or controlled  
41 substance analog shall be required to complete a substance abuse treatment  
42 program approved by the secretary of labor, secretary of commerce or  
43 secretary for children and families, and a job skills program approved by

1 the secretary of labor, secretary of commerce or the secretary for children  
2 and families. Subject to applicable federal laws, any applicant for or  
3 recipient of unemployment benefits who fails to complete or refuses to  
4 participate in the substance abuse treatment program or job skills program  
5 as required under this subsection shall be ineligible to receive  
6 unemployment benefits until completion of such substance abuse  
7 treatment and job skills programs. Upon completion of both substance  
8 abuse treatment and job skills programs, such applicant for or recipient of  
9 unemployment benefits may be subject to periodic drug screening, as  
10 determined by the secretary of labor. Upon a second positive test for  
11 unlawful use of a controlled substance or controlled substance analog, an  
12 applicant for or recipient of unemployment benefits shall be ordered to  
13 complete again a substance abuse treatment program and job skills  
14 program, and shall be terminated from unemployment benefits for a period  
15 of 12 months, or until such applicant for or recipient of unemployment  
16 benefits completes both substance abuse treatment and job skills programs,  
17 whichever is later. Upon a third positive test for unlawful use of a  
18 controlled substance or controlled substance analog, an applicant for or a  
19 recipient of unemployment benefits shall be terminated from receiving  
20 unemployment benefits, subject to applicable federal law.

21 (2) Any individual who has been discharged or refused employment  
22 for failing a preemployment drug screen required by an employer may  
23 request that the drug screening specimen be sent to a different drug testing  
24 facility for an additional drug screening. Any such individual who requests  
25 an additional drug screening at a different drug testing facility shall be  
26 required to pay the cost of drug screening.

27 (3) *The provisions of this subsection shall not apply to any individual*  
28 *who is a registered patient pursuant to section 8, and amendments thereto,*  
29 *for activities authorized by the Kansas medical marijuana regulation act,*  
30 *section 1 et seq., and amendments thereto.*

31 (u) If the individual was found not to have a disqualifying  
32 adjudication or conviction under K.S.A. 39-970 or 65-5117, and  
33 amendments thereto, was hired and then was subsequently convicted of a  
34 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments  
35 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and  
36 amendments thereto. The disqualification shall begin the day following the  
37 separation and shall continue until after the individual becomes  
38 reemployed and has had earnings from insured work of at least three times  
39 the individual's determined weekly benefit amount.

40 (v) Notwithstanding the provisions of any subsection, an individual  
41 shall not be disqualified for such week of part-time employment in a  
42 substitute capacity for an educational institution if such individual's most  
43 recent employment prior to the individual's benefit year begin date was for

1 a non-educational institution and such individual demonstrates application  
2 for work in such individual's customary occupation or for work for which  
3 the individual is reasonably fitted by training or experience.

4 Sec. 64. K.S.A. 44-1009 is hereby amended to read as follows: 44-  
5 1009. (a) It shall be an unlawful employment practice:

6 (1) For an employer, because of the race, religion, color, sex,  
7 disability, national origin or ancestry of any person to refuse to hire or  
8 employ such person to bar or discharge such person from employment or  
9 to otherwise discriminate against such person in compensation or in terms,  
10 conditions or privileges of employment; to limit, segregate, separate,  
11 classify or make any distinction in regards to employees; or to follow any  
12 employment procedure or practice which, in fact, results in discrimination,  
13 segregation or separation without a valid business necessity.

14 (2) For a labor organization, because of the race, religion, color, sex,  
15 disability, national origin or ancestry of any person, to exclude or to expel  
16 from its membership such person or to discriminate in any way against any  
17 of its members or against any employer or any person employed by an  
18 employer.

