

SENATE BILL No. 555

By Committee on Federal and State Affairs

3-18

1 AN ACT concerning health and healthcare; relating to medical cannabis;
2 creating the medical cannabis pilot program act; authorizing the
3 secretary of health and environment to enter into contracts for the
4 limited cultivation, processing and distribution of medical cannabis for
5 patient use upon a physician's recommendation; imposing terms and
6 conditions for such contracts; establishing requirements for physician
7 certifications recommending medical cannabis use; levying an excise
8 tax on the retail sale of medical cannabis; establishing the medical
9 cannabis refund fund and the medical cannabis research and education
10 fund; creating the crime of unlawful storage of medical cannabis;
11 making exceptions to the crimes of unlawful manufacture and
12 possession of controlled substances; amending K.S.A. 21-5703, 21-
13 5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201, 38-2269, 44-501,
14 79-5201 and 79-5210 and K.S.A. 2023 Supp. 65-1120 and 65-28b08
15 and repealing the existing sections.
16

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

18 New Section 1. The provisions of sections 1 through 27, and
19 amendments thereto, shall be known and may be cited as the medical
20 cannabis pilot program act.

21 New Sec. 2. As used in the medical cannabis pilot program act,
22 section 1 et seq., and amendments thereto:

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

25 (b) "Cannabinoid" means any of the chemical compounds that are
26 produced naturally in the plant cannabis sativa that can bind on the
27 cannabinoid receptors in cells.

28 (c) (1) "Cannabis" means the plant cannabis sativa and all parts
29 thereof, whether growing or not, including the seeds, the resin extracted
30 from any part of the plant and any compound, manufacture, salt,
31 derivative, mixture or preparation of the plant, its seeds or resin.

32 (2) "Cannabis" does not include:

33 (A) (i) The mature stalks of the plant;

34 (ii) fiber produced from mature stalks;

35 (iii) oil or cake made from the seeds of the plant;

36 (iv) any other compound, manufacture, salt, derivative, mixture or

- 1 preparation of the mature stalks, fiber, oil or cake, except the resin
2 extracted from the mature stalks; or
- 3 (v) the sterilized seed of the plant that is incapable of germination;
- 4 (B) any substance listed in schedules II through V of the uniform
5 controlled substances act;
- 6 (C) drug products approved by the United States food and drug
7 administration as of July 1, 2024;
- 8 (D) cannabidiol (other trade name: 2-[3-methyl-6-(1-methylethenyl)-
9 2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or
- 10 (E) industrial hemp, as defined in K.S.A. 2-3901, and amendments
11 thereto, when cultivated, produced, possessed or used for activities
12 authorized by the commercial industrial hemp act.
- 13 (d) "Caregiver" means an individual designated on a medical
14 cannabis certificate who is authorized to purchase and possess medical
15 cannabis on behalf of a patient named in such medical cannabis certificate.
- 16 (e) "Cultivate" means the same as defined in K.S.A. 65-4101, and
17 amendments thereto.
- 18 (f) "Dispense" or "dispensing" means to sell or deliver medical
19 cannabis or medical cannabis products to a patient or caregiver, including
20 the packaging and labeling required for such delivery.
- 21 (g) "Distribution hub" means a premises owned and operated by a
22 medical cannabis operator or a pharmacy for the storage, distribution, sale
23 and delivery of medical cannabis and medical cannabis products to
24 patients and caregivers.
- 25 (h) "Medical cannabis" means cannabis that is cultivated, processed,
26 tested, dispensed, possessed or used for a medical purpose.
- 27 (i) "Medical cannabis certificate" means a document issued by a
28 physician pursuant to section 20, and amendments thereto, recommending
29 the use of medical cannabis by the patient named in such document.
- 30 (j) "Medical cannabis operator" or "operator" means a person who
31 cultivates, processes, stores, distributes, sells and delivers medical
32 cannabis and medical cannabis products in accordance with a contract with
33 the secretary pursuant to section 4, and amendments thereto.
- 34 (k) "Medical cannabis product" means a product that contains
35 cannabinoids that have been extracted from plant material or the resin
36 therefrom by physical or chemical means and is intended for
37 administration to a patient.
- 38 (l) "Medical cannabis waste" means:
- 39 (1) Unused, surplus, returned or out-of-date medical cannabis or
40 medical cannabis product;
- 41 (2) recalled medical cannabis or medical cannabis product;
- 42 (3) plant debris of the plant of cannabis sativa, including dead plants
43 and all unused plant parts and roots; and

- 1 (4) any wastewater generated during cultivation and processing.
- 2 (m) "Patient" means an individual who possesses a medical cannabis
3 certificate authorizing such individual to purchase, possess and consume
4 medical cannabis or medical cannabis products in accordance with this act.
- 5 (n) "Person" means any natural person, corporation, limited liability
6 company, limited company, partnership or limited partnership.
- 7 (o) "Pharmacy" means a premises or other site that employs one or
8 more licensed pharmacists, as defined in K.S.A. 65-1626, and amendments
9 thereto, to dispense drugs that are offered for sale and that is registered
10 pursuant to K.S.A. 65-1643, and amendments thereto.
- 11 (p) "Physician" means an individual licensed to practice medicine and
12 surgery in this state.
- 13 (q) "Plant" means the plant cannabis sativa produced from a clone or
14 seed.
- 15 (r) (1) "Plant material" means the leaves, stems, buds and flowers of
16 the plant cannabis sativa.
- 17 (2) "Plant material" does not include seedlings, seeds, clones, stalks
18 or roots of the plant or the weight of any non-cannabis ingredients
19 combined with cannabis.
- 20 (s) "Postsecondary educational institution" means the same as defined
21 in K.S.A. 74-3201b, and amendments thereto.
- 22 (t) "Process" or "processing" means the extraction of cannabinoids
23 from medical cannabis for the production of medical cannabis products.
- 24 (u) "Qualifying medical condition" means any of the following:
- 25 (1) Acquired immune deficiency syndrome;
26 (2) amyotrophic lateral sclerosis;
27 (3) autism;
28 (4) cancer;
29 (5) chronic traumatic encephalopathy;
30 (6) Crohn's disease;
31 (7) epilepsy or another seizure disorder;
32 (8) fibromyalgia;
33 (9) multiple sclerosis;
34 (10) Parkinson's disease;
35 (11) post-traumatic stress disorder;
36 (12) sickle cell anemia;
37 (13) spinal cord disease or injury;
38 (14) traumatic brain injury;
39 (15) ulcerative colitis; or
40 (16) pain that is either chronic and severe or intractable.
- 41 (v) "Secretary" means the secretary of health and environment.
- 42 (w) "Smoking" means the act of consuming cannabis through
43 combustion and inhalation.

1 (x) "State contracted laboratory" means a laboratory that has entered
2 into a contract with the secretary pursuant to section 7, and amendments
3 thereto.

4 (y) "Tetrahydrocannabinol" or "THC" means the primary
5 psychoactive cannabinoid in cannabis.

6 (z) "Tetrahydrocannabinol content" means the sum of the amount of
7 tetrahydrocannabinol and 87.7% of the amount of tetrahydrocannabinolic
8 acid present in the product.

9 (aa) "Tetrahydrocannabinolic acid" means the acidic form of THC.

10 (bb) "Vaporization" means consumption of medical cannabis products
11 through inhalation of vaporized products.

12 New Sec. 3. (a) No person shall grow, harvest, process, sell, barter,
13 transport, deliver, furnish or otherwise possess any form of cannabis,
14 except as specifically provided in the medical cannabis pilot program act
15 or the commercial industrial hemp act, K.S.A. 2-3901 et seq., and
16 amendments thereto.

17 (b) Nothing in the medical cannabis pilot program act shall be
18 construed to:

19 (1) Require a physician to recommend that a patient use medical
20 cannabis to treat a qualifying medical condition;

21 (2) permit the use, possession or administration of medical cannabis
22 other than as authorized by this act;

23 (3) permit the use, possession or administration of medical cannabis
24 on federal land located in this state;

25 (4) require any public place to accommodate a patient's use of
26 medical cannabis;

27 (5) prohibit any public place from accommodating a patient's use of
28 medical cannabis; or

29 (6) restrict research related to cannabis conducted at a postsecondary
30 educational institution, academic medical center or private research and
31 development organization as part of a research protocol approved by an
32 institutional review board or equivalent entity.

33 New Sec. 4. (a) There is hereby established the medical cannabis
34 pilot program to be administered by the secretary of health and
35 environment.

36 (b) The secretary may enter into contracts with medical cannabis
37 operators for the cultivation and processing of medical cannabis and
38 medical cannabis products in this state. Each contract shall contain such
39 terms and conditions as required by this act and such other terms and
40 conditions as may be required and negotiated by the secretary. No term or
41 condition of any such contract shall conflict, either directly or indirectly,
42 with the provisions of this act. Each contract shall expire on or before July
43 1, 2029.

1 (c) The secretary shall not enter into a contract pursuant to subsection
2 (b) with more than four medical cannabis operators at any one time. For
3 the privilege of being a medical cannabis operator, each medical cannabis
4 operator shall agree to pay the secretary an annual amount of not less than
5 \$50,000.

6 (d) Each contract shall permit the medical cannabis operator to
7 commence operations in accordance with this act on July 1, 2024, or as
8 soon thereafter as the facilities of such medical cannabis operator used for
9 the cultivation or processing of medical cannabis and medical cannabis
10 products are deemed compliant with the provisions of this act by the
11 secretary.

12 (e) No contract shall be assignable except as mutually agreed to by
13 the medical cannabis operator and the secretary. Any assignee shall satisfy
14 the requirements of section 5, and amendments thereto, prior to the
15 execution of any agreement to assign such contract.

16 (f) If the secretary finds that a medical cannabis operator is in breach
17 of any provision of the contract or in violation of any provision of this act,
18 the secretary shall provide written notice of such breach or violation to
19 such medical cannabis operator. The medical cannabis operator shall have
20 30 days from the receipt of such written notice to remedy the breach or
21 violation, unless the written notice provides a longer period of time or the
22 parties to the contract agree to a longer period of time. If the medical
23 cannabis operator fails to remedy a breach or violation within the specified
24 period of time, the secretary may terminate such contract.

25 New Sec. 5. (a) All persons, if individuals, contracting with the
26 secretary pursuant to section 4, and amendments thereto, and all members,
27 partners, directors, managers, shareholders and officers of any other person
28 shall:

- 29 (1) Be a citizen of the United States;
- 30 (2) have not been convicted of a felony under the laws of this state,
31 any other state or the United States;
- 32 (3) be at least 21 years of age;
- 33 (4) not intend to carry on the authorized business activities or conduct
34 such business activities on behalf of or for the primary benefit of another
35 person who does not satisfy the requirements of this section;
- 36 (5) own or lease the premises on which the authorized business
37 activities will be conducted; and
- 38 (6) have been a resident of this state since July 1, 2021, except if the
39 person is a business entity, then not less than 80% of the total equity of
40 such business entity shall be held by individuals who have been a resident
41 of this state since July 1, 2021.

42 (b) At least one director, manager or officer of a business entity
43 contracting with the secretary pursuant to section 4, and amendments

1 thereto, shall have held a license as a hemp producer under the commercial
2 industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto, for
3 two years immediately prior to the execution of such contract. Such
4 individual shall also have served as a director, manager or officer of such
5 business entity during the same two-year period.

6 (c) All persons contracting with the secretary pursuant to section 4,
7 and amendments thereto, who are not individuals shall provide to the
8 secretary:

9 (1) A certificate of good standing;

10 (2) a copy of such person's bylaws, operating agreement or other
11 document providing for the governance of such person; and

12 (3) a certified document indicating:

13 (A) Each individual who holds an ownership interest in such person
14 and each individual who holds an ownership interest in any business entity
15 that holds an ownership interest in such person;

16 (B) the percentage of ownership interest of each such individual or
17 business entity; and

18 (C) the residential address of each such individual.

19 (d) Any contract entered into pursuant to section 4, and amendments
20 thereto, shall prohibit:

21 (A) Any compensation, fee, expense or similarly characterized non-
22 equity payment that is contingent on or otherwise determined in a manner
23 that factors in profits, sales, revenue or cash flow of any kind relating to
24 the operation of business activities by a medical cannabis operator,
25 including, but not limited to, profit-based consulting fees and percentage
26 rent payments;

27 (B) any convertible notes or other non-equity instruments used to
28 finance the authorized business activities of a medical cannabis operator if
29 the beneficiary of any such instrument is domiciled outside of this state;
30 and

31 (C) distributions by an operator to any person domiciled outside of
32 this state that exceed such recipient's pro rata share of the net profits
33 earned by a medical cannabis operator based on the recipient's ownership
34 interest in such medical cannabis operator. Each operator shall disclose to
35 the secretary any financial instrument, equity or distribution structure that
36 provides for the distribution of moneys by such operator to persons
37 domiciled, incorporated or otherwise organized outside of this state.

