

House Substitute for SENATE BILL No. 158

By Committee on Federal and State Affairs

3-31

1 AN ACT concerning health and healthcare; enacting the Kansas medical
 2 marijuana regulation act; relating to medical cannabis; licensure and
 3 regulation of the manufacture, transportation and sale of medical
 4 cannabis; crimes, punishment and criminal procedure; creating the
 5 crime of unlawful transport of medical marijuana; exceptions from the
 6 unlawful manufacture and possession of a controlled substance;
 7 prescribing powers, duties and functions of the secretary of health and
 8 environment, secretary of revenue, board of healing arts and board of
 9 pharmacy; rules and regulations; providing certain fines and penalties
 10 for violations; establishing the medical marijuana registration fund
 11 medical marijuana cultivation regulation fund and the medical
 12 marijuana business equity regulation fund; amending K.S.A. 44-1009,
 13 44-1015, 65-28b08, 79-5201 and 79-5210 and K.S.A. 2020 Supp. 21-
 14 5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201, 38-
 15 2269, 44-501, 44-706 and 65-1120 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 52, and
19 amendments thereto, shall be known and may be cited as the Kansas
20 medical marijuana regulation act.

21 New Sec. 2. As used in the Kansas medical marijuana regulation 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) "Associated employee" means an owner or prospective owner,
26 officer or board member or prospective board member of an entity seeking
27 a retail dispensary license.

28 (c) "Board of healing arts" means the state board of healing arts.

29 (d) "Caregiver" means an individual registered pursuant to section 8,
30 and amendments thereto, who may purchase and possess medical
31 marijuana in accordance with section 11, and amendments thereto.

32 (e) "Cultivator" means a person issued a license pursuant to section
33 21, and amendments thereto, who may grow and sell medical marijuana in
34 accordance with section 22, and amendments thereto.

35 (f) "Distributor" means a person issued a license pursuant to section
36 31, and amendments thereto, who may purchase and sell medical

65-4105, 65-4107,

19-101a,

,

and sections 2, 3, 4, 17, 18, 35 and 44
of this act, and K.S.A. 21-5706, as
amended by section 72 of this act,

- 1 (5) chronic traumatic encephalopathy;
- 2 (6) Crohn's disease;
- 3 (7) epilepsy or another seizure disorder;
- 4 (8) fibromyalgia;
- 5 (9) glaucoma;
- 6 (10) hepatitis C;
- 7 (11) inflammatory bowel disease;
- 8 (12) multiple sclerosis;
- 9 (13) Parkinson's disease;
- 10 (14) positive status for human immunodeficiency virus;
- 11 (15) post-traumatic stress disorder;
- 12 (16) sickle cell anemia;
- 13 (17) spinal cord disease or injury;
- 14 (18) Tourette's syndrome;
- 15 (19) traumatic brain injury;
- 16 (20) ulcerative colitis;
- 17 (21) a chronic medical condition that:
- 18 (A) Causes severe, persistent pain or persistent muscle spasms; or
- 19 (B) is normally treated with a prescription medication that could lead
- 20 to physical or psychological dependence if a licensed physician determines
- 21 that treatment for such condition with medical marijuana would be
- 22 effective and would serve as a safer alternative;
- 23 (22) a debilitating psychiatric disorder that is diagnosed by a
- 24 physician licensed in this state who is board-certified in the practice of
- 25 psychiatry, as determined by the board of healing arts; or
- 26 (23) any other chronic, debilitating or terminal condition that, in the
- 27 professional judgment of a physician licensed by in this state, would be a
- 28 detriment to the patient's mental or physical health if left untreated.
- 29 (f) "Retail dispensary" means a person issued a license pursuant to
- 30 section 34, and amendments thereto, who may purchase and sell medical
- 31 marijuana in accordance with section 35, and amendments thereto.
- 32 (s) "Smoking" means the use of a lighted cigarette, cigar or pipe or
- 33 otherwise burning marijuana in any other form for the purpose of
- 34 consuming such marijuana.
- 35 (t) "Support employee" means an individual employed by a licensed
- 36 retail dispensary who does not have authority to make operational
- 37 decisions.
- 38 (u) "Vaporization" means the use of an electronic cigarette for the
- 39 purpose of consuming medical marijuana in which such medical marijuana
- 40 comes into direct contact with a heating element.
- 41 (v) "Veteran" means a person who:
- 42 (1) Has served in the army, navy, marine corps, air force, coast guard,
- 43 space force, any state air or army national guard or any branch of the

pain that is either chronic and severe or intractable; and
 (22) any other disease or condition adopted by the secretary of health and environment upon petition recommended for approval by the medical marijuana advisory committee pursuant to section 5, and amendments thereto

1 (e) The director of alcoholic beverage control shall administer the
2 program in accordance with the provisions of this act and provide for the
3 licensure of cultivators, laboratories that test medical marijuana,
4 processors, distributors and retail dispensaries.

5 New Sec. 5. (a) The medical marijuana advisory committee is hereby
6 created in the department of health and environment. The committee shall
7 consist of the following:

8 (1) Eight members appointed by the governor as follows:

9 (A) Two members who are practicing pharmacists, at least one of
10 whom supports the use of medical marijuana and at least one of whom is a
11 member of the state board of pharmacy;

12 (B) two members who are practicing physicians, at least one of whom
13 supports the use of medical marijuana and at least one of whom is a
14 member of the board of healing arts;

15 (C) one member who represents employers;

16 (D) one member who represents agriculture;

17 (E) one member who represents persons involved in the treatment of
18 alcohol and drug addiction; and

19 (F) one member who engages in academic research on the use or
20 regulation of medical marijuana;

21 (2) two members appointed by the president of the senate as follows:

22 (A) One member who represents law enforcement; and

23 (B) one member who represents caregivers;

24 (3) one member, who is a nurse, appointed by the minority leader of
25 the senate;

26 (4) two members appointed by the speaker of the house of
27 representatives as follows:

28 (A) One member who represents persons involved in mental health
29 treatment; and

30 (B) one member who represents patients;

31 (5) one member, who represents employees, appointed by the
32 minority leader of the house of representatives; and

33 (6) the secretary of health and environment, who shall serve as
34 chairperson.

35 (b) The initial appointments to the committee shall be made on or
36 before July 31, 2021.

37 (c) Except for the secretary of health and environment, each member
38 of the committee shall serve ~~from~~ the date of appointment until the
39 committee ceases to exist, except that members shall serve at the pleasure
40 of the appointing authority. A vacancy shall be filled within 21 days of
41 such vacancy in the same manner as the original appointment.

42 (d) Each member of the committee shall be paid compensation,
43 subsistence allowances, mileage and other expenses as provided in K.S.A.

for a period of
two years

1 75-3223(e), and amendments thereto.

2 (e) The committee shall hold its initial meeting not later than 30 days
3 after the last member of the committee is appointed. The committee may
4 develop and submit to the secretary of health and environment and the
5 director of alcoholic beverage control any recommendations related to the
6 Kansas medical marijuana regulation program and the implementation and
7 enforcement of this act.

8 (f) The medical marijuana advisory committee shall make
9 recommendations to the secretary of health and environment and the
10 director of alcoholic beverage control regarding those offenses that would
11 disqualify an applicant from registration or licensure by the respective
12 state agency. The committee shall annually review such offenses and make
13 any subsequent recommendations the committee deems necessary.