19 (3) For any employer, employment agency or labor organization to  
20 print or circulate or cause to be printed or circulated any statement,  
21 advertisement or publication, or to use any form of application for  
22 employment or membership or to make any inquiry in connection with  
23 prospective employment or membership, which expresses, directly or  
24 indirectly, any limitation, specification or discrimination as to race,  
25 religion, color, sex, disability, national origin or ancestry, or any intent to  
26 make any such limitation, specification or discrimination, unless based on  
27 a bona fide occupational qualification.

28 (4) For any employer, employment agency or labor organization to  
29 discharge, expel or otherwise discriminate against any person because such  
30 person has opposed any practices or acts forbidden under this act or  
31 because such person has filed a complaint, testified or assisted in any  
32 proceeding under this act.

33 (5) For an employment agency to refuse to list and properly classify  
34 for employment or to refuse to refer any person for employment or  
35 otherwise discriminate against any person because of such person's race,  
36 religion, color, sex, disability, national origin or ancestry; or to comply  
37 with a request from an employer for a referral of applicants for  
38 employment if the request expresses, either directly or indirectly, any  
39 limitation, specification or discrimination as to race, religion, color, sex,  
40 disability, national origin or ancestry.

41 (6) For an employer, labor organization, employment agency, or  
42 school which provides, coordinates or controls apprenticeship, on-the-job,  
43 or other training or retraining program, to maintain a practice of

1 discrimination, segregation or separation because of race, religion, color,  
2 sex, disability, national origin or ancestry, in admission, hiring,  
3 assignments, upgrading, transfers, promotion, layoff, dismissal,  
4 apprenticeship or other training or retraining program, or in any other  
5 terms, conditions or privileges of employment, membership,  
6 apprenticeship or training; or to follow any policy or procedure which, in  
7 fact, results in such practices without a valid business motive.

8 (7) For any person, whether an employer or an employee or not, to  
9 aid, abet, incite, compel or coerce the doing of any of the acts forbidden  
10 under this act, or attempt to do so.

11 (8) For an employer, labor organization, employment agency or joint  
12 labor-management committee to:

13 (A) Limit, segregate or classify a job applicant or employee in a way  
14 that adversely affects the opportunities or status of such applicant or  
15 employee because of the disability of such applicant or employee;

16 (B) participate in a contractual or other arrangement or relationship,  
17 including a relationship with an employment or referral agency, labor  
18 union, an organization providing fringe benefits to an employee or an  
19 organization providing training and apprenticeship programs that has the  
20 effect of subjecting a qualified applicant or employee with a disability to  
21 the discrimination prohibited by this act;

22 (C) utilize standards criteria, or methods of administration that have  
23 the effect of discrimination on the basis of disability or that perpetuate the  
24 discrimination of others who are subject to common administrative  
25 control;

26 (D) exclude or otherwise deny equal jobs or benefits to a qualified  
27 individual because of the known disability of an individual with whom the  
28 qualified individual is known to have a relationship or association;

29 (E) not make reasonable accommodations to the known physical or  
30 mental limitations of an otherwise qualified individual with a disability  
31 who is an applicant or employee, unless such employer, labor organization,  
32 employment agency or joint labor-management committee can  
33 demonstrate that the accommodation would impose an undue hardship on  
34 the operation of the business thereof;

35 (F) deny employment opportunities to a job applicant or employee  
36 who is an otherwise qualified individual with a disability, if such denial is  
37 based on the need to make reasonable accommodation to the physical or  
38 mental impairments of the employee or applicant;

39 (G) use qualification standards, employment tests or other selection  
40 criteria that screen out or tend to screen out an individual with a disability  
41 or a class of individuals with disabilities unless the standard, test or other  
42 selection criteria, as used, is shown to be job-related for the position in  
43 question and is consistent with business necessity; or



1 (H) fail to select and administer tests concerning employment in the  
2 most effective manner to ensure that, when such test is administered to a  
3 job applicant or employee who has a disability that impairs sensory,  
4 manual or speaking skills, the test results accurately reflect the skills,  
5 aptitude or whatever other factor of such applicant or employee that such  
6 test purports to measure, rather than reflecting the impaired sensory,  
7 manual or speaking skills of such employee or applicant, except where  
8 such skills are the factors that the test purports to measure).