38 New Sec. 6. (a) Each medical cannabis operator may operate one or
39 more facilities for the cultivation of medical cannabis. Such facilities may
40 be contiguous to each other or located on separate parcels of real property.
41 A medical cannabis operator shall only:

42 (1) Cultivate and harvest medical cannabis flower in facilities that are
43 completely enclosed and windowless;

1 (2) conduct cultivation activities in such facilities on an aggregate of
2 25,000 square feet of floor area for mature, flowering cannabis plants.
3 Such floor area limitation shall not apply to any areas that do not contain
4 mature, flowering cannabis plants, including areas containing mother
5 plants, vegetative plants, clones or seedlings; and

6 (3) use single horizontal tiers for mature, flowering plants when
7 cultivating medical cannabis.

8 (b) Each medical cannabis operator may operate one or more
9 facilities for the processing of medical cannabis into medical cannabis
10 products. A medical cannabis operator shall only:

11 (1) Process medical cannabis in a secure, completely enclosed
12 facility;

13 (2) use extraction methods that do not involve any high-pressure
14 systems, potentially explosive systems or non-water or non-oil solvents,
15 including, but not limited to, butane, propane, ethanol or carbon dioxide;
16 and

17 (3) produce only those medical cannabis products that are permitted
18 for dispensing under section 12, and amendments thereto.

19 (c) A medical cannabis operator may commence cultivation activities
20 prior to the execution of a contract pursuant to section 4, and amendments
21 thereto, if the secretary issues a letter of intent to enter into a contract with
22 such medical cannabis operator. Such letter of intent shall specify the
23 medical cannabis operator the secretary intends to enter into a contract
24 with, the facility premises that may commence cultivation activities prior
25 to the execution of such contract and the date certain on which such
26 cultivation activities shall cease if no contract has been executed as of such
27 date. If a contract has not been executed prior to the date specified in the
28 letter of intent, such medical cannabis operator shall cease cultivation
29 activities until a contract is executed between such medical cannabis
30 operator and the secretary.

31 (d) A medical cannabis operator may contract with a person licensed
32 as a hemp processor under the commercial industrial hemp act, K.S.A. 2-
33 3901 et seq., and amendments thereto, to process medical cannabis into
34 medical cannabis products. All medical cannabis products produced
35 pursuant to such contract shall be subject to the testing provisions of
36 section 7, and amendments thereto, and the tracking requirements of
37 section 14, and amendments thereto.

38 (e) Each medical cannabis operator shall have an agreement with a
39 qualified company that performs audits of industrial safety practices and
40 hygiene measures. Prior to the commencement of operations, each facility
41 shall be determined compliant with minimum safety standards in hazard
42 communication, respiratory protection and emergency action planning.

43 (f) No medical cannabis or medical cannabis products shall be

1 cultivated or processed by a medical cannabis operator for personal use by
2 any member, partner, director, manager, officer, shareholder or employee
3 of such medical cannabis operator, or any family member or other
4 individual residing in the household of such member, partner, director,
5 manager, officer, shareholder or employee.

6 New Sec. 7. (a) No batch of medical cannabis or medical cannabis
7 products shall be sold unless a sample from such batch has been tested and
8 certified for use or consumption by the state contracted laboratory. Each
9 contract shall specify batch size, testing and certification requirements and
10 the identity of the state contracted laboratory. The batch size for medical
11 cannabis shall not be more than 10 pounds and the batch size for medical
12 cannabis products shall not be more than five liters or the equivalent of
13 such amount.

14 (b) The secretary shall enter into a contract with a laboratory for the
15 purpose of conducting compliance and quality assurance testing of
16 medical cannabis and medical cannabis products produced by medical
17 cannabis operators. The state contracted laboratory shall:

18 (1) At the time of execution of the contract with the secretary, operate
19 a laboratory in another state that tests cannabis and that holds an ISO
20 17025 accreditation;

21 (2) not be owned, in whole or in part, by any person who is a medical
22 cannabis operator or who has any ownership interest in a medical cannabis
23 operator;

24 (3) not have any member of its board of directors who is a medical
25 cannabis operator or who has any ownership interest in a medical cannabis
26 operator; and

27 (4) not employ any individual or any spouse, parent, child, sibling or
28 spouse of a child or sibling who is a medical cannabis operator or who has
29 any ownership interest in a medical cannabis operator.

30 (c) The state contracted laboratory shall develop testing standards and
31 procedures in consultation with the secretary. Such standards and
32 procedures shall include, but are not limited to, the following:

33 (1) The cleanliness and orderliness of the laboratory premises;

34 (2) the inspection, cleaning and maintenance of equipment and tools
35 used for the analysis of test samples;

36 (3) testing standards and procedures for cannabinoid potency,
37 terpene profiles and safe levels of contaminants;

38 (4) the methods for obtaining test samples and implementing an
39 inventory tracking system to ensure a secure chain of custody;

40 (5) controlled access areas for storage of medical cannabis and
41 medical cannabis product test samples, waste and reference standards;

42 (6) the establishment of a system to record and maintain all required
43 testing and analysis information, including test results, business records

1 and operating processes;

2 (7) the possession, storage and use of reagents, solutions and
3 reference standards;

4 (8) the issuance of a certificate of analysis for each tested batch;

5 (9) the transport and disposal of unused medical cannabis, medical
6 cannabis products and waste;

7 (10) employment records and logs of laboratory personnel;

8 (11) a written standard operating procedure manual that is regularly
9 maintained and updated; and

10 (12) procedures for the immediate recall of medical cannabis or
11 medical cannabis products that are determined to be unsafe.

12 (d) Testing standards developed by the state contracted laboratory
13 shall establish compliance thresholds for each of the following categories:

14 (1) Microbials;

15 (2) mycotoxins;

16 (3) residual solvents;

17 (4) pesticides;

18 (5) moisture content; and

19 (6) heavy metals.

20 (e) All batches of medical cannabis or medical cannabis product that
21 are determined to be noncompliant with the testing thresholds shall be
22 either remediated or destroyed by the medical cannabis operator who
23 submitted the test sample for such batch. The state contracted laboratory
24 shall provide guidance on the method of remediation for noncompliant
25 batches. All remediated batches shall be resubmitted for testing to ensure
26 compliance after remediation has been completed.

27 (f) The state contracted laboratory shall also test the cannabinoid
28 content, terpene profile and tetrahydrocannabinol content of all batches.

29 (g) The state contracted laboratory may charge medical cannabis
30 operators for the testing services required under this act.

31 (h) On or before June 30, 2025, and each June 30 thereafter, the state
32 contracted laboratory shall submit a report to the secretary containing the
33 following information for the immediately preceding 12 months:

34 (1) The total amount of medical cannabis and medical cannabis
35 products tested, and the percentage certified as satisfying the requirements
36 for use and consumption;

37 (2) laboratory testing standards and procedures used and a description
38 of the relative success of such standards and procedures;

39 (3) a description of the relative success of the laboratory standards
40 and testing requirements required under the medical cannabis pilot
41 program; and

42 (4) any recommendations regarding any of the requirements of this
43 act that would improve the medical cannabis pilot program and any

1 subsequent medical cannabis programs.

2 New Sec. 8. (a) (1) The secretary may enter into a contract with one
3 or more pharmacies to operate a distribution hub for the purpose of
4 dispensing medical cannabis and medical cannabis products in this state.
5 Each contract shall contain such terms and conditions as required by this
6 act and such other terms and conditions as may be required and negotiated
7 by the secretary. No term or condition of any such contract shall conflict,
8 either directly or indirectly, with the provisions of this act. Each contract
9 shall expire on or before July 1, 2029.

10 (2) For the privilege of operating a distribution hub, each pharmacy
11 shall agree to pay the secretary an annual amount of not less than \$500.

12 (3) No contract shall be assignable except as mutually agreed to by
13 the pharmacy and the secretary.

14 (4) If the secretary finds that a pharmacy is in breach of any provision
15 of the contract or in violation of any provision of this act, the secretary
16 shall provide written notice of such breach or violation to such pharmacy.
17 The pharmacy shall have 30 days from the receipt of such written notice to
18 remedy the breach or violation unless the written notice provides a longer
19 period of time or the parties to the contract agree to a longer period of
20 time. If the pharmacy fails to remedy a breach or violation within the
21 specified period of time, the secretary may terminate such contract.

22 (b) On or before September 1, 2024, the secretary shall determine if
23 pharmacies are precluded from operating distribution hubs by federal law
24 or regulations. If the secretary determines that pharmacies are precluded
25 from operating distribution hubs, the secretary may enter into contracts
26 with one or more medical cannabis operators for the operation of
27 distribution hubs. A medical cannabis operator shall not operate more than
28 seven distribution hubs. The provisions of section 4, and amendments
29 thereto, shall apply to any contract entered into between the secretary and
30 a medical cannabis operator pursuant to this section.

31 (c) Each distribution hub may obtain medical cannabis and medical
32 cannabis products from one or more medical cannabis operators, including
33 the operator that owns and operates such distribution hub. A distribution
34 hub may sell and deliver medical cannabis and medical cannabis products
35 to patients and caregivers in accordance with subsection (b).

36 (d) When selling or delivering medical cannabis and medical
37 cannabis products the distribution hub shall:

38 (1) Dispense medical cannabis and medical cannabis products only to
39 a patient or caregiver who provides a valid medical cannabis certificate
40 and a valid driver's license, state-issued nondriver's identification card or
41 other government-issued photo identification card;

42 (2) verify that the patient or caregiver purchasing the medical
43 cannabis or medical cannabis products is the individual named on the

1 medical cannabis certificate by using the valid photo identification
2 provided;

3 (3) ensure that the medical cannabis certificate submitted for such
4 patient or caregiver by such patient's physician matches the certificate
5 provided by such patient or caregiver;

6 (4) create and maintain records of all sales, including the type of
7 medical cannabis or medical cannabis product sold, the amount thereof,
8 date of sale and the name of the patient or caregiver to whom it was sold;
9 and

10 (5) comply with the packaging and labeling requirements of section
11 12, and amendments thereto.

12 (e) When verifying the validity of a medical cannabis certificate that
13 designates a caregiver, the caregiver and the patient shall both be
14 physically present at the time of verification and both shall provide the
15 required photo identification. All verified medical cannabis certificates
16 shall be maintained by the distribution hub either in physical or electronic
17 form.

18 (f) Each distribution hub shall take reasonable measures to prevent
19 the public disclosure of any information contained on a medical cannabis
20 certificate or photo identification, except as required by this act or court
21 order.

22 (g) (1) All sales of medical cannabis and medical cannabis products
23 shall require the patient or caregiver to order such medical cannabis or
24 medical cannabis products and complete payment prior to receiving such
25 medical cannabis or medical cannabis products at the distribution hub or
26 by delivery. Each patient or caregiver shall establish an account with a
27 distribution hub for the purpose of completing payment for medical
28 cannabis or medical cannabis products. A patient or caregiver account shall
29 be funded by a transfer of funds through a bank transfer, automated
30 clearing house transfer or debit transaction. Funds transferred to a patient
31 or caregiver account shall be nonrefundable.

32 (2) No medical cannabis or medical cannabis products shall be
33 purchased with cash or a credit card.

34 (3) Distribution hubs shall ensure that all patient and caregiver
35 financial account information is kept secure and confidential.

36 (h) No sale of medical cannabis or medical cannabis products shall
37 exceed the amount allowed under section 22, and amendments thereto.

38 (i) Each distribution hub shall take reasonable measures to prevent
39 diversion or theft of medical cannabis and medical cannabis products from
40 any distribution hub or vehicle used for delivery that is operated by such
41 distribution hub.

42 New Sec. 9. (a) A distribution hub may transport and deliver medical
43 cannabis and medical cannabis products from the premises of such

1 distribution hub to patients and caregivers. The medical cannabis operator
2 or pharmacy shall conduct a criminal history background check on all
3 individuals who transport or deliver medical cannabis or medical cannabis
4 products on behalf of such distribution hub. No individual who has been
5 convicted of a felony shall transport or deliver medical cannabis or
6 medical cannabis products.

7 (b) All vehicles used for the transportation of medical cannabis or
8 medical cannabis products shall have GPS tracking, a dashboard camera
9 and a camera covering all areas containing medical cannabis or medical
10 cannabis products within such vehicle. Such vehicle cameras shall record
11 activity any time such vehicle is being loaded with medical cannabis or
12 medical cannabis products or is located outside the premises of a
13 distribution hub.

14 (c) A distribution hub may contract with one or more delivery service
15 providers for the purpose of delivering medical cannabis and medical
16 cannabis products to patients and caregivers. Such delivery service
17 providers shall comply with applicable provisions of this act relating to the
18 delivery of medical cannabis and medical cannabis products, vehicles used
19 for such deliveries and individuals making such deliveries. The
20 distribution hub shall be responsible for ensuring such compliance.