14 (g) Prior to January 31 of each year, the medical marijuana advisory
15 committee shall provide a report to the legislature detailing any concerns
16 or recommended changes that the committee has for the medical marijuana
17 regulation act.

18 (h) The provisions of this section shall expire on July 1, 2026.

19 New Sec. 6. (a) Except as permitted under subsection (c), the
20 following individuals shall not solicit or accept, directly or indirectly, any
21 gift, gratuity, emolument or employment from any person who is an
22 applicant for any license or is a licensee under the provisions of the Kansas
23 medical marijuana regulation act or any officer, agent or employee thereof,
24 or solicit requests from or recommend, directly or indirectly, to any such
25 person, the appointment of any individual to any place or position:

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

28 (2) the secretary of revenue, the director of alcoholic beverage control
29 or any officer, employee or agent of the division of alcoholic beverage
30 control;

31 (3) any member of the board of pharmacy; or

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

33 (b) Except as permitted under subsection (c), an applicant for a
34 license or a licensee under the provisions of the Kansas medical marijuana
35 regulation act shall not offer any gift, gratuity, emolument or employment
36 to any of the following:

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

39 (2) the secretary of revenue, the director of alcoholic beverage control
40 or any officer, employee or agent of the division of alcoholic beverage
41 control;

42 (3) any member of the board of pharmacy; or

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

(1) Any person may submit a petition to the medical marijuana advisory committee requesting that a disease or condition be added as a qualifying medical condition for the purposes of this act. The petition shall be submitted in such form and manner as prescribed by the secretary of health and environment. A petition shall not seek to add a broad category of diseases or conditions, but shall be limited to one disease or condition and shall include a description of such disease or condition.

(2) Upon receipt of a petition, the committee shall review such petition to determine whether to recommend the approval or denial of the disease or condition described in the petition as an addition to the list of qualifying medical conditions. The committee may consolidate the review of petitions for the same or similar diseases or conditions. In making its determination, the committee shall:

(A) Consult with one or more experts who specialize in the study of the disease or condition;

(B) review any relevant medical or scientific evidence pertaining to the disease or condition;

(C) consider whether conventional medical therapies are insufficient to treat or alleviate the disease or condition;

(D) review evidence supporting the use of medical marijuana to treat or alleviate the disease or condition; and

(E) review any letters of support provided by physicians with knowledge of the disease or condition, including any letter provided by a physician treating the petitioner.

(3) Upon completion of its review, the committee shall make a recommendation to the secretary of health and environment whether to approve or deny the addition of the disease or condition to the list of qualifying medical conditions. The secretary shall adopt rules and regulations in accordance with the recommendation of the committee.

(h)

redesignate remaining subsections

(3) \$25 for a caregiver registration.

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

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

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

- (1) Use medical marijuana;
- (2) subject to subsection (b), possess medical marijuana; and
- (3) possess any paraphernalia or accessories used to administer medical marijuana.

(b) A registered patient may possess medical marijuana in an amount not to exceed a 30-day supply.

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

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

- (1) Subject to subsection (b), possess medical marijuana on behalf of a registered patient under the caregiver's care;
- (2) assist a registered patient under the caregiver's care in the use or administration of medical marijuana; and
- (3) possess any paraphernalia or accessories used to administer medical marijuana.

(b) A registered caregiver may possess medical marijuana on behalf of a registered patient in an amount not to exceed a 30-day supply. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient.

(c) Nothing in this section shall be construed to permit a registered caregiver to personally use medical marijuana unless the caregiver is also a registered patient.

New Sec. 12. (a) In addition to or in lieu of any other civil or criminal penalty as provided by law, the secretary of health and environment may impose a civil penalty or suspend or revoke a registration upon a finding that the patient or caregiver committed a violation as provided in this section.

(b) Nothing in this act shall be construed to require the secretary to

electronically scannable

Upon scanning such identification card or entering such identification number,

shall obtain

1 satisfied:

2 (1) The application is complete and meets the requirements
3 established in rules and regulations adopted by the board of healing arts;
4 and

5 (2) the applicant demonstrates that the applicant does not have an
6 ownership or investment interest in or compensation arrangement with an
7 entity licensed by the department of health and environment or the director
8 of alcoholic beverage control under this act or an applicant for such
9 licensure.

10 (b) Pursuant to rules and regulations adopted by the board of healing
11 arts, a certificate to recommend shall:

12 (A) Expire annually unless renewed in the manner prescribed by the
13 board; and

14 (B) be accompanied by an annual fee in an amount not to exceed
15 \$175.

16 (2) Renewal of a certificate to recommend shall be conditioned upon
17 the holder's certification of having met the requirements in subsection (a)
18 and having completed at least two hours of continuing medical education
19 in medical marijuana annually in accordance with subsection (E).

20 (c) A physician licensed in this state who holds a certificate to
21 recommend treatment with medical marijuana may recommend that a
22 patient be treated with medical marijuana if:

23 (1) The patient has been diagnosed with a qualifying medical
24 condition;

25 (2) an ongoing physician-patient relationship has been established by-
26 ~~an initial office visit;~~

27 (3) a review of all old medical records, particularly relating to the
28 medical indication for the tetrahydrocannabinol recommendation, and a
29 physical exam have been performed;

30 (4) the recommending physician has a certification to recommend
31 pursuant to section 18, and amendments thereto;

32 (5) the recommending physician, or physician's designee, reports all
33 medical marijuana recommendations for all patients to the prescription
34 monitoring program in accordance with K.S.A. 65-1683, and amendments
35 thereto; and

36 (6) for a patient who has previously had medical marijuana
37 recommended for use by another physician, the patient:

38 (A) Has maintained a physician-patient relationship with the new
39 recommending physician for at least six months with either inpatient visits
40 or via telephonic or electronic means; or

41 (B) no longer has the previous physician-patient relationship on
42 account of death or discontinuance of care by the physician.

43 (d) In the case of a patient who is a minor, the physician may

existed for a minimum of six months, or as specified by rules and regulations adopted by the board, 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) the patient's previous physician contacts the new physician to share the patient's medical history and verify that the patient has a qualifying medical condition;
(B) currently has a recommendation for medical marijuana pursuant to this act and the:
(i) Patient no longer has a relationship with the recommending physician and the patient's previous physician contacts the new physician to share the patient's medical history and verify that the patient has a qualifying medical condition; or
(ii) recommending physician is deceased; or
(C) is a veteran and has not previously received a recommendation for medical marijuana

1 (3) an investigational new drug application; or
2 (4) an expanded access submission.

3 New Sec. 18. (a) On or before July 1, 2022, the board of healing arts
4 shall adopt rules and regulations to implement and enforce the provisions
5 of section 17, and amendments thereto. Such rules and regulations shall
6 include:

7 (1) The procedures and fees for applying for a certificate to
8 recommend treatment with medical marijuana;

9 (2) the conditions for eligibility for a certificate to recommend
10 treatment with medical marijuana;

11 (3) the schedule, fees and procedures for renewing such a certificate;

12 (4) the reasons for which a certificate may be suspended or revoked;

13 (5) the standards under which a certificate suspension may be lifted;
14 and

15 (6) the minimum standards of care when recommending treatment
16 with medical marijuana.

17 (b) The board of healing arts shall approve one or more continuing
18 medical education courses of study that assist physicians holding
19 certificates to recommend treatment with medical marijuana in diagnosing
20 and treating qualifying medical conditions with medical marijuana.