9 (9) For any employer to:

10 (A) Seek to obtain, to obtain or to use genetic screening or testing  
11 information of an employee or a prospective employee to distinguish  
12 between or discriminate against or restrict any right or benefit otherwise  
13 due or available to an employee or a prospective employee; or

14 (B) subject, directly or indirectly, any employee or prospective  
15 employee to any genetic screening or test.

16 (10) (A) *For an employer, because a person is a registered patient or*  
17 *caregiver pursuant to section 8, and amendments thereto, or possesses or*  
18 *uses medical marijuana in accordance with the Kansas medical marijuana*  
19 *regulation act, section 1 et seq., and amendments thereto, to:*

20 (i) *Refuse to hire or employ a person;*

21 (ii) *bar or discharge such person from employment; or*

22 (iii) *otherwise discriminate against such person in compensation or*  
23 *in terms, conditions or privileges of employment without a valid business*  
24 *necessity.*

25 (B) *For a labor organization, because a person is a registered patient*  
26 *or caregiver pursuant to section 8, and amendments thereto, or possesses*  
27 *or uses medical marijuana in accordance with the Kansas medical*  
28 *marijuana regulation act, section 1 et seq., and amendments thereto, to*  
29 *exclude or expel such person from its membership.*

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

36 (b) It shall not be an unlawful employment practice to fill vacancies  
37 in such way as to eliminate or reduce imbalance with respect to race,  
38 religion, color, sex, disability, national origin or ancestry.

39 (c) It shall be an unlawful discriminatory practice:

40 (1) For any person, as defined herein being the owner, operator,  
41 lessee, manager, agent or employee of any place of public accommodation  
42 to refuse, deny or make a distinction, directly or indirectly, in offering its  
43 goods, services, facilities, and accommodations to any person as covered

1 by this act because of race, religion, color, sex, disability, national origin or  
2 ancestry, except where a distinction because of sex is necessary because of  
3 the intrinsic nature of such accommodation.

4 (2) For any person, whether or not specifically enjoined from  
5 discriminating under any provisions of this act, to aid, abet, incite, compel  
6 or coerce the doing of any of the acts forbidden under this act, or to  
7 attempt to do so.

8 (3) For any person, to refuse, deny, make a distinction, directly or  
9 indirectly, or discriminate in any way against persons because of the race,  
10 religion, color, sex, disability, national origin or ancestry of such persons  
11 in the full and equal use and enjoyment of the services, facilities,  
12 privileges and advantages of any institution, department or agency of the  
13 state of Kansas or any political subdivision or municipality thereof.

14 Sec. 65. K.S.A. 44-1015 is hereby amended to read as follows: 44-  
15 1015. As used in this act, unless the context otherwise requires:

16 (a) "Commission" means the Kansas human rights commission.

17 (b) "Real property" means and includes:

18 (1) All vacant or unimproved land; and

19 (2) any building or structure ~~which~~ *that* is occupied or designed or  
20 intended for occupancy, or any building or structure having a portion  
21 thereof ~~which~~ *that* is occupied or designed or intended for occupancy.

22 (c) "Family" includes a single individual.

23 (d) "Person" means an individual, corporation, partnership,  
24 association, labor organization, legal representative, mutual company,  
25 joint-stock company, trust, unincorporated organization, trustee, trustee in  
26 bankruptcy, receiver and fiduciary.

27 (e) "To rent" means to lease, to sublease, to let and otherwise to grant  
28 for a consideration the right to occupy premises not owned by the  
29 occupant.

30 (f) "Discriminatory housing practice" means any act that is unlawful  
31 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, *or*  
32 *section 48, and amendments thereto.*

33 (g) "Person aggrieved" means any person who claims to have been  
34 injured by a discriminatory housing practice or believes that such person  
35 will be injured by a discriminatory housing practice that is about to occur.

