

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

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

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

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

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

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

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

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

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

29 New Sec. 7. All actions taken by the board of healing arts, the
30 secretary of health and environment, the secretary of agriculture or the
31 director of alcoholic beverage control under the Kansas medical marijuana
32 regulation act shall be in accordance with the Kansas administrative
33 procedure act and reviewable in accordance with the Kansas judicial
34 review act.

35 New Sec. 8. (a) A patient seeking to use medical marijuana or a
36 caregiver seeking to assist a patient in the use or administration of medical
37 marijuana shall apply to the department of health and environment for
38 registration. The physician who is treating the patient, or such physician's
39 designee, shall submit the application on the patient's or caregiver's behalf
40 in such form and manner as prescribed by the secretary of health and
41 environment.

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

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

level 7, nonperson felony

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

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

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

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

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

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

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

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

24 (1) Use medical marijuana;

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

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

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

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

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

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

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

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

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

electronically
scannable

Upon scanning
or entering such
identification
card,

shall obtain

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

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

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

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

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

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

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

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

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

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

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

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

unless the patient:

(A) Has recently moved from out-of-state, and:

(i) Previously had medical marijuana recommended by a physician in another state; and

(ii) has the patient's previous physician contact the new physician to share the patient's medical history and verify that the patient had a qualifying medical condition;

(B) currently has a recommendation for medical marijuana, but no longer has a relationship with the recommending physician, the patient's previous physician contact the new physician to share the patient's medical history and verify that the patient had a qualifying medical condition; and

(C) is a veteran, in which case the patient shall not need an existing physician-patient relationship for an initial recommendation

6

1 this state and the number of patients seeking to use medical marijuana.

2 (d) A licensed cultivator shall not cultivate medical marijuana for
3 personal, family or household use or on any public land.

4 New Sec. 22. (a) A laboratory licensee may:

5 (1) Obtain medical marijuana from one or more licensed cultivators,
6 processors or retail dispensaries; and

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

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

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

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

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

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

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

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

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

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

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

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

26 (1) \$2,000 for a laboratory license application;

27 (2) \$18,000 for a laboratory license; and

28 (3) \$20,000 for a renewal of a laboratory license.

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

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

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

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

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

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

**\$20,000 for a license application or renewal with
\$18,000 being refundable if the application is
denied; and**

**(2) an annual license fee of \$20,000 for up to 500
simultaneously grown, mature flowering plants,
plus:**

**(A) an additional \$2,000 annual fee for each
additional 50 simultaneously grown, mature
flowering plants up to a total of 1,000; and**

**(B) an additional \$2,500 annual fee for each
additional 50 simultaneously grown, mature
flowering plants above 1,000.**

**(3) (A) Cultivators may not have more than 1,750
simultaneously grown, mature flowering plants, but
a cultivator may apply for, and the director may
approve, an additional 500 plants each annual
renewal.**

**(B) Simultaneously grown, mature flowering plants
include only those plants that will be harvested for
the biomass available for sale and do not include
mother plants or clones**

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

unless prohibited by
subsection (e),

provides the dispensary with

(e) The board of county
commissioners of any county may
prohibit the establishing of
dispensaries in such county by
adoption of a resolution prohibiting
dispensaries in such county.

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

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

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

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

24 (2) specify the following:

25 (A) The conditions for eligibility for licensure;

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

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

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

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

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

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

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

20, 22,

that shall not exceed a total of:
(A) 10 cultivator licenses;
(B) 5 laboratory license;
(C) 10 distributor licenses;
(D) 10 processor licenses; and
(E) 60 dispensary licenses

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

6 (d) As used in this section:

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

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

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

- 21 (a) The agency for health care research and quality;
- 22 (b) the national institutes of health;
- 23 (c) the national academy of sciences;
- 24 (d) the centers for medicare and medicaid services;
- 25 (e) the United States department of defense;
- 26 (f) the centers for disease control and prevention;
- 27 (g) the United States department of veterans affairs;
- 28 (h) the drug enforcement administration;
- 29 (i) the food and drug administration; and
- 30 (j) any board recognized by the national institutes of health for the
31 purpose of evaluating the medical value of health care services.

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

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

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

New Sec. 47. (a) The division of alcoholic beverage control is hereby renamed the division of alcohol and marijuana control. Any reference in law to the division of alcoholic beverage control shall refer to the division of alcohol and marijuana control.
(b) Any reference in law to the director, employees or agents of alcoholic beverage control shall refer to the director, employees or agents of alcohol and marijuana control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

:
(1)

; or
(2) not a resident of this state and is in this state temporarily and whose acquisition and possession of medical marijuana is in conformity with the laws of the state where such person is a resident