

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

(d) As used in this section:

(1) "Financial institution" means any bank, trust company, savings bank, credit union or savings and loan association or any other financial institution regulated by the state of Kansas, any agency of the United States or other state with an office in Kansas; and
(2) "financial services" means services that a financial institution is authorized to provide under chapter nine or article 22 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, as applicable.

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

- (a) The agency for health care research and quality;
- (b) the national institutes of health;
- (c) the national academy of sciences;
- (d) the centers for Medicare and Medicaid services;
- (e) the United States department of defense;
- (f) the centers for disease control and prevention;
- (g) the United States department of veterans affairs;
- (h) the drug enforcement administration;
- (i) the food and drug administration; and
- (j) any board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.

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

New Sec. 47. (a) It shall be unlawful to store or otherwise leave medical marijuana where it is readily accessible to a child under the age of 18 years. Such conduct shall be unlawful with no requirement of a culpable mental state.
(b) Violation of this section is a class A person misdemeanor.

Sec. 47. There is hereby established in the state treasury the certified community behavioral health clinics fund, and such fund shall be administered by the secretary for aging and disability services. Moneys in the fund shall be used for funding certified community behavioral health clinics.

(b) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services or the secretary's designee.

(c) The certified community behavioral health clinic fund shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the fund shall remain intact and inviolate for the purposes set forth in this section, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

Sec. 48. (a) There is hereby established in the state treasury the Kansas court appointed special advocates fund. The judicial administrator of the office of judicial administration shall administer such fund. All moneys credited to the Kansas court appointed special advocates fund shall only be expended for the purpose of appointing special advocates in Kansas to represent children in Kansas.

(b) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the judicial administrator, or the administrator's designee, for the purposes set forth in this section.

1 (c) This section shall not apply to any person who stores or otherwise
 2 leaves medical marijuana where it is readily accessible to a child under the
 3 age of 18 years if:
 4 (1) Such child is a patient registered pursuant to section 8, and
 5 amendments thereto; and
 6 (2) such medical marijuana is not readily accessible to any child
 7 under the age of 18 years other than the child described in paragraph (1).
 8 (d) As used in this section:
 9 (1) "Medical marijuana" means the same as defined in section 2, and
 10 amendments thereto; and
 11 (2) "readily accessible" means the medical marijuana is not stored in
 12 a locked container, and that restricts entry to such container solely to
 13 individuals who are over the age of 17, or who are registered patients
 14 pursuant to section 8, and amendments thereto.
 15 (e) This section shall be a part of and supplemental to the Kansas
 16 criminal code.
 17 New Sec. 48. (a) Subject to the provisions of K.S.A. 44-1018, and
 18 amendments thereto, it shall be unlawful for any person:
 19 (1) To refuse to sell or rent after the making of a bona fide offer, to
 20 fail to transmit a bona fide offer or refuse to negotiate in good faith for the
 21 sale or rental of, or otherwise make unavailable or deny, real property to
 22 any person because such person consumes medical marijuana in
 23 accordance with section 10, and amendments thereto;
 24 (2) to discriminate against any person in the terms, conditions or
 25 privileges of sale or rental of real property, or in the provision of services
 26 or facilities in connection therewith, because such person consumes
 27 medical marijuana in accordance with section 10, and amendments
 28 thereto; and
 29 (3) to discriminate against any person in such person's use or
 30 occupancy of real property because such person associates with another
 31 person who consumes medical marijuana in accordance with section 10,
 32 and amendments thereto.
 33 (b) (1) It shall be unlawful for any person or other entity whose
 34 business includes engaging in real estate related transactions to
 35 discriminate against any person in making available such a transaction, or
 36 in the terms or conditions of such a transaction, because such person or
 37 any person associated with such person in connection with any real estate
 38 related transaction consumes medical marijuana in accordance with
 39 section 10, and amendments thereto.
 40 (2) Nothing in this subsection prohibits a person engaged in the
 41 business of furnishing appraisals of real property to take into consideration
 42 factors other than an individual's consumption of medical marijuana in
 43 accordance with section 10, and amendments thereto.