36 (h) "Disability" ~~has the meaning provided by~~ *means the same as*  
37 *defined in* K.S.A. 44-1002, and amendments thereto.

38 (i) "Familial status" means having one or more individuals less than  
39 18 years of age domiciled with:

40 (1) A parent or another person having legal custody of such  
41 individual or individuals; or

42 (2) the designee of such parent or other person having such custody,  
43 with the written permission of such parent or other person.

1 Sec. 66. K.S.A. 2020 Supp. 65-1120 is hereby amended to read as  
2 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may  
3 deny, revoke, limit or suspend any license or authorization to practice  
4 nursing as a registered professional nurse, as a licensed practical nurse, as  
5 an advanced practice registered nurse or as a registered nurse anesthetist  
6 that is issued by the board or applied for under this act, or may require the  
7 licensee to attend a specific number of hours of continuing education in  
8 addition to any hours the licensee may already be required to attend or  
9 may publicly or privately censure a licensee or holder of a temporary  
10 permit or authorization, if the applicant, licensee or holder of a temporary  
11 permit or authorization is found after hearing:

12 (1) To be guilty of fraud or deceit in practicing nursing or in  
13 procuring or attempting to procure a license to practice nursing;

14 (2) to have been guilty of a felony or to have been guilty of a  
15 misdemeanor involving an illegal drug offense unless the applicant or  
16 licensee establishes sufficient rehabilitation to warrant the public trust,  
17 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
18 license or authorization to practice nursing as a licensed professional  
19 nurse, as a licensed practical nurse, as an advanced practice registered  
20 nurse or registered nurse anesthetist shall be granted to a person with a  
21 felony conviction for a crime against persons as specified in article 34 of  
22 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article  
23 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments*  
24 *thereto*, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and  
25 amendments thereto;

26 (3) has been convicted or found guilty or has entered into an agreed  
27 disposition of a misdemeanor offense related to the practice of nursing as  
28 determined on a case-by-case basis;

29 (4) to have committed an act of professional incompetency as defined  
30 in subsection (e);

31 (5) to be unable to practice with skill and safety due to current abuse  
32 of drugs or alcohol;

33 (6) to be a person who has been adjudged in need of a guardian or  
34 conservator, or both, under the act for obtaining a guardian or conservator,  
35 or both, and who has not been restored to capacity under that act;

36 (7) to be guilty of unprofessional conduct as defined by rules and  
37 regulations of the board;

38 (8) to have willfully or repeatedly violated the provisions of the  
39 Kansas nurse practice act or any rules and regulations adopted pursuant to  
40 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

41 (9) to have a license to practice nursing as a registered nurse or as a  
42 practical nurse denied, revoked, limited or suspended, or to be publicly or  
43 privately censured, by a licensing authority of another state, agency of the

1 United States government, territory of the United States or country or to  
2 have other disciplinary action taken against the applicant or licensee by a  
3 licensing authority of another state, agency of the United States  
4 government, territory of the United States or country. A certified copy of  
5 the record or order of public or private censure, denial, suspension,  
6 limitation, revocation or other disciplinary action of the licensing authority  
7 of another state, agency of the United States government, territory of the  
8 United States or country shall constitute prima facie evidence of such a  
9 fact for purposes of this paragraph (9); or

10 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to  
11 its repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as  
12 established by any of the following:

13 (A) A copy of the record of criminal conviction or plea of guilty for a  
14 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020  
15 Supp. 21-5407, and amendments thereto.

16 (B) A copy of the record of a judgment of contempt of court for  
17 violating an injunction issued under K.S.A. 2020 Supp. 60-4404, and  
18 amendments thereto.

19 (C) A copy of the record of a judgment assessing damages under  
20 K.S.A. 2020 Supp. 60-4405, and amendments thereto.