21 (d) A distribution hub may sell products that are reasonably necessary
22 for patients to consume medical cannabis and medical cannabis products
23 in accordance with this act. The sale of pipes, water pipes or other
24 paraphernalia utilized for the smoking of cannabis, tobacco or other
25 smokable products shall be prohibited.

26 New Sec. 10. Each distribution hub shall collaborate with the
27 secretary in the collection of patient data through voluntary surveys
28 completed by patients. Data collected via such surveys shall be collected
29 by distribution hubs and may be used by the secretary for the purpose of
30 studying medical cannabis. Such survey results shall be collected and
31 compiled in a manner that protects against disclosure of patient identities.
32 Distribution hubs shall provide patients and caregivers the option to
33 participate in such surveys at such times that the patient or caregiver is
34 receiving medical cannabis or medical cannabis products from the
35 distribution hub.

36 New Sec. 11. (a) On or before June 30, 2025, and each June 30
37 thereafter, each medical cannabis operator shall submit a report to the
38 secretary for each facility used for the cultivation or processing of medical
39 cannabis by such operator. Each report shall contain the following
40 information for the immediately preceding 12 months:

- 41 (1) The total amount of medical cannabis cultivated and harvested;
- 42 (2) the total amount of medical cannabis processed into medical
43 cannabis products;

1 (3) a description of the cultivation and processing procedures used
2 and the relative effectiveness of such procedures;

3 (4) a description of the impact the requirements of this act had on the
4 business operations of the medical cannabis operator under the medical
5 cannabis pilot program; and

6 (5) any recommendations regarding any of the requirements of this
7 act that would improve the medical cannabis pilot program or any
8 subsequent medical cannabis program.

9 (b) On or before June 30, 2025, and each June 30 thereafter, each
10 distribution hub shall submit a report to the secretary. Each report shall
11 contain the following information for the immediately preceding 12
12 months:

13 (1) The total amount of medical cannabis and medical cannabis
14 products sold to patients and caregivers and the portion of such amount
15 that was provided in person at a distribution hub and that was delivered;

16 (2) a description of the operating procedures used in the storage,
17 transportation, sale and delivery of medical cannabis and medical cannabis
18 products to patients and caregivers;

19 (3) a description of the impact the requirements of this act had on the
20 business operations of the distribution hub under the medical cannabis
21 pilot program; and

22 (4) any recommendations regarding any of the requirements of this
23 act that would improve the medical cannabis pilot program or any
24 subsequent medical cannabis program.

25 New Sec. 12. (a) Only the following forms of medical cannabis may
26 be dispensed under the medical cannabis pilot program:

27 (1) Medical cannabis flower;

28 (2) pills or tablets;

29 (3) tinctures;

30 (4) patches; or

31 (5) ointments.

32 (b) The smoking, combustion or vaporization of medical cannabis or
33 medical cannabis products is prohibited. The inhalation of vapors released
34 by the non-combustive heating of cannabis flower shall not be considered
35 smoking or vaporization.

36 (c) Medical cannabis shall not contain a tetrahydrocannabinol content
37 in excess of 35%. Any medical cannabis having more than such amount of
38 THC shall be processed into medical cannabis products or destroyed.

39 (d) All medical cannabis and medical cannabis products sold to
40 patients and caregivers shall:

41 (1) Be contained in tamper-proof and child-resistant packaging; and

42 (2) have an attached label displaying:

43 (A) The patient's name, and, if applicable, the caregiver's name;

1 (B) the date of purchase;

2 (C) the name and address of the medical cannabis operator that
3 produced the medical cannabis or medical cannabis product and the name,
4 address and phone number of the distribution hub that sold such medical
5 cannabis or medical cannabis product;

6 (D) the directions for use and the date on which the medical cannabis
7 or medical cannabis product was packaged;

8 (E) the tetrahydrocannabinol content contained in each serving if it is
9 a medical cannabis product, or as a percentage by weight if it is medical
10 cannabis; and

11 (F) a statement that reads "Medical cannabis use is not recommended
12 for women who are pregnant."; and

13 (G) a statement that reads "DO NOT OPEN THIS BAG WHILE IN
14 TRANSIT. It is illegal to possess medical cannabis or medical cannabis
15 products outside of this sealed bag while inside any motor vehicle,
16 watercraft or aircraft."

17 New Sec. 13. (a) No signage, including any advertisements for
18 medical cannabis or medical cannabis products, shall be visible from the
19 exterior of any facility of a medical cannabis operator used for cultivation
20 or processing.

21 (b) No medical cannabis operator shall advertise the sale, possession
22 or use of medical cannabis or medical cannabis products through
23 television, radio, billboards, portable signage or other broadcast media,
24 except advertisements for medical cannabis or medical cannabis products
25 may be published via the internet. Advertisements permitted under this
26 section, including any advertisements published by a distribution hub,
27 shall not contain any:

28 (1) Representation or suggestion that any medical cannabis or
29 medical cannabis product is an effective treatment for any illness, disease,
30 adverse condition or malady, whether such illness, disease, condition or
31 malady is a qualifying medical condition;

32 (2) representation or suggestion that a medical cannabis brand or
33 product is more effective or safer than other drugs or treatments, including
34 other medical cannabis brands or products;

35 (3) statement that is false or misleading or is otherwise in violation of
36 the Kansas consumer protection act;

37 (4) statement that falsely disparages a competitor's products;

38 (5) statement, design, representation, picture or illustration that:

39 (A) Is obscene or indecent;

40 (B) encourages or represents the use of cannabis or cannabis products
41 for any purpose other than for treating a qualifying medical condition; or

42 (C) portrays anyone under 21 years of age;

43 (6) offer of a prize or award to any person; or

1 (7) statement that indicates or implies that the product or entity in the
2 advertisement has been approved or endorsed by any agency, officer or
3 agent of the state of Kansas or any person or entity associated with the
4 state.

5 (c) No medical cannabis operator or pharmacy shall engage, contract
6 or otherwise enter into any agreement with any person for the purpose of
7 advertising medical cannabis or medical cannabis products in any manner
8 prohibited by this section.

9 New Sec. 14. (a) Each medical cannabis operator shall monitor all
10 medical cannabis and medical cannabis products that become part of such
11 operator's inventory from the seed source through the cultivation, testing,
12 processing, distribution and dispensing of such medical cannabis or
13 medical cannabis product utilizing a tracking system as agreed to by the
14 secretary. The same tracking system shall be utilized by all operators. Each
15 distribution hub operated by a pharmacy shall participate in the tracking
16 system through coordination with the medical cannabis operators that sell
17 medical cannabis and medical cannabis products to such distribution hub.

18 (b) Upon request, a medical cannabis operator shall make all tracking
19 information available to the secretary, the state contracted laboratory and
20 any law enforcement agency, its officers and agents.

21 New Sec. 15. (a) No distribution hub shall be located within 1,000
22 feet of the boundaries of a parcel of real estate having situated on it a
23 school, public library or public park.

24 (b) No cultivation or processing facility shall be located within 500
25 feet of the boundaries of a parcel of real estate having situated on it a
26 school, public library or public park. A cultivator or processor facility shall
27 be located on real property that is classified as an industrial zone.

28 (c) It shall not be a violation of this section if a distribution hub or
29 cultivation or processing facility existed at a location prior to the
30 establishment of a school, public library or public park that is located on
31 real estate that is within minimum required distance of such facility as
32 specified in this section.

33 (d) This section shall not apply to research related to cannabis
34 conducted at a postsecondary educational institution, academic medical
35 center or private research and development organization as part of a
36 research protocol approved by an institutional review board or equivalent
37 entity.

38 (e) All distribution hubs and cultivator and processing facilities shall
39 comply with all applicable zoning and building regulations.

40 (f) As used in this section:

41 (1) "Public library" means any library established pursuant to article
42 12 of chapter 12 of the Kansas Statutes Annotated, and amendments
43 thereto, and any other library that serves the general public and is funded

1 in whole, or in part, from moneys derived from tax levies;

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

6 (3) "school" means any public or private preschool, elementary,
7 middle or high school or other attendance center for kindergarten or any of
8 the grades one through 12.

9 New Sec. 16. (a) The premises for any distribution hub or cultivation
10 or processing facility shall be equipped with security equipment and
11 measures to prevent unauthorized access and the theft, diversion or
12 inversion of medical cannabis or medical cannabis products. As a condition
13 of each contract, such security equipment and measures shall include:

14 (1) Exterior lighting sufficient to illuminate all entrances to such
15 premises;

16 (2) electronic video monitoring in accordance with subsection (c);

17 (3) except for areas designated for patient and caregiver access,
18 controlled access to all areas within the premises by means of electronic
19 card access systems, biometric identification systems or similar systems
20 that:

21 (A) Provide for the automatic locking of all external access doors in
22 the event of power loss; and

23 (B) records access information by date, time and identity of the
24 individual accessing such areas and retains such information for at least
25 one year;

26 (4) secured windows, if any, to prevent opening or other access to
27 such areas via such windows; and

28 (5) alarm systems that provide:

29 (A) Immediate, automatic notification of local law enforcement
30 agencies of any unauthorized breach of the security of the premises; and

31 (B) for distribution hubs, manual, silent alarms in each area
32 designated for patient and caregiver access that provides for the
33 immediate, automatic notification of local law enforcement agencies.

34 (b) Any electronic video monitoring system shall:

35 (1) Include coverage of:

36 (A) The interior and exterior of all entrances to the premises;

37 (B) any area designated for parking on the premises;

38 (C) each area designated for patient and caregiver access;

39 (D) all vaults, safes or storage areas containing medical cannabis or
40 medical cannabis products; and

41 (E) all areas where medical cannabis and medical cannabis products
42 are cultivated, processed, prepared for sale or delivery or disposed of as
43 waste;

1 (2) store all video recordings for at least 90 days in a secure location
2 on or off the premises or through a secure service or network that provides
3 on-demand access to such recordings. All such recordings shall be made
4 available upon request to the secretary and any law enforcement agency,
5 its officers and agents; and

6 (3) accurately display the date and time of all recorded events in a
7 manner that does not obstruct the recorded view.

8 (c) Each medical cannabis operator and pharmacy shall establish
9 policies and procedures for the security of premises of each facility
10 operated by such operator. Such policies and procedures shall include:

11 (1) Controlling access to all areas that are not designated for patient
12 and caregiver access;

13 (2) posting signage stating that all transactions are cashless and that
14 no money is kept on premises;

15 (3) use of electronic video monitoring systems;

16 (4) use of alarm systems, including the use of manual, silent alarms
17 for distribution hubs; and

18 (5) communication with local law enforcement agencies regarding
19 unauthorized security breaches and the employment and identity of any
20 armed security personnel by the licensee.

21 (d) Each medical cannabis operator and pharmacy shall ensure that all
22 employees have completed training in security equipment and measures,
23 including:

24 (1) Prevention of theft, diversion and inversion of medical cannabis
25 and medical cannabis products;

26 (2) emergency response procedures;

27 (3) appropriate use of force; and

28 (4) controlling access to areas that are not designated for patient and
29 caregiver access.

30 (e) Except as provided in subsection (b)(2), each medical cannabis
31 operator and pharmacy shall retain all documents related to security
32 equipment and measures and any other documents related to the operations
33 of the facility for a period of two years. Such documents shall be made
34 available upon request to the secretary.

35 (f) Each medical cannabis operator and pharmacy shall ensure that all
36 medical cannabis waste is destroyed or otherwise disposed of in a manner
37 that prevents access to such waste by any person not authorized by such
38 operator or pharmacy.

39 (g) For distribution hubs and cultivation and processing facilities
40 whose physical structures are in existence on July 1, 2024, the
41 requirements of this section shall be satisfied on or before September 1,
42 2024. For all other facilities, the requirements of this section shall be
43 satisfied prior to commencement of operations.

1 New Sec. 17. (a) All individuals holding an ownership interest in or
2 actively engaging in the operations of a medical cannabis operator or a
3 distribution hub operated by a pharmacy shall not have been convicted of a
4 felony. Each medical cannabis operator and pharmacy shall take
5 reasonable measures to ensure compliance with this section, including, but
6 not limited to, conducting criminal history background checks. Each
7 operator and pharmacy shall maintain an employee roster and log that
8 includes the identity, address, contact information and criminal history
9 background check information for each employed individual.

10 (b) All directors, managers, officers and any other employee of a
11 medical cannabis operator or pharmacy shall be considered to be actively
12 engaged in the operations of such operator or pharmacy. Independent
13 contractors shall not be considered to be actively engaged in operations if
14 such contractors are not directly engaged in the cultivation, processing or
15 sale of medical cannabis or medical cannabis products.