21 New Sec. 19. (a) There shall be no direct or indirect cooperative
22 advertising between or among two or more cultivators, dispensaries or
23 physicians, or any combination thereof, where such advertising has the
24 purpose or effect of steering or influencing patient or caregiver choice with
25 regard to their selection of a physician, retail dispensary or medical
26 marijuana.

27 (b) No advertisement may be disseminated if the submitter of the
28 advertisement has received information that has not been widely
29 publicized in medical literature that the use of the medical marijuana
30 product may cause fatalities or serious harm.

31 (c) All advertisements for medical marijuana or medical marijuana
32 products that make a statement relating to side effects, contraindications
33 and effectiveness shall present a true statement of such information. When
34 applicable, advertisements broadcast through media such as radio,
35 television or other electronic media ~~shall include~~ such information in the
36 audio or audio and visual parts of the presentation. False or misleading
37 information in any part of the advertisement shall not be corrected by the
38 inclusion of a true statement in another, distinct part of the advertisement.

39 (d) An advertisement is false or otherwise misleading if such
40 advertisement:

41 (1) Contains a representation or suggestion that a medical marijuana
42 brand or product is better, more effective, useful in a broader range of
43 conditions or patients or safer than other drugs or treatments, including

, or displayed in
print or on any
sign or billboard,

1 the secretary of health and environment at the same time as, or prior to, the
2 dissemination of the advertisement and shall include the following
3 additional information:

4 (A) A cover letter that provides:

5 (i) A subject line stating: "Medical marijuana advertisement review
6 package for a proposed advertisement for [brand name].";

7 (ii) a brief description of the format and expected distribution of the
8 proposed advertisement; and

9 (iii) the submitter's name, title, address, telephone number, fax
10 number and email address;

11 (B) an annotated summary of the proposed advertisement showing
12 every claim being made in the advertisement and the references that
13 support each claim that includes disease or epidemiology information;

14 (C) verification that a person identified in an advertisement as a
15 registered patient or healthcare practitioner is an actual registered patient
16 or healthcare practitioner and not a model or actor;

17 (D) verification that an official translation of a foreign language
18 advertisement is accurate; and

19 (E) a final copy of the advertisement, including a video where
20 applicable, in an acceptable format.

21 (2) Any incomplete advertising packages, or packages that fail to
22 follow the specific details for submissions, shall be considered incomplete.
23 If the secretary receives an incomplete package, the secretary shall notify
24 the submitter.

25 (g) The secretary may:

26 (1) Require a specific disclosure be made in the advertisement in a
27 clear and conspicuous manner, if the secretary determines that the
28 advertisement would be false or misleading without such a disclosure; or

29 (2) make recommendations with respect to changes that are:

30 (A) Necessary to protect the public health, safety and welfare; or
31 (B) consistent with dispensing information for the product under
32 review.

33 (h) A retail dispensary shall:

34 (1) ~~Restrict external signage to a single sign not larger than 16 inches~~
35 ~~by 18 inches;~~

36 ~~(2) not illuminate a dispensary sign advertising a medical marijuana~~
37 ~~product at any time;~~

38 (3) not advertise medical marijuana brand names or utilize graphics
39 related to marijuana or paraphernalia on the exterior of the dispensary or
40 the building in which the dispensary is located; and

41 (4) not display any medical marijuana or paraphernalia so as to be
42 clearly visible from the exterior of the dispensary.

43 (i) ~~Medical marijuana shall not be advertised.~~

(3) Within 21 days of receiving a complete
advertising package, the secretary shall
either approve such advertisement or notify
the submitter of any necessary disclosures
or changes. If the secretary does not take
any action on the advertising package
within 21 days, the advertisement shall be
deemed to be approved.

The price of

any interstate highway, federal highway or

(1) For-sale by a cultivator, processor or distributor, except that such entities may make a price list available to a dispensary; and

(2) on any billboard that is located along a state highway.

New Sec. 20. (a) All licenses issued pursuant to the medical marijuana regulation act shall:

(1) Not be issued to a person;

(A) Who is not a citizen of the United States;

(B) Who has been convicted of a felony under the laws of this state, any other state or the United States;

(C) Who has had a license revoked for cause under the provisions of the act or who has had any license issued under the medical marijuana laws of any state revoked for cause, except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(D) Who has been convicted of being the keeper of or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(E) Who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(F) Who is not at least 18 years of age;

(G) Who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement officer or who is an employee of the director of alcoholic beverage control;

(H) Who intends to carry on the business authorized by the license as an agent of another;

(I) Who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subparagraph (L);

(J) Who is the holder of a valid and existing license issued under this act unless the person agrees to and does surrender the license to the officer issuing the same;

(K) Who does not own the premises for which a license is sought or does not, at the time of application, have a written lease thereon;

(L) Whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this paragraph shall not apply in determining eligibility for a renewal license;

(j) Medical marijuana shall not be advertised on a billboard or similar advertising device that is located on any interstate highway, federal highway or state highway that crosses the Kansas border within 10 miles of where such highway crosses the state line.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

1 the licensee.

2 (b) The director shall issue a license to an applicant if:

3 (1) The criminal history record check conducted pursuant to section
4 48, and amendments thereto, with respect to the applicant demonstrates
5 that the applicant is not disqualified from holding a license pursuant to
6 section 20, and amendments thereto;

7 (2) the applicant is not applying for a laboratory license and
8 demonstrates that it does not have an ownership or investment interest in
9 or compensation arrangement with a laboratory licensed under this section
10 or an applicant for such license;

11 (3) the applicant is not applying for a laboratory license and
12 demonstrates that it does not share any corporate officers or employees
13 with a laboratory licensed under this section or an applicant for such
14 license;

15 (4) the applicant demonstrates that it will not violate the provisions of
16 section 47, and amendments thereto;

17 (5) the applicant has submitted a tax clearance certificate issued by
18 the department of revenue; and

19 ~~(6) the applicant meets all other licensure eligibility conditions~~
20 established in rules and regulations adopted by the secretary of revenue
21 and has paid all required fees.

22 (c) The director shall issue not less than 15% of cultivator and
23 laboratory licenses to entities that are owned and controlled by United
24 States citizens who are residents of this state and are members of one of
25 the following economically disadvantaged groups: Blacks or African
26 Americans, American Indians, Hispanics or Latinos and Asians. If no
27 applications or an insufficient number of applications are submitted by
28 such entities that meet the conditions set forth in subsection (b), licenses
29 shall be issued in accordance with subsections (a) and (b).

30 (d) A license shall be valid for a period of one year from the date such
31 license is issued and may be renewed by submitting a license renewal
32 application and paying the required fee.

33 New Sec. 22. (a) A cultivator licensee may cultivate medical
34 marijuana in an area either on open farmland or in a building and
35 designated by the licensee. A licensee may deliver or sell medical
36 marijuana to one or more licensed processors, distributors or dispensaries.