21 (b) *Proceedings.* Upon filing of a sworn complaint with the board  
22 charging a person with having been guilty of any of the unlawful practices  
23 specified in subsection (a), two or more members of the board shall  
24 investigate the charges, or the board may designate and authorize an  
25 employee or employees of the board to conduct an investigation. After  
26 investigation, the board may institute charges. If an investigation, in the  
27 opinion of the board, reveals reasonable grounds for believing the  
28 applicant or licensee is guilty of the charges, the board shall fix a time and  
29 place for proceedings, which shall be conducted in accordance with the  
30 provisions of the Kansas administrative procedure act.

31 (c) *Witnesses.* No person shall be excused from testifying in any  
32 proceedings before the board under this act or in any civil proceedings  
33 under this act before a court of competent jurisdiction on the ground that  
34 such testimony may incriminate the person testifying, but such testimony  
35 shall not be used against the person for the prosecution of any crime under  
36 the laws of this state except the crime of perjury as defined in K.S.A. 2020  
37 Supp. 21-5903, and amendments thereto.

38 (d) *Costs.* If final agency action of the board in a proceeding under  
39 this section is adverse to the applicant or licensee, the costs of the board's  
40 proceedings shall be charged to the applicant or licensee as in ordinary  
41 civil actions in the district court, but if the board is the unsuccessful party,  
42 the costs shall be paid by the board. Witness fees and costs may be taxed  
43 by the board according to the statutes relating to procedure in the district

1 court. All costs accrued by the board, when it is the successful party, and  
2 ~~which that~~ the attorney general certifies cannot be collected from the  
3 applicant or licensee shall be paid from the board of nursing fee fund. All  
4 moneys collected following board proceedings shall be credited in full to  
5 the board of nursing fee fund.

6 (e) *Professional incompetency defined.* As used in this section,  
7 "professional incompetency" means:

8 (1) One or more instances involving failure to adhere to the  
9 applicable standard of care to a degree ~~which that~~ constitutes gross  
10 negligence, as determined by the board;

11 (2) repeated instances involving failure to adhere to the applicable  
12 standard of care to a degree ~~which that~~ constitutes ordinary negligence, as  
13 determined by the board; or

14 (3) a pattern of practice or other behavior ~~which that~~ demonstrates a  
15 manifest incapacity or incompetence to practice nursing.

16 (f) *Criminal justice information.* The board upon request shall receive  
17 from the Kansas bureau of investigation such criminal history record  
18 information relating to arrests and criminal convictions as necessary for  
19 the purpose of determining initial and continuing qualifications of  
20 licensees of and applicants for licensure by the board.

21 (g) *Medical marijuana exemption.* The board shall not deny, revoke,  
22 limit or suspend an advanced practice registered nurse's license or  
23 publicly or privately censure an advanced practice registered nurse for  
24 any of the following:

25 ~~(1)~~ *The advanced practice registered nurse has:*

26 ~~(A)~~ *Advised a patient about the possible benefits and risks of using  
27 medical marijuana; or*

28 ~~(B)~~ *advised a patient that using medical marijuana may mitigate the  
29 patient's symptoms; or*

30 ~~(2)~~ *the advanced practice registered nurse is a registered patient or  
31 caregiver pursuant to section 8, and amendments thereto, possesses or has  
32 possessed, or uses or has used medical marijuana in accordance with the  
33 Kansas medical marijuana regulation act, section 1 et seq., and  
34 amendments thereto.*

35 Sec. 67. K.S.A. 65-28b08 is hereby amended to read as follows: 65-  
36 28b08. (a) The board may deny, revoke, limit or suspend any license or  
37 authorization issued to a certified nurse-midwife to engage in the  
38 independent practice of midwifery that is issued by the board or applied  
39 for under this act, or may publicly censure a licensee or holder of a  
40 temporary permit or authorization, if the applicant or licensee is found  
41 after a hearing:

42 (1) To be guilty of fraud or deceit while engaging in the independent  
43 practice of midwifery or in procuring or attempting to procure a license to

:  
(1) Deny, revoke, limit or suspend the license of any licensee under the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto;  
(2) publicly or privately censure any licensee for any actions as a registered patient or caregiver pursuant to section 8, and amendments thereto, including whether the licensee possesses or has possessed, or uses or has used medical marijuana in accordance with the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto;  
(3)