16 New Sec. 18. (a) A financial institution that provides financial
17 services to any medical cannabis operator, pharmacy or state contracted
18 laboratory shall be exempt from any criminal law of this state, an element
19 of which may be proven beyond a reasonable doubt that a person provides
20 financial services to a person who possesses, delivers or manufactures
21 medical cannabis or medical cannabis products, including any of the
22 offenses specified in article 57 of chapter 21 of the Kansas Statutes
23 Annotated, and amendments thereto, or any attempt, conspiracy or
24 solicitation specified in article 53 of chapter 21 of the Kansas Statutes
25 Annotated, and amendments thereto, if the medical cannabis operator,
26 pharmacy or state contracted laboratory is in compliance with the
27 provisions of this act and all applicable tax laws of this state.

28 (b) Upon the request of a financial institution, the secretary, medical
29 cannabis operator, pharmacy or state contracted laboratory shall provide to
30 the financial institution the following information:

31 (1) Whether a person with whom the financial institution is seeking to
32 do business has a contract with the secretary to operate as a medical
33 cannabis operator, operate a distribution hub or a state contracted
34 laboratory;

35 (2) the name of any other business or individual affiliated with such
36 person; and

37 (3) information relating to sales and volume of product sold by such
38 person, if applicable.

39 (c) Information received by a financial institution under subsection
40 (b) is confidential. Except as otherwise permitted by any other state or
41 federal law, a financial institution shall not make the information available
42 to any person other than the customer to whom the information applies and
43 any trustee, conservator, guardian, personal representative or agent of such

1 customer.

2 (d) As used in this section:

3 (1) "Financial institution" means any bank, trust company, savings
4 bank, credit union or savings and loan association or any other financial
5 institution regulated by the state of Kansas, any agency of the United
6 States or other state with an office in Kansas that complies with the
7 requirements of the financial crimes enforcement network of the United
8 States treasury department; and

9 (2) "financial services" means services that a financial institution is
10 authorized to provide under chapter 9 or article 22 of chapter 17 of the
11 Kansas Statutes Annotated, and amendments thereto, as applicable.

12 New Sec. 19. The secretary shall designate at least five physicians for
13 the purpose of issuing medical cannabis certificates to patients. Designated
14 physicians may issue medical cannabis certificates to patients suffering
15 from a qualifying medical condition when such patient's primary care
16 physician declines to issue such certificate for any reason. To the extent
17 practicable, the secretary shall designate physicians from different parts of
18 the state to ensure patients are able to have reasonable geographic access
19 to such physicians.

20 New Sec. 20. (a) It shall be unlawful for:

21 (1) A patient to purchase, possess or consume medical cannabis and
22 medical cannabis products unless such patient holds a valid medical
23 cannabis certificate; and

24 (2) any other individual to purchase or possess medical cannabis and
25 medical cannabis products on behalf of a patient or to assist such patient in
26 the consumption of medical cannabis and medical cannabis products
27 unless such individual is designated as such patient's caregiver on a valid
28 medical cannabis certificate and holds a copy of such valid medical
29 cannabis certificate.

30 (b) Patients and caregivers shall be at least 21 years of age.

31 (c) A physician may issue a medical cannabis certificate if the:

32 (1) Physician is the patient's primary care physician or a physician
33 designated by the secretary pursuant to section 19, and amendments
34 thereto, and determined that the patient suffers from one or more
35 qualifying medical conditions;

36 (2) physician has reviewed the patient's medical records and has
37 reasonably determined that such patient is not currently or likely to be
38 diagnosed with schizophrenia after taking into consideration such patient's
39 family history of schizophrenia;

40 (3) physician has informed the patient of the risks and benefits of
41 medical cannabis use as it pertains to the patient's qualifying medical
42 condition and medical history;

43 (4) physician reasonably believes that the benefits of medical

1 cannabis use by the patient outweigh its risks after considering the patient's
2 history of substance abuse and the potential detrimental effects of medical
3 cannabis use on the patient's health; and

4 (5) caregiver, if designated, is present at the time the medical
5 cannabis certificate is issued and the physician reasonably believes that the
6 patient would not be capable or would have significant difficulty in
7 purchasing, possessing or consuming medical cannabis or medical
8 cannabis products without the assistance of the caregiver.

9 (d) A medical cannabis certificate shall be in writing, signed by the
10 physician, patient and caregiver, if designated, and include the following:

11 (1) The name, address and phone number of the patient and any
12 caregiver, if designated;

13 (2) the name, address and phone number of the physician issuing the
14 certificate;

15 (3) the date such certificate was issued;

16 (4) a statement from the physician certifying that:

17 (A) The physician is either the patient's primary care physician or a
18 designated physician pursuant to section 19, and amendments thereto,
19 authorized to issue medical cannabis certificates;

20 (B) the qualifying medical condition the patient suffers from; and

21 (C) the physician recommends the patient treat the symptoms of the
22 qualifying medical condition by consumption of medical cannabis and
23 medical cannabis products;

24 (5) a certification by the patient and caregiver, if designated, that
25 neither the patient nor caregiver has knowingly misstated, misled, lied to
26 or otherwise provided false information to the physician that is relevant to
27 the diagnosis of the qualifying medical condition or the issuance of the
28 medical cannabis certificate;

29 (6) a certification by the physician, patient and caregiver, if
30 designated, that all of the information contained in the medical cannabis
31 certificate is true and accurate to the best of their belief;

32 (7) the name and address of the designated distribution hub for the
33 purchase of medical cannabis and medical cannabis products by the patient
34 and caregiver, if designated;

35 (8) an authorization, including a waiver of applicable healthcare
36 privacy rights, by the patient allowing the physician to communicate with
37 the designated distribution hub and discuss any of the information
38 contained in the medical cannabis certificate;

39 (9) the identification, if any, of one caregiver to assist the patient in
40 the purchase, possession and consumption of medical cannabis and
41 medical cannabis products; and

42 (10) a certification by the caregiver, if designated, that such caregiver
43 has not been convicted of any drug-related felony, whether such conviction

1 has been expunged.

2 (e) The physician issuing the medical cannabis certificate shall
3 transmit a copy of such certificate sent to the designated distribution hub.
4 Patients and caregivers shall only purchase medical cannabis and medical
5 cannabis products from the designated distribution hub, except that
6 patients and caregivers may purchase medical cannabis and medical
7 cannabis products from an alternate distribution hub if:

8 (1) The designated distribution hub transmits a copy of the patient's
9 medical cannabis certificate to such alternate distribution hub;

10 (2) the designated distribution hub notifies such alternate distribution
11 hub of the amount of medical cannabis and medical cannabis products
12 purchased by the patient or caregiver in the 30 days prior to transmitting
13 such patient's medical cannabis certificate;

14 (3) the patient or caregiver does not purchase in the aggregate an
15 amount of medical cannabis and medical cannabis products that exceeds
16 the amount specified in section 22, and amendments thereto, from all
17 distribution hubs; and

18 (4) such alternate distribution hub notifies the designated distribution
19 hub of the amount of medical cannabis and medical cannabis products
20 purchased by the patient or caregiver.

21 (f) A medical cannabis certificate shall be valid for a period of one
22 year from the date of issuance.

23 (g) The physician issuing the medical cannabis certificate for a
24 patient shall not also serve as such patient's designated caregiver.

25 (h) A physician who issues a medical cannabis certificate shall be
26 exempt from liability for any injuries or other damages arising from or
27 otherwise related to the purchase, possession or consumption of medical
28 cannabis or medical cannabis products by the patient or caregiver, if any,
29 named on such certificate if, at the time such certificate is issued, such
30 physician:

31 (1) Has reviewed such patient's medical records and reasonably
32 believes that such patient is not pregnant and is not likely to suffer from
33 schizophrenia; and

34 (2) reasonably believes that such patient suffers from a qualifying
35 medical condition based on the information provided by such patient and
36 such information is supported by such patient's medical records.

37 (i) Providing false information to a physician for the purpose of
38 obtaining a medical cannabis certificate shall not be a confidential
39 communication between such physician and patient and neither the patient
40 or the caregiver, if designated, shall have a privilege in any prosecution for
41 unlawfully possessing a controlled substance under K.S.A. 21-5706, and
42 amendments thereto, or unlawfully possessing drug paraphernalia under
43 K.S.A. 21-5709, and amendments thereto.

1 (j) Nothing in this act shall be construed to prohibit a person who is
2 designated as a caregiver on a valid medical cannabis certificate from
3 being issued a medical cannabis certificate as a patient.

4 New Sec. 21. Law enforcement agencies may obtain verification of a
5 medical cannabis certificate from a patient's physician or a distribution hub
6 when necessary to verify that a patient or caregiver is in compliance with
7 this act. Each patient and caregiver shall promptly deliver such patient's
8 medical cannabis certificate upon demand of any officer of a court of
9 competent jurisdiction or any law enforcement officer when the certificate
10 is in such patient's or caregiver's immediate possession at the time of the
11 demand.

12 New Sec. 22. (a) A patient who holds a valid medical cannabis
13 certificate may:

14 (1) Use or consume medical cannabis and medical cannabis products;
15 (2) subject to subsection (b), purchase and possess medical cannabis
16 and medical cannabis products; and

17 (3) purchase and possess any paraphernalia or accessories used to
18 administer or consume medical cannabis and medical cannabis products.

19 (b) A patient shall not purchase medical cannabis or medical cannabis
20 products in an amount that exceeds in the aggregate 200 grams of
21 unprocessed medical cannabis flower or 3.47 grams of
22 tetrahydrocannabinol contained in any medical cannabis product during
23 any 30-day period of time.

24 (c) Caregivers who hold a valid medical cannabis certificate on which
25 such individual is the designated caregiver may purchase and possess
26 medical cannabis, medical cannabis products, paraphernalia and
27 accessories used to administer or consume medical cannabis and medical
28 cannabis products on behalf of the patient named on the medical cannabis
29 certificate, and may reasonably assist such patient with using or
30 consuming medical cannabis and medical cannabis products. The
31 provisions of subsection (b) shall apply to the purchase of medical
32 cannabis and medical cannabis products by a caregiver. No other use or
33 consumption of any medical cannabis or medical cannabis products
34 purchased and possessed by a caregiver on behalf of a patient shall be
35 permitted.

36 (d) Nothing in this section shall be construed to authorize a patient to
37 operate a motor vehicle, watercraft or aircraft while under the influence of
38 medical cannabis or medical cannabis products. No patient or caregiver
39 shall possess medical cannabis or medical cannabis products while
40 operating or traveling in any motor vehicle, watercraft or aircraft unless
41 such medical cannabis or medical cannabis products are contained in the
42 original, sealed packaging obtained from the distribution hub. Any medical
43 cannabis or medical cannabis products in a motor vehicle, watercraft or

1 aircraft that are not contained in the original, sealed packaging shall be
2 considered unlawful possession under this act, and neither the patient or
3 the caregiver, if designated, shall have a privilege in any prosecution for
4 unlawfully possessing a controlled substance under K.S.A. 21-5706, and
5 amendments thereto, or unlawfully possessing drug paraphernalia under
6 K.S.A. 21-5709, and amendments thereto.

7 New Sec. 23. Nothing in this act authorizes the secretary to oversee
8 or limit research conducted at a postsecondary educational institution,
9 academic medical center or private research and development organization
10 that is related to cannabis and is approved by an agency, board, center,
11 department or institute of the United States government, including any of
12 the following:

- 13 (a) The agency for health care research and quality;
- 14 (b) the national institutes of health;
- 15 (c) the national academy of sciences;
- 16 (d) the centers for medicare and medicaid services;
- 17 (e) the United States department of defense;
- 18 (f) the centers for disease control and prevention;
- 19 (g) the United States department of veterans affairs;
- 20 (h) the drug enforcement administration;
- 21 (i) the food and drug administration; and
- 22 (j) any board recognized by the national institutes of health for the
23 purpose of evaluating the medical value of healthcare services.

24 New Sec. 24. No provisions of the medical cannabis pilot program
25 act shall be construed to:

- 26 (a) Require an employer to permit or accommodate the use,
27 consumption, possession, transfer, display, distribution, transportation, sale
28 or growing of cannabis or any conduct otherwise allowed by this act in any
29 workplace or on the employer's property;
- 30 (b) prohibit a person, employer, corporation or any other entity that
31 occupies, owns or controls a property from prohibiting or otherwise
32 regulating the use, consumption, possession, transfer, display, distribution,
33 transportation, sale or growing of cannabis on such property;
- 34 (c) require any government medical assistance program, a private
35 health insurer or a workers compensation carrier or self-insured employer
36 providing workers compensation benefits to reimburse a person for costs
37 associated with the use of medical cannabis;
- 38 (d) affect the ability of an employer to implement policies to promote
39 workplace health and safety by restricting the use of cannabis by
40 employees;
- 41 (e) prohibit an employer from:
 - 42 (1) Establishing and enforcing a drug testing policy, drug-free
43 workplace policy or zero-tolerance drug policy;

1 (2) disciplining an employee for a violation of a workplace drug
2 policy or for working while under the influence of cannabis; or

3 (3) including a provision in any contract that prohibits the use of
4 cannabis;

5 (f) prevent an employer from, because of a person's violation of a
6 workplace drug policy or because that person was working while under the
7 influence of cannabis:

8 (1) Refusing to hire a person;

9 (2) discharging a person;

10 (3) disciplining a person; or

11 (4) otherwise taking an adverse employment action against a person
12 with respect to hiring decisions, tenure, terms, conditions or privileges of
13 employment; or

14 (g) permit the possession or use of medical cannabis by any person
15 detained in a correctional institution, as defined in K.S.A. 21-5914, and
16 amendments thereto, or committed to a care and treatment facility, as
17 defined in K.S.A. 21-5914, and amendments thereto.

