

HOUSE BILL No. 2417

By Committee on Federal and State Affairs

2-15

1 AN ACT concerning health and healthcare; relating to medical cannabis;
2 creating the medical cannabis regulation act; providing for licensure
3 and regulation of the cultivation, processing, distribution, sale and use
4 of medical cannabis; delegating administrative duties and functions to
5 the secretary of health and environment, secretary of revenue, board of
6 healing arts, board of pharmacy and the director of alcohol and
7 cannabis control; imposing fines and penalties for violations of the act;
8 establishing the medical cannabis registration fund, the medical
9 cannabis business regulation fund and the retail dispensary consultant
10 registration fee fund; creating the crimes of unlawful storage and
11 unlawful transport of medical cannabis; making exceptions to the
12 crimes of unlawful manufacture and possession of controlled
13 substances; amending K.S.A. 38-2269, 41-201, 44-501, 44-706, 44-
14 1009, 44-1015, 79-5201 and 79-5210 and K.S.A. 2022 Supp. 19-101a,
15 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 21-6607, 22-
16 3717 and 23-3201 and repealing the existing sections.

17

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

19 New Section 1. The provisions of sections 1 through 50, and
20 amendments thereto, shall be known and may be cited as the medical
21 cannabis regulation act.

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

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

26 (b) "Board of healing arts" means the state board of healing arts.

27 (c) "Cannabinoid" means any of the diverse chemical compounds that
28 can act on cannabinoid receptors in cells and alter neurotransmitter release
29 in the brain, including phytocannabinoids that are produced naturally by
30 marijuana and some other plants.

31 (d) (1) "Cannabis" means all parts of all varieties of the plant
32 Cannabis whether growing or not, the seeds thereof, the resin extracted
33 from any part of the plant and every compound, manufacture, salt,
34 derivative, mixture or preparation of the plant, its seeds or resin.

35 (2) "Cannabis" does not include:

36 (A) The mature stalks of the plant, fiber produced from the stalks, oil

1 or cake made from the seeds of the plant, any other compound,
2 manufacture, salt, derivative, mixture or preparation of the mature stalks,
3 except the resin extracted therefrom, fiber, oil or cake or the sterilized seed
4 of the plant that is incapable of germination;

5 (B) any substance listed in schedules II through V of the uniform
6 controlled substances act;

7 (C) drug products approved by the United States food and drug
8 administration as of July 1, 2024;

9 (D) cannabidiol (other trade name: 2-[3-methyl-6-(1-methylethenyl)-
10 2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

11 (E) industrial hemp as defined in K.S.A. 2-3901, and amendments
12 thereto, when cultivated, produced, possessed or used for activities
13 authorized by the commercial industrial hemp act.

14 (e) "Canopy" means the total surface area within a cultivation area
15 that is dedicated to the cultivation of flowering cannabis plants. The
16 surface area of the plant canopy shall be measured and calculated in square
17 feet and shall include all of the area within the boundaries where the
18 cultivation of the flowering marijuana plants occur. If the surface of the
19 plant canopy consists of noncontiguous areas, each component area shall
20 be separated by identifiable boundaries. If a tiered or shelving system is
21 used in the cultivation area, the surface area of each tier or shelf shall be
22 included in calculating the area of the plant canopy. Calculation of the area
23 of the plant canopy shall not include the areas that are used to cultivate
24 immature marijuana plants and seedlings, prior to flowering, and the areas
25 that are not used at any time to cultivate mature marijuana plants. If the
26 flowering plants are vertically grown in cylinders, the square footage of
27 the canopy shall be measured and calculated by the circumference of the
28 cylinder multiplied by the total length of the cylinder.

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

32 (g) "Cultivate" means the same as defined in K.S.A. 65-4101, and
33 amendments thereto.

34 (h) "Cultivator" means a person issued a license pursuant to section
35 20, and amendments thereto, who may grow and sell medical cannabis in
36 accordance with section 22, and amendments thereto.

37 (i) "Director" means the director of alcohol and cannabis control.

38 (j) "Dispense" means to deliver a medical cannabis product to a
39 registered patient or caregiver pursuant to the written recommendation of a
40 physician, including the packaging and labeling required for that delivery.

41 (k) "Distributor" means a person issued a license pursuant to section
42 20, and amendments thereto, who may purchase and sell medical cannabis
43 in accordance with section 27, and amendments thereto.

- 1 (l) "Edibles" means any food product infused with cannabis extract.
- 2 (m) "Electronic cigarette" means the same as defined in K.S.A. 79-
3 3301, and amendments thereto.
- 4 (n) "Medical cannabis" means cannabis that is cultivated, processed,
5 tested, dispensed, possessed or used for a medical purpose.
- 6 (o) "Medical cannabis product" means a product that contains
7 cannabinoids that have been extracted from plant material or the resin
8 therefrom by physical or chemical means and is intended for
9 administration to a registered patient.
- 10 (p) "Medical cannabis waste" means:
- 11 (1) Unused, surplus, returned or out-of-date medical cannabis or
12 medical cannabis product;
- 13 (2) recalled medical cannabis or medical cannabis product;
- 14 (3) plant debris of the plant Cannabis, including dead plants and all
15 unused plant parts and roots; and
- 16 (4) any wastewater generated during growing and processing.
- 17 (q) "Patient" means an individual registered pursuant to section 8, and
18 amendments thereto, who may purchase and possess medical cannabis in
19 accordance with section 10, and amendments thereto.
- 20 (r) "Person" means any natural person, corporation, partnership, trust
21 or association.
- 22 (s) "Plant" means a cannabis plant produced from a cutting, clipping
23 or seedling that is in a cultivating container.
- 24 (t) "Plant material" means the leaves, stems, buds and flowers of the
25 cannabis plant and does not include seedlings, seeds, clones, stalks or roots
26 of the plant or the weight of any non-cannabis ingredients combined with
27 cannabis.
- 28 (u) "Postsecondary educational institution" means the same as
29 defined in K.S.A. 74-3201b, and amendments thereto.
- 30 (v) "Processor" means a person issued a license pursuant to section
31 20, and amendments thereto, who may purchase, process and sell medical
32 cannabis in accordance with section 26, and amendments thereto.
- 33 (w) "Physician" means an individual licensed to practice medicine
34 and surgery in this state and who is certified by the board of healing arts to
35 recommend treatment with medical cannabis pursuant to section 18, and
36 amendments thereto.
- 37 (x) "Physician's delegate" means:
- 38 (1) A registered nurse, licensed practical nurse, respiratory therapist,
39 emergency medical responder, paramedic, dental hygienist, pharmacy
40 technician or pharmacy intern who has registered for access to the program
41 database as an agent of a practitioner or pharmacist to request program
42 data on behalf of the practitioner or pharmacist;
- 43 (2) a death investigator who has registered for limited access to the

1 program database as an agent of a medical examiner, coroner or another
2 person authorized under law to investigate or determine causes of death; or

3 (3) an individual authorized by rules and regulations adopted by the
4 board of healing arts to access the prescription monitoring program
5 database.

6 (y) "Qualifying medical condition" means any of the following:

7 (1) Acquired immune deficiency syndrome;

8 (2) Alzheimer's disease;

9 (3) amyotrophic lateral sclerosis;

10 (4) cancer;

11 (5) chronic traumatic encephalopathy;

12 (6) epilepsy or another seizure disorder;

13 (7) fibromyalgia;

14 (8) glaucoma;

15 (9) hepatitis C;

16 (10) multiple sclerosis;

17 (11) Parkinson's disease;

18 (12) positive status for human immunodeficiency virus;

19 (13) post-traumatic stress disorder;

20 (14) sickle cell anemia;

21 (15) spinal cord disease or injury;

22 (16) Tourette's syndrome;

23 (17) traumatic brain injury;

24 (18) ulcerative colitis;

25 (19) any autoimmune disorder;

26 (20) pain that is either chronic and severe or intractable;

27 (21) a debilitating psychiatric disorder that is diagnosed by a
28 physician licensed in this state who is board-certified in the practice of
29 psychiatry, as determined by the board of healing arts;

30 (22) any other chronic, debilitating or terminal condition that, in the
31 professional judgment of a physician, would be a detriment to the patient's
32 mental or physical health if left untreated; or

33 (23) any other disease or condition approved by the secretary of
34 health and environment pursuant to section 15, and amendments thereto.

35 (z) "Retail dispensary" means a person issued a license pursuant to
36 section 22, and amendments thereto, who may purchase and sell medical
37 cannabis in accordance with section 28, and amendments thereto.

38 (aa) "Smoking" means the use of a lighted cigarette, cigar or pipe or
39 otherwise burning cannabis in any other form for the purpose of
40 consuming such cannabis.

41 (bb) "Tetrahydrocannabinol" means the primary psychoactive
42 cannabinoid in cannabis formed by decarboxylation of naturally occurring
43 tetrahydrocannabinolic acid that generally takes place by heating.

1 (cc) "Tetrahydrocannabinolic acid" means the dominant cannabinoid
2 that occurs naturally in most varieties of cannabis.

3 (dd) "Tetrahydrocannabinol content" means the sum of the amount of
4 tetrahydrocannabinol and 87.7% of the amount of tetrahydrocannabinolic
5 acid present in the product.

6 (ee) "Vaporization" means the use of an electronic cigarette for the
7 purpose of consuming medical cannabis in which such medical cannabis
8 comes into direct contact with a heating element.

9 (ff) "Veteran" means a person who has:

10 (1) Served in the army, navy, marine corps, air force, coast guard,
11 space force, any state air or army national guard or any branch of the
12 military reserves of the United States; and

13 (2) been separated from the branch of service in which the person
14 was honorably discharged or received a general discharge under honorable
15 conditions.

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

21 (b) Nothing in the medical cannabis regulation act shall be construed
22 to:

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

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

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

29 (4) permit the use or administration of medical cannabis on any
30 property owned, operated or leased by any state agency or political
31 subdivision thereof or any city, county or other municipality;

32 (5) require any public place to accommodate a registered patient's use
33 of medical cannabis;

34 (6) prohibit any public place from accommodating a registered
35 patient's use of medical cannabis;

36 (7) authorize any limitation on the number of any licenses awarded
37 under this act to otherwise qualified applicants or authorize any state
38 agency through rules and regulations to effectively limit the number of
39 licenses available to otherwise qualified applicants for any type of license
40 awarded under this act; or

41 (8) restrict research related to cannabis conducted at a postsecondary
42 educational institution, academic medical center or private research and
43 development organization as part of a research protocol approved by an

1 institutional review board or equivalent entity.

2 New Sec. 4. (a) There is hereby established the medical cannabis
3 regulation program.

4 (b) The secretary of health and environment shall administer the
5 program in accordance with the provisions of this act and provide for the
6 registration of patients and caregivers, including the issuance of
7 identification cards to registered patients and caregivers.

8 (c) The board of healing arts shall administer the program in
9 accordance with the provisions of this act and provide for the certification
10 of physicians authorizing such physicians to recommend medical cannabis
11 as a treatment for patients.

12 (d) The board of pharmacy shall administer the program in
13 accordance with the provisions of this act and provide for the registration
14 of retail dispensary consultants.

15 (e) The director of alcohol and cannabis control shall administer the
16 program in accordance with the provisions of this act and provide for the
17 licensure of cultivators, laboratories, processors, distributors, retail
18 dispensaries and employees thereof.

19 New Sec. 5. (a) The medical cannabis advisory committee is hereby
20 created in the department of health and environment. The committee shall
21 consist of the following:

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

23 (A) Two members who are practicing pharmacists, at least one of
24 whom supports the use of medical cannabis and at least one of whom is a
25 member of the state board of pharmacy;

26 (B) two members who are practicing physicians, at least one of whom
27 supports the use of medical cannabis and at least one of whom is a
28 member of the board of healing arts;

29 (C) one member who represents employers;

30 (D) one member who represents agriculture;

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

33 (F) one member who engages in academic research on the use or
34 regulation of medical cannabis;

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

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

37 (B) one member who represents caregivers;

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

40 (4) two members appointed by the speaker of the house of
41 representatives as follows:

42 (A) One member who represents persons involved in mental health
43 treatment; and

1 (B) one member who represents patients;
2 (5) one member who represents employees, appointed by the
3 minority leader of the house of representatives; and
4 (6) the secretary of health and environment, who shall serve as
5 chairperson.

6 (b) The initial appointments to the committee shall be made on or
7 before July 31, 2024.

8 (c) Except for the secretary of health and environment, each member
9 of the committee shall serve for a period of two years from the date of
10 appointment. A vacancy shall be filled within 21 days of such vacancy in
11 the same manner as the original appointment.

12 (d) Each member of the committee shall be paid compensation,
13 subsistence allowances, mileage and other expenses as provided in K.S.A.
14 75-3223(e), and amendments thereto.

15 (e) The committee shall hold its initial meeting not later than 30 days
16 after the last member of the committee is appointed. The committee may
17 develop and submit to the secretary of health and environment and the
18 director of alcohol and cannabis control any recommendations related to
19 the medical cannabis regulation program and the implementation and
20 enforcement of this act.

21 (f) Prior to January 31 of each year, the medical cannabis advisory
22 committee shall provide a report to the legislature detailing any concerns
23 or recommended changes that the committee has for the medical cannabis
24 regulation act.

25 (g) The provisions of this section shall expire on July 1, 2029.

26 New Sec. 6. (a) Except as permitted under subsection (c), the
27 following individuals shall not solicit or accept, directly or indirectly, any
28 gift, gratuity, emolument or employment from any person who is an
29 applicant for any license or is a licensee under the provisions of the
30 medical cannabis regulation act or any officer, agent or employee thereof,
31 or solicit requests from or recommend, directly or indirectly, to any such
32 person, the appointment of any individual to any place or position:

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

35 (2) the secretary of revenue, the director of alcohol and cannabis
36 control or any officer, employee or agent of the division of alcohol and
37 cannabis control;

38 (3) any member of the state board of pharmacy; or

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

40 (b) Except as permitted under subsection (c), an applicant for a
41 license or a licensee under the provisions of the medical cannabis
42 regulation act shall not offer any gift, gratuity, emolument or employment
43 to any of the following:

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

3 (2) the secretary of revenue, the director of alcohol and cannabis
4 control or any officer, employee or agent of the division of alcohol and
5 cannabis control;

6 (3) any member of the state board of pharmacy; or

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

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

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

20 (e) Violation of any provision of this section is a severity level 7,
21 nonperson felony.

22 (f) Nothing in this section shall be construed to prohibit the
23 prosecution and punishment of any person for any other crime in the
24 Kansas criminal code.

25 New Sec. 7. All actions taken by the board of healing arts, the state
26 board of pharmacy, the secretary of health and environment or the director
27 of alcohol and cannabis control under the medical cannabis regulation act
28 shall be in accordance with the Kansas administrative procedure act and
29 reviewable in accordance with the Kansas judicial review act.