(A)

(i)

(ii)

(B)

- 1 engage in the independent practice of midwifery;
- 2 (2) to have been found guilty of a felony or to have been found guilty  
3 of a misdemeanor involving an illegal drug offense unless the applicant or  
4 licensee establishes sufficient rehabilitation to warrant the public trust,  
5 except that notwithstanding K.S.A. 74-120, and amendments thereto, no  
6 license or authorization to practice and engage in the independent practice  
7 of midwifery shall be granted to a person with a felony conviction for a  
8 crime against persons as specified in article 34 of chapter 21 of the Kansas  
9 Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the  
10 Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2020 Supp.  
11 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;
- 12 (3) to have committed an act of professional incompetence as defined  
13 in subsection (c);
- 14 (4) to be unable to practice the healing arts with reasonable skill and  
15 safety by reason of impairment due to physical or mental illness or  
16 condition or use of alcohol, drugs or controlled substances. All  
17 information, reports, findings and other records relating to impairment  
18 shall be confidential and not subject to discovery or release to any person  
19 or entity outside of a board proceeding. The provisions of this paragraph  
20 providing confidentiality of records shall expire on July 1, 2022, unless the  
21 legislature reviews and reenacts such provisions pursuant to K.S.A. 45-  
22 229, and amendments thereto, prior to July 1, 2022;
- 23 (5) to be a person who has been adjudged in need of a guardian or  
24 conservator, or both, under the act for obtaining a guardian or conservator,  
25 or both, and who has not been restored to capacity under that act;
- 26 (6) to be guilty of unprofessional conduct as defined by rules and  
27 regulations of the board;
- 28 (7) to have willfully or repeatedly violated the provisions of the  
29 Kansas nurse practice act or any rules and regulations adopted pursuant to  
30 that act;
- 31 (8) to have a license to practice nursing as a registered nurse or as a  
32 practical nurse denied, revoked, limited or suspended, or to have been  
33 publicly or privately censured, by a licensing authority of another state,  
34 agency of the United States government, territory of the United States or  
35 country, or to have other disciplinary action taken against the applicant or  
36 licensee by a licensing authority of another state, agency of the United  
37 States government, territory of the United States or country. A certified  
38 copy of the record or order of public or private censure, denial, suspension,  
39 limitation, revocation or other disciplinary action of the licensing authority  
40 of another state, agency of the United States government, territory of the  
41 United States or country shall constitute prima facie evidence of such a  
42 fact for purposes of this paragraph; or
- 43 (9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its



1 repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as  
2 established by any of the following:

3 (A) A copy of the record of criminal conviction or plea of guilty to a  
4 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020  
5 Supp. 21-5407, and amendments thereto;

6 (B) a copy of the record of a judgment of contempt of court for  
7 violating an injunction issued under K.S.A. 60-4404, and amendments  
8 thereto; or

9 (C) a copy of the record of a judgment assessing damages under  
10 K.S.A. 60-4405, and amendments thereto.

11 (b) No person shall be excused from testifying in any proceedings  
12 before the board under this act or in any civil proceedings under this act  
13 before a court of competent jurisdiction on the ground that such testimony  
14 may incriminate the person testifying, but such testimony shall not be used  
15 against the person for the prosecution of any crime under the laws of this  
16 state, except the crime of perjury as defined in K.S.A. 2020 Supp. 21-  
17 5903, and amendments thereto.