37 (b) A licensee may submit an application to the director of alcoholic
38 beverage control for approval of an expansion of such licensee's
39 cultivation area. Expansion approval applications shall be submitted in
40 such form and manner as prescribed by the director and shall include an
41 expansion plan that shall include the following:

42 (1) Specifications for the expansion or alteration that demonstrate
43 compliance with all applicable zoning ordinances, building codes and any

the applicant is applying for a cultivator
license and demonstrates the ability to grow
medical marijuana in a secure, indoor facility
and maintain adequate control against the
diversion, theft and loss of all medical
marijuana to be grown by the applicant; and
(7)

shall

that is

1 (14) the immediate recall of medical marijuana or medical marijuana
2 products that test above allowable thresholds or are otherwise determined
3 to be unsafe;

4 (15) the establishment by the laboratory of a system to document the
5 complete chain of custody for samples from receipt through disposal;

6 (16) the establishment by the laboratory of a system to retain and
7 maintain all required records, including business records, and processes to
8 ensure results are reported in a timely and accurate manner; and

9 (17) any other aspect of laboratory testing of medical marijuana or
10 medical marijuana product deemed necessary by the director.

11 New Sec. 26. (a) A laboratory license may:
12 (1) Obtain medical marijuana from one or more licensed cultivators,
13 processors or retail dispensaries; and

14 (2) conduct medical marijuana testing in accordance with the
15 requirements of section 24, and amendments thereto, and rules and
16 regulations adopted by the secretary of revenue.

17 (b) (1) Licensure of laboratories shall be contingent upon the
18 successful onsite inspection, participation in proficiency testing and
19 ongoing compliance with the requirements of this act.

20 (2) A laboratory shall be inspected prior to initial licensure and up to
21 six times annually by an inspector approved by the director of alcoholic
22 beverage control. The director may enter the licensed premises of a
23 laboratory to conduct investigations and additional inspections when the
24 director believes an investigation or additional inspection is necessary due
25 to a possible violation of this act.

26 (3) After January 1, 2022, accreditation by the national environmental
27 laboratory accreditation program, ANSVASQ national accreditation board
28 or another accrediting body approved by the director shall be required for
29 licensure and renewal of licensure of laboratories.

30 New Sec. 27. (a) The fees for a cultivator license shall be set by rules
31 and regulations adopted by the secretary of revenue in an amount not to
32 exceed an annual fee of:

33 (1) \$5,000 for the license application; and

34 (2) \$20 per plant ~~at~~ the time of licensing and each subsequent renewal
35 for the maximum number of flowering medical marijuana plants, based
36 upon a declaration by the applicant, that are cultivated by the licensee in
37 the facility at any given time.

38 (b) The fees for a laboratory license shall be set by rules and
39 regulations adopted by the secretary of revenue in an amount not to
40 exceed:

41 (1) \$2,000 for a laboratory license application;

42 (2) \$18,000 for a laboratory license; and

43 (3) \$20,000 for a renewal of a laboratory license.

, for a minimum
of 1,000
flowering plants,
to be assessed

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

15 (b) Moneys in the medical marijuana cultivation regulation fund shall
 16 be used for the payment or reimbursement of costs related to the regulation
 17 and enforcement of the cultivation, possession, testing and sale of medical
 18 marijuana by the division of alcoholic beverage control.

19 New Sec. 31. (a) Any entity that seeks to process or distribute
 20 medical marijuana shall submit an application for the appropriate license
 21 to the director of alcoholic beverage control in such form and manner as
 22 prescribed by the director. A separate license application shall be submitted
 23 for each location to be operated by the licensee.

24 (b) The director shall issue a license to an applicant if:
 25 (1) The criminal history record check conducted pursuant to section
 26 48, and amendments thereto, with respect to the applicant demonstrates
 27 that the applicant is not disqualified from holding a license pursuant to
 28 section 20, and amendments thereto;

29 (2) the applicant demonstrates that it does not have an ownership or
 30 investment interest in or compensation arrangement with a laboratory
 31 licensed under section 21, and amendments thereto, or an applicant for
 32 such license;

33 (3) the applicant demonstrates that it does not share any corporate
 34 officers or employees with a laboratory licensed under section 21, and
 35 amendments thereto, or an applicant for such license;

36 (4) the applicant demonstrates that it will not violate the provisions of
 37 section 47, and amendments thereto;

38 (5) the applicant has submitted a tax clearance certificate issued by
 39 the department of revenue; and

40 (6) the applicant meets all other licensure eligibility conditions
 41 established in rules and regulations adopted by the secretary of revenue
 42 and has paid all required fees.

43 (c) The director shall issue not less than 15% of processor and

(6) the applicant seeking licensure has submitted to the director under penalty of perjury an attestation, in a form and manner prescribed by the director, that confirms or denies the existence of any foreign financial interests associated with the entity applying for such license and disclose the identity of such ownership, if applicable; and
(7)

unless prohibited pursuant to subsection (f),

New Sec. 35. (a) A retail dispensary licensee may:

(1) Obtain medical marijuana from one or more licensed cultivators, processors or distributors; and

(2) ~~Dispense or sell medical marijuana in accordance with subsection (b).~~

(b) When dispensing or selling medical marijuana, a retail dispensary shall:

provides the dispensary with

(1) Dispense or sell medical marijuana only to a person who shows a current, valid identification card and only in accordance with a written recommendation issued by a physician;

(2) report to the prescription monitoring program database the information required by K.S.A. 65-1683, and amendments thereto, and rules and regulations adopted by the board of pharmacy pursuant to section 43, and amendments thereto;

(3) ensure that the package containing medical marijuana is labeled with the following information:

(A) The name and address of the licensed processor that produced the product and the retail dispensary;

(B) the name of the patient and caregiver, if any;

(C) the name of the physician who recommended treatment with medical marijuana;

(D) the directions for use, if any, as recommended by the physician;

(E) a health warning as specified in rules and regulations adopted by the secretary of health and environment;

(F) the date on which the medical marijuana was dispensed; and

(G) the quantity, strength, kind or form of medical marijuana contained in the package;

(4) package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. § 1700.15(b), as in effect on July 1, 2021; and

(5) dispense or sell medical marijuana in an official tamper-proof Kansas specific package that is clearly marked and approved by the director.

(c) A retail dispensary shall employ only those individuals who hold a current, valid employee license issued pursuant to section 34, and amendments thereto, and who have completed the training requirements established by rules and regulations adopted by the secretary of revenue.

(d) A retail dispensary shall designate a pharmacist consultant who is a pharmacist licensed in this state and registered pursuant to section 44, and amendments thereto.

(e) A retail dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.

New Sec. 36. (a) Only the following forms of medical marijuana may

(f) The board of county commissioners of any county may prohibit the establishing of dispensaries in such county by adoption of a resolution prohibiting the establishing of dispensaries in such county. Any retail dispensary that is lawfully operating at the time such resolution is adopted shall be permitted to continue operating in such county and shall not be denied renewal of any license based upon the adoption of such resolution.

1 be dispensed under the Kansas medical marijuana regulation act:

- 2 (1) Oils;
- 3 (2) tinctures;
- 4 (3) plant material;
- 5 (4) edibles;
- 6 (5) patches; or
- 7 (6) any other form approved by the secretary of revenue under section
- 8 37, and amendments thereto.
- 9 (b) The smoking, combustion or vaporization of medical marijuana is
- 10 prohibited.

11 (c) Any form or method of using medical marijuana that is considered

12 attractive to children is prohibited.

13 (d) Plant material shall have a tetrahydrocannabinol content of not

14 more than 35% in its final, dispensed form.

15 (e) Extracts shall have a tetrahydrocannabinol content of not more

16 than 70% in their final, dispensed form.