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

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

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

39 (A) A bona fide physician-patient relationship exists between the
40 physician and patient;

41 (B) the patient has been diagnosed with a qualifying medical
42 condition;

43 (C) the physician, or such physician's delegate, has requested from

1 the prescription monitoring program database a report of information
2 related to the patient that covers at least the 12 months immediately
3 preceding the date of the report;

4 (D) the physician has informed the patient of the risks and benefits of
5 medical cannabis as it pertains to the patient's qualifying medical condition
6 and medical history; and

7 (E) the physician has informed the patient that it is the physician's
8 opinion that the benefits of medical cannabis outweigh its risks;

9 (2) in the case of an application submitted on behalf of a patient, the
10 name or names of one or more caregivers, if any, who will assist the
11 patient in the use or administration of medical cannabis;

12 (3) in the case of an application submitted on behalf of a caregiver,
13 the name of the patient or patients whom the caregiver seeks to assist in
14 the use or administration of medical cannabis; and

15 (4) in the case of a patient who is a minor, the name of the patient's
16 parent or legal guardian who has consented to treatment with medical
17 cannabis and who shall be designated as the patient's caregiver.

18 (c) If the application is complete and meets the requirements of this
19 act and rules and regulations adopted thereunder and the patient or
20 caregiver has paid the required fee, the secretary of health and
21 environment shall register the patient or caregiver and issue to the patient
22 or caregiver an identification card.

23 (d) (1) A registered caregiver shall be at least 21 years of age, except
24 that if the caregiver is the parent or legal guardian of a patient who is a
25 minor, then the registered caregiver shall be at least 18 years of age.

26 (2) A registered patient may designate up to two registered
27 caregivers. If the patient is a minor, a parent or legal guardian of such
28 patient shall be designated as a registered caregiver for such patient.

29 (3) A registered caregiver may provide assistance to not more than
30 two registered patients, unless the secretary approves a greater number of
31 registered patients.

32 (4) A physician who submits an application on behalf of a patient
33 may not also serve as such patient's registered caregiver.

34 (e) Any information collected by the department of health and
35 environment pursuant to this section is confidential and not a public
36 record. The department may share information identifying a specific
37 patient with a licensed retail dispensary or any law enforcement agency for
38 the purpose of confirming that such patient has a valid registration.
39 Information that does not identify a person may be released in summary,
40 statistical or aggregate form. The provisions of this subsection shall expire
41 on July 1, 2029, unless the legislature reviews and reenacts such
42 provisions in accordance with K.S.A. 45-229, and amendments thereto,
43 prior to July 1, 2029.

1 (f) (1) The fees for a patient or caregiver registration, or the renewal
2 thereof, shall be set by rules and regulations adopted by the secretary of
3 health and environment in an amount not to exceed:

4 (A) Except as specified in subparagraph (B), \$50 for a patient
5 registration;

6 (B) \$25 for a patient registration if the patient is a veteran; and

7 (C) \$25 for a caregiver registration.

8 (2) No fee shall be assessed to any patient or caregiver who is
9 indigent.

10 (g) A registration shall be valid for a period of one year from the
11 effective date as specified on the identification card and may be renewed
12 by submitting a registration renewal application and paying the required
13 fee.

14 New Sec. 9. (a) The department of health and environment shall
15 assign a unique 24-character identification number to each registered
16 patient and caregiver when issuing an identification card. Each card shall
17 be electronically scannable. Upon presentation of an identification card,
18 licensed retail dispensaries shall obtain verification by the department that
19 a patient or caregiver has a valid registration.

20 (b) Each patient and caregiver shall promptly deliver such patient's or
21 caregiver's registration identification card upon demand of any officer of a
22 court of competent jurisdiction, any law enforcement officer or any
23 employee or agent of the secretary of health and environment when the
24 identification card is in such patient's or caregiver's immediate possession
25 at the time of the demand.

26 New Sec. 10. (a) A patient registered pursuant to section 8, and
27 amendments thereto, who purchases medical cannabis from a licensed
28 retail dispensary may:

29 (1) Use medical cannabis;

30 (2) subject to subsection (b), purchase and possess medical cannabis;
31 and

32 (3) purchase and possess any paraphernalia or accessories used to
33 administer medical cannabis.

34 (b) A registered patient may purchase and possess medical cannabis
35 in an amount not to exceed the following for a 60-day supply:

36 (1) For edibles, 60 mg per day;

37 (2) for inhalation through vaporization, 350 mg per day;

38 (3) for oral consumption, including, but not limited to, capsules and
39 tinctures, 200 mg per day;

40 (4) for sublingual tinctures, 190 mg per day;

41 (5) for suppositories, 195 mg per day;

42 (6) for topical applications, 150 mg per day; and

43 (7) for dried flower, eight ounces.

1 (c) A patient may cultivate medical cannabis for personal use. No
2 cultivator license shall be required for such cultivation of medical
3 cannabis. Any patient cultivating medical cannabis for personal use shall:

4 (1) Notify the secretary of health and environment that such patient
5 intends to cultivate medical cannabis pursuant to this section. Such notice
6 shall be submitted in such form and manner as prescribed by the secretary
7 and shall include the patient's name, identification card number and the
8 address of the premises where such medical cannabis is being cultivated.
9 Upon receipt of such notice, the secretary shall notify the director of such
10 cultivation, including the information contained in the patient's notice;

11 (2) cultivate not more than three plants in a secure facility in
12 accordance with rules and regulations adopted by the secretary of health
13 and environment;

14 (3) only cultivate medical cannabis at the premises stated in the
15 notice and such premises shall be owned or leased by the patient;

16 (4) only cultivate and use such medical cannabis for such patient's
17 own needs in accordance with a written recommendation issued by such
18 patient's physician, and shall not sell, transfer, give or otherwise distribute
19 such medical cannabis to any other individual or entity regardless of
20 whether such individual is a registered patient or caregiver or such entity is
21 licensed pursuant to section 20, and amendments thereto;

22 (5) notify the secretary of health and environment if there is a change
23 in the premises where the medical cannabis is cultivated and the address of
24 the new premises. Upon receipt of such notice, the secretary shall notify
25 the director of the same; and

26 (6) comply with all rules and regulations adopted by the secretary of
27 health and environment concerning the cultivation of medical cannabis for
28 personal use.

29 (d) Any medical cannabis cultivated by a patient shall not be included
30 as part of any limitation on the amount of medical cannabis a patient may
31 purchase or possess within a 60-day time period.

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

35 New Sec. 11. (a) A caregiver registered pursuant to section 8, and
36 amendments thereto, who purchases medical cannabis from a licensed
37 retail dispensary may:

38 (1) Subject to subsection (b), purchase and possess medical cannabis
39 on behalf of a registered patient under the caregiver's care;

40 (2) assist a registered patient under the caregiver's care in the use or
41 administration of medical cannabis; and

42 (3) purchase and possess any paraphernalia or accessories used to
43 administer medical cannabis.

1 (b) A registered caregiver may purchase and possess medical
2 cannabis on behalf of a registered patient in an amount not to exceed the
3 dosage amounts provided in section 10(b), and amendments thereto. If a
4 caregiver provides care to more than one registered patient, the caregiver
5 shall maintain separate inventories of medical cannabis for each patient.

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

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

14 (b) Nothing in this act shall be construed to require the secretary to
15 enforce minor violations if the secretary determines that the public interest
16 is adequately served by a notice or warning to the alleged offender.

17 (c) Upon a finding that a registrant has submitted fraudulent
18 information or otherwise falsified or misrepresented information required
19 to be submitted by such registrant, the secretary may impose a civil fine in
20 an amount not to exceed \$500 for a first offense and may suspend or
21 revoke the individual's registration for a second or subsequent offense.

22 (d) If the secretary suspends, revokes or refuses to renew any
23 registration issued pursuant to this act and determines that there is clear
24 and convincing evidence of a danger of immediate and serious harm to any
25 person, the secretary may place under seal all medical cannabis owned by
26 or in the possession, custody or control of the affected registrant. Except as
27 provided in this section, the secretary shall not dispose of the sealed
28 medical cannabis until a final order is issued authorizing such disposition.
29 During the pendency of an appeal from any order issued by the secretary, a
30 court may order the secretary to sell medical cannabis that is perishable,
31 and the proceeds of any such sale shall be deposited with the court.

32 New Sec. 13. (a) There is hereby established the medical cannabis
33 registration fund in the state treasury. The secretary of health and
34 environment shall administer the medical cannabis registration fund and
35 shall remit all moneys collected from the payment of all fees and fines
36 imposed by the secretary pursuant to the medical cannabis regulation act
37 and any other moneys received by or on behalf of the secretary pursuant to
38 such act to the state treasurer in accordance with the provisions of K.S.A.
39 75-4215, and amendments thereto. Upon receipt of each such remittance,
40 the state treasurer shall deposit the entire amount in the state treasury to
41 the credit of the medical cannabis registration fund. Moneys credited to the
42 medical cannabis registration fund shall only be expended or transferred as
43 provided in this section. Expenditures from such fund shall be made in

1 accordance with appropriation acts upon warrants of the director of
2 accounts and reports issued pursuant to vouchers approved by the
3 secretary or the secretary's designee.

4 (b) Moneys in the medical cannabis registration fund shall be used for
5 the payment or reimbursement of costs related to the regulation and
6 enforcement of the possession and use of medical cannabis by the
7 secretary.

8 New Sec. 14. (a) On or before July 1, 2024, the secretary of health
9 and environment shall, after consulting with the medical cannabis advisory
10 committee, adopt rules and regulations to administer the medical cannabis
11 regulation program and implement and enforce the provisions of the
12 medical cannabis regulation act. Such rules and regulations shall:

13 (1) Establish procedures for registration of patients and caregivers
14 and eligibility requirements for registration, including registration fees;

15 (2) establish procedures for the issuance of patient or caregiver
16 identification cards;

17 (3) establish renewal schedules, procedures and fees for registrations;

18 (4) subject to the provisions of subsection (b), specify, by form and
19 tetrahydrocannabinol content, a 60-day maximum supply of medical
20 cannabis that may be purchased and possessed;

21 (5) establish procedures for notification of cultivation of medical
22 cannabis for personal use by a patient and such other limitations or
23 restrictions on such cultivation as required by law or as the secretary
24 deems necessary for the safe and effective administration of the medical
25 cannabis regulation act;

26 (6) specify the forms or methods of using medical cannabis that are
27 attractive to children; and

28 (7) establish a program to assist patients who are indigent or who are
29 veterans in obtaining medical cannabis.

30 (b) Any maximum supply of medical cannabis that may be purchased
31 by a patient or caregiver shall allow for exceptions from the limits
32 provided in section 10(b), and amendments thereto, upon submission of a
33 written certification from two independent physicians that there are
34 compelling reasons for the patient or caregiver to purchase greater
35 quantities of medical cannabis.

36 (c) When adopting rules and regulations under this section, the
37 secretary shall consider standards and procedures that have been found to
38 be best practices relative to the use and regulation of medical cannabis.

39 New Sec. 15. (a) Any person may submit a petition to the medical
40 cannabis advisory committee requesting that a disease or condition be
41 added as a qualifying medical condition for the purposes of this act. The
42 petition shall be submitted in such form and manner as prescribed by the
43 secretary of health and environment. A petition shall not seek to add a

1 broad category of diseases or conditions but shall be limited to one disease
2 or condition and shall include a description of such disease or condition.

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

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

11 (2) review any relevant medical or scientific evidence pertaining to
12 the disease or condition;

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

15 (4) review evidence supporting the use of medical cannabis to treat or
16 alleviate the disease or condition; and

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

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

25 (d) Prior to July 1, 2027, and every three years thereafter, the
26 committee shall review all diseases or conditions that have been
27 previously recommended for approval by the committee and adopted by
28 the secretary of health and environment through rules and regulations to
29 determine if the inclusion of any such diseases or conditions are no longer
30 supported by scientific evidence. The inclusion of any such disease or
31 condition that the committee determines is no longer supported by
32 scientific evidence shall be recommended by the committee to the
33 secretary of health and environment for removal from the list of qualifying
34 medical conditions.

35 New Sec. 16. On or before July 1, 2024, the department of health and
36 environment shall make a website available for the public to access
37 information regarding patient and caregiver registration under the medical
38 cannabis regulation act.

39 New Sec. 17. A medical cannabis registry identification card, or its
40 equivalent, that is issued under the laws of another state, district, territory,
41 commonwealth or insular possession of the United States that is verifiable
42 by the jurisdiction of issuance and allows a nonresident patient to purchase
43 and possess medical cannabis for medical purposes shall have the same

1 force and effect as an identification card issued by the secretary pursuant
2 to this act if the nonresident patient has not been residing in this state for
3 more than 180 days.

4 New Sec. 18. (a) Except as provided in subsection (j), a physician
5 seeking to recommend treatment with medical cannabis shall apply to the
6 board of healing arts for a certificate authorizing such physician to
7 recommend treatment with medical cannabis. The application shall be
8 submitted in such form and manner as prescribed by the board. The board
9 shall grant a certificate to recommend such treatment if the following
10 conditions are satisfied:

11 (1) The application is complete and meets the requirements
12 established in rules and regulations adopted by the board of healing arts;
13 and

14 (2) the applicant demonstrates that the applicant does not have an
15 ownership or investment interest in or compensation arrangement with an
16 entity licensed by the director of alcohol and cannabis control under this
17 act or an applicant for such licensure.

18 (b) (1) Pursuant to rules and regulations adopted by the board of
19 healing arts, a certificate to recommend treatment with medical cannabis
20 shall:

21 (A) Expire one year from the date of issuance unless renewed in the
22 manner prescribed by the board; and

23 (B) require an annual fee in an amount not to exceed \$175.

24 (2) Renewal of a certificate to recommend treatment with medical
25 cannabis shall be conditioned upon the holder's certification of having met
26 the requirements in subsection (a), paying the required renewal fee and
27 having completed at least two hours of continuing medical education in
28 medical cannabis in accordance with subsection (g).

29 (c) A physician licensed in this state who holds a certificate to
30 recommend treatment with medical cannabis may recommend that a
31 patient be treated with medical cannabis if:

32 (1) The patient has been diagnosed with a qualifying medical
33 condition;

34 (2) an ongoing physician-patient relationship has been established by
35 an initial office visit; and

36 (3) an in-person physical examination of the patient was performed
37 by the physician together with a review of all of the patient's medical
38 records, particularly relating to the medical indication for a
39 tetrahydrocannabinol recommendation.

40 (d) In the case of a patient who is a minor, the physician may
41 recommend treatment with medical cannabis only after obtaining the
42 consent of the patient's parent or other person authorized to provide
43 consent to such treatment.

