

- 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;

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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.  
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

licensed pharmacy that  
is operated by

who is a pharmacist licensed  
in this state and who has  
registered with the board of  
pharmacy and been

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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

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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.

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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~~  
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.

prescription

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.

prescribe

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.

prescription

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:

prescribing

34 (1) Advising a patient, patient 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

prescribes

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 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.  
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.  
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

pharmacist that  
is licensed in this  
state

register with the board of  
pharmacy in accordance  
with rules and regulations  
adopted by the board and

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.

prescription

prescribed



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

New Sec. 40. (a) On or before July 1, 2022, the board of pharmacy shall adopt rules and regulations establishing the requirements for a pharmacy to:

(1) Register as a retail dispensary; and

(2) report all transactions of a retail dispensary to the prescription monitoring program database, including, but not limited to, the:

(A) Methods of transmission;

(B) nationally recognized telecommunications format to be used;

(C) frequency of such reports; and

(D) procedures for the maintenance of information submitted to or received from the prescription monitoring program database to ensure such information is treated as confidential and is subject to the requirements of K.S.A. 65-1685 and 65-1687, and amendments thereto.



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.*

prescribing

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

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

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

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

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

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