17 (f) No form of medical marijuana shall be dispensed from a vending

18 machine or through electronic commerce.

19 New Sec. 37. (a) Any person may submit a petition to the director of

20 alcoholic beverage control requesting that a form or method of using

21 medical marijuana be approved for the purposes of section 36, and

22 amendments thereto. The petition shall be submitted in such form and

23 manner as prescribed by the director.

24 (b) Upon receipt of a petition, the director shall review such petition

25 to determine whether to recommend approval of the form or method of

26 using medical marijuana described in the petition. The director may

27 consolidate the review of petitions for the same or similar forms or

28 methods. The director shall consult with the medical marijuana advisory

29 committee and review any relevant scientific evidence when reviewing a

denied

secretary

denied

30 petition. The director shall recommend to the secretary of revenue whether

31 to approve or deny the proposed form or method of using medical

32 marijuana. The secretary shall approve or deny such proposed form or

33 method. The secretary's decision shall be final.

34 (c) Any petition that is recommended for denial by the director shall

35 not be resubmitted until 12 months have elapsed since the petition was

36 submitted.

denied

37 New Sec. 38. (a) The fees for a processor license shall be set by rules

38 and regulations adopted by the secretary of revenue in an amount not to

39 exceed:

- 40 (1) \$5,000 for a processor license application; and
- 41 (2) \$40,000 for a processor license and any renewal thereof.
- 42 (b) The fees for a distributor license shall be set by rules and
- 43 regulations adopted by the secretary of revenue in an amount not to

1 package as Kansas medical marijuana and ensure the packaging is tamper-
2 proof, ~~and~~

3 (6) ~~establish~~ training requirements for employees of retail
4 dispensaries.

5 (b) The director of alcoholic beverage control shall propose such
6 rules and regulations as necessary to carry out the intent and purposes of
7 this act. After the hearing on a proposed rule and ~~regulation~~ has been held
8 as required by law, the director shall submit the proposed rule and
9 regulation to the secretary of revenue who, if the secretary approves it,
10 shall adopt the rule and regulation.

11 (c) When adopting rules and regulations under this section, the
12 secretary shall consider standards and procedures that have been found to
13 be best practices relative to the use and regulation of medical marijuana.
14 New Sec. 43. (a) On or before July 1, 2022, the board of pharmacy

15 shall adopt rules and regulations establishing the requirements for a:

16 (1) Retail dispensary to report to the prescription monitoring program
17 database, including, but not limited to, the:

18 (A) Methods of transmission;

19 (B) nationally recognized telecommunications format to be used;

20 (C) frequency of such reports; and

21 (D) procedures for the maintenance of information submitted to or
22 received from the prescription monitoring program database to ensure such
23 information is treated as confidential and is subject to the requirements of
24 K.S.A. 65-1685 and 65-1687, and amendments thereto; and

25 (2) pharmacist to register as a pharmacist consultant for a retail
26 dispensary.

27 (b) Every September 15, December 15, March 15 and June 15, the
28 board of pharmacy shall certify to the director of accounts and reports the
29 amount of moneys expended for operation and maintenance of the Kansas
30 prescription drug monitoring program that is attributable to this act. Upon
31 receipt of each such certification, or as soon thereafter as moneys are
32 available, the director of accounts and reports shall transfer the amount
33 certified from the medical marijuana business entity regulation fund to the
34 state board of pharmacy fee fund.

35 New Sec. 44. (a) Any pharmacist that seeks to operate as a
36 pharmacist consultant for a retail dispensary shall register with the board
37 of pharmacy in accordance with rules and regulations adopted by the
38 board.

39 (b) In operating as a pharmacist consultant for a retail dispensary,
40 such pharmacist shall:

41 (1) Not charge a fee for the pharmacist's services that exceeds 1% of
42 the gross receipts of the retail dispensary;

43 (2) audit each recommendation for use of medical marijuana and

establish requirements for a cultivator to
grow medical marijuana in a secure,
indoor facility and maintain adequate
control against the diversion, theft and
loss of all medical marijuana to be grown
by the applicant; and
(7)

1 or public park. If the relocation of a licensed cultivator, laboratory,
 2 processor, distributor or retail dispensary results in such licensee being
 3 located within 1,000 feet of the boundaries of a parcel of real estate having
 4 situated on it a school, religious organization, public library or public park,
 5 the director shall revoke the license such agency previously issued to such
 6 cultivator, laboratory, processor, distributor or retail dispensary.

7 (b) ~~(f)~~ The director may, in the director's discretion, not revoke the
 8 license of a cultivator, laboratory, processor, distributor or retail dispensary
 9 if such licensee existed at a location prior to the establishment of a school,
 10 religious organization, public library or public park within 1,000 feet of
 11 such licensee.

12 ~~(2) Any licensee may petition for and receive an exemption from the~~
 13 ~~provisions of this section upon approval by the secretary of health and~~
 14 ~~environment and the director of alcoholic beverage control.~~

15 (c) This section shall not apply to research related to marijuana
 16 conducted at a postsecondary educational institution, academic medical
 17 center or private research and development organization as part of a
 18 research protocol approved by an institutional review board or equivalent
 19 entity.

20 (d) As used in this section:

21 (1) "Public library" means any library established pursuant to article
 22 12 of chapter 12 of the Kansas Statutes Annotated, and amendments
 23 thereto, and any other library that serves the general public and is funded
 24 in whole, or in part, from moneys derived from tax levies;

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

29 (3) "religious organization" means any organization, church, body of
 30 communicants or group, gathered in common membership for mutual
 31 support and edification in piety, worship and religious observances, or a
 32 society of individuals united for religious purposes at a definite place and
 33 such religious organization maintains an established place of worship
 34 within this state and has a regular schedule of services or meetings at least
 35 on a weekly basis and has been determined to be organized and created as
 36 a bona fide religious organization; and

37 (4) "school" means any public or private educational institution,
 38 including, but not limited to, any college, university, community college,
 39 technical college, high school, middle school, elementary school, trade
 40 school, vocational school or other professional school providing training
 41 or education.

42 New Sec. 48. Each applicant for a cultivator license, laboratory
 43 license, processor license, distributor license or retail dispensary license

1 thereto, or a bus, as defined by K.S.A. 8-1406, and amendments thereto,
2 who is not in the driving compartment of such vehicle or who is in a
3 portion of such vehicle from which the driver is not directly accessible.