1 (e) When issuing a written recommendation to a patient, a physician
2 shall specify any information required by rules and regulations adopted by
3 the board of healing arts. A written recommendation issued to a patient
4 under this section shall be valid for a period of not more than 90 days. A
5 physician may renew the recommendation for not more than three
6 additional periods of not more than 90 days each. Thereafter, a physician
7 may issue another recommendation to the patient only upon a physical
8 examination of the patient.

9 (f) Each year, a physician holding a certificate to recommend
10 treatment with medical cannabis shall submit to the board of healing arts a
11 report that describes the physician's observations regarding the
12 effectiveness of medical cannabis in treating the physician's patients
13 during the year covered by the report. When submitting reports, a
14 physician shall not include any information that identifies or would tend to
15 identify any specific patient.

16 (g) Each year, a physician holding a certificate to recommend
17 treatment with medical cannabis shall complete at least two hours of
18 continuing medical education in the treatment with and use of medical
19 cannabis as approved by the board of healing arts.

20 (h) A physician shall not issue a recommendation for treatment with
21 medical cannabis for a member of such physician's family or the
22 physician's self, or personally furnish or otherwise administer medical
23 cannabis.

24 (i) A physician holding a certificate to recommend treatment with
25 medical cannabis shall be immune from civil liability, shall not be subject
26 to professional disciplinary action by the board of healing arts and shall
27 not be subject to criminal prosecution for any of the following actions:

28 (1) Advising a patient, patient representative or caregiver about the
29 benefits and risks of medical cannabis to treat a qualifying medical
30 condition;

31 (2) recommending that a patient use medical cannabis to treat or
32 alleviate a qualifying medical condition; or

33 (3) monitoring a patient's treatment with medical cannabis.

34 (j) This section shall not apply to a physician who recommends
35 treatment with cannabis or a drug derived from cannabis under any of the
36 following that is approved by an institutional review board or equivalent
37 entity, the United States food and drug administration or the national
38 institutes of health or one of its cooperative groups or centers under the
39 United States department of health and human services:

40 (1) A research protocol;

41 (2) a clinical trial;

42 (3) an investigational new drug application; or

43 (4) an expanded access submission.

1 New Sec. 19. (a) On or before September 1, 2024, the board of
2 healing arts shall adopt rules and regulations to implement and enforce the
3 provisions of section 18, and amendments thereto. Such rules and
4 regulations shall include:

5 (1) Procedures and fees for applying for a certificate to recommend
6 treatment with medical cannabis;

7 (2) conditions for eligibility for a certificate to recommend treatment
8 with medical cannabis;

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

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

11 (5) standards under which a certificate suspension may be lifted; and

12 (6) a requirement that each certified physician who recommends
13 medical cannabis for treatment to a patient shall meet the applicable
14 standard of care.

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

19 New Sec. 20. (a) Any person who seeks to cultivate, conduct
20 laboratory testing of, process, distribute or sell at retail medical cannabis,
21 medical cannabis concentrate or medical cannabis products shall submit an
22 application for the appropriate license to the director in such form and
23 manner as prescribed by the director. A separate license application shall
24 be submitted for each location to be operated by the licensee.

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

26 (1) Criminal history record check conducted pursuant to section 45,
27 and amendments thereto, demonstrates that the applicant is not
28 disqualified from holding a license pursuant to section 21, and
29 amendments thereto;

30 (2) applicant is not applying for a laboratory license and demonstrates
31 that such applicant does not:

32 (A) Have an ownership or investment interest in or compensation
33 arrangement with a licensed laboratory or an applicant for such license; or

34 (B) share any corporate officers or employees with a licensed
35 laboratory or an applicant for such license;

36 (3) applicant is not a registered caregiver under section 8, and
37 amendments thereto;

38 (4) applicant demonstrates that such applicant will not violate the
39 provisions of section 43, and amendments thereto;

40 (5) applicant demonstrates that such applicant will comply with the
41 provisions of section 44, and amendments thereto;

42 (6) applicant has submitted a tax clearance certificate issued by the
43 department of revenue;

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

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

9 (c) The director may issue the following licenses:

10 (1) Cultivator license;

11 (2) laboratory license;

12 (3) processor license;

13 (4) distributor license; and

14 (5) retail dispensary license.

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

24 (e) All licenses issued under this section shall be valid for a period of
25 one year from the effective date as specified on the license.

26 (f) A license may be renewed by submitting a license renewal
27 application and paying the required fee.

28 New Sec. 21. (a) All cultivator, laboratory, processor, distributor and
29 retail dispensary licenses issued pursuant to section 20, and amendments
30 thereto, shall only be issued to a person:

31 (1) Who is a citizen of the United States;

32 (2) who has not had a license revoked for cause under the provisions
33 of this act or has not had any license issued under the medical cannabis
34 laws of any state revoked for cause, except that a license may be issued to
35 a person whose license was revoked for the conviction of a misdemeanor
36 at any time after the lapse of 10 years following the date of the revocation;

37 (3) who is at least 18 years of age;

38 (4) who, other than as a member of the governing body of a city or
39 county, does not appoint or supervise any law enforcement officer, is not a
40 law enforcement officer or is not an employee of the director;

41 (5) who does not intend to carry on the business authorized by the
42 license as an agent of another;

43 (6) who, at the time of application for renewal of any license issued

1 under this act, would be eligible for the license upon a first application,
2 except as provided in paragraph (11);

3 (7) who owns the premises for which a license is sought or, at the
4 time of application, has a written lease thereon;

5 (8) whose spouse would be eligible to receive a license under this act,
6 except that:

7 (A) A spouse's ineligibility due to citizenship or age shall not
8 disqualify a person from licensure; and

9 (B) a spouse's ineligibility shall not apply in determining eligibility
10 for renewal of a license; and

11 (9) who has not been found to have held an undisclosed beneficial
12 interest in any license issued pursuant to this act that was obtained by
13 means of fraud or any false statement made on the application for such
14 license.

15 (b) If the applicant is not an individual, then the license shall only be
16 issued to a business entity formed in this state and registered with the
17 secretary of state. No license shall be issued to a publicly traded
18 corporation. Such entity shall submit the following to the director along
19 with the application for licensure:

20 (1) A certificate of good standing;

21 (2) a copy of such entity's bylaws, operating agreement or other
22 document providing for the governance of such entity; and

23 (3) a certified document indicating:

24 (A) Each individual who holds a 10% or more ownership interest in
25 such applicant and each individual who holds a 10% or more ownership
26 interest in any business entity that holds an ownership interest in the
27 applicant;

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

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

31 (c) All individuals holding a 10% or more ownership interest in a
32 business entity applying for a license shall satisfy the requirements for
33 licensure under subsections (a)(1), (a)(2), (a)(4), (a)(5), (a)(6) and (a)(9).

34 (d) All business entities holding a license shall notify the director of
35 any change in such entity's registration status with the secretary of state,
36 any amendment of such entity's governing documents and any change in
37 ownership, including the names and addresses of the individuals whose
38 ownership interest changed within 30 days after such change occurs.

39 (e) Any transfer of a license shall be reported to and approved by the
40 director. The director shall not approve any transfer of a license to any
41 individual or business entity that does not satisfy the requirements of this
42 section at the time of the transfer.

43 (f) Any compensation, fee, expense or similarly characterized

1 nonequity payment that is contingent on or otherwise determined in a
2 manner that factors in profits, sales, revenue or cash flow of any kind
3 relating to a licensee's operation, including, but not limited to, profit-based
4 consulting fees and percentage rent payments is prohibited. Any licensee
5 that enters into an agreement for any prohibited compensation, fee,
6 expense or payment shall forfeit such entity's license to the director. Such
7 prohibited compensation, fee, expense or payment:

8 (1) Includes any distribution that is made by a licensee to one or more
9 individuals or other entities residing or domiciled outside this state that
10 hold an equity or similar ownership interest in the licensee if such
11 distribution is greater than 25% of the total distributed amount; and

12 (2) does not include payments of fixed amounts that are determined
13 prior to the commencement of applicable services.

14 (g) For purposes of this section, the term "business entity" includes
15 for-profit corporations, limited liability companies, partnerships, limited
16 partnerships, limited liability partnerships and trusts. If the applicant is a
17 trust, references to individual ownership interests in the trust mean any
18 grantor, beneficiary or trustee of such trust.

19 New Sec. 22. (a) A cultivator licensee may cultivate medical cannabis
20 in a building designated by the licensee that complies with the provisions of
21 section 44, and amendments thereto. A cultivator may:

22 (1) Transport, deliver or sell medical cannabis to one or more
23 licensed cultivators, processors, distributors or retail dispensaries; and

24 (2) purchase or receive medical cannabis from one or more licensed
25 cultivators.

26 (b) (1) Unless authorized by this act, a cultivator shall not transfer or
27 sell medical cannabis and a processor shall not transfer, sell or process into
28 a concentrate or medical cannabis product any medical cannabis, medical
29 cannabis concentrate or medical cannabis product unless samples from
30 each harvest batch or production batch from which such medical cannabis,
31 medical cannabis concentrate or medical cannabis product was derived has
32 been tested by a licensed laboratory for contaminants and has passed all
33 contaminant tests required by this act.

34 (2) A cultivator may transfer medical cannabis that has failed testing
35 for quality control to a licensed processor only for the purposes of
36 decontamination or remediation and only in accordance with the
37 provisions of this act.

38 (c) A cultivator shall employ only those individuals who hold an
39 employee license issued pursuant to section 29, and amendments thereto,
40 and have completed the training requirements established by rules and
41 regulations adopted by the secretary of revenue.

42 (d) A cultivator shall not cultivate medical cannabis for personal,
43 family or household use or on any public land.

1 New Sec. 23. (a) Prior to July 1, 2024, the director shall contract with
2 an operational private laboratory for the purpose of conducting compliance
3 and quality assurance testing of licensed cultivators, laboratories and
4 processors to provide public safety and ensure that quality medical
5 cannabis, medical cannabis concentrate and medical cannabis products are
6 available to registered patients and caregivers.

7 (b) A laboratory under contract with the director for compliance and
8 quality assurance testing shall not:

9 (1) Conduct any other commercial medical cannabis testing in this
10 state; or

11 (2) employ or be owned by any individual:

12 (A) Who has a direct or indirect financial interest in any entity
13 holding a license issued pursuant to section 20, and amendments thereto;

14 (B) whose spouse, parent, child, sibling or spouse of a child or sibling
15 has a pending application for a license issued pursuant to section 20, and
16 amendments thereto; or

17 (C) who is a member of the board of directors of any entity holding a
18 license issued pursuant to section 20, and amendments thereto.

19 (c) A laboratory under contract with the director for compliance and
20 quality assurance shall be accessible and utilized for any medical cannabis
21 testing needs by any regulatory agency within the state, including, but not
22 limited to, the department of health and environment, the Kansas bureau of
23 investigation and the state fire marshal.

24 New Sec. 24. (a) The director shall propose rules and regulations as
25 necessary to develop acceptable testing and research practices in
26 consultation with the compliance and quality assurance testing laboratory
27 contracted with pursuant to section 23, and amendments thereto, including,
28 but not limited to, testing, standards, quality control analysis, equipment
29 certification and calibration and chemical identification and substances
30 used in bona fide research methods. After the hearing on proposed rules
31 and regulations has been held as required by law, the director shall submit
32 any such proposed rules and regulations to the secretary of revenue who,
33 upon approval by the secretary, shall adopt such rules and regulations.

34 (b) The director shall recommend rules and regulations for laboratory
35 testing performed under this act concerning:

36 (1) The cleanliness and orderliness of the premises of a licensed
37 laboratory and the establishing of licensed laboratories in secured
38 locations;

39 (2) the inspection, cleaning and maintenance of any equipment or
40 utensils used for the analysis of test samples;

41 (3) testing procedures and standards for cannabinoid and terpenoid
42 potency and safe levels of contaminants and appropriate remediation and
43 validation procedures;

1 (4) controlled access areas for storage of medical cannabis, medical
2 cannabis concentrate and medical cannabis product test samples, waste
3 and reference standards;

4 (5) the establishment by the laboratory of a system, including
5 computer systems to be utilized by the laboratory, to retain and maintain
6 all required records, including business records, and processes to ensure
7 results are reported in a timely and accurate manner;

8 (6) the possession, storage and use by the laboratory of reagents,
9 solutions and reference standards;

10 (7) a certificate of analysis for each lot of reference standard;

11 (8) the transport and disposal of unused medical cannabis, medical
12 cannabis concentrate and medical cannabis product and waste;

13 (9) the mandatory use by a laboratory of an inventory tracking system
14 to ensure all test harvest and production batches or samples containing
15 medical cannabis, medical cannabis concentrate or medical cannabis
16 products are identified and tracked from the point such substances are
17 transferred from an entity holding a license issued pursuant to section 20,
18 and amendments thereto, or a registered patient or caregiver through the
19 point of transfer, destruction or disposal. The inventory tracking system
20 reporting shall include the results of any tests that are conducted;

21 (10) the employment of laboratory personnel;

22 (11) a written standard operating procedure manual to be maintained
23 and updated by the laboratory;

24 (12) the successful participation in a proficiency testing program
25 approved by the director for conducting testing required by section 25, and
26 amendments thereto, in order to obtain and maintain certification;

27 (13) the establishment of and adherence to a quality assurance and
28 quality control program to ensure sufficient monitoring of laboratory
29 processes and the quality of results reported;

30 (14) the immediate recall of medical cannabis, medical cannabis
31 concentrate or medical cannabis products that test above allowable
32 thresholds or are otherwise determined to be unsafe;

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

35 (16) any other aspect of laboratory testing of medical cannabis,
36 medical cannabis concentrate or medical cannabis product deemed
37 necessary by the director.

38 New Sec. 25. (a) (1) The issuance of a laboratory license shall be
39 contingent upon a successful on-site inspection, participation in
40 proficiency testing and ongoing compliance with the requirements of this
41 act. The laboratory premises specified in the license application shall be
42 inspected prior to initial licensure and not more than six times annually by
43 an inspector approved by the director.

1 (2) On and after July 1, 2024, accreditation by the national
2 environmental laboratory accreditation program, ANSI national
3 accreditation board or another accrediting body approved by the director
4 shall be required for licensure and renewal of licensure of a laboratory
5 license.

6 (b) No ownership interest in a licensed laboratory shall be held by a
7 person who has a direct or indirect beneficial ownership interest in any
8 licensed cultivator, processor, distributor or retail dispensary. A licensed
9 laboratory shall establish policies to prevent the existence of or the
10 appearance of undue commercial, financial or other influences that
11 diminish or have the effect of diminishing the public confidence in the
12 competency, impartiality and integrity of the testing processes or results of
13 such laboratory. Such policies shall prohibit employees, owners or agents
14 of a laboratory who participate in any aspect of the analysis and results of
15 a sample from improperly influencing the testing process, manipulating
16 data or benefiting from any ongoing financial, employment, personal or
17 business relationship with the licensed entity that submitted the sample for
18 testing.

