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LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: House Judiciary Committee  
From: Natalie Scott, Assistant Revisor of Statutes  
Date: March 12, 2019  
Subject: Bill Brief on HB 2244

HB 2244 authorizes the use of cannabidiol treatment preparation to treat certain medical conditions.

Section 1 provides an affirmative defense to prosecution under K.S.A. 21-5706, possession of a controlled substance, if the defendant is in possession of a cannabidiol treatment preparation being used to treat a debilitating medical condition or the defendant is a parent or guardian of a minor child who is in possession of the cannabidiol treatment preparation being used to treat the child for a debilitating medical condition.

The section defines cannabidiol treatment preparation as an oil including cannabidiol and tetrahydrocannabinol with a THC level of no more than 5% that has been tested by a third-party, independent laboratory, which is an organization that tests products according to agreed requirements that is not affiliated with the producer of the item being tested. The bill defines a debilitating medical condition as a chronic or debilitating disease or medical condition, including one that produces seizures, for which the patient is under treatment by a licensed physician.

The section further provides that no agency or political subdivision shall initiate proceedings to remove a child from the home based solely upon the parent's or child's possession or use of cannabidiol treatment preparation. The section shall not be construed to require the Kansas medical assistance program or an insurance policy to provide payment or reimbursement for any cannabidiol treatment preparation, and nothing shall

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be construed to allow the possession or use of any other form of cannabis other than what is expressly allowed by this section. The section would be known and cited as Claire and Lola's law.

Section 2 amends K.S.A. 21-5706 to provide the same affirmative defense to prosecution of possession of a controlled substance as is found in section 1.