4 ~~(b) Violation of this section is a class C nonperson misdemeanor.~~

5 ~~New Sec. 54. (a) Subject to the provisions of K.S.A. 44-1018, and~~
6 ~~amendments thereto, it shall be unlawful for any person:~~

7 ~~(1) To refuse to sell or rent after the making of a bona fide offer, to~~
8 ~~fail to transmit a bona fide offer or refuse to negotiate in good faith for the~~
9 ~~sale or rental of, or otherwise make unavailable or deny, real property to~~
10 ~~any person because such person consumes medical marijuana in~~
11 ~~accordance with section 10, and amendments thereto;~~

12 ~~(2) To discriminate against any person in the terms, conditions or~~
13 ~~privileges of sale or rental of real property, or in the provision of services~~
14 ~~or facilities in connection therewith, because such person consumes~~
15 ~~medical marijuana in accordance with section 10, and amendments~~
16 ~~thereto; and~~

17 ~~(3) To discriminate against any person in such person's use or~~
18 ~~occupancy of real property because such person associates with another~~
19 ~~person who consumes medical marijuana in accordance with section 10,~~
20 ~~and amendments thereto.~~

21 ~~(b) (1) It shall be unlawful for any person or other entity whose~~
22 ~~business includes engaging in real estate related transactions to~~
23 ~~discriminate against any person in making available such a transaction to~~
24 ~~in the terms or conditions of such a transaction, because such person or~~
25 ~~any person associated with such person in connection with any real estate~~
26 ~~related transaction consumes medical marijuana in accordance with~~
27 ~~section 10, and amendments thereto.~~

28 ~~(2) Nothing in this subsection prohibits a person engaged in the~~
29 ~~business of furnishing appraisals of real property to take into consideration~~
30 ~~factors other than an individual's consumption of medical marijuana in~~
31 ~~accordance with section 10, and amendments thereto.~~

32 ~~(3) As used in this subsection, "real estate related transaction" means~~
33 ~~the same as that term is defined in K.S.A. 44-1017, and amendments~~
34 ~~thereto.~~

35 ~~(c) It shall be unlawful to coerce, intimidate, threaten or interfere with~~
36 ~~any person in the exercise or enjoyment of, or on account of such person's~~
37 ~~having exercised or enjoyed, or on account of such person's~~
38 ~~or encouraged any other person in the exercise or enjoyment of, any right~~
39 ~~granted or protected by subsection (a) or (b).~~

40 ~~(d) Nothing in this section shall be construed to prohibit a person~~
41 ~~from taking any action necessary to procure or retain any monetary benefit~~
42 ~~provided under federal law, or any rules and regulations adopted~~
43 ~~thereunder, or to obtain or maintain any license, certificate, registration or~~

New Sec. 54. (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.

(c) This section shall not apply to any person who stores
or otherwise leaves medical marijuana where it is readily
accessible to a child under the age of 18 years if:
(1) Such child is a patient registered pursuant to section
8, and amendments thereto; and

(2) such medical marijuana is not readily accessible to
any child under the age of 18 years other than the child
described in paragraph (1).

(d) As used in this section:

(1) "Medical marijuana" means the same as defined in
section 2, and amendments thereto; and

(2) "readily accessible" means the medical marijuana is
not stored in a locked container, and that restricts entry to
such container solely to individuals who are over the age
of 17, or who are registered patients pursuant to section
8, and amendments thereto.

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

redesignate remaining sections

1 other legal status issued or bestowed under federal law, or any rules and
2 regulations adopted thereunder.

3 ~~(e) The provisions of this section shall be a part of and supplement to
4 the Kansas act against discrimination.~~

5 New Sec. 55. ~~(a) A covered entity, solely on the basis that an
6 individual consumes medical marijuana in accordance with section 10, and
7 amendments thereto, shall not:~~

8 ~~(1) Consider such individual ineligible to receive an anatomical gift
9 or organ transplant;~~

10 ~~(2) deny medical and other services related to organ transplantation,
11 including evaluation, surgery, counseling and post-transplantation
12 treatment and services;~~

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

15 ~~(4) refuse to place such individual on an organ transplant waiting list,
16 or~~

17 ~~(5) place such individual at a lower-priority position on an organ
18 transplant waiting list than the position at which such individual would
19 have been placed if not for such individual's consumption of medical
20 marijuana.~~

21 (b) A covered entity may take into account an individual's
22 consumption of medical marijuana when making treatment or coverage
23 recommendations or decisions, solely to the extent that such consumption
24 has been found by a physician, following an individualized evaluation of
25 the individual, to be medically significant to the provision of the
26 anatomical gift.

27 (c) Nothing in this section shall be construed to require a covered
28 entity to make a referral or recommendation for or perform a medically
29 inappropriate organ transplant.

30 (d) As used in this section, the terms "anatomical gift," "covered
31 entity" and "organ transplant" mean the same as those terms are defined in
32 K.S.A. 65-3276, and amendments thereto.

33 New Sec. 56. (a) No order shall be issued pursuant to K.S.A. 2020
34 Supp. 38-2242, 38-2243 or 38-2244, and amendments thereto, if the sole
35 basis for the threat to the child's safety or welfare is that the child resides
36 with an individual who consumes medical marijuana in accordance with
37 section 10, and amendments thereto, or the child consumes medical
38 marijuana in accordance with section 10, and amendments thereto.

39 (b) The provisions of this section shall be a part of and supplemental
40 to the revised Kansas code for care of children.

41 New Sec. 57. Notwithstanding the provisions of K.S.A. 65-2836, and
42 amendments thereto, the board shall not revoke, suspend or limit a
43 physician's license, publicly censure a physician or place a physician's

(a) The division of alcoholic beverage control is hereby renamed the division of alcohol and cannabis control. Any reference in law to the division of alcoholic beverage control shall refer to the division of alcohol and cannabis 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 cannabis control.

New Sec. 56. No law enforcement officer as defined in K.S.A. 74-5602, and amendments thereto, shall enforce any violations by a person of 18 U.S.C. § 922(g)(3) if the substance involved in such violation is medical marijuana, as defined in section 2, and amendments thereto, and such person is a registered patient pursuant to the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, whose possession is authorized by such act.

New Sec. 57.

Redesignate remaining sections

1 license under probationary conditions upon any of the following:

2 (a) The physician has:
3 (1) Advised a patient about the possible benefits and risks of using
4 medical marijuana;

5 (2) advised the patient that using medical marijuana may mitigate the
6 patient's symptoms; or

7 (3) submitted an application on behalf of a patient or caregiver for
8 registration as a patient or caregiver under section 8, and amendments
9 thereto; or

10 (b) the physician is a registered patient or caregiver pursuant to
11 section 8, and amendments thereto, possesses or has possessed or uses or
12 has used medical marijuana in accordance with the Kansas medical
13 marijuana regulation act, section 1 et seq, and amendments thereto.

14 New Sec. 58. Notwithstanding the provisions of K.S.A. 65-28a05,
15 and amendments thereto, the board shall not revoke, suspend or limit a
16 physician assistant's license, publicly or privately censure a physician
17 assistant or deny an application for a license or for reinstatement of a
18 license upon any of the following:

19 (a) The physician assistant has:

20 (1) Advised a patient about the possible benefits and risks of using
21 medical marijuana; or

22 (2) advised the patient that using medical marijuana may mitigate the
23 patient's symptoms; or

24 (b) the physician assistant is a registered patient or caregiver pursuant
25 to section 8, and amendments thereto, possesses or has possessed or uses
26 or has used medical marijuana in accordance with the Kansas medical
27 marijuana regulation act, section 1 et seq, and amendments thereto.

28 New Sec. 59. (a) Notwithstanding any other provision of law, any
29 person, board, commission or similar body that determines the
30 qualifications of individuals for licensure, certification or registration shall
31 not disqualify an individual from licensure, certification or registration
32 solely because such individual consumes medical marijuana in
33 accordance with section 10, and amendments thereto.

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

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

36 (2) Kansas highway patrol;

37 (3) office of the attorney general;

38 (4) department of health and environment; or

39 (5) division of alcoholic beverage control.