19 (c) A licensed laboratory shall retain all results of laboratory tests
20 conducted on medical cannabis, medical cannabis concentrate or medical
21 cannabis products for a period of at least two years and shall promptly
22 provide the director access to such results and the underlying data. The
23 director shall also have access to the laboratory premises and any material
24 or information requested by the director to determine compliance with the
25 requirements of this act.

26 (d) A licensed laboratory shall establish standards, policies and
27 procedures for laboratory testing procedures in accordance with rules and
28 regulations adopted by the secretary of revenue. Samples from each
29 harvest batch or product batch, as appropriate, of medical cannabis,
30 medical cannabis concentrate and medical cannabis product shall be tested
31 for each of the following categories:

- 32 (1) Microbials;
- 33 (2) mycotoxins;
- 34 (3) residual solvents;
- 35 (4) pesticides;
- 36 (5) tetrahydrocannabinol and other cannabinoid potency;
- 37 (6) terpenoid potency type and concentration;
- 38 (7) moisture content;
- 39 (8) homogeneity; and
- 40 (9) heavy metals.

41 (e) (1) For testing and research purposes only, including the provision
42 of testing services for samples submitted for product development, a
43 licensee may accept test samples of medical cannabis, medical cannabis

1 concentrate or medical cannabis product from any entity:

2 (A) Holding a license issued pursuant to section 20, and amendments
3 thereto; or

4 (B) designated in section 47, and amendments thereto.

5 (2) A licensee may accept test samples of medical cannabis, medical
6 cannabis concentrate and medical cannabis products from an individual
7 person for testing if such person is a:

8 (A) Registered patient or caregiver and such person provides the
9 laboratory with the individual's registration identification and a valid photo
10 identification; or

11 (B) participant in an approved clinical or observational study
12 conducted by any entity designated in section 47, and amendments thereto.

13 (3) A licensee may transfer samples to another licensed laboratory for
14 testing. All laboratory reports provided to or by an entity holding a license
15 issued pursuant to section 20, and amendments thereto, or to a patient or
16 caregiver shall identify the licensed laboratory that performed the testing
17 of the sample. A licensee may utilize a licensed distributor to transport
18 samples for testing from the licensed premises requesting testing services
19 and the licensed laboratory performing testing services.

20 (f) A licensee shall employ only those individuals who hold an
21 employee license issued pursuant to section 29, and amendments thereto,
22 and have completed the training requirements established by rules and
23 regulations adopted by the secretary of revenue.

24 New Sec. 26. (a) A processor licensee may:

25 (1) Purchase or receive medical cannabis from one or more licensed
26 cultivators or processors;

27 (2) subject to subsection (b), process medical cannabis obtained from
28 one or more licensed cultivators into a form described in section 30, and
29 amendments thereto; and

30 (3) transport, deliver or sell processed medical cannabis, medical
31 cannabis concentrate and medical cannabis products to one or more
32 licensed processors, distributors or retail dispensaries.

33 (b) When packaging medical cannabis, medical cannabis concentrate
34 and medical cannabis products, a licensed processor shall comply with any
35 packaging and labeling requirements established by rules and regulations
36 adopted by the secretary of revenue.

37 (c) A processor shall employ only those individuals who hold an
38 employee license issued pursuant to section 29, and amendments thereto,
39 and have completed the training requirements established by rules and
40 regulations adopted by the secretary of revenue.

41 New Sec. 27. (a) A distributor licensee may:

42 (1) Purchase at wholesale medical cannabis, medical cannabis
43 concentrate and medical cannabis products from one or more licensed

1 cultivators or processors;

2 (2) store medical cannabis, medical cannabis concentrate and medical
3 cannabis products obtained from one or more licensed cultivators or
4 processors in a form described in section 30, and amendments thereto; and

5 (3) transport, deliver, package or sell medical cannabis and medical
6 cannabis products in a form described in section 30, and amendments
7 thereto, to one or more licensed retail dispensaries.

8 (b) When storing or selling medical cannabis, a licensed distributor
9 shall comply with any packaging and labeling requirements established by
10 rules and regulations adopted by the secretary of revenue.

11 (c) A distributor shall employ only those individuals who hold an
12 employee license issued pursuant to section 29, and amendments thereto,
13 and have completed the training requirements established by rules and
14 regulations adopted by the secretary of revenue.

15 New Sec. 28. (a) A retail dispensary licensee may purchase or receive
16 medical cannabis and medical cannabis products from one or more
17 licensed cultivators, processors or distributors and may dispense and sell
18 medical cannabis and medical cannabis products in accordance with
19 subsection (b).

20 (b) When dispensing and selling medical cannabis and medical
21 cannabis products, a retail dispensary shall:

22 (1) Dispense and sell medical cannabis and medical cannabis
23 products only to a person who provides the licensee with a current, valid
24 patient or caregiver identification card and only in accordance with a
25 written recommendation issued by a physician; and

26 (2) comply with any packaging and labeling requirements established
27 by rules and regulations adopted by the secretary of revenue, including,
28 but not limited to, labeling medical cannabis and medical cannabis
29 products with the following information:

30 (A) The name and address of the licensed cultivator or processor that
31 produced the medical cannabis or medical cannabis product and the retail
32 dispensary;

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

34 (C) the name of the physician who issued the written
35 recommendation;

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

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

39 (F) the date on which the medical cannabis or medical cannabis
40 product was dispensed; and

41 (G) the quantity, strength, kind or form of medical cannabis contained
42 in the package.

43 (c) A retail dispensary shall employ only those individuals who hold

1 an employee license issued pursuant to section 29, and amendments
2 thereto, and have completed the training requirements established by rules
3 and regulations adopted by the secretary of revenue.

4 (d) A retail dispensary shall designate a consultant who is registered
5 as a consultant pursuant to section 39, and amendments thereto.

6 (e) A retail dispensary shall not make public any information received
7 or collected by such licensee that identifies or would tend to identify any
8 specific patient.

9 New Sec. 29. (a) Each individual who seeks to be employed by a
10 person holding a license issued pursuant to section 20, and amendments
11 thereto, shall submit an application for an employee license to the director
12 in such form and manner as prescribed by the director. The director shall
13 issue a license to an applicant if all of the following conditions are met:

14 (1) The criminal history record check conducted pursuant to section
15 45, and amendments thereto, demonstrates that the applicant is not
16 disqualified from holding a license pursuant to section 20, and
17 amendments thereto; and

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

21 (b) An employee license shall be valid for a period of one year from
22 the effective date as specified on the license and may be renewed by
23 submitting a license renewal application and paying the required fee.

24 (c) A license issued pursuant to this section shall not be associated
25 with a specific licensed cultivator, laboratory, processor, distributor or
26 retail dispensary. The holder of an employee license may be employed by
27 any such licensee.

28 New Sec. 30. (a) Only the following forms of medical cannabis may
29 be dispensed under the medical cannabis regulation act:

30 (1) Oils;

31 (2) tinctures, including, but not limited to, sublingual tinctures;

32 (3) plant material;

33 (4) edibles;

34 (5) topical creams and ointments;

35 (6) vaginal and anal suppositories;

36 (7) forms appropriate for administration by vaporization or
37 nebulization; or

38 (8) any other form approved by the secretary of revenue under section
39 31, and amendments thereto.

40 (b) Any form or method of using medical cannabis that is considered
41 attractive to children is prohibited.

42 (c) No form of medical cannabis shall be dispensed from a vending
43 machine or through electronic commerce.

1 New Sec. 31. (a) Any person may submit a petition to the director
2 requesting that a form or method of using medical cannabis be approved
3 for the purposes of section 30, and amendments thereto. The petition shall
4 be submitted in such form and manner as prescribed by the director.

5 (b) Upon receipt of a petition, the director shall review such petition
6 to determine whether to recommend approval of the form or method of
7 using medical cannabis described in the petition. The director may
8 consolidate the review of petitions for the same or similar forms or
9 methods. The director shall consult with the medical cannabis advisory
10 committee and review any relevant scientific evidence when reviewing a
11 petition. The director shall recommend to the secretary of revenue whether
12 to approve or deny the proposed form or method of using medical
13 cannabis. The secretary shall approve or deny such proposed form or
14 method. The secretary's decision shall be final.

15 (c) Any petition for a proposed form or method of using medical
16 cannabis that is substantially the same as a petition that was denied by the
17 secretary during the immediately preceding 12 months shall be rejected
18 without recommendation to the secretary.

19 New Sec. 32. (a) The fees for licenses issued by the director pursuant
20 to this act shall be set by rules and regulations adopted by the secretary of
21 revenue in accordance with this section.

22 (b) The fees for a cultivator license shall be:

23 (1) \$2,500 for a cultivator license application or application for the
24 renewal thereof; and

25 (2) (A) \$2,500 for a cultivator license for not more than 10,000
26 square feet of canopy;

27 (B) \$5,000 for a cultivator license for more than 10,000 square feet
28 but not more than 20,000 square feet of canopy;

29 (C) \$10,000 for a cultivator license for more than 20,000 square feet
30 but not more than 40,000 square feet of canopy;

31 (D) \$20,000 for a cultivator license for more than 40,000 square feet
32 but not more than 60,000 square feet of canopy;

33 (E) \$30,000 for a cultivator license for more than 60,000 square feet
34 but not more than 80,000 square feet of canopy;

35 (F) \$40,000 for a cultivator license for more than 80,000 square feet
36 but not more than 99,999 square feet of canopy; and

37 (G) \$50,000 for a cultivator license for 100,000 square feet of canopy
38 plus an additional \$0.25 for each square foot of canopy in excess of
39 100,000.

40 (c) The fees for a processor license shall be:

41 (1) \$2,500 for a processor license application or application for the
42 renewal thereof; and

43 (2) (A) \$2,500 for a processor license for not more than 10,000

1 pounds of biomass or the production or use of not more than 100 liters of
2 cannabis concentrate;

3 (B) \$5,000 for a processor license for more than 10,000 pounds but
4 not more than 50,000 pounds of biomass or the production or use of more
5 than 100 liters but not more than 350 liters of cannabis concentrate;

6 (C) \$10,000 for a processor license for more than 50,000 pounds but
7 not more than 150,000 pounds of biomass or the production or use of more
8 than 350 liters but not more than 650 liters of cannabis concentrate;

9 (D) \$15,000 for a processor license for more than 150,000 pounds but
10 not more than 300,000 pounds of biomass or the production or use of more
11 than 650 liters but not more than 1,000 liters of cannabis concentrate; and

12 (E) \$20,000 for a processor license for more than 300,000 pounds of
13 biomass or the production or use of more than 1,000 liters of cannabis
14 concentrate.

15 (d) The fees for a distributor license shall be:

16 (1) \$2,500 for a distributor license application or application for the
17 renewal thereof; and

18 (2) \$20,000 for a distributor license or the renewal thereof.

19 (e) The fees for a retail dispensary license shall be:

20 (1) \$2,500 for a retail dispensary license application or application for
21 the renewal thereof; and

22 (2) an amount equal to 10% of the aggregate amount of retail sales
23 tax levied on sales of medical cannabis by the retail dispensary licensee for
24 the immediately preceding 12 months, but in no event shall the fee be less
25 than \$2,500 or more than \$10,000 for a retail dispensary license or the
26 renewal thereof.

27 (f) The fees for a laboratory license shall be:

28 (1) \$2,500 for a laboratory license application or application for the
29 renewal thereof; and

30 (2) \$20,000 for a laboratory license or the renewal thereof.

31 (g) The fee for an employee license shall be in an amount not to
32 exceed \$50.

33 (h) All fees imposed pursuant to subsections (b), (c), (d), (e) and (f)
34 shall not be refundable.

35 New Sec. 33. (a) The director may refuse to issue or renew a license,
36 or may revoke or suspend a license if the applicant has:

37 (1) Failed to comply with any provision of the medical cannabis
38 regulation act, any rules and regulations adopted thereunder or any lawful
39 order issued by the director;

40 (2) failed to adhere to any acknowledgment, verification or other
41 representation made to the director when applying for a license; or

42 (3) failed to submit or disclose information requested by the director.

43 (b) The director shall refuse to issue or renew a license and shall

1 revoke a license if the applicant has falsified or misrepresented any
2 information submitted to the director in order to obtain a license.

3 New Sec. 34. (a) In addition to or in lieu of any other civil or criminal
4 penalty as provided by law, the director may impose a civil penalty or
5 suspend or revoke a license upon a finding that the licensee committed a
6 violation as provided in this section.

7 (b) (1) Upon a finding that a licensee has submitted fraudulent
8 information or otherwise falsified or misrepresented information required
9 to be submitted by such licensee, the director may impose a civil fine in an
10 amount not to exceed \$5,000 for a first offense and may suspend or revoke
11 such licensee's license for a second or subsequent offense.

12 (2) (A) Except as provided in paragraph (B), upon a finding that a
13 licensee has cultivated, tested, processed, sold, transferred or otherwise
14 distributed medical cannabis in violation of this act, the director may
15 impose a civil fine in an amount not to exceed \$5,000 for a first offense
16 and may suspend or revoke such licensee's license for a second or
17 subsequent offense.

18 (B) Upon a finding that a retail dispensary licensee has knowingly
19 disclosed patient information to any individual, the director shall impose a
20 civil fine in an amount not to exceed \$5,000 and revoke such licensee's
21 license.

22 (c) The director may require any licensee to submit a sample of
23 medical cannabis, medical cannabis concentrate or medical cannabis
24 product to a laboratory upon demand.

25 (d) If the director suspends, revokes or refuses to renew any license
26 issued pursuant to this act and determines that there is clear and
27 convincing evidence of a danger of immediate and serious harm to any
28 person, the director may place under seal all medical cannabis owned by or
29 in the possession, custody or control of the affected license holder. Except
30 as provided in this section, the director shall not dispose of the sealed
31 medical cannabis until a final order is issued authorizing such disposition.
32 During the pendency of an appeal from any order by the director, a court
33 may order the director to sell medical cannabis that is perishable, and the
34 proceeds of any such sale shall be deposited with the court.

35 New Sec. 35. (a) Any citation issued by an agent of the division of
36 alcohol and cannabis control for a violation of the medical cannabis
37 regulation act shall be delivered to the licensee or a person in charge of the
38 licensed premises at the time of the alleged violation. A copy of such
39 citation also shall be delivered by United States mail to the licensee within
40 30 days of the alleged violation.

41 (b) Any duly authorized law enforcement officer who observes a
42 violation of the medical cannabis regulation act may, after serving notice
43 to the licensee or a person in charge of the licensed premises, submit a

1 report of such violation to the division of alcohol and cannabis control for
2 review. Upon receipt of such report, the director shall review the report
3 and determine if administrative action will be taken against the licensee. If
4 the director determines that administrative action will be taken, an
5 administrative citation and notice of administrative action shall be
6 delivered by United States mail to the licensee within 30 days of the date
7 of the alleged violation.