18 New Sec. 25. On or before January 15 of each year, the secretary
19 shall prepare and submit a report to the governor and the legislature on the
20 medical cannabis pilot program. Each report shall contain:

21 (a) The information submitted by each medical cannabis operator in
22 the reports required pursuant to section 11, and amendments thereto;

23 (b) a description by the secretary of the relative success of policies,
24 procedures, standards and requirements imposed under the medical
25 cannabis pilot program; and

26 (c) any recommendations from the secretary that would help make the
27 medical cannabis pilot program and any subsequent cannabis-related
28 program successful.

29 New Sec. 26. The provisions of the medical cannabis pilot program
30 act are declared to be severable. If any part or provision of the medical
31 cannabis pilot program act is held to be void, invalid or unconstitutional,
32 such part or provision shall not affect or impair any of the remaining parts
33 or provisions of the medical cannabis pilot program act, and any such
34 remaining provisions shall continue in full force and effect.

35 New Sec. 27. The provisions of the medical cannabis pilot program
36 act, sections 1 through 27, and amendments thereto, shall expire on July 1,
37 2029.

38 New Sec. 28. (a) It shall be unlawful to store or otherwise leave
39 medical cannabis or a medical cannabis product where it is readily
40 accessible to a person under 21 years of age. Such conduct shall be
41 unlawful with no requirement of a culpable mental state.

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

43 (c) As used in this section:

1 (1) "Medical cannabis" and "medical cannabis product" mean the
2 same as such terms are defined in section 2, and amendments thereto; and

3 (2) "readily accessible" means the medical cannabis or medical
4 cannabis product is not stored in a locked container that restricts access to
5 such container solely to individuals who are 21 years of age or older.

6 (d) This section shall be a part of and supplemental to the Kansas
7 criminal code.

8 (e) The provisions of this section shall expire on July 1, 2029.

9 New Sec. 29. (a) No law enforcement officer shall enforce any
10 violations of 18 U.S.C. § 922(g)(3) if the substance involved in such
11 violation is medical cannabis or medical cannabis products and such
12 person is a patient whose possession is authorized by the medical
13 cannabis pilot program act, section 1 et seq., and amendments thereto.

14 (b) As used in this section:

15 (1) "Law enforcement officer" means the same as defined in K.S.A.
16 74-5602, and amendments thereto; and

17 (2) "medical cannabis" and "medical cannabis product" mean the
18 same as defined in section 2, and amendments thereto.

19 (c) The provisions of this section shall expire on July 1, 2029.

20 New Sec. 30. (a) A covered entity, solely on the basis that an
21 individual consumes medical cannabis as authorized by the medical
22 cannabis pilot program act, section 1 et seq., and amendments thereto,
23 shall not:

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

26 (2) deny medical and other services related to organ transplantation,
27 including evaluation, surgery, counseling and post-transplantation
28 treatment and services;

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

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

33 (5) place such individual at a lower-priority position on an organ
34 transplant waiting list than the position at which such individual would
35 have been placed if not for such individual's consumption of medical
36 cannabis or medical cannabis products.

37 (b) A covered entity may consider an individual's consumption of
38 medical cannabis or medical cannabis products when making treatment or
39 coverage recommendations or decisions, solely to the extent that such
40 consumption has been found by a physician, following an individualized
41 evaluation of the individual, to be medically significant to the provision of
42 the anatomical gift.

43 (c) Nothing in this section shall be construed to require a covered

1 entity to make a referral or recommendation for or perform a medically
2 inappropriate organ transplant.

3 (d) As used in this section:

4 (1) The terms "anatomical gift," "covered entity" and "organ
5 transplant" mean the same as defined in K.S.A. 65-3276, and amendments
6 thereto; and

7 (2) the term "medical cannabis" means the same as defined in section
8 2, and amendments thereto.

9 (e) The provisions of this section shall expire on July 1, 2029.

10 New Sec. 31. (a) No order shall be issued pursuant to K.S.A. 38-
11 2242, 38-2243 or 38-2244, and amendments thereto, if the sole basis for
12 the threat to the child's safety or welfare is that the child resides with an
13 individual who consumes medical cannabis or medical cannabis products
14 as authorized by the medical cannabis pilot program act, section 1 et seq.,
15 and amendments thereto.

16 (b) This section shall be a part of and supplemental to the revised
17 Kansas code for care of children.

18 (c) The provisions of this section shall expire on July 1, 2029.

19 New Sec. 32. (a) Notwithstanding the provisions of K.S.A. 65-2836,
20 and amendments thereto, the board shall not revoke, suspend or limit a
21 physician's license, publicly censure a physician or place a physician's
22 license under probationary conditions for any of the following:

23 (1) The physician has:

24 (A) Advised a patient about the possible benefits and risks of using
25 medical cannabis; or

26 (B) advised the patient that using medical cannabis may mitigate the
27 patient's symptoms; or

28 (2) the physician is a patient or caregiver and possesses or has
29 possessed or uses or has used medical cannabis or medical cannabis
30 products as authorized by the medical cannabis pilot program act, section
31 1 et seq., and amendments thereto.

32 (b) As used in this section, the terms "caregiver," "medical cannabis,"
33 "medical cannabis product," and "patient" mean the same as such terms are
34 defined in section 2, and amendments thereto.

35 (c) The provisions of this section shall expire on July 1, 2029.

36 New Sec. 33. (a) Notwithstanding the provisions of K.S.A. 65-28a05,
37 and amendments thereto, the board shall not revoke, suspend or limit a
38 physician assistant's license, publicly or privately censure a physician
39 assistant or deny an application for a license or for reinstatement of a
40 license for any of the following:

41 (1) The physician assistant has:

42 (A) Advised a patient about the possible benefits and risks of using
43 medical cannabis; or

1 (B) advised the patient that using medical cannabis may mitigate the
2 patient's symptoms; or

3 (2) the physician assistant is a patient or caregiver and possesses or
4 has possessed or uses or has used medical cannabis or medical cannabis
5 products as authorized by the medical cannabis pilot program act, section
6 1 et seq., and amendments thereto.

7 (b) As used in this section, the terms "caregiver," "medical cannabis,"
8 "medical cannabis product" and "patient" mean the same as such terms are
9 defined in section 2, and amendments thereto.

10 (c) The provisions of this section shall expire on July 1, 2029.

11 New Sec. 34. (a) Notwithstanding any other provision of law, any
12 person, board, commission or similar body that determines the
13 qualifications of individuals for licensure, certification or registration shall
14 not disqualify an individual from licensure, certification or registration
15 solely because such individual consumes medical cannabis or medical
16 cannabis products as authorized by the medical cannabis pilot program act,
17 section 1 et seq., and amendments thereto.

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

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

20 (2) Kansas highway patrol; or

21 (3) office of the attorney general.

22 (c) The provisions of this section shall expire on July 1, 2029.

23 New Sec. 35. (a) A tax is hereby imposed upon the privilege of
24 selling medical cannabis and medical cannabis products in this state by
25 any medical cannabis operator at the rate of 8% on the gross receipts
26 received from the sale of medical cannabis and medical cannabis products
27 to patients and caregivers holding a valid medical cannabis certificate as
28 authorized by the medical cannabis pilot program act, section 1 et seq., and
29 amendments thereto. The tax imposed by this section shall be paid by the
30 patient or caregiver at the time of purchase.

31 (b) On or before the 20th day of each calendar month, every medical
32 cannabis operator shall file a return with the director of taxation showing
33 the quantity of medical cannabis and medical cannabis products sold to
34 patients and caregivers within this state during the preceding calendar
35 month. Each return shall be accompanied by a remittance for the full tax
36 liability shown.

37 (c) All moneys received by the director of taxation or the director's
38 designee from taxes imposed by this section shall be remitted to the state
39 treasurer in accordance with the provisions of K.S.A. 75-4215, and
40 amendments thereto. Upon receipt of each such remittance, the state
41 treasurer shall deposit the entire amount in the state treasury. Subject to the
42 maintenance requirements of the medical cannabis refund fund established
43 by section 38, and amendments thereto, an amount equal to 20% of such

1 deposit shall be credited to the medical cannabis research and education
2 fund established by section 39, and amendments thereto, and the
3 remaining amount of any such deposit shall be credited to the state general
4 fund.

5 New Sec. 36. The director of taxation shall have the power to require
6 any medical cannabis operator to furnish additional information deemed
7 necessary for the purpose of computing the amount of the taxes due
8 pursuant to section 35, and amendments thereto, and, for such purpose, to
9 examine all books, records and files of such persons or entities. The
10 director also shall have the power to issue subpoenas and examine
11 witnesses under oath, and if any witness shall fail or refuse to appear at the
12 request of the director, or refuse access to books, records and files, the
13 district court of the proper county, or the judge thereof, on application of
14 the director, shall compel obedience by proceedings for contempt, as in the
15 case of disobedience of the requirements of a subpoena issued from such
16 court or a refusal to testify therein.

17 New Sec. 37. The provisions of K.S.A. 75-5133, 79-3610, 79-3611,
18 79-3612, 79-3613, 79-3615 and 79-3617, and amendments thereto,
19 relating to the assessment, collection, appeal and administration of the
20 retailers' sales tax, insofar as practicable, shall have full force and effect
21 with respect to taxes, penalties and fines imposed by sections 35 and 36,
22 and amendments thereto.

23 New Sec. 38. There is hereby established in the state treasury the
24 medical cannabis refund fund. The medical cannabis refund fund shall be
25 held by the state treasurer for prompt refunding of all overpayments of the
26 tax levied and collected pursuant to section 35, and amendments thereto.
27 The medical cannabis refund fund shall be maintained in an amount
28 determined by the secretary of revenue as necessary to meet current
29 refunding requirements, but such amount shall not exceed \$10,000.

30 New Sec. 39. There is hereby established in the state treasury the
31 medical cannabis research and education fund to be administered by the
32 secretary for health and environment. All expenditures and transfers from
33 the medical cannabis research and education fund shall be made in
34 accordance with appropriation acts upon warrants of the director of
35 accounts and reports issued pursuant to vouchers approved by the
36 secretary or the secretary's designee. All moneys credited to such fund
37 shall be expended or transferred only for the purposes of medical cannabis
38 research and education.

39 New Sec. 40. For purposes of sections 35 through 40, and
40 amendments thereto, the terms "medical cannabis," "medical cannabis
41 operator" and "medical cannabis product" mean the same as defined in
42 section 2, and amendments thereto.

43 New Sec. 41. The provisions of sections 35 through 41, and

1 amendments thereto, shall expire on July 1, 2029.

2 Sec. 42. K.S.A. 21-5703 is hereby amended to read as follows: 21-
3 5703. (a) It shall be unlawful for any person to manufacture any controlled
4 substance or controlled substance analog.

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

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

8 (2) drug severity level 1 felony if:

9 (A) The controlled substance is not methamphetamine, as defined by
10 K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog
11 thereof;

12 (B) the controlled substance is not a fentanyl-related controlled
13 substance; and

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

21 (3) drug severity level 1 felony if the controlled substance is
22 methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and
23 amendments thereto, or an analog thereof, or is a fentanyl-related
24 controlled substance.

25 (c) The provisions of K.S.A. 21-5301(d), and amendments thereto,
26 shall not apply to a violation of attempting to unlawfully manufacture any
27 controlled substance or controlled substance analog pursuant to this
28 section.

29 (d) For persons arrested and charged under this section, bail shall be
30 at least \$50,000 cash or surety, and such person shall not be released upon
31 the person's own recognizance pursuant to K.S.A. 22-2802, and
32 amendments thereto, unless the court determines, on the record, that the
33 defendant is not likely to re-offend, the court imposes pretrial supervision,
34 or the defendant agrees to participate in a licensed or certified drug
35 treatment program.

36 (e) The sentence of a person who violates this section shall not be
37 subject to statutory provisions for suspended sentence, community service
38 work or probation.

