

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 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.