8 (c) The notice required to be served to the licensee or a person in
9 charge of the licensed premises at the time of the alleged violation
10 pursuant to subsection (b) shall be in writing and shall contain the
11 following:

- 12 (1) The name of the licensee;
- 13 (2) the date and time of the alleged violation;
- 14 (3) a description of the alleged violation; and
- 15 (4) a statement that a report of the alleged violation will be submitted
16 to the division of alcohol and cannabis control for review.

17 (d) Any citations not issued in accordance with the provisions of this
18 section shall be void and unenforceable.

19 (e) For purposes of this section, the term "person in charge" means
20 any individual or employee present on the licensed premises at the time of
21 the alleged violation who is responsible for the operation of the licensed
22 premises. If no designated individual or employee is a person in charge,
23 then any employee present is the person in charge.

24 New Sec. 36. (a) There is hereby established the medical cannabis
25 business regulation fund in the state treasury. The director of alcohol and
26 cannabis control shall administer the medical cannabis business regulation
27 fund and shall remit all moneys collected from the payment by licensees of
28 all fees and fines imposed by the director pursuant to the medical cannabis
29 regulation act and any other moneys received by or on behalf of the
30 director pursuant to such act to the state treasurer in accordance with the
31 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
32 each such remittance, the state treasurer shall deposit the entire amount in
33 the state treasury to the credit of the medical cannabis business regulation
34 fund. Moneys credited to the medical cannabis business regulation fund
35 shall only be expended or transferred as provided in this section.
36 Expenditures from such fund shall be made in accordance with
37 appropriation acts upon warrants of the director of accounts and reports
38 issued pursuant to vouchers approved by the director or the director's
39 designee.

40 (b) Moneys in the medical cannabis business regulation fund shall be
41 used for the payment or reimbursement of costs related to the regulation
42 and enforcement of the cultivation, testing, distributing, possession,
43 processing and sale of medical cannabis by the division of alcohol and

1 cannabis control.

2 New Sec. 37. (a) On or before July 1, 2024, the director shall propose
3 rules and regulations to administer the medical cannabis regulation
4 program and implement and enforce the provisions of the medical
5 cannabis regulation act. The secretary of revenue shall, after consulting
6 with the medical cannabis advisory committee, adopt rules and regulations
7 to administer the medical cannabis regulation program and implement and
8 enforce the provisions of this act. Such rules and regulations shall:

9 (1) Establish application procedures and fees for licenses issued
10 under sections 20 and 29, and amendments thereto;

11 (2) specify the conditions for eligibility for licensure;

12 (3) establish a license renewal schedule, renewal procedures and
13 renewal fees;

14 (4) establish standards and procedures for the testing of medical
15 cannabis by a licensed laboratory;

16 (5) establish official packaging and labeling requirements that:

17 (A) Designate the package as Kansas medical cannabis;

18 (B) include the information required under section 28, and
19 amendments thereto;

20 (C) ensure the packaging is not attractive to children;

21 (D) ensure the packaging is tamper-proof and child-resistant; and

22 (E) all labels are exclusively in black and white;

23 (6) specify licensed premises security requirements in accordance
24 with section 44, and amendments thereto; and

25 (7) establish training requirements for employees of licensed
26 cultivators, laboratories, processors, distributors and retail dispensaries.

27 (b) When adopting rules and regulations, the secretary shall consider
28 standards and procedures that have been found to be best practices relative
29 to the use and regulation of medical cannabis.

30 New Sec. 38. On or before July 1, 2024, the state board of pharmacy
31 shall adopt rules and regulations establishing the requirements for the
32 registration of consultants, including the fee for such registration and the
33 renewal thereof.

34 New Sec. 39. (a) Any pharmacist or mid-level practitioner, as defined
35 in K.S.A. 65-1626, and amendments thereto, who seeks to operate as a
36 consultant for a retail dispensary shall register with the state board of
37 pharmacy in accordance with rules and regulations adopted by the board.

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

40 (1) Not charge a fee for such consultant's services that exceeds 1% of
41 the gross annual receipts of such retail dispensary;

42 (2) audit each recommendation for use of medical cannabis and verify
43 that any medical cannabis dispensed to a patient or caregiver is in

1 accordance with such recommendation;

2 (3) develop and provide training to retail dispensary employees at
3 least once every 12 months that:

4 (A) Establishes guidelines for providing information to registered
5 patients related to risks, benefits and side effects associated with medical
6 cannabis;

7 (B) explains how to identify the signs and symptoms of substance
8 abuse;

9 (C) establishes guidelines for refusing to provide medical cannabis to
10 an individual who appears to be impaired or abusing medical cannabis;
11 and

12 (D) assists in the development and implementation of review and
13 improvement processes for patient education and support provided by the
14 retail dispensary;

15 (4) provide oversight for the development and dissemination of:

16 (A) Education materials for qualifying patients and designated
17 caregivers that include:

18 (i) Information about possible side effects and contraindications of
19 medical cannabis;

20 (ii) guidelines for notifying the physician who provided the written
21 recommendation for medical cannabis if side effects or contraindications
22 occur;

23 (iii) a description of the potential effects of differing strengths of
24 medical cannabis strains and products;

25 (iv) information about potential drug-to-drug interactions, including
26 interactions with alcohol, prescription drugs, nonprescription drugs and
27 supplements;

28 (v) techniques for the use of medical cannabis, medical cannabis
29 products and paraphernalia for the use of medical cannabis; and

30 (vi) information about different methods, forms and routes of medical
31 cannabis administration;

32 (B) systems for documentation by a registered patient or designated
33 caregiver of the symptoms of a registered patient that includes a logbook,
34 rating scale for pain and symptoms and guidelines for a patient's self-
35 assessment; and

36 (C) policies and procedures for refusing to provide medical cannabis
37 to an individual who appears to be impaired or abusing medical cannabis;
38 and

39 (5) be accessible by telephone or video conference to the retail
40 dispensary and for a patient consultation during operating hours.

41 (c) The state board of pharmacy shall establish a fee for registration
42 as a consultant that shall not exceed \$100.

43 (d) Each consultant shall renew such consultant's registration

1 annually upon submitting a renewal application along with payment of the
2 required fee in such form and manner as prescribed by the board.

3 New Sec. 40. (a) There is hereby established the retail dispensary
4 consultant registration fee fund in the state treasury. The state board of
5 pharmacy shall administer the retail dispensary consultant registration fee
6 fund and shall remit all moneys collected from the payment by consultants
7 of all fees and fines imposed by the state board pursuant to the medical
8 cannabis regulation act and any other moneys received by or on behalf of
9 the state board pursuant to such act to the state treasurer in accordance
10 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
11 receipt of each such remittance, the state treasurer shall deposit the entire
12 amount in the state treasury to the credit of the retail dispensary consultant
13 registration fee fund. Moneys credited to the retail dispensary consultant
14 registration fee fund shall only be expended or transferred as provided in
15 this section. Expenditures from such fund shall be made in accordance
16 with appropriation acts upon warrants of the director of accounts and
17 reports issued pursuant to vouchers approved by the state board or the state
18 board's designee.

19 (b) Moneys in the retail dispensary consultant registration fee fund
20 shall be used for the payment or reimbursement of costs related to the
21 regulation and registration of consultants by the state board of pharmacy.

22 New Sec. 41. (a) The director shall establish and maintain an
23 electronic database to monitor medical cannabis from its seed source
24 through its cultivation, testing, processing, distribution and dispensing,
25 giving preference to systems that include tracking each plant beginning
26 with the plant's in vitro genetic origination data. The director may contract
27 with a separate entity to establish and maintain all or any portion of the
28 electronic database on behalf of the division of alcohol and cannabis
29 control.

30 (b) The electronic database shall allow for information regarding
31 medical cannabis to be updated instantaneously. Any licensed cultivator,
32 laboratory, processor, distributor or retail dispensary shall submit such
33 information to the director as the director determines is necessary for
34 maintaining the electronic database, including any manifest or other
35 shipping documents for seeds or seedlings shipped into this state.

36 (c) The director, any employee of the division, any entity under
37 contract with the director and any employee or agent thereof shall not
38 make public any information reported to or collected by the director under
39 this section that identifies or would tend to identify any specific patient.
40 Such information shall be kept confidential to protect the privacy of the
41 patient. The provisions of this subsection shall expire on July 1, 2029,
42 unless the legislature reviews and reenacts such provisions in accordance
43 with K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

1 New Sec. 42. (a) There shall be no direct or indirect cooperative
2 advertising between or among two or more licensed cultivators, retail
3 dispensaries or physicians, or any combination thereof, where such
4 advertising has the purpose or effect of steering or influencing patient or
5 caregiver choice with regard to the selection of a physician, retail
6 dispensary or source of medical cannabis.

7 (b) All advertisements for medical cannabis or medical cannabis
8 products that make a statement relating to side effects, contraindications
9 and effectiveness shall present a true statement of such information. When
10 applicable, advertisements broadcast through media, including, but not
11 limited to, radio, television or any other electronic media, shall include
12 such information in the audio or audio and visual parts of the broadcast.
13 False or misleading information in any part of the advertisement shall not
14 be corrected by the inclusion of a true statement in another, distinct part of
15 the advertisement.

16 (c) An advertisement is false or otherwise misleading if such
17 advertisement:

18 (1) Contains a representation or suggestion that a medical cannabis
19 brand or product is better, more effective, useful in a broader range of
20 conditions or patients or safer than other drugs or treatments, including
21 other medical cannabis brands or products, unless such a claim has been
22 demonstrated by substantial evidence or substantial clinical experience;

23 (2) contains favorable information or opinions about a medical
24 cannabis brand or product previously regarded as valid but that have been
25 rendered invalid by contrary and more recent credible information;

26 (3) uses a quote or paraphrase out of context or without citing
27 conflicting information from the same source to convey a false or
28 misleading idea;

29 (4) cites or refers to a study on individuals without a qualifying
30 medical condition without disclosing that the subjects were not suffering
31 from a qualifying medical condition;

32 (5) uses data favorable to a medical cannabis product derived from
33 patients treated with a product or dosages different from those approved in
34 this state;

35 (6) contains favorable information or conclusions from a study that is
36 inadequate in design, scope or conduct to furnish significant support for
37 such information or conclusions; or

38 (7) fails to provide adequate emphasis for the fact that two or more
39 facing pages are part of the same advertisement when only one page
40 contains information relating to side effects, consequences and
41 contraindications.

42 (d) An advertisement for medical cannabis or medical cannabis
43 products shall not contain any:

- 1 (1) Statement that is false or misleading in any material particular or
2 is otherwise in violation of the Kansas consumer protection act;
- 3 (2) statement that falsely disparages a competitor's products;
- 4 (3) statement, design or representation, picture or illustration that:
- 5 (A) Is obscene or indecent;
- 6 (B) encourages or represents the recreational use of cannabis or the
7 use of medical cannabis for a condition other than a qualifying medical
8 condition;
- 9 (C) relates to the safety or efficacy of medical cannabis unless
10 supported by substantial evidence or substantial clinical data; or
- 11 (D) portrays anyone under 18 years of age or contains the use of a
12 figure, symbol or language that is customarily associated with anyone
13 under 18 years of age;
- 14 (4) offer of a prize or award to a registered patient, caregiver or
15 physician related to the purchase of medical cannabis; or
- 16 (5) statement that indicates or implies that the product or entity in the
17 advertisement has been approved or endorsed by the secretary of health
18 and environment, the director, the state of Kansas or any person or entity
19 associated with the state.
- 20 (e) No advertisement shall be broadcast or otherwise disseminated if
21 the submitter of the advertisement has received information that has not
22 been widely publicized in medical literature that the use of the medical
23 cannabis product may cause fatalities or serious harm.
- 24 (f) The director may:
- 25 (1) Require that a specific disclosure be made in an advertisement in
26 a clear and conspicuous manner, if the director determines that such
27 advertisement would be false or misleading without such a disclosure; or
- 28 (2) make recommendations with respect to changes to such
29 advertisement that are:
- 30 (A) Necessary to protect the public health, safety and welfare; or
- 31 (B) consistent with dispensing information for the medical cannabis
32 or medical cannabis product that is the subject of such advertisement.
- 33 (g) A retail dispensary shall not:
- 34 (1) Advertise medical cannabis brand names or utilize graphics
35 related to cannabis or paraphernalia on the exterior of the building or
36 grounds of the licensed premises of such retail dispensary; or
- 37 (2) display any medical cannabis or paraphernalia that is clearly
38 visible from the exterior of such retail dispensary.
- 39 (h) Medical cannabis shall not be advertised for sale by any
40 cultivator, processor or distributor, except that such licensees may make a
41 price list available to a retail dispensary.
- 42 New Sec. 43. (a) Except as otherwise provided, no cultivator,
43 laboratory, processor, distributor or retail dispensary shall be located

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

9 (b) (1) The director shall not revoke the license of a cultivator,
10 laboratory, processor, distributor or retail dispensary if such licensee
11 existed at a location prior to the establishment of a school, religious
12 organization, public library or public park that is located on real estate that
13 is within 1,000 feet of such licensee.

14 (2) Any applicant for a license may petition for and receive an
15 exemption from the provisions of this section upon approval by the
16 director if the proposed licensed premises:

17 (A) Has an industrial zoning classification; and

18 (B) is located not less than 500 feet of the boundaries of a parcel of
19 real estate having situated on it a school, religious organization, public
20 library or public park.

21 (c) This section shall not apply to research related to cannabis
22 conducted at a postsecondary educational institution, academic medical
23 center or private research and development organization as part of a
24 research protocol approved by an institutional review board or equivalent
25 entity.

26 (d) A county may prohibit the operation of retail dispensaries in such
27 county by adoption of a resolution. Any retail dispensary that is lawfully
28 operating at the time such resolution is adopted shall be permitted to
29 continue operating in such county and shall not be denied renewal of any
30 license based upon the adoption of such resolution.

31 (e) No license shall be issued for a premises unless such premises
32 complies with all applicable zoning and building regulations.

33 (f) As used in this section:

34 (1) "Public library" means any library established pursuant to article
35 12 of chapter 12 of the Kansas Statutes Annotated, and amendments
36 thereto, and any other library that serves the general public and is funded
37 in whole, or in part, from moneys derived from tax levies;

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

42 (3) "religious organization" means any organization, church, body of
43 communicants or group gathered in common membership for mutual

1 support and edification in piety, worship and religious observances or a
2 society of individuals united for religious purposes at a definite place
3 owned by such entity that:

4 (A) Maintains an established place of worship within this state;

5 (B) has a regular schedule of services or meetings at least on a
6 weekly basis; and

7 (C) has been determined to be organized and created as a bona fide
8 religious organization; and

9 (4) "school" means any public or private preschool, elementary,
10 middle or high school or other attendance center for kindergarten or any of
11 the grades one through 12.