40 Sec. 60. K.S.A. 2020 Supp. 21-5703 is hereby amended to read as
41 follows: 21-5703. (a) It shall be unlawful for any person to manufacture
42 any controlled substance or controlled substance analog.
43 (b) Violation or attempted violation of subsection (a) is a:

(1) Require an individual who is a registered patient pursuant to section 8, and amendments thereto, to disclose the fact that such person is a registered patient; or
(2)

(4) board of healing arts;
(5) board of pharmacy; or
(6)

Sec. 62 through 69 SEE ATTACHMENT 1
Sec. 70. K.S.A. 19-101a is hereby amended to read as follows: SEE ATTACHMENT 2
redesignate remaining sections

1 the individual is reasonably fitted by training or experience.

2 ~~Sec. 70. K.S.A. 44-1009 is hereby amended to read as follows: 44-~~
3 ~~1009. (a) It shall be an unlawful employment practice:~~

4 ~~(1) For an employer, because of the race, religion, color, sex,~~
5 ~~disability, national origin or ancestry of any person to refuse to hire or~~
6 ~~employ such person to bar or discharge such person from employment or~~
7 ~~to otherwise discriminate against such person in compensation or in terms,~~
8 ~~conditions or privileges of employment; to limit, segregate, separate,~~
9 ~~classify or make any distinction in regards to employees; or to follow any~~
10 ~~employment procedure or practice which, in fact, results in discrimination,~~
11 ~~segregation or separation without a valid business necessity.~~

12 ~~(2) For a labor organization, because of the race, religion, color, sex,~~
13 ~~disability, national origin or ancestry of any person, to exclude or to expel~~
14 ~~from its membership such person or to discriminate in any way against any~~
15 ~~of its members or against any employer or any person employed by an~~
16 ~~employer.~~

17 ~~(3) For any employer, employment agency or labor organization to~~
18 ~~print or circulate or cause to be printed or circulated any statement,~~
19 ~~advertisement or publication, or to use any form of application for~~
20 ~~employment or membership or to make any inquiry in connection with~~
21 ~~prospective employment or membership, which expresses directly or~~
22 ~~indirectly, any limitation, specification or discrimination as to race,~~
23 ~~religion, color, sex, disability, national origin or ancestry, or any intent to~~
24 ~~make any such limitation, specification or discrimination, unless based on~~
25 ~~a bona fide occupational qualification.~~

26 ~~(4) For any employer, employment agency or labor organization to~~
27 ~~discharge, expel or otherwise discriminate against any person because such~~
28 ~~person has opposed any practices or acts forbidden under this act or~~
29 ~~because such person has filed a complaint, testified or assisted in any~~
30 ~~proceeding under this act.~~

31 ~~(5) For an employment agency to refuse to list and properly classify~~
32 ~~for employment or to refuse to refer any person for employment or~~
33 ~~otherwise discriminate against any person because of such person's race,~~
34 ~~religion, color, sex, disability, national origin or ancestry; or to comply~~
35 ~~with a request from an employer for a referral of applicants for~~
36 ~~employment if the request expresses, either directly or indirectly, any~~
37 ~~limitation, specification or discrimination as to race, religion, color, sex,~~
38 ~~disability, national origin or ancestry.~~

39 ~~(6) For an employer, labor organization, employment agency, or~~
40 ~~school which provides, coordinates or controls apprenticeship, on-the-job,~~
41 ~~or other training or retaining program, to maintain a practice of~~
42 ~~discrimination, segregation or separation because of race, religion, color,~~
43 ~~sex, disability, national origin or ancestry, in admission, hiring,~~

1 assignments, upgrading, transfers, promotion, layoff, dismissal,
2 apprenticeship or other training or retaining program, or in any other
3 terms, conditions or privileges of employment, membership,
4 apprenticeship or training; or to follow any policy or procedure which, in
5 fact, results in such practices without a valid business motive.

6 (F) For any person, whether an employer or an employee or not, to
7 aid, abet, incite, compel or coerce the doing of any of the acts forbidden
8 under this act, or attempt to do so.

9 (G) For an employer, labor organization, employment agency or joint
10 labor-management committee to:

11 (A) Limit, segregate or classify a job applicant or employee in a way
12 that adversely affects the opportunities or status of such applicant or
13 employee because of the disability of such applicant or employee;

14 (B) Participate in a contractual or other arrangement or relationship,
15 including a relationship with an employment or referral agency, labor
16 union, an organization providing fringe benefits to an employee or an
17 organization providing training and apprenticeship programs that has the
18 effect of subjecting a qualified applicant or employee with a disability to
19 the discrimination prohibited by this act;

20 (C) Utilize standards, criteria, or methods of administration that have
21 the effect of discrimination on the basis of disability or that perpetuate the
22 discrimination of others who are subject to common administrative
23 control;

24 (D) Exclude or otherwise deny equal jobs or benefits to a qualified
25 individual because of the known disability of an individual with whom the
26 qualified individual is known to have a relationship or association;

27 (E) Not make reasonable accommodations to the known physical or
28 mental limitations of an otherwise qualified individual with a disability
29 who is an applicant or employee, unless such employer, labor organization,
30 employment agency or joint labor-management committee can
31 demonstrate that the accommodation would impose an undue hardship on
32 the operation of the business thereof;

33 (F) Deny employment opportunities to a job applicant or employee
34 who is an otherwise qualified individual with a disability, if such denial is
35 based on the need to make reasonable accommodation to the physical or
36 mental impairments of the employee or applicant;

37 (G) Use qualification standards, employment tests or other selection
38 criteria that screen out or tend to screen out an individual with a disability
39 or a class of individuals with disabilities unless the standard, test or other
40 selection criteria, as used, is shown to be job-related for the position in
41 question and is consistent with business necessity; or

42 (H) Fail to select and administer tests concerning employment in the
43 most effective manner to ensure that when such test is administered to a

1 job applicant or employee who has a disability that impairs sensory,
 2 manual or speaking skills, the test results accurately reflect the skills,
 3 aptitude or whatever other factor of such applicant or employee that such
 4 test purports to measure, rather than reflecting the impaired sensory,
 5 manual or speaking skills of such employee or applicant (except where
 6 such skills are the factors that the test purports to measure).

7 (9) For any employer to:
 8 (A) Seek to obtain, to obtain or to use genetic screening or testing
 9 information of an employee or a prospective employee to distinguish
 10 between or discriminate against or restrict any right or benefit otherwise
 11 due or available to an employee or a prospective employee; or

12 (B) Subject, directly or indirectly, any employee or prospective
 13 employee to any genetic screening or test.

14 (10) (A) For an employer, because a person is a registered patient or
 15 caregiver pursuant to section 8 and amendments thereto, or possesses or
 16 uses medical marijuana in accordance with the Kansas medical marijuana
 17 regulation act, section 1 et seq., and amendments thereto, to:

- 18 (i) Refuse to hire or employ a person;
- 19 (ii) Bar or discharge such person from employment; or
- 20 (iii) Otherwise discriminate against such person in compensation or
 21 in terms, conditions or privileges of employment without a valid business
 22 necessity;

23 (B) For a labor organization, because a person is a registered patient
 24 or caregiver pursuant to section 8 and amendments thereto, or possesses
 25 or uses medical marijuana in accordance with the Kansas medical
 26 marijuana regulation act, section 1 et seq., and amendments thereto, to
 27 exclude or expel such person from its membership.