39 (f) The sentence of a person who violates this section, K.S.A. 65-
40 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its
41 transfer, shall not be reduced because these sections prohibit conduct
42 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their
43 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 21-

1 5705, and amendments thereto.

2 (g) *The provisions of this section shall not apply to a medical*
3 *cannabis operator, as such term is defined in section 2, and amendments*
4 *thereto, that is producing medical cannabis or medical cannabis products,*
5 *as such terms are defined in section 2, and amendments thereto, when*
6 *used for acts authorized by the medical cannabis pilot program act,*
7 *section 1 et seq., and amendments thereto.*

8 Sec. 43. K.S.A. 21-5705 is hereby amended to read as follows: 21-
9 5705. (a) It shall be unlawful for any person to distribute or possess with
10 the intent to distribute any of the following controlled substances or
11 controlled substance analogs thereof:

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

15 (2) any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e),~~
16 ~~subsection (e) of K.S.A. 65-4107(e), subsection (b) or (c) of K.S.A. 65-~~
17 ~~4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b),~~ and amendments
18 thereto;

19 (3) any stimulant designated in ~~subsection (f) of K.S.A. 65-4105(f),~~
20 ~~subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107(d)(2), (d)(4),~~
21 ~~(d)(5) or (f)(2) or subsection (e) of K.S.A. 65-4109(e),~~ and amendments
22 thereto;

23 (4) any hallucinogenic drug designated in ~~subsection (d) of K.S.A.~~
24 ~~65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of~~
25 ~~K.S.A. 65-4109(g),~~ and amendments thereto;

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

29 (6) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-~~
30 ~~4109(f),~~ and amendments thereto; or

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

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

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

38 (d) (1) Except as provided further, violation of subsection (a) is a:

39 (A) Drug severity level 4 felony if the quantity of the material was
40 less than 3.5 grams;

41 (B) drug severity level 3 felony if the quantity of the material was at
42 least 3.5 grams but less than 100 grams;

43 (C) drug severity level 2 felony if the quantity of the material was at

1 least 100 grams but less than 1 kilogram; and

2 (D) drug severity level 1 felony if the quantity of the material was 1
3 kilogram or more.

4 (2) Violation of subsection (a) with respect to material containing any
5 quantity of marijuana, or an analog thereof, is a:

6 (A) Drug severity level 4 felony if the quantity of the material was
7 less than 25 grams;

8 (B) drug severity level 3 felony if the quantity of the material was at
9 least 25 grams but less than 450 grams;

10 (C) drug severity level 2 felony if the quantity of the material was at
11 least 450 grams but less than 30 kilograms; and

12 (D) drug severity level 1 felony if the quantity of the material was 30
13 kilograms or more.

14 (3) Violation of subsection (a) with respect to material containing any
15 quantity of heroin, as defined by ~~subsection (e)(1) of K.S.A. 65-4105(c)~~
16 *(1)*, and amendments thereto, or methamphetamine, as defined by
17 ~~subsection (d)(3) or (f)(1) of K.S.A. 65-4107(d)(3) or (f)(1)~~, and
18 amendments thereto, or an analog thereof, is a:

19 (A) Drug severity level 4 felony if the quantity of the material was
20 less than 1 gram;

21 (B) drug severity level 3 felony if the quantity of the material was at
22 least 1 gram but less than 3.5 grams;

23 (C) drug severity level 2 felony if the quantity of the material was at
24 least 3.5 grams but less than 100 grams; and

25 (D) drug severity level 1 felony if the quantity of the material was
26 100 grams or more.

27 (4) Violation of subsection (a) with respect to material containing any
28 quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107,
29 65-4109 or 65-4111, and amendments thereto, or an analog thereof,
30 distributed by dosage unit, is a:

31 (A) Drug severity level 4 felony if the number of dosage units was
32 fewer than 10;

33 (B) drug severity level 3 felony if the number of dosage units was at
34 least 10 but less than 100;

35 (C) drug severity level 2 felony if the number of dosage units was at
36 least 100 but less than 1,000; and

37 (D) drug severity level 1 felony if the number of dosage units was
38 1,000 or more.

39 (5) For any violation of subsection (a), the severity level of the
40 offense shall be increased one level if the controlled substance or
41 controlled substance analog was distributed or possessed with the intent to
42 distribute on or within 1,000 feet of any school property.

43 (6) Violation of subsection (b) is a:

1 (A) Class A person misdemeanor, except as provided in ~~subsection~~
2 ~~(d)(6)(B)~~ *subparagraph (B)*; and

3 (B) nondrug severity level 7, person felony if the substance was
4 distributed to or possessed with the intent to distribute to a minor.

5 (7) Violation of subsection (c) is a:

6 (A) Drug severity level 3 felony if the number of plants cultivated
7 was more than 4 but fewer than 50;

8 (B) drug severity level 2 felony if the number of plants cultivated was
9 at least 50 but fewer than 100; and

10 (C) drug severity level 1 felony if the number of plants cultivated was
11 100 or more.

12 (e) In any prosecution under this section, there shall be a rebuttable
13 presumption of an intent to distribute if any person possesses the following
14 quantities of controlled substances or analogs thereof:

15 (1) 450 grams or more of marijuana;

16 (2) 3.5 grams or more of heroin or methamphetamine;

17 (3) 100 dosage units or more containing a controlled substance; or

18 (4) 100 grams or more of any other controlled substance.

19 (f) It shall not be a defense to charges arising under this section that
20 the defendant:

21 (1) Was acting in an agency relationship on behalf of any other party
22 in a transaction involving a controlled substance or controlled substance
23 analog;

24 (2) did not know the quantity of the controlled substance or
25 controlled substance analog; or

26 (3) did not know the specific controlled substance or controlled
27 substance analog contained in the material that was distributed or
28 possessed with the intent to distribute.

29 (g) *The provisions of (a)(4) and (a)(5) shall not apply to a medical*
30 *cannabis operator, as such term is defined in section 2, and amendments*
31 *thereto, or a state contracted laboratory or any employee or agent thereof*
32 *that is growing, testing, processing, distributing or selling medical*
33 *cannabis or medical cannabis products, as such terms are defined in*
34 *section 2, and amendments thereto, in accordance with the medical*
35 *cannabis pilot program act, section 1 et seq., and amendments thereto.*

36 (h) As used in this section:

37 (1) "Material" means the total amount of any substance, including a
38 compound or a mixture, ~~which~~ *that* contains any quantity of a controlled
39 substance or controlled substance analog.

40 (2) "Dosage unit" means a controlled substance or controlled
41 substance analog distributed or possessed with the intent to distribute as a
42 discrete unit, including but not limited to, one pill, one capsule or one
43 microdot, and not distributed by weight.

1 (A) For steroids, or controlled substances in liquid solution legally
2 manufactured for prescription use, or an analog thereof, "dosage unit"
3 means the smallest medically approved dosage unit, as determined by the
4 label, materials provided by the manufacturer, a prescribing authority,
5 licensed health care professional or other qualified health authority.

6 (B) For illegally manufactured controlled substances in liquid
7 solution, or controlled substances in liquid products not intended for
8 ingestion by human beings, or an analog thereof, "dosage unit" means 10
9 milligrams, including the liquid carrier medium, except as provided in
10 subsection ~~(g)(2)(C)~~ *subparagraph (C)*.

11 (C) For lysergic acid diethylamide (LSD) in liquid form, or an analog
12 thereof, a dosage unit is defined as 0.4 milligrams, including the liquid
13 medium.

14 Sec. 44. K.S.A. 21-5706 is hereby amended to read as follows: 21-
15 5706. (a) It shall be unlawful for any person to possess any opiates, opium
16 or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)
17 (3) or (f)(1), and amendments thereto, or a controlled substance analog
18 thereof.

19 (b) It shall be unlawful for any person to possess any of the following
20 controlled substances or controlled substance analogs thereof:

21 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-
22 4109(b) or (c) or 65-4111(b), and amendments thereto;

23 (2) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)
24 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;

25 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-
26 4107(g) or 65-4109(g), and amendments thereto;

27 (4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c),
28 (d), (e), (f) or (g), and amendments thereto;

29 (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and
30 amendments thereto;

31 (6) any substance designated in K.S.A. 65-4113, and amendments
32 thereto; or

33 (7) any substance designated in K.S.A. 65-4105(h), and amendments
34 thereto.

35 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.

36 (2) Except as provided in subsection (c)(3):

37 (A) Violation of subsection (b) is a class A nonperson misdemeanor,
38 except as provided in subparagraph (B); and

39 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug
40 severity level 5 felony if that person has a prior conviction under such
41 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially
42 similar offense from another jurisdiction, or under any city ordinance or
43 county resolution for a substantially similar offense if the substance

1 involved was 3, 4-methylenedioxyamphetamine (MDMA), marijuana
2 as designated in K.S.A. 65-4105(d), and amendments thereto, or any
3 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an
4 analog thereof.

5 (3) If the substance involved is marijuana, as designated in K.S.A.
6 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as
7 designated in K.S.A. 65-4105(h), and amendments thereto, violation of
8 subsection (b) is a:

9 (A) Class B nonperson misdemeanor, except as provided in
10 subparagraphs (B) and (C);

11 (B) class A nonperson misdemeanor if that person has a prior
12 conviction under such subsection, under K.S.A. 65-4162, prior to its
13 repeal, under a substantially similar offense from another jurisdiction, or
14 under any city ordinance or county resolution for a substantially similar
15 offense; and

16 (C) drug severity level 5 felony if that person has two or more prior
17 convictions under such subsection, under K.S.A. 65-4162, prior to its
18 repeal, under a substantially similar offense from another jurisdiction, or
19 under any city ordinance or county resolution for a substantially similar
20 offense.

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

24 (1) Has a debilitating medical condition, as defined in K.S.A. 2023
25 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a
26 minor child who has such debilitating medical condition;

27 (2) is possessing a cannabidiol treatment preparation, as defined in
28 K.S.A. 2023 Supp. 65-6235, and amendments thereto, that is being used to
29 treat such debilitating medical condition; and

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

32 (A) Shall be shown to a law enforcement officer on such officer's
33 request;

34 (B) is dated within the preceding 15 months and signed by the
35 physician licensed to practice medicine and surgery in Kansas who
36 diagnosed the debilitating medical condition;

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

38 (D) identifies the person or the person's minor child as such
39 physician's patient and identifies the patient's debilitating medical
40 condition.

41 (e) *If the substance involved is medical cannabis or medical cannabis*
42 *products, as such terms are defined in section 2, and amendments thereto,*
43 *the provisions of subsections (b) and (c) shall not apply to any person who*

1 *holds a valid medical cannabis certificate issued pursuant to the medical*
2 *cannabis pilot program act, section 1 et seq., and amendments thereto,*
3 *and whose possession is authorized by such act.*

4 (f) It shall not be a defense to charges arising under this section that
5 the defendant was acting in an agency relationship on behalf of any other
6 party in a transaction involving a controlled substance or controlled
7 substance analog.

8 Sec. 45. K.S.A. 21-5707 is hereby amended to read as follows: 21-
9 5707. (a) It shall be unlawful for any person to knowingly or intentionally
10 use any communication facility:

11 (1) In committing, causing, or facilitating the commission of any
12 felony under K.S.A. 21-5703, 21-5705 or 21-5706, and amendments
13 thereto; or

14 (2) in any attempt to commit, any conspiracy to commit, or any
15 criminal solicitation of any felony under K.S.A. 21-5703, 21-5705 or 21-
16 5706, and amendments thereto. Each separate use of a communication
17 facility may be charged as a separate offense under this subsection.

18 (b) Violation of subsection (a) is a nondrug severity level 8,
19 nonperson felony.

20 (c) *The provisions of this section shall not apply to any person using*
21 *communication facilities for activities authorized by the medical cannabis*
22 *pilot program act, section 1 et seq., and amendments thereto.*

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

28 Sec. 46. K.S.A. 21-5709 is hereby amended to read as follows: 21-
29 5709. (a) It shall be unlawful for any person to possess ephedrine,
30 pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine,
31 anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or
32 their salts, isomers or salts of isomers with an intent to use the product to
33 manufacture a controlled substance.

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

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

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

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

43 (d) It shall be unlawful for any person to purchase, receive or

1 otherwise acquire at retail any compound, mixture or preparation
2 containing more than 3.6 grams of pseudoephedrine base or ephedrine
3 base in any single transaction or any compound, mixture or preparation
4 containing more than nine grams of pseudoephedrine base or ephedrine
5 base within any 30-day period.

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

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

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

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

12 (3) violation of subsection (b)(2) is a class B nonperson
13 misdemeanor;

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

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

16 (f) For persons arrested and charged under subsection (a) or (c), bail
17 shall be at least \$50,000 cash or surety, and such person shall not be
18 released upon the person's own recognizance pursuant to K.S.A. 22-2802,
19 and amendments thereto, unless the court determines, on the record, that
20 the defendant is not likely to reoffend, the court imposes pretrial
21 supervision or the defendant agrees to participate in a licensed or certified
22 drug treatment program.