12 New Sec. 44. (a) The licensed premises for any license issued
13 pursuant to section 20, and amendments thereto, shall be equipped with
14 security equipment and measures to prevent unauthorized access to
15 restricted areas of the premises and the theft, diversion or inversion of
16 medical cannabis, medical cannabis concentrate or medical cannabis
17 products.

18 (b) The licensee of a licensed premises shall install and maintain the
19 following security equipment for the licensed premises:

20 (1) Exterior lighting sufficient to illuminate the exterior and perimeter
21 of the licensed premises to facilitate surveillance of the premises;

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

23 (3) controlled access to restricted access areas of the premises by
24 means of electronic card access systems, biometric identification systems
25 or similar systems that:

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

28 (B) records access information by date, time and identity of the
29 individual accessing restricted access area and maintains such information
30 for at least one year;

31 (4) if windows are visible in any restricted access area, windows that
32 are secured at all times to prevent opening or other access to the restricted
33 access area via such windows; and

34 (5) alarm systems that provide:

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

37 (B) manual, silent alarms at each point-of-sale, reception area, vault
38 and electronic monitoring station that provides for the immediate,
39 automatic notification of local law enforcement agencies of any
40 unauthorized breach of the security of the premises.

41 (c) Any electronic video monitoring system installed and maintained
42 by a licensee shall:

43 (1) Include coverage of:

- 1 (A) All entrances to the premises, including all windows and
2 entrances to restricted access areas;
- 3 (B) the exterior and perimeter of the premises;
- 4 (C) each point-of-sale location;
- 5 (D) all vaults or safes; and
- 6 (E) all areas where medical cannabis, medical cannabis concentrate
7 and medical cannabis products are cultivated, processed or disposed of as
8 waste;
- 9 (2) store all video recordings for at least 60 days in a secure location
10 on or off the premises or through a secure service or network that provides
11 on-demand access to such recordings. All such recordings shall be made
12 available to the director upon request and at the expense of the licensee;
- 13 (3) accurately display the date and time of all recorded events in a
14 manner that does not obstruct the recorded view; and
- 15 (4) be installed in a manner that will prevent the video monitoring
16 equipment from being obstructed, tampered with or disabled.
- 17 (d) (1) Each licensee shall notify the director of any malfunction in
18 security equipment within 24 hours after such malfunction is discovered,
19 and shall make reasonable efforts to repair such malfunctioning security
20 equipment within 72 hours after such discovery.
- 21 (2) If the malfunctioning equipment is the electronic video
22 monitoring system, a licensee shall provide for alternative video
23 monitoring or other security measures until the malfunction can be
24 repaired. If other security measures are used, the licensee shall notify the
25 director of the use of such measures and when the electronic video
26 monitoring system has been repaired.
- 27 (3) Each licensee shall maintain a record of all security equipment
28 malfunctions and repairs for each licensed premises. Each record of a
29 malfunction shall be maintained for one year from the date of the last entry
30 for such malfunction. Such record shall include the following:
- 31 (A) Date, time and nature of each malfunction;
- 32 (B) date and method of repair;
- 33 (C) reason for the delay, if any, in making a repair;
- 34 (D) use of alternative security measures, if any; and
- 35 (E) date and time of communications with the director.
- 36 (e) Each licensee shall establish policies and procedures for the
37 security of the licensed premises. Such policies and procedures shall
38 include:
- 39 (1) Controlling access to all restricted access areas;
- 40 (2) verifying the identity of individuals authorized to be in restricted
41 access areas and individuals authorized to conduct inventory control
42 activities;
- 43 (3) Limiting the amount of money available in the premises and

1 notifying any person entering the premises that there is a minimum amount
2 of money available, including by posting signage;

3 (4) use of electronic video monitoring systems;

4 (5) use of alarm systems, including the use of manual, silent alarms;
5 and

6 (6) communications with local law enforcement agencies regarding
7 unauthorized security breaches and the employment and identity of any
8 armed security personnel by the licensee.

9 (f) Each licensee shall employ a security manager. A security
10 manager shall be responsible for:

11 (1) Conducting semiannual audits of the security equipment and
12 measures utilized on the licensed premises to ensure compliance with
13 policies and procedures and to identify any security issues;

14 (2) training employees, upon employment and at least annually
15 thereafter, on security measures, emergency response and theft prevention;
16 and

17 (3) evaluating the credentials of any contractor, including any
18 contractor providing any security equipment or measures, who intends to
19 provide services at the licensed premises prior to such contractor accessing
20 the premises.

21 (g) Each licensee shall ensure that the security manager for a licensed
22 premises and any contractor providing security services for such licensed
23 premises and any employees of such contractor providing such services
24 have completed training in security equipment and measures. Such
25 training shall include:

26 (1) Prevention of theft, diversion and inversion of medical cannabis;

27 (2) emergency response procedures;

28 (3) appropriate use of force;

29 (4) preservation of a crime scene;

30 (5) controlling access to restricted access areas of the premises;

31 (6) at least eight hours of training in providing security services on
32 the premises; and

33 (7) at least eight hours of attendance in a course on providing security
34 services.

35 (h) Except as provided in subsection (c)(3), each licensee shall retain
36 all documents related to security equipment and measures and any other
37 documents related to the operations of the licensed premises for a period
38 of three years for inspection by the director.

39 (i) As used in this section, the term "restricted access entrance" means
40 an entrance that is restricted to the public and requires a key, keycard,
41 code, biometric identification system or similar device to allow entry to
42 authorized personnel.

43 New Sec. 45. Each applicant for a cultivator, laboratory, processor,

1 distributor or retail dispensary license shall require each owner owning
2 10% or more of the ownership interest in such applicant and each director,
3 officer and agent of such applicant to be fingerprinted and to submit to a
4 state and national criminal history record check. Each applicant for an
5 employee licensee shall be fingerprinted and submit to a state and national
6 criminal history record check. The director is authorized to submit the
7 fingerprints to the Kansas bureau of investigation and the federal bureau of
8 investigation for a state and national criminal history record check. The
9 director shall use the information obtained from fingerprinting and the
10 state and national criminal history record check for purposes of verifying
11 the identification of the applicant and any owner, director, officer and
12 agent thereof, if any, and for making a determination of the qualifications
13 of the applicant for licensure. The Kansas bureau of investigation may
14 charge a reasonable fee to the applicant for fingerprinting and conducting a
15 criminal history record check.

16 New Sec. 46. (a) A financial institution that provides financial
17 services to any cultivator, laboratory, processor, distributor or retail
18 dispensary shall be exempt from any criminal law of this state, an element
19 of which may be proven beyond a reasonable doubt that a person provides
20 financial services to a person who possesses, delivers or manufactures
21 medical cannabis or medical cannabis products, including any of the
22 offenses specified in article 57 of chapter 21 of the Kansas Statutes
23 Annotated, and amendments thereto, or any attempt, conspiracy or
24 solicitation specified in article 53 of chapter 21 of the Kansas Statutes
25 Annotated, and amendments thereto, if the cultivator, laboratory,
26 processor, distributor or retail dispensary is in compliance with the
27 provisions of this act and all applicable tax laws of this state.

28 (b) (1) Upon the request of a financial institution, the director shall
29 provide to the financial institution the following information:

30 (A) Whether a person with whom the financial institution is seeking
31 to do business is a licensed cultivator, laboratory, processor, distributor or
32 retail dispensary;

33 (B) the name of any other business or individual affiliated with such
34 person;

35 (C) an unredacted copy of such person's application for a license, and
36 any supporting documentation, that was submitted by such person;

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

39 (E) whether such person is in compliance with the provisions of this
40 act; and

41 (F) any past or pending violations of the medical cannabis regulation
42 act or any rules and regulations adopted thereunder committed by such
43 person and any penalty imposed on such person for such violation.

1 (2) The director may charge a financial institution a reasonable fee to
2 cover the administrative cost of providing information requested under this
3 section.

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

10 (d) As used in this section:

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

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

18 New Sec. 47. Nothing in this act authorizes the director to oversee or
19 limit research conducted at a postsecondary educational institution,
20 academic medical center or private research and development organization
21 that is related to cannabis and is approved by an agency, board, center,
22 department or institute of the United States government, including any of
23 the following:

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

35 New Sec. 48. No provisions of the medical cannabis regulation act
36 shall be construed to:

37 (a) Require an employer to permit or accommodate the use,
38 consumption, possession, transfer, display, distribution, transportation, sale
39 or growing of cannabis or any conduct otherwise allowed by this act in any
40 workplace or on the employer's property;

41 (b) prohibit a person, employer, corporation or any other entity that
42 occupies, owns or controls a property from prohibiting or otherwise
43 regulating the use, consumption, possession, transfer, display, distribution,

1 transportation, sale or growing of cannabis on such property;

2 (c) require any government medical assistance program, a private
3 health insurer or a workers compensation carrier or self-insured employer
4 providing workers compensation benefits to reimburse a person for costs
5 associated with the use of medical cannabis;

6 (d) affect the ability of an employer to implement policies to promote
7 workplace health and safety by restricting the use of cannabis by
8 employees;

9 (e) prohibit an employer from:

10 (1) Establishing and enforcing a drug testing policy, drug-free
11 workplace policy or zero-tolerance drug policy;

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

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

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

19 (1) Refusing to hire a person;

20 (2) discharging a person;

21 (3) disciplining a person; or

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

25 (g) permit the possession or use of medical cannabis by any person
26 detained in a correctional institution, as defined in K.S.A. 2022 Supp. 21-
27 5914, and amendments thereto, or committed to a care and treatment
28 facility, as defined in K.S.A. 2022 Supp. 21-5914, and amendments
29 thereto.

30 New Sec. 49. The secretary of revenue, in consultation with the
31 secretary of health and environment, may enter into one or more
32 intergovernmental agreements with any of the Prairie Band Potawatomi
33 Nation, the Iowa Tribe of Kansas and Nebraska, the Sac and Fox Nation of
34 Missouri in Kansas and Nebraska and the Kickapoo Tribe in Kansas to
35 provide for a free market exchange between entities engaged in the
36 business of medical cannabis licensed by any such tribal government and
37 licensed cultivators, laboratories, processors, distributors and retail
38 dispensaries. Such agreement shall provide that the applicable tribal
39 regulatory authority agrees to meet or exceed the substantive standards of
40 the medical cannabis regulation act and any rules and regulations adopted
41 pursuant thereto concerning the regulation of licensing and testing with
42 respect to medical cannabis activity.

43 New Sec. 50. The provisions of the medical cannabis regulation act,

1 sections 1 through 50, and amendments thereto, are hereby declared to be
2 severable. If any part or provision of the medical cannabis regulation act is
3 held to be void, invalid or unconstitutional, such part or provision shall not
4 affect or impair any of the remaining parts or provisions of the medical
5 cannabis regulation act, and any such remaining provisions shall continue
6 in full force and effect.

7 New Sec. 51. (a) It shall be unlawful to store or otherwise leave
8 medical cannabis or a medical cannabis product where it is readily
9 accessible to a child under 18 years of age. Such conduct shall be unlawful
10 with no requirement of a culpable mental state.

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

12 (c) This section shall not apply to any person who stores or otherwise
13 leaves medical cannabis or a medical cannabis product where it is readily
14 accessible to a child under 18 years of age if:

15 (1) Such child is a patient registered pursuant to section 8, and
16 amendments thereto; and

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

20 (d) As used in this section:

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

23 (2) "readily accessible" means the medical cannabis or medical
24 cannabis product is not stored in a locked container that restricts entry to
25 such container solely to individuals who are over 18 years of age or who
26 are registered patients pursuant to section 8, and amendments thereto.

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

29 New Sec. 52. (a) No person shall transport medical cannabis or
30 medical cannabis products in any vehicle upon a highway or street unless
31 such medical cannabis or medical cannabis product:

32 (1) If transported by a person holding a license issued under section
33 20, and amendments thereto, or any employee or agent thereof, is in:

34 (A) The original, sealed packaging in accordance with any packaging
35 requirements of the secretary of revenue adopted in rules and regulations,
36 and the seal of which has not been broken and any other means of closure
37 has not been removed; and

38 (B) a locked rear compartment or any locked outside compartment of
39 the vehicle that is not accessible to any person in the vehicle while it is in
40 motion. If a vehicle is not equipped with such a compartment, then such
41 medical cannabis or medical cannabis products shall be placed behind the
42 last upright seat or in an area not normally occupied by the driver or a
43 passenger of the vehicle while it is in motion; or

1 (2) if transported by a person registered as a patient or caregiver
2 under section 8, and amendments thereto, is in:

3 (A) The exclusive possession of a passenger in a vehicle that is a
4 recreational vehicle, as defined by K.S.A. 75-1212, and amendments
5 thereto, or a bus, as defined by K.S.A. 8-1406, and amendments thereto,
6 who is not in the driving compartment of such vehicle or who is in a
7 portion of such vehicle that is not directly accessible to the driver; or

8 (B) a part of the vehicle that is not otherwise accessible to the driver.

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

10 (c) As used in this section, the terms "medical cannabis" and
11 "medical cannabis product" mean the same as those terms are defined in
12 section 2, and amendments thereto.

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

15 New Sec. 53. (a) The division of alcoholic beverage control is hereby
16 renamed the division of alcohol and cannabis control.

17 (b) The division of alcohol and cannabis control and the director of
18 the division of alcohol and cannabis control shall be the successor in every
19 way to the powers, duties and functions of the division of alcoholic
20 beverage control and the director of the division of alcoholic beverage
21 control in which the same were vested prior to July 1, 2024. Every act
22 performed in the exercise of such powers, duties and functions by or under
23 the authority of the division of alcohol and cannabis control or the director
24 of the division of alcohol and cannabis control shall be deemed to have the
25 same force and effect as if performed by the division of alcoholic beverage
26 control or the director of the division of alcoholic beverage control in
27 which such powers, duties and functions were vested prior to July 1, 2024.

28 (c) Whenever the division of alcoholic beverage control, or words of
29 like effect, are referred to or designated by a statute, contract or other
30 document, and such reference or designation is in regard to any function,
31 power or duty of the division of alcoholic beverage control, such reference
32 or designation shall be deemed to apply to the division of alcohol and
33 cannabis control.

34 (d) Whenever the director of the division of alcoholic beverage
35 control, or words of like effect, are referred to or designated by a statute,
36 contract or other document, and such reference or designation is in regard
37 to any function, power or duty of the director of the division of alcoholic
38 beverage control, such reference or designation shall be deemed to apply
39 to the director of alcohol and cannabis control.