18 (c) *The board shall not deny, revoke, limit or suspend any license or*  
19 *authorization issued to a certified nurse-midwife or publicly censure a*  
20 *certified nurse-midwife upon any of the following:*

21 (1) *The certified nurse-midwife has:*

22 (A) *Advised a patient about the possible benefits and risks of using*  
23 *medical marijuana; or*

24 (B) *advised the patient that using medical marijuana may mitigate*  
25 *the patient's symptoms; or*

26 (2) *the certified nurse-midwife is a registered patient or caregiver*  
27 *pursuant to section 8, and amendments thereto, possesses or has*  
28 *possessed, or uses or has used medical marijuana in accordance with the*  
29 *Kansas medical marijuana regulation act, section 1 et seq., and*  
30 *amendments thereto.*

31 (d) As used in this section, "professional incompetency" means:

32 (1) One or more instances involving failure to adhere to the  
33 applicable standard of care to a degree which constitutes gross negligence,  
34 as determined by the board;

35 (2) repeated instances involving failure to adhere to the applicable  
36 standard of care to a degree which constitutes ordinary negligence, as  
37 determined by the board; or

38 (3) a pattern of practice or other behavior which demonstrates a  
39 manifest incapacity or incompetence to engage in the independent practice  
40 of midwifery.

41 ~~(d)~~(e) The board, upon request, shall receive from the Kansas bureau  
42 of investigation such criminal history record information relating to arrests  
43 and criminal convictions, as necessary, for the purpose of determining

1 initial and continuing qualifications of licensees and applicants for  
2 licensure by the board.

3 ~~(e) The provisions of this section shall become effective on January 1,~~  
4 ~~2017.~~

5 Sec. 68. K.S.A. 79-5201 is hereby amended to read as follows: 79-  
6 5201. As used in ~~this act~~ *article 52 of chapter 79 of the Kansas Statutes*  
7 *Annotated, and amendments thereto:*

8 (a) ~~"Marijuana" means any marijuana, whether real or counterfeit, as~~  
9 ~~defined by K.S.A. 2020 Supp. 21-5701, and amendments thereto, which is~~  
10 ~~held, possessed, transported, transferred, sold or offered to be sold in~~  
11 ~~violation of the laws of Kansas;~~

12 ~~(b)"Controlled substance" means any drug or substance, whether real~~  
13 ~~or counterfeit, as defined by K.S.A. 2020 Supp. 21-5701, and amendments~~  
14 ~~thereto, which that is held, possessed, transported, transferred, sold or~~  
15 ~~offered to be sold in violation of the laws of Kansas. Such term shall not~~  
16 ~~include marijuana;~~

17 ~~(e)(b) "dealer" means any person who, in violation of Kansas law,~~  
18 ~~manufactures, produces, ships, transports or imports into Kansas or in any~~  
19 ~~manner acquires or possesses more than 28 grams of marijuana, or more~~  
20 ~~than one gram of any controlled substance, or 10 or more dosage units of~~  
21 ~~any controlled substance which that is not sold by weight;~~

22 ~~(d)(c) "domestic marijuana plant" means any cannabis plant at any~~  
23 ~~level of growth which that is harvested or tended, manicured, irrigated,~~  
24 ~~fertilized or where there is other evidence that it has been treated in any~~  
25 ~~other way in an effort to enhance growth;~~

26 (d) *"marijuana" means any marijuana, whether real or counterfeit,*  
27 *as defined in K.S.A. 2020 Supp. 21-5701, and amendments thereto, that is*  
28 *held, possessed, transported, transferred, sold or offered for sale in*  
29 *violation of the laws of Kansas; and*

30 (e) *"medical marijuana" means the same as defined in section 2, and*  
31 *amendments thereto.*

32 Sec. 69. K.S.A. 79-5210 is hereby amended to read as follows: 79-  
33 5210. Nothing in this act requires persons registered under article 16 of  
34 chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*, or  
35 otherwise lawfully in possession of marijuana, *medical marijuana* or a  
36 controlled substance to pay the tax required under this act.

37 Sec. 70. K.S.A. 44-1009, 44-1015, 65-28b08, 79-5201 and 79-5210  
38 and K.S.A. 2020 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-  
39 5710, 23-3201, 38-2269, 44-501, 44-706 and 65-1120 are hereby repealed.

40 Sec. 71. This act shall take effect and be in force from and after its  
41 publication in the statute book.