23 (g) *The provisions of subsection (b) shall not apply to any person*
24 *who holds a valid medical cannabis certificate issued pursuant to the*
25 *medical cannabis pilot program act, section 1 et seq., and amendments*
26 *thereto, whose possession of such equipment or material is used solely to*
27 *produce or for the administration of medical cannabis or medical*
28 *cannabis products, as such terms are defined in section 2, and*
29 *amendments thereto, in a manner authorized by the medical cannabis pilot*
30 *program act.*

31 Sec. 47. K.S.A. 21-5710 is hereby amended to read as follows: 21-
32 5710. (a) It shall be unlawful for any person to advertise, market, label,
33 distribute or possess with the intent to distribute:

34 (1) Any product containing ephedrine, pseudoephedrine, red
35 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,
36 pressurized ammonia or phenylpropanolamine or their salts, isomers or
37 salts of isomers if the person knows or reasonably should know that the
38 purchaser will use the product to manufacture a controlled substance or
39 controlled substance analog; or

40 (2) any product containing ephedrine, pseudoephedrine or
41 phenylpropanolamine, or their salts, isomers or salts of isomers for
42 indication of stimulation, mental alertness, weight loss, appetite control,
43 energy or other indications not approved pursuant to the pertinent federal

1 over-the-counter drug final monograph or tentative final monograph or
2 approved new drug application.

3 (b) It shall be unlawful for any person to distribute, possess with the
4 intent to distribute or manufacture with intent to distribute any drug
5 paraphernalia, knowing or under circumstances where one reasonably
6 should know that it will be used to manufacture or distribute a controlled
7 substance or controlled substance analog in violation of K.S.A. 21-5701
8 through 21-5717, and amendments thereto.

9 (c) It shall be unlawful for any person to distribute, possess with
10 intent to distribute or manufacture with intent to distribute any drug
11 paraphernalia, knowing or under circumstances where one reasonably
12 should know, that it will be used as such in violation of K.S.A. 21-5701
13 through 21-5717, and amendments thereto, except ~~subsection (b)~~ of K.S.A.
14 21-5706(b), and amendments thereto.

15 (d) It shall be unlawful for any person to distribute, possess with
16 intent to distribute or manufacture with intent to distribute any drug
17 paraphernalia, knowing, or under circumstances where one reasonably
18 should know, that it will be used as such in violation of ~~subsection (b)~~ of
19 K.S.A. 21-5706(b), and amendments thereto.

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

21 (2) violation of subsection (b) is a:

22 (A) Drug severity level 5 felony, except as provided in ~~subsection (e)~~
23 ~~(2)(B)~~ *subparagraph (B)*; and

24 (B) drug severity level 4 felony if the trier of fact makes a finding that
25 the offender distributed or caused drug paraphernalia to be distributed to a
26 minor or on or within 1,000 feet of any school property;

27 (3) violation of subsection (c) is a:

28 (A) Nondrug severity level 9, nonperson felony, except as provided in
29 ~~subsection (e)(3)(B)~~ *subparagraph (B)*; and

30 (B) drug severity level 5 felony if the trier of fact makes a finding that
31 the offender distributed or caused drug paraphernalia to be distributed to a
32 minor or on or within 1,000 feet of any school property; and

33 (4) violation of subsection (d) is a:

34 (A) Class A nonperson misdemeanor, except as provided in
35 ~~subsection (e)(4)(B)~~ *subparagraph (B)*; and

36 (B) nondrug severity level 9, nonperson felony if the trier of fact
37 makes a finding that the offender distributed or caused drug paraphernalia
38 to be distributed to a minor or on or within 1,000 feet of any school
39 property.

40 (f) For persons arrested and charged under subsection (a), bail shall
41 be at least \$50,000 cash or surety, and such person shall not be released
42 upon the person's own recognizance pursuant to K.S.A. 22-2802, and
43 amendments thereto, unless the court determines, on the record, that the

1 defendant is not likely to re-offend, the court imposes pretrial supervision
2 or the defendant agrees to participate in a licensed or certified drug
3 treatment program.

4 (g) *The provisions of subsection (c) shall not apply to any medical*
5 *cannabis operator, as such term is defined in section 2, and amendments*
6 *thereto, whose distribution or manufacture is used solely to distribute or*
7 *produce medical cannabis or medical cannabis products, as such terms*
8 *are defined in section 2, and amendments thereto, in a manner authorized*
9 *by the medical cannabis pilot program act, section 1 et seq., and*
10 *amendments thereto.*

11 (h) As used in this section, "or under circumstances where one
12 reasonably should know" that an item will be used in violation of this
13 section, shall include, but not be limited to, the following:

14 (1) Actual knowledge from prior experience or statements by
15 customers;

16 (2) inappropriate or impractical design for alleged legitimate use;

17 (3) receipt of packaging material, advertising information or other
18 manufacturer supplied information regarding the item's use as drug
19 paraphernalia; or

20 (4) receipt of a written warning from a law enforcement or
21 prosecutorial agency having jurisdiction that the item has been previously
22 determined to have been designed specifically for use as drug
23 paraphernalia.

24 Sec. 48. K.S.A. 23-3201 is hereby amended to read as follows: 23-
25 3201. (a) The court shall determine legal custody, residency and parenting
26 time of a child in accordance with the best interests of the child.

27 (b) *The court shall not consider the fact that a parent consumes*
28 *medical cannabis or medical cannabis products in accordance with the*
29 *medical cannabis pilot program act, section 1 et seq., and amendments*
30 *thereto, when determining the legal custody, residency or parenting time of*
31 *a child.*

32 Sec. 49. K.S.A. 38-2269 is hereby amended to read as follows: 38-
33 2269. (a) When the child has been adjudicated to be a child in need of
34 care, the court may terminate parental rights or appoint a permanent
35 custodian when the court finds by clear and convincing evidence that the
36 parent is unfit by reason of conduct or condition which renders the parent
37 unable to care properly for a child and the conduct or condition is unlikely
38 to change in the foreseeable future.

39 (b) In making a determination of unfitness the court shall consider,
40 but is not limited to, the following, if applicable:

41 (1) Emotional illness, mental illness, mental deficiency or physical
42 disability of the parent, of such duration or nature as to render the parent
43 unable to care for the ongoing physical, mental and emotional needs of the

1 child;

2 (2) conduct toward a child of a physically, emotionally or sexually
3 cruel or abusive nature;

4 (3) the use of intoxicating liquors or narcotic or dangerous drugs of
5 such duration or nature as to render the parent unable to care for the
6 ongoing physical, mental or emotional needs of the child, *except that the*
7 *use of medical cannabis or medical cannabis products in accordance with*
8 *the medical cannabis pilot program act, section 1 et seq., and amendments*
9 *thereto, shall not be considered to render the parent unable to care for the*
10 *ongoing physical, mental or emotional needs of the child;*

11 (4) physical, mental or emotional abuse or neglect or sexual abuse of
12 a child;

13 (5) conviction of a felony and imprisonment;

14 (6) unexplained injury or death of another child or stepchild of the
15 parent or any child in the care of the parent at the time of injury or death;

16 (7) failure of reasonable efforts made by appropriate public or private
17 agencies to rehabilitate the family;

18 (8) lack of effort on the part of the parent to adjust the parent's
19 circumstances, conduct or conditions to meet the needs of the child; and

20 (9) whether, as a result of the actions or inactions attributable to the
21 parent and one or more of the factors listed in subsection (c) apply, the
22 child has been in the custody of the secretary and placed with neither
23 parent for 15 of the most recent 22 months beginning 60 days after the
24 date on which a child in the secretary's custody was removed from the
25 child's home.

26 (c) In addition to the foregoing, when a child is not in the physical
27 custody of a parent, the court, shall consider, but is not limited to, the
28 following:

29 (1) Failure to assure care of the child in the parental home when able
30 to do so;

31 (2) failure to maintain regular visitation, contact or communication
32 with the child or with the custodian of the child;

33 (3) failure to carry out a reasonable plan approved by the court
34 directed toward the integration of the child into a parental home; and

35 (4) failure to pay a reasonable portion of the cost of substitute
36 physical care and maintenance based on ability to pay.

37 In making the above determination, the court may disregard incidental
38 visitations, contacts, communications or contributions.

39 (d) A finding of unfitness may be made as provided in this section if
40 the court finds that the parents have abandoned the child, the custody of
41 the child was surrendered pursuant to K.S.A. 38-2282, and amendments
42 thereto, or the child was left under such circumstances that the identity of
43 the parents is unknown and cannot be ascertained, despite diligent

1 searching, and the parents have not come forward to claim the child within
2 three months after the child is found.

3 (e) If a person is convicted of a felony in which sexual intercourse
4 occurred, or if a juvenile is adjudicated a juvenile offender because of an
5 act which, if committed by an adult, would be a felony in which sexual
6 intercourse occurred, and as a result of the sexual intercourse, a child is
7 conceived, a finding of unfitness may be made.

8 (f) The existence of any one of the above factors standing alone may,
9 but does not necessarily, establish grounds for termination of parental
10 rights.

11 (g) (1) If the court makes a finding of unfitness, the court shall
12 consider whether termination of parental rights as requested in the petition
13 or motion is in the best interests of the child. In making the determination,
14 the court shall give primary consideration to the physical, mental and
15 emotional health of the child. If the physical, mental or emotional needs of
16 the child would best be served by termination of parental rights, the court
17 shall so order. A termination of parental rights under the code shall not
18 terminate the right of a child to inherit from or through a parent. Upon
19 such termination all rights of the parent to such child, including, such
20 parent's right to inherit from or through such child, shall cease.

21 (2) If the court terminates parental rights, the court may authorize
22 adoption pursuant to K.S.A. 38-2270, and amendments thereto,
23 appointment of a permanent custodian pursuant to K.S.A. 38-2272, and
24 amendments thereto, or continued permanency planning.

25 (3) If the court does not terminate parental rights, the court may
26 authorize appointment of a permanent custodian pursuant to K.S.A. 38-
27 2272, and amendments thereto, or continued permanency planning.

28 (h) If a parent is convicted of an offense as provided in K.S.A. 38-
29 2271(a)(7), and amendments thereto, or is adjudicated a juvenile offender
30 because of an act which if committed by an adult would be an offense as
31 provided in K.S.A. 38-2271(a)(7), and amendments thereto, and if the
32 victim was the other parent of a child, the court may disregard such
33 convicted or adjudicated parent's opinions or wishes in regard to the
34 placement of such child.

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

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

41 Sec. 50. K.S.A. 44-501 is hereby amended to read as follows: 44-
42 501. (a) (1) Compensation for an injury shall be disallowed if such
43 injury to the employee results from:

- 1 (A) The employee's deliberate intention to cause such injury;
2 (B) the employee's willful failure to use a guard or protection against
3 accident or injury which is required pursuant to any statute and provided
4 for the employee;
5 (C) the employee's willful failure to use a reasonable and proper
6 guard and protection voluntarily furnished the employee by the employer;
7 (D) the employee's reckless violation of their employer's workplace
8 safety rules or regulations; or
9 (E) the employee's voluntary participation in fighting or horseplay
10 with a co-employee for any reason, work related or otherwise.

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

16 (b) (1) (A) The employer shall not be liable under the workers
17 compensation act where the injury, disability or death was contributed to
18 by the employee's use or consumption of alcohol or any drugs, chemicals
19 or any other compounds or substances, including, but not limited to, any
20 drugs or medications ~~which~~ *that* are available to the public without a
21 prescription from a health care provider, prescription drugs or medications,
22 any form or type of narcotic drugs, marijuana, stimulants, depressants or
23 hallucinogens.

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

31 (ii) *In the case of cannabis, including any cannabis derivatives,*
32 *compensation shall not be denied if the employee holds a valid medical*
33 *cannabis certificate issued pursuant to the medical cannabis pilot*
34 *program act, section 1 et seq., and amendments thereto, such cannabis or*
35 *cannabis derivative was used in accordance with such act, and there has*
36 *been no prior incidence of the employee's impairment on the job as a*
37 *result of the use of such cannabis or cannabis derivative within the*
38 *immediately preceding 24 months.*

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

1		Confirmatory
2		test cutoff
3		levels (ng/ml)
4	Marijuana metabolite ¹	15
5	Cocaine metabolite ²	150
6	Opiates:	
7	Morphine	2000
8	Codeine	2000
9	6-Acetylmorphine ⁴³	10 ng/ml
10	Phencyclidine	25
11	Amphetamines:	
12	Amphetamine	500
13	Methamphetamine ³⁴	500

14 ¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid.

15 ² Benzoylcegonine.