40 (e) All rules and regulations, orders and directives of the director of
41 the division of alcoholic beverage control that are in effect on July 1, 2024,
42 shall continue to be effective and shall be deemed to be rules and
43 regulations, orders and directives of the director of the division of alcohol

1 and cannabis control until revised, amended, revoked or nullified pursuant
2 to law.

3 New Sec. 54. (a) No law enforcement officer shall enforce any
4 violations of 18 U.S.C. § 922(g)(3) if the substance involved in such
5 violation is medical cannabis and such person is a registered patient
6 pursuant to the medical cannabis regulation act, section 1 et seq., and
7 amendments thereto, whose possession is authorized by such act.

8 (b) As used in this section:

9 (1) "Law enforcement officer" means the same as defined in K.S.A.
10 74-5602, and amendments thereto; and

11 (2) "medical cannabis" means the same as defined in section 2, and
12 amendments thereto.

13 New Sec. 55. (a) Subject to the provisions of K.S.A. 44-1018, and
14 amendments thereto, it shall be unlawful for any person to:

15 (1) Refuse to sell or rent after the making of a bona fide offer, to fail
16 to transmit a bona fide offer or refuse to negotiate in good faith for the sale
17 or rental of, or otherwise make unavailable or deny, real property to any
18 person because such person consumes medical cannabis in accordance
19 with section 10, and amendments thereto;

20 (2) discriminate against any person in the terms, conditions or
21 privileges of sale or rental of real property, or in the provision of services
22 or facilities in connection therewith, because such person consumes
23 medical cannabis in accordance with section 10, and amendments thereto;
24 and

25 (3) discriminate against any person in such person's use or occupancy
26 of real property because such person associates with another person who
27 consumes medical cannabis in accordance with section 10, and
28 amendments thereto.

29 (b) (1) It shall be unlawful for any person or other entity whose
30 business includes engaging in real estate related transactions to
31 discriminate against any person in making available such a transaction, or
32 in the terms or conditions of such a transaction, because such person or
33 any person associated with such person in connection with any real estate
34 related transaction consumes medical cannabis in accordance with section
35 10, and amendments thereto.

36 (2) Nothing in this subsection prohibits a person engaged in the
37 business of furnishing appraisals of real property to take into consideration
38 factors other than an individual's consumption of medical cannabis in
39 accordance with section 10, and amendments thereto.

40 (3) As used in this subsection, "real estate related transaction" means
41 the same as defined in K.S.A. 44-1017, and amendments thereto.

42 (c) It shall be unlawful to coerce, intimidate, threaten or interfere with
43 any person in the exercise or enjoyment of, or on account of such person's

1 having exercised or enjoyed, or on account of such person's having aided
2 or encouraged any other person in the exercise or enjoyment of, any right
3 granted or protected by subsection (a) or (b).

4 (d) Nothing in this section shall be construed to prohibit a person
5 from taking any action necessary to procure or retain any monetary benefit
6 provided under federal law, or any rules and regulations adopted
7 thereunder, or to obtain or maintain any license, certificate, registration or
8 other legal status issued or bestowed under federal law, or any rules and
9 regulations adopted thereunder.

10 (e) The provisions of this section shall be a part of and supplemental
11 to the Kansas act against discrimination.

12 New Sec. 56. (a) A rental agreement for a subsidized apartment may
13 not contain a provision or impose a rule that prohibits a person who is a
14 registered patient under section 8, and amendments thereto, to agree, as a
15 condition of tenancy, to a prohibition or restriction on the possession or
16 use of medical cannabis in such person's residence in accordance with the
17 medical cannabis regulation act, section 1 et seq., and amendments thereto.
18 A landlord may impose reasonable restrictions related to the use of
19 medical cannabis by any person in public areas of the premises.

20 (b) As used in this section:

21 (1) "Rental agreement" means an agreement, written or oral, and
22 valid rules and regulations embodying the terms and conditions concerning
23 the use and occupancy of a dwelling unit; and

24 (2) (A) "Subsidized apartment" means a rental unit for which the
25 landlord receives rental assistance payments under a rental assistance
26 agreement administered by the United States department of agriculture
27 under the multi-family housing rental assistance program under title V of
28 the federal housing act of 1949 or receives housing assistance payments
29 under a housing assistance payment contract administered by the United
30 States department of housing and urban development under the housing
31 choice voucher program, the new construction program, the substantial
32 rehabilitation program or the moderate rehabilitation program under
33 section 8 of the United States housing act of 1937.

34 (B) "Subsidized apartment" does not include owner-occupied housing
35 accommodations of four units or fewer.

36 New Sec. 57. (a) A covered entity, solely on the basis that an
37 individual consumes medical cannabis in accordance with section 10, and
38 amendments thereto, shall not:

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

41 (2) deny medical and other services related to organ transplantation,
42 including evaluation, surgery, counseling and post-transplantation
43 treatment and services;

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

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

5 (5) place such individual at a lower-priority position on an organ
6 transplant waiting list than the position at which such individual would
7 have been placed if not for such individual's consumption of medical
8 cannabis.

9 (b) A covered entity may take into account an individual's
10 consumption of medical cannabis when making treatment or coverage
11 recommendations or decisions, solely to the extent that such consumption
12 has been found by a physician, following an individualized evaluation of
13 the individual, to be medically significant to the provision of the
14 anatomical gift.

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

18 (d) As used in this section:

19 (1) The terms "anatomical gift," "covered entity" and "organ
20 transplant" mean the same as those terms are defined in K.S.A. 65-3276,
21 and amendments thereto; and

22 (2) the term "medical cannabis" means the same as defined in section
23 2, and amendments thereto.

24 New Sec. 58. (a) No order shall be issued pursuant to K.S.A. 38-
25 2242, 38-2243 or 38-2244, and amendments thereto, if the sole basis for
26 the threat to the child's safety or welfare is that the child resides with an
27 individual who consumes medical cannabis in accordance with section 10,
28 and amendments thereto, or the child consumes medical cannabis in
29 accordance with section 10, and amendments thereto.

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

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

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

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

40 (2) Kansas highway patrol;

41 (3) office of the attorney general;

42 (4) department of health and environment; or

43 (5) division of alcohol and cannabis control.

1 Sec. 60. K.S.A. 2022 Supp. 19-101a is hereby amended to read as
2 follows: 19-101a. (a) The board of county commissioners may transact all
3 county business and perform all powers of local legislation and
4 administration it deems appropriate, subject only to the following
5 limitations, restrictions or prohibitions:

6 (1) Counties shall be subject to all acts of the legislature which apply
7 uniformly to all counties.

8 (2) Counties may not affect the courts located therein.

9 (3) Counties shall be subject to acts of the legislature prescribing
10 limits of indebtedness.

11 (4) In the exercise of powers of local legislation and administration
12 authorized under provisions of this section, the home rule power conferred
13 on cities to determine their local affairs and government shall not be
14 superseded or impaired without the consent of the governing body of each
15 city within a county which may be affected.

16 (5) Counties may not legislate on social welfare administered under
17 state law enacted pursuant to or in conformity with public law No. 271 –
18 74th congress, or amendments thereof.

19 (6) Counties shall be subject to all acts of the legislature concerning
20 elections, election commissioners and officers and their duties as such
21 officers and the election of county officers.

22 (7) Counties shall be subject to the limitations and prohibitions
23 imposed under K.S.A. 12-187 through 12-195, and amendments thereto,
24 prescribing limitations upon the levy of retailers' sales taxes by counties.

25 (8) Counties may not exempt from or effect changes in statutes made
26 nonuniform in application solely by reason of authorizing exceptions for
27 counties having adopted a charter for county government.

28 (9) No county may levy ad valorem taxes under the authority of this
29 section upon real property located within any redevelopment project area
30 established under the authority of K.S.A. 12-1772, and amendments
31 thereto, unless the resolution authorizing the same specifically authorized
32 a portion of the proceeds of such levy to be used to pay the principal of
33 and interest upon bonds issued by a city under the authority of K.S.A. 12-
34 1774, and amendments thereto.

35 (10) Counties shall have no power under this section to exempt from
36 any statute authorizing or requiring the levy of taxes and providing
37 substitute and additional provisions on the same subject, unless the
38 resolution authorizing the same specifically provides for a portion of the
39 proceeds of such levy to be used to pay a portion of the principal and
40 interest on bonds issued by cities under the authority of K.S.A. 12-1774,
41 and amendments thereto.

42 (11) Counties may not exempt from or effect changes in the
43 provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

- 1 (12) Except as otherwise specifically authorized by K.S.A. 12-1,101
2 through 12-1,109, and amendments thereto, counties may not levy and
3 collect taxes on incomes from whatever source derived.
- 4 (13) Counties may not exempt from or effect changes in K.S.A. 19-
5 430, and amendments thereto.
- 6 (14) Counties may not exempt from or effect changes in K.S.A. 19-
7 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.
- 8 (15) Counties may not exempt from or effect changes in K.S.A. 19-
9 15,139, 19-15,140 and 19-15,141, and amendments thereto.
- 10 (16) Counties may not exempt from or effect changes in the
11 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
12 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-
13 1260 through 12-1270 and 12-1276, and amendments thereto.
- 14 (17) Counties may not exempt from or effect changes in the
15 provisions of K.S.A. 19-211, and amendments thereto.
- 16 (18) Counties may not exempt from or effect changes in the
17 provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.
- 18 (19) Counties may not regulate the production or drilling of any oil or
19 gas well in any manner which would result in the duplication of regulation
20 by the state corporation commission and the Kansas department of health
21 and environment pursuant to chapter 55 and chapter 65 of the Kansas
22 Statutes Annotated, and amendments thereto, and any rules and regulations
23 adopted pursuant thereto. Counties may not require any license or permit
24 for the drilling or production of oil and gas wells. Counties may not
25 impose any fee or charge for the drilling or production of any oil or gas
26 well.
- 27 (20) Counties may not exempt from or effect changes in K.S.A. 79-
28 41a04, and amendments thereto.
- 29 (21) Counties may not exempt from or effect changes in K.S.A. 79-
30 1611, and amendments thereto.
- 31 (22) Counties may not exempt from or effect changes in K.S.A. 79-
32 1494, and amendments thereto.
- 33 (23) Counties may not exempt from or effect changes in K.S.A. 19-
34 202(b), and amendments thereto.
- 35 (24) Counties may not exempt from or effect changes in K.S.A. 19-
36 204(b), and amendments thereto.
- 37 (25) Counties may not levy or impose an excise, severance or any
38 other tax in the nature of an excise tax upon the physical severance and
39 production of any mineral or other material from the earth or water.
- 40 (26) Counties may not exempt from or effect changes in K.S.A. 79-
41 2017 or 79-2101, and amendments thereto.
- 42 (27) Counties may not exempt from or effect changes in K.S.A. 2-
43 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-

1 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments
2 thereto.

3 (28) Counties may not exempt from or effect changes in K.S.A. 80-
4 121, and amendments thereto.

5 (29) Counties may not exempt from or effect changes in K.S.A. 19-
6 228, and amendments thereto.

7 (30) Counties may not exempt from or effect changes in the Kansas
8 911 act.

9 (31) Counties may not exempt from or effect changes in K.S.A. 26-
10 601, and amendments thereto.

11 (32) (A) Counties may not exempt from or effect changes in the
12 Kansas liquor control act except as provided by paragraph (B).

13 (B) Counties may adopt resolutions which are not in conflict with the
14 Kansas liquor control act.

15 (33) (A) Counties may not exempt from or effect changes in the
16 Kansas cereal malt beverage act except as provided by paragraph (B).

17 (B) Counties may adopt resolutions which are not in conflict with the
18 Kansas cereal malt beverage act.

19 (34) Counties may not exempt from or effect changes in the Kansas
20 lottery act.

21 (35) Counties may not exempt from or effect changes in the Kansas
22 expanded lottery act.

23 (36) Counties may neither exempt from nor effect changes to the
24 eminent domain procedure act.

25 (37) Any county granted authority pursuant to the provisions of
26 K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be
27 subject to the limitations and prohibitions imposed under K.S.A. 19-5001
28 through 19-5005, and amendments thereto.

29 (38) Except as otherwise specifically authorized by K.S.A. 19-5001
30 through 19-5005, and amendments thereto, counties may not exercise any
31 authority granted pursuant to K.S.A. 19-5001 through 19-5005, and
32 amendments thereto, including the imposition or levy of any retailers' sales
33 tax.

34 (39) Counties may not exempt from or effect changes in K.S.A. 65-
35 201 and 65-202, and amendments thereto.

36 (40) *Except as provided in section 43, and amendments thereto,*
37 *counties may not exempt from or effect changes in the medical cannabis*
38 *regulation act, section 1 et seq., and amendments thereto.*

39 (b) Counties shall apply the powers of local legislation granted in
40 subsection (a) by resolution of the board of county commissioners. If no
41 statutory authority exists for such local legislation other than that set forth
42 in subsection (a) and the local legislation proposed under the authority of
43 such subsection is not contrary to any act of the legislature, such local

1 legislation shall become effective upon passage of a resolution of the
 2 board and publication in the official county newspaper. If the legislation
 3 proposed by the board under authority of subsection (a) is contrary to an
 4 act of the legislature which is applicable to the particular county but not
 5 uniformly applicable to all counties, such legislation shall become
 6 effective by passage of a charter resolution in the manner provided in
 7 K.S.A. 19-101b, and amendments thereto.

8 (c) Any resolution adopted by a county ~~which~~ *that* conflicts with the
 9 restrictions in subsection (a) is null and void.

10 Sec. 61. K.S.A. 2022 Supp. 21-5703 is hereby amended to read as
 11 follows: 21-5703. (a) It shall be unlawful for any person to manufacture
 12 any controlled substance or controlled substance analog.

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

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

16 (2) drug severity level 1 felony if:

17 (A) The controlled substance is not methamphetamine, as defined by
 18 ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-4107(d)(3) *or (f)(1)*, and
 19 amendments thereto, or an analog thereof; and

20 (B) the offender has a prior conviction for unlawful manufacturing of
 21 a controlled substance under this section, K.S.A. 65-4159, prior to its
 22 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially
 23 similar offense from another jurisdiction and the substance was not
 24 methamphetamine, as defined by ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-
 25 4107(d)(3) *or (f)(1)*, and amendments thereto, or an analog thereof, in any
 26 such prior conviction; and

27 (3) drug severity level 1 felony if the controlled substance is
 28 methamphetamine, as defined by ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-
 29 4107(d)(3) *or (f)(1)*, and amendments thereto, or an analog thereof.

30 (c) The provisions of ~~subsection (d) of~~ K.S.A. 2022 Supp. 21-
 31 5301(d), and amendments thereto, shall not apply to a violation of
 32 attempting to unlawfully manufacture any controlled substance or
 33 controlled substance analog pursuant to this section.