Sec. 49. a) There is hereby established in the state treasury the community and family services and support fund. The secretary of the Kansas department for aging and disability services shall administer such fund. All moneys credited to the community and family services and support fund shall only be expended for the purpose of funding services designed to defray the cost or stress of supporting a family member with an intellectual or developmental disability who is living with a direct family member or legal guardian and provides natural or paid support to such beneficiary of intellectual or developmental disability services. Such services include, but are not limited to:
 (1) Direct subsidies;
 (2) non-home and community based respite and in-home support; and
 (3) assistance in purchasing durable medical equipment and supplies.
 (b) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary, or the secretary's designee, for the purposes set forth in this section.
 and redesignating sections

1 initial and continuing qualifications of licensees and applicants for
2 licensure by the board.

3 ~~(e) The provisions of this section shall become effective on January 1,
4 2017.~~

5 ~~Sec. 68. K.S.A. 79-5210 is hereby amended to read as follows: 79-
6 5201. As used in this act article 52 of chapter 79 of the Kansas Statutes
7 Annotated, and amendments thereto:~~

8 ~~(a) "Marijuana" means any marijuana, whether real or counterfeit, as
9 defined by K.S.A. 2020 Supp. 21-5701, and amendments thereto, which is
10 held, possessed, transported, transferred, sold or offered to be sold in
11 violation of the laws of Kansas;~~

12 ~~(b) "Controlled substance" means any drug or substance, whether real
13 or counterfeit, as defined by K.S.A. 2020 Supp. 21-5701, and amendments
14 thereto, which that is held, possessed, transported, transferred, sold or
15 offered to be sold in violation of the laws of Kansas. Such term shall not
16 include marijuana;~~

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

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

26 ~~(d) "marijuana" means any marijuana, whether real or counterfeit,
27 as defined in K.S.A. 2020 Supp. 21-5701, and amendments thereto, that is
28 held, possessed, transported, transferred, sold or offered for sale in
29 violation of the laws of Kansas; and
30 (e) "medical marijuana" means the same as defined in section 2, and
31 amendments thereto.~~

32 ~~Sec. 69. K.S.A. 79-5210 is hereby amended to read as follows: 79-
33 5210. Nothing in this act requires persons registered under article 16 of
34 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or
35 otherwise lawfully in possession of marijuana, medical marijuana or a
36 controlled substance to pay the tax required under this act.~~

37 ~~Sec. 70. K.S.A. 44-1009, 44-1015, 65-28b08, 79-5201 and 79-5210
38 and K.S.A. 2020 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-
39 5710, 23-3201, 38-2269, 44-501, 44-706 and 65-1120 are hereby repealed.
40 Sec. 71. This act shall take effect and be in force from and after its
41 publication in the statute book.~~

Sec. 68. K.S.A. 79-3620 is hereby amended to read as follows: See attachment redesignate sections

2020 Kansas Statutes

79-3620. Disposition of moneys; sales tax refund fund; credit to state highway fund; credit to city bond finance fund; intermodal facility district, definition, disposition, requirements and procedures for certain sales tax revenue on utility sales. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2013, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2015, the state treasurer shall credit 16.226% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2016, and thereafter, the state treasurer shall credit 16.154% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2020 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2020 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3710(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3710(e), and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

↑ **History:** L. 1937, ch. 374, § 20; L. 1957, ch. 429, § 32; L. 1958, ch. 31, § 2 (Special Session); L. 1965, ch. 530, § 2; L. 1967, ch. 502, § 1; L. 1978, ch. 56, § 19; L. 1982, ch. 423, § 1; L. 1989, ch. 209, § 60; L. 1993, ch. 213, § 5; L. 1998, ch. 17, § 8; L. 2001, ch. 167, § 10; L. 2001, ch. 167, § 11; L. 2002, ch. 185, § 7; L. 2003, ch. 150, § 2; L. 2004, ch. 90, § 3; L. 2009, ch. 95, § 3; L. 2010, ch. 160, § 2; L. 2013, ch. 87, § 6; L. 2013, ch. 135, § 12; L. 2015, ch. 99, § 8; L. 2015, ch. 102, § 8; July 1.

(f) Of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, that is certified by the director as having been collected on the sale of medical marijuana under sections 1 through 46, and amendments thereto:

- (1) 25% shall be credited to the certified community behavioral health clinics fund established in section 47, and amendments thereto;
- (2) 25% shall be credited to community and family services and support fund established in section 49, and amendments thereto; and
- (3) 5% shall be credited to the Kansas court appointed special advocates fund established in section 48, and amendments thereto.