16 ³ ~~Specimen must also contain amphetamine at a concentration greater~~
 17 ~~than or equal to 200 ng/ml. Test for 6-AM when morphine concentration~~
 18 ~~exceeds 2,000 ng/ml.~~

19 ⁴ ~~Test for 6-AM when morphine concentration exceeds 2,000-~~
 20 ~~ng/ml. Specimen must also contain amphetamine at a concentration~~
 21 ~~greater than or equal to 200 ng/ml.~~

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

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

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

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

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

41 (C) the worker, prior to the date and time of the accident or injury,
 42 gave written consent to the employer that the worker would voluntarily
 43 submit to a chemical test for drugs or alcohol following any accident or

1 injury;

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

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

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

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

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

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

20 (D) the test was confirmed by gas chromatography-mass
21 spectroscopy or other comparably reliable analytical method, except that
22 no such confirmation is required for a blood alcohol sample;

23 (E) the foundation evidence must establish, beyond a reasonable
24 doubt, that the test results were from the sample taken from the employee;
25 and

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

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

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

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

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

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

1 (d) Except as provided in the workers compensation act, no
2 construction design professional who is retained to perform professional
3 services on a construction project or any employee of a construction
4 design professional who is assisting or representing the construction
5 design professional in the performance of professional services on the site
6 of the construction project, shall be liable for any injury resulting from the
7 employer's failure to comply with safety standards on the construction
8 project for which compensation is recoverable under the workers
9 compensation act, unless responsibility for safety practices is specifically
10 assumed by contract. The immunity provided by this subsection to any
11 construction design professional shall not apply to the negligent
12 preparation of design plans or specifications.

13 (e) An award of compensation for permanent partial impairment,
14 work disability, or permanent total disability shall be reduced by the
15 amount of functional impairment determined to be preexisting. Any such
16 reduction shall not apply to temporary total disability, nor shall it apply to
17 compensation for medical treatment.

18 (1) Where workers compensation benefits have previously been
19 awarded through settlement or judicial or administrative determination in
20 Kansas, the percentage basis of the prior settlement or award shall
21 conclusively establish the amount of functional impairment determined to
22 be preexisting. Where workers compensation benefits have not previously
23 been awarded through settlement or judicial or administrative
24 determination in Kansas, the amount of preexisting functional impairment
25 shall be established by competent evidence.

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

28 (A) If the preexisting impairment is the result of injury sustained
29 while working for the employer against whom workers compensation
30 benefits are currently being sought, any award of compensation shall be
31 reduced by the current dollar value attributable under the workers
32 compensation act to the percentage of functional impairment determined to
33 be preexisting. The "current dollar value" shall be calculated by
34 multiplying the percentage of preexisting impairment by the compensation
35 rate in effect on the date of the accident or injury against which the
36 reduction will be applied.

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

40 (f) If the employee receives, whether periodically or by lump sum,
41 retirement benefits under the federal social security act or retirement
42 benefits from any other retirement system, program, policy or plan which
43 is provided by the employer against which the claim is being made, any

1 compensation benefit payments which the employee is eligible to receive
2 under the workers compensation act for such claim shall be reduced by the
3 weekly equivalent amount of the total amount of all such retirement
4 benefits, less any portion of any such retirement benefit, other than
5 retirement benefits under the federal social security act, that is attributable
6 to payments or contributions made by the employee, but in no event shall
7 the workers compensation benefit be less than the workers compensation
8 benefit payable for the employee's percentage of functional impairment.
9 Where the employee elects to take retirement benefits in a lump sum, the
10 lump sum payment shall be amortized at the rate of 4% per year over the
11 employee's life expectancy to determine the weekly equivalent value of the
12 benefits.

13 Sec. 51. K.S.A. 2023 Supp. 65-1120 is hereby amended to read as
14 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may
15 deny, revoke, limit or suspend any license or authorization to practice
16 nursing as a registered professional nurse, as a licensed practical nurse, as
17 an advanced practice registered nurse or as a registered nurse anesthetist
18 that is issued by the board or applied for under this act, or may require the
19 licensee to attend a specific number of hours of continuing education in
20 addition to any hours the licensee may already be required to attend or
21 may publicly or privately censure a licensee or holder of a temporary
22 permit or authorization, if the applicant, licensee or holder of a temporary
23 permit or authorization is found after hearing:

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

26 (2) to have been guilty of a felony or to have been guilty of a
27 misdemeanor involving an illegal drug offense unless the applicant or
28 licensee establishes sufficient rehabilitation to warrant the public trust,
29 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
30 license or authorization to practice nursing as a licensed professional
31 nurse, as a licensed practical nurse, as an advanced practice registered
32 nurse or registered nurse anesthetist shall be granted to a person with a
33 felony conviction for a crime against persons as specified in article 34 of
34 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
35 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments*
36 *thereto*, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418, and
37 amendments thereto;

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

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

43 (5) to be unable to practice with skill and safety due to current abuse

1 of drugs or alcohol;

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

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

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

10 (9) to have a license to practice nursing as a registered nurse or as a
11 practical nurse denied, revoked, limited or suspended, or to be publicly or
12 privately censured, by a licensing authority of another state, agency of the
13 United States government, territory of the United States or country or to
14 have other disciplinary action taken against the applicant or licensee by a
15 licensing authority of another state, agency of the United States
16 government, territory of the United States or country. A certified copy of
17 the record or order of public or private censure, denial, suspension,
18 limitation, revocation or other disciplinary action of the licensing authority
19 of another state, agency of the United States government, territory of the
20 United States or country shall constitute prima facie evidence of such a
21 fact for purposes of this paragraph (9); or

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

25 (A) A copy of the record of criminal conviction or plea of guilty for a
26 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-
27 5407, and amendments thereto.

28 (B) A copy of the record of a judgment of contempt of court for
29 violating an injunction issued under K.S.A. 60-4404, and amendments
30 thereto.

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

33 (b) *Proceedings.* Upon filing of a sworn complaint with the board
34 charging a person with having been guilty of any of the unlawful practices
35 specified in subsection (a), two or more members of the board shall
36 investigate the charges, or the board may designate and authorize an
37 employee or employees of the board to conduct an investigation. After
38 investigation, the board may institute charges. If an investigation, in the
39 opinion of the board, reveals reasonable grounds for believing the
40 applicant or licensee is guilty of the charges, the board shall fix a time and
41 place for proceedings, which shall be conducted in accordance with the
42 provisions of the Kansas administrative procedure act.

43 (c) *Witnesses.* No person shall be excused from testifying in any

1 proceedings before the board under this act or in any civil proceedings
2 under this act before a court of competent jurisdiction on the ground that
3 such testimony may incriminate the person testifying, but such testimony
4 shall not be used against the person for the prosecution of any crime under
5 the laws of this state except the crime of perjury as defined in K.S.A. 21-
6 5903, and amendments thereto.

7 (d) *Costs*. If final agency action of the board in a proceeding under
8 this section is adverse to the applicant or licensee, the costs of the board's
9 proceedings shall be charged to the applicant or licensee as in ordinary
10 civil actions in the district court, but if the board is the unsuccessful party,
11 the costs shall be paid by the board. Witness fees and costs may be taxed
12 by the board according to the statutes relating to procedure in the district
13 court. All costs accrued by the board, when it is the successful party, and
14 ~~which that~~ the attorney general certifies cannot be collected from the
15 applicant or licensee shall be paid from the board of nursing fee fund. All
16 moneys collected following board proceedings shall be credited in full to
17 the board of nursing fee fund.

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

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

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

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

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

33 (g) *Medical cannabis exemption*. *The board shall not deny, revoke,*
34 *limit or suspend the license of any licensee or publicly or privately*
35 *censure any licensee for:*

36 (1) *Advising a patient about the possible benefits and risks of using*
37 *medical cannabis or that using medical cannabis may mitigate the*
38 *patient's symptoms; or*

39 (2) *any actions as a patient or caregiver holding a valid medical*
40 *cannabis certificate issued pursuant to the medical cannabis pilot*
41 *program act, section 1 et seq., and amendments thereto, including whether*
42 *the licensee possesses or has possessed or uses or has used medical*
43 *cannabis in accordance with such act.*

1 Sec. 52. K.S.A. 2023 Supp. 65-28b08 is hereby amended to read as
2 follows: 65-28b08. (a) The board may deny, revoke, limit or suspend any
3 license or authorization issued to a certified nurse-midwife to engage in
4 the independent practice of midwifery that is issued by the board or
5 applied for under this act, or may publicly censure a licensee or holder of a
6 temporary permit or authorization, if the applicant or licensee is found
7 after a hearing:

8 (1) To be guilty of fraud or deceit while engaging in the independent
9 practice of midwifery or in procuring or attempting to procure a license to
10 engage in the independent practice of midwifery;

11 (2) to have been found guilty of a felony or to have been found guilty
12 of a misdemeanor involving an illegal drug offense unless the applicant or
13 licensee establishes sufficient rehabilitation to warrant the public trust,
14 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
15 license or authorization to practice and engage in the independent practice
16 of midwifery shall be granted to a person with a felony conviction for a
17 crime against persons as specified in article 34 of chapter 21 of the Kansas
18 Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the
19 Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104,
20 21-6325, 21-6326 or 21-6418, and amendments thereto;

21 (3) to have committed an act of professional incompetence as defined
22 in subsection (c);

23 (4) to be unable to practice the healing arts with reasonable skill and
24 safety by reason of impairment due to physical or mental illness or
25 condition or use of alcohol, drugs or controlled substances. All
26 information, reports, findings and other records relating to impairment
27 shall be confidential and not subject to discovery or release to any person
28 or entity outside of a board proceeding;

29 (5) to be a person who has been adjudged in need of a guardian or
30 conservator, or both, under the act for obtaining a guardian or conservator,
31 or both, and who has not been restored to capacity under that act;

32 (6) to be guilty of unprofessional conduct as defined by rules and
33 regulations of the board;

34 (7) to have willfully or repeatedly violated the provisions of the
35 Kansas nurse practice act or any rules and regulations adopted pursuant to
36 such act;

37 (8) to have a license to practice nursing as a registered nurse or as a
38 practical nurse denied, revoked, limited or suspended, or to have been
39 publicly or privately censured, by a licensing authority of another state,
40 agency of the United States government, territory of the United States or
41 country or to have other disciplinary action taken against the applicant or
42 licensee by a licensing authority of another state, agency of the United
43 States government, territory of the United States or country. A certified

1 copy of the record or order of public or private censure, denial, suspension,
2 limitation, revocation or other disciplinary action of the licensing authority
3 of another state, agency of the United States government, territory of the
4 United States or country shall constitute prima facie evidence of such a
5 fact for purposes of this paragraph; or

6 (9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its
7 repeal, or K.S.A. 21-5407, and amendments thereto, as established by any
8 of the following:

9 (A) A copy of the record of criminal conviction or plea of guilty to a
10 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-
11 5407, and amendments thereto;

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

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

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

24 (c) *The board shall not deny, revoke, limit or suspend the license or*
25 *authorization issued to a certified nurse-midwife or publicly or privately*
26 *censure a certified nurse-midwife for:*

27 (1) *Advising a patient about the possible benefits and risks of using*
28 *medical cannabis or that using medical cannabis may mitigate the*
29 *patient's symptoms; or*

30 (2) *any actions as a patient or caregiver holding a valid medical*
31 *cannabis certificate issued pursuant to the medical cannabis pilot*
32 *program act, section 1 et seq., and amendments thereto, including whether*
33 *the licensee possesses or has possessed or uses or has used medical*
34 *cannabis in accordance with such act.*

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

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

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

42 (3) a pattern of practice or other behavior ~~which~~ *that* demonstrates a
43 manifest incapacity or incompetence to engage in the independent practice

1 of midwifery.

2 ~~(d)~~(e) The board, upon request, shall receive from the Kansas bureau
3 of investigation such criminal history record information relating to arrests
4 and criminal convictions, as necessary, for the purpose of determining
5 initial and continuing qualifications of licensees and applicants for
6 licensure by the board.

7 Sec. 53. K.S.A. 79-5201 is hereby amended to read as follows: 79-
8 5201. As used in ~~this act~~ *article 52 of chapter 79 of the Kansas Statutes*
9 *Annotated, and amendments thereto:*

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

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

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

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

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

32 (e) *"medical cannabis" means the same as defined in section 2, and*
33 *amendments thereto.*

34 Sec. 54. K.S.A. 79-5210 is hereby amended to read as follows: 79-
35 5210. Nothing in this act requires persons registered under article 16 of
36 chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*, or
37 otherwise lawfully in possession of marijuana, *medical cannabis* or a
38 controlled substance to pay the tax required under this act.

39 Sec. 55. K.S.A. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-
40 5710, 23-3201, 38-2269, 44-501, 79-5201 and 79-5210 and K.S.A. 2023
41 Supp. 65-1120 and 65-28b08 are hereby repealed.

42 Sec. 56. This act shall take effect and be in force from and after its
43 publication in the Kansas register.