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

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

1 (f) The sentence of a person who violates this section, K.S.A. 65-
2 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its
3 transfer, shall not be reduced because these sections prohibit conduct
4 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their
5 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 2022
6 Supp. 21-5705, and amendments thereto.

7 (g) *The provisions of this section shall not apply to a cultivator or*
8 *processor licensed by the director of alcohol and cannabis control*
9 *pursuant to section 20, and amendments thereto, that is producing medical*
10 *cannabis, as defined in section 2, and amendments thereto, when used for*
11 *acts authorized by the medical cannabis regulation act, section 1 et seq.,*
12 *and amendments thereto.*

13 Sec. 62. K.S.A. 2022 Supp. 21-5705 is hereby amended to read as
14 follows: 21-5705. (a) It shall be unlawful for any person to distribute or
15 possess with the intent to distribute any of the following controlled
16 substances or controlled substance analogs thereof:

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

20 (2) any depressant designated in ~~subsection (e) of K.S.A. 65-4105(e),~~
21 ~~subsection (e) of K.S.A. 65-4107(e), subsection (b) or (c) of K.S.A. 65-~~
22 ~~4109(b) or (c) or subsection (b) of K.S.A. 65-4111(b),~~ and amendments
23 thereto;

24 (3) any stimulant designated in ~~subsection (f) of K.S.A. 65-4105(f),~~
25 ~~subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107(d)(2), (d)(4),~~
26 ~~(d)(5) or (f)(2) or subsection (e) of K.S.A. 65-4109(e),~~ and amendments
27 thereto;

28 (4) any hallucinogenic drug designated in ~~subsection (d) of K.S.A.~~
29 ~~65-4105(d), subsection (g) of K.S.A. 65-4107(g) or subsection (g) of~~
30 ~~K.S.A. 65-4109(g),~~ and amendments thereto;

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

34 (6) any anabolic steroids as defined in ~~subsection (f) of K.S.A. 65-~~
35 ~~4109(f),~~ and amendments thereto; or

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

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

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

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

- 1 (A) Drug severity level 4 felony if the quantity of the material was
2 less than 3.5 grams;
- 3 (B) drug severity level 3 felony if the quantity of the material was at
4 least 3.5 grams but less than 100 grams;
- 5 (C) drug severity level 2 felony if the quantity of the material was at
6 least 100 grams but less than 1 kilogram; and
- 7 (D) drug severity level 1 felony if the quantity of the material was 1
8 kilogram or more.
- 9 (2) Violation of subsection (a) with respect to material containing any
10 quantity of marijuana, or an analog thereof, is a:
- 11 (A) Drug severity level 4 felony if the quantity of the material was
12 less than 25 grams;
- 13 (B) drug severity level 3 felony if the quantity of the material was at
14 least 25 grams but less than 450 grams;
- 15 (C) drug severity level 2 felony if the quantity of the material was at
16 least 450 grams but less than 30 kilograms; and
- 17 (D) drug severity level 1 felony if the quantity of the material was 30
18 kilograms or more.
- 19 (3) Violation of subsection (a) with respect to material containing any
20 quantity of heroin, as defined by ~~subsection (e)(1) of~~ K.S.A. 65-4105(c)
21 (l), and amendments thereto, or methamphetamine, as defined by
22 ~~subsection (d)(3) or (f)(1) of~~ K.S.A. 65-4107(d)(3) or (f)(l), and
23 amendments thereto, or an analog thereof, is a:
- 24 (A) Drug severity level 4 felony if the quantity of the material was
25 less than 1 gram;
- 26 (B) drug severity level 3 felony if the quantity of the material was at
27 least 1 gram but less than 3.5 grams;
- 28 (C) drug severity level 2 felony if the quantity of the material was at
29 least 3.5 grams but less than 100 grams; and
- 30 (D) drug severity level 1 felony if the quantity of the material was
31 100 grams or more.
- 32 (4) Violation of subsection (a) with respect to material containing any
33 quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107,
34 65-4109 or 65-4111, and amendments thereto, or an analog thereof,
35 distributed by dosage unit, is a:
- 36 (A) Drug severity level 4 felony if the number of dosage units was
37 fewer than 10;
- 38 (B) drug severity level 3 felony if the number of dosage units was at
39 least 10 but less than 100;
- 40 (C) drug severity level 2 felony if the number of dosage units was at
41 least 100 but less than 1,000; and
- 42 (D) drug severity level 1 felony if the number of dosage units was
43 1,000 or more.

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

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

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

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

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

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

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

15 (C) drug severity level 1 felony if the number of plants cultivated was
 16 100 or more.

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

20 (1) 450 grams or more of marijuana;

21 (2) 3.5 grams or more of heroin or methamphetamine;

22 (3) 100 dosage units or more containing a controlled substance; or

23 (4) 100 grams or more of any other controlled substance.

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

26 (1) Was acting in an agency relationship on behalf of any other party
 27 in a transaction involving a controlled substance or controlled substance
 28 analog;

29 (2) did not know the quantity of the controlled substance or
 30 controlled substance analog; or

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

34 (g) *The provisions of subsections (a)(4) and (a)(5) shall not apply to*
 35 *any cultivator, laboratory, processor, distributor or retail dispensary*
 36 *licensed by the director of alcohol and cannabis control pursuant to*
 37 *section 20, and amendments thereto, or any employee or agent thereof,*
 38 *that is growing, testing, processing, distributing, dispensing or selling*
 39 *medical cannabis in accordance with the medical cannabis regulation act,*
 40 *section 1 et seq., and amendments thereto.*

41 (h) As used in this section:

42 (1) "Material" means the total amount of any substance, including a
 43 compound or a mixture, ~~which~~ *that* contains any quantity of a controlled

1 substance or controlled substance analog.

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

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

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

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

19 (3) *"Medical cannabis" means the same as defined in section 2, and*
20 *amendments thereto.*

21 Sec. 63. K.S.A. 2022 Supp. 21-5706 is hereby amended to read as
22 follows: 21-5706. (a) It shall be unlawful for any person to possess any
23 opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-
24 4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled
25 substance analog thereof.

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

28 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-
29 4109(b) or (c) or 65-4111(b), and amendments thereto;

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

32 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-
33 4107(g) or 65-4109(g), and amendments thereto;

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

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

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

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

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

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

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

3 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug
4 severity level 5 felony if that person has a prior conviction under such
5 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially
6 similar offense from another jurisdiction, or under any city ordinance or
7 county resolution for a substantially similar offense if the substance
8 involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana
9 as designated in K.S.A. 65-4105(d), and amendments thereto, or any
10 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an
11 analog thereof.

12 (3) If the substance involved is marijuana, as designated in K.S.A.
13 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as
14 designated in K.S.A. 65-4105(h), and amendments thereto, violation of
15 subsection (b) is a:

16 (A) Class B nonperson misdemeanor, except as provided in
17 subparagraphs (B) ~~and~~, (C) *and* (D);

18 (B) class A nonperson misdemeanor if that person has a prior
19 conviction under such subsection, under K.S.A. 65-4162, prior to its
20 repeal, under a substantially similar offense from another jurisdiction, or
21 under any city ordinance or county resolution for a substantially similar
22 offense; ~~and~~

23 (C) drug severity level 5 felony if that person has two or more prior
24 convictions under such subsection, under K.S.A. 65-4162, prior to its
25 repeal, under a substantially similar offense from another jurisdiction, or
26 under any city ordinance or county resolution for a substantially similar
27 offense; *and*

28 (D) *non person misdemeanor punishable by a fine of not to exceed*
29 *\$400 if that person is not a registered patient or caregiver under the*
30 *medical cannabis regulation act, section 1 et seq., and amendments*
31 *thereto, is found in possession of not more than 1.5 ounces of marijuana*
32 *and provides a statement from such person's physician recommending the*
33 *use of medical cannabis to treat such person's symptoms.*

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

37 (1) Has a debilitating medical condition, as defined in K.S.A. 2022
38 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a
39 minor child who has such debilitating medical condition;

40 (2) is possessing a cannabidiol treatment preparation, as defined in
41 K.S.A. 2022 Supp. 65-6235, and amendments thereto, that is being used to
42 treat such debilitating medical condition; and

43 (3) has possession of a letter, at all times while the person has

1 possession of the cannabidiol treatment preparation, that:

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

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

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

8 (D) identifies the person or the person's minor child as such
9 physician's patient and identifies the patient's debilitating medical
10 condition.

11 (e) *If the substance involved is medical cannabis, as defined in*
12 *section 2, and amendments thereto, the provisions of subsections (b) and*
13 *(c) shall not apply to:*

14 (1) *Any person who is registered or licensed pursuant to the medical*
15 *cannabis regulation act, section 1 et seq., and amendments thereto, and*
16 *whose possession is authorized by such act; or*

17 (2) *any person who is not a resident of this state and who holds a*
18 *license issued by another jurisdiction authorizing such person to purchase*
19 *and possess medical cannabis as recognized under section 17, and*
20 *amendments thereto.*

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

25 Sec. 64. K.S.A. 2022 Supp. 21-5707 is hereby amended to read as
26 follows: 21-5707. (a) It shall be unlawful for any person to knowingly or
27 intentionally use any communication facility:

28 (1) In committing, causing, or facilitating the commission of any
29 felony under K.S.A. 2022 Supp. 21-5703, 21-5705 or 21-5706, and
30 amendments thereto; or

31 (2) in any attempt to commit, any conspiracy to commit, or any
32 criminal solicitation of any felony under K.S.A. 2022 Supp. 21-5703, 21-
33 5705 or 21-5706, and amendments thereto. Each separate use of a
34 communication facility may be charged as a separate offense under this
35 subsection.

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

38 (c) *The provisions of this section shall not apply to any person using*
39 *communication facilities for activities authorized by the medical cannabis*
40 *regulation act, section 1 et seq., and amendments thereto.*

41 (d) As used in this section, "communication facility" means any and
42 all public and private instrumentalities used or useful in the transmission
43 of writing, signs, signals, pictures or sounds of all kinds and includes

1 telephone, wire, radio, computer, computer networks, beepers, pagers and
2 all other means of communication.

3 Sec. 65. K.S.A. 2022 Supp. 21-5709 is hereby amended to read as
4 follows: 21-5709. (a) It shall be unlawful for any person to possess
5 ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal,
6 iodine, anhydrous ammonia, pressurized ammonia or
7 phenylpropanolamine, or their salts, isomers or salts of isomers with an
8 intent to use the product to manufacture a controlled substance.

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

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

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

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

18 (d) It shall be unlawful for any person to purchase, receive or
19 otherwise acquire at retail any compound, mixture or preparation
20 containing more than 3.6 grams of pseudoephedrine base or ephedrine
21 base in any single transaction or any compound, mixture or preparation
22 containing more than nine grams of pseudoephedrine base or ephedrine
23 base within any 30-day period.

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

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

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

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

30 (3) violation of subsection (b)(2) is a class B nonperson
31 misdemeanor;

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

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

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

41 (g) *The provisions of subsection (b) shall not apply to any person*
42 *registered or licensed pursuant to the medical cannabis regulation act,*
43 *section 1 et seq., and amendments thereto, whose possession of such*

1 *equipment or material is used solely to produce or for the administration*
 2 *of medical cannabis, as defined in section 2, and amendments thereto, in a*
 3 *manner authorized by the medical cannabis regulation act, section 1 et*
 4 *seq., and amendments thereto.*

5 Sec. 66. K.S.A. 2022 Supp. 21-5710 is hereby amended to read as
 6 follows: 21-5710. (a) It shall be unlawful for any person to advertise,
 7 market, label, distribute or possess with the intent to distribute:

8 (1) Any product containing ephedrine, pseudoephedrine, red
 9 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,
 10 pressurized ammonia or phenylpropanolamine or their salts, isomers or
 11 salts of isomers if the person knows or reasonably should know that the
 12 purchaser will use the product to manufacture a controlled substance or
 13 controlled substance analog; or

14 (2) any product containing ephedrine, pseudoephedrine or
 15 phenylpropanolamine, or their salts, isomers or salts of isomers for
 16 indication of stimulation, mental alertness, weight loss, appetite control,
 17 energy or other indications not approved pursuant to the pertinent federal
 18 over-the-counter drug final monograph or tentative final monograph or
 19 approved new drug application.

20 (b) It shall be unlawful for any person to distribute, possess with the
 21 intent to distribute or manufacture with intent to distribute any drug
 22 paraphernalia, knowing or under circumstances where one reasonably
 23 should know that it will be used to manufacture or distribute a controlled
 24 substance or controlled substance analog in violation of K.S.A. 2022 Supp.
 25 21-5701 through 21-5717, and amendments thereto.

26 (c) It shall be unlawful for any person to distribute, possess with
 27 intent to distribute or manufacture with intent to distribute any drug
 28 paraphernalia, knowing or under circumstances where one reasonably
 29 should know, that it will be used as such in violation of K.S.A. 2022 Supp.
 30 21-5701 through 21-5717, and amendments thereto, ~~except subsection (b)~~
 31 ~~of K.S.A. 2022 Supp. 21-5706(b), and amendments thereto.~~

32 (d) It shall be unlawful for any person to distribute, possess with
 33 intent to distribute or manufacture with intent to distribute any drug
 34 paraphernalia, knowing, or under circumstances where one reasonably
 35 should know, that it will be used as such in violation of ~~subsection (b)~~ of
 36 K.S.A. 2022 Supp. 21-5706(b), and amendments thereto.

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

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

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

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

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

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

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

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

8 (A) Class A nonperson misdemeanor, except as provided in
9 ~~subsection (c)(4)(B)~~ *subparagraph (B)*; and

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

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

21 (g) *The provisions of subsection (c) shall not apply to any person*
22 *licensed pursuant to the medical cannabis regulation act, section 1 et seq.,*
23 *and amendments thereto, whose distribution or manufacture is used solely*
24 *to distribute or produce medical cannabis, as defined in section 2, and*
25 *amendments thereto, in a manner authorized by the medical cannabis*
26 *regulation act, section 1 et seq., and amendments thereto.*

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

30 (1) Actual knowledge from prior experience or statements by
31 customers;

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

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

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

40 Sec. 67. K.S.A. 2022 Supp. 21-6607 is hereby amended to read as
41 follows: 21-6607. (a) Except as required by subsection (c), nothing in this
42 section shall be construed to limit the authority of the court to impose or
43 modify any general or specific conditions of probation, suspension of

1 sentence or assignment to a community correctional services program. The
2 court services officer or community correctional services officer may
3 recommend, and the court may order, the imposition of any conditions of
4 probation, suspension of sentence or assignment to a community
5 correctional services program. For crimes committed on or after July 1,
6 1993, in presumptive nonprison cases, the court services officer or
7 community correctional services officer may recommend, and the court
8 may order, the imposition of any conditions of probation or assignment to
9 a