28 (C) Nothing in this paragraph shall be construed to prohibit a person
 29 from taking any action necessary to procure or retain any monetary
 30 benefit provided under federal law, or any rules and regulations adopted
 31 thereunder, or to obtain or maintain any license, certificate, registration
 32 or other legal status issued or bestowed under federal law, or any rules
 33 and regulations adopted thereunder.

34 (D) Nothing in this paragraph shall be construed to provide a cause
 35 of action against an employer for wrongful discharge or discrimination for
 36 the unlawful use of marijuana.

37 (b) It shall not be an unlawful employment practice to fill vacancies
 38 in such way as to eliminate or reduce imbalance with respect to race,
 39 religion, color, sex, disability, national origin or ancestry;

40 (c) It shall be an unlawful discriminatory practice:

- 41 (1) For any person as defined herein being the owner, operator,
 42 lessee, manager, agent or employee of any place of public accommodation
 43 to refuse, deny or make a distinction, directly or indirectly, in offering its

1 goods, services, facilities, and accommodations to any person as covered
2 by this act because of race, religion, color, sex, disability, national origin or
3 ancestry, except where a distinction because of sex is necessary because of
4 the intrinsic nature of such accommodation.

5 (2) For any person, whether or not specifically enjoined from
6 discriminating under any provisions of this act, to aid, abet, incite, compel
7 or coerce the doing of any of the acts forbidden under this act, or to
8 attempt to do so.

9 (3) For any person to refuse, deny, make a distinction, directly or
10 indirectly, or discriminate in any way against persons because of the race,
11 religion, color, sex, disability, national origin or ancestry of such persons
12 in the full and equal use and enjoyment of the services, facilities,
13 privileges and advantages of any institution, department or agency of the
14 state of Kansas or any political subdivision or municipality thereof.
15 See 71 K.S.A. 44-1015 is hereby amended to read as follows: 44-

16 1015. As used in this act, unless the context otherwise requires:

17 (a) "Commission" means the Kansas human rights commission;

18 (b) "Real property" means and includes:

19 (1) All vacant or unimproved land; and
20 (2) any building or structure which ~~that~~ is occupied or designed or
21 intended for occupancy, or any building or structure having a portion
22 thereof which ~~that~~ is occupied or designed or intended for occupancy.

23 (c) "Family" includes a single individual;
24 (d) "Person" means an individual, corporation, partnership,
25 association, labor organization, legal representative, mutual company,
26 joint-stock company, trust, unincorporated organization, trustee, trustee in
27 bankruptcy, receiver and fiduciary;

28 (e) "To rent" means to lease, to sublease, to let and otherwise to grant
29 for a consideration the right to occupy premises not owned by the
30 occupant;

31 (f) "Discriminatory housing practice" means any act that is unlawful
32 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, or
33 section 54, and amendments thereto.

34 (g) "Person aggrieved" means any person who claims to have been
35 injured by a discriminatory housing practice or believes that such person
36 will be injured by a discriminatory housing practice that is about to occur.

37 (h) "Disability" has the meaning provided by means the same as
38 defined in K.S.A. 44-1002, and amendments thereto.

39 (i) "Familial status" means having one or more individuals less than
40 18 years of age domiciled with:

41 (1) A parent or another person having legal custody of such
42 individual or individuals; or

43 (2) the designee of such parent or other person having such custody.

1 with the written permission of such parent or other person.

2 Sec. 72. ~~K.S.A. 2020 Supp. 65-1120~~ is hereby amended to read as
3 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may
4 deny, revoke, limit or suspend any license or authorization to practice
5 nursing as a registered professional nurse, as a licensed practical nurse, as
6 an advanced practice registered nurse or as a registered nurse anesthetist
7 that is issued by the board or applied for under this act, or may require the
8 licensee to attend a specific number of hours of continuing education in
9 addition to any hours the licensee may already be required to attend or
10 may publicly or privately censure a licensee or holder of a temporary
11 permit or authorization, if the applicant, licensee or holder of a temporary
12 permit or authorization is found after hearing:

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

15 (2) to have been guilty of a felony or to have been guilty of a
16 misdemeanor involving an illegal drug offense unless the applicant or
17 licensee establishes sufficient rehabilitation to warrant the public trust,
18 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
19 license or authorization to practice nursing as a licensed professional
20 nurse, as a licensed practical nurse, as an advanced practice registered
21 nurse or registered nurse anesthetist shall be granted to a person with a
22 felony conviction for a crime against persons as specified in article 34 of
23 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
24 54 of chapter 21 of the Kansas Statutes Annotated, and amendments
25 thereto, or K.S.A. 2020 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and
26 amendments thereto;

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

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

32 (5) to be unable to practice with skill and safety due to current abuse
33 of drugs or alcohol;

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

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

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

42 (9) to have a license to practice nursing as a registered nurse or as a
43 practical nurse denied, revoked, limited or suspended, or to be publicly or

81

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

4 (3) a pattern of practice or other behavior which that demonstrates a
5 manifest incapacity or incompetence to engage in the independent practice
6 of midwifery.

7 (f)(e) The board, upon request, shall receive from the Kansas bureau
8 of investigation such criminal history record information relating to arrests
9 and criminal convictions, as necessary, for the purpose of determining
10 initial and continuing qualifications of licensees and applicants for
11 licensure by the board.

12 ~~(e) The provisions of this section shall become effective on January 1,
13 2017.~~

14 Sec. 74. K.S.A. 79-5201 is hereby amended to read as follows: 79-
15 5201. As used in this act article 52 of chapter 79 of the Kansas Statutes
16 Annotated, and amendments thereto:

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

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

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

31 (c) "domestic marijuana plant" means any cannabis plant at any
32 level of growth which that is harvested or tended, manicured, irrigated,
33 fertilized or where there is other evidence that it has been treated in any
34 other way in an effort to enhance growth;

35 (d) "marijuana" means any marijuana, whether real or counterfeit,
36 as defined in K.S.A. 2020 Supp. 21-5701, and amendments thereto, that is
37 held, possessed, transported, transferred, sold or offered for sale in
38 violation of the laws of Kansas; and
39 (e) "medical marijuana" means the same as defined in section 2, and
40 amendments thereto.

41 Sec. 75. K.S.A. 79-5210 is hereby amended to read as follows: 79-
42 5210. Nothing in this act requires persons registered under article 16 of
43 chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or

Sec. 83. SEE
ATTACHMENT 3

1 otherwise lawfully in possession of marijuana, *medical marijuana* or a
 2 controlled substance to pay the tax required under this act
 3 Sec. 76. K.S.A. ~~44-1009~~, 44-1015, 65-28b08, 79-5201 and 79-5210
 4 and K.S.A. 2020 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-
 5 5710, 23-3201, 38-2269, 44-501, 44-706 and 65-1120 are hereby repealed.
 6 ~~Sec. 77.~~ This act shall take effect and be in force from and after its
 7 publication in the statute book.

19-101a,

Sec. 88. (a) If marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, the secretary of health and environment shall certify to the secretary of state that such rescheduling has occurred. Upon receipt of such certification, the secretary of state shall cause a notice of such certification to be published in the Kansas register.

(b) On and after the effective date of this act and the publication of the notice by the secretary of state in the Kansas register as provided by subsection(a), sections 2, 3, 4, 17, 18, 35 and 44 of this act, K.S.A. 21-5706, as amended by section 72 of this act, and K.S.A. 65-4107 and K.S.A. 2020 Supp. 65-4105 are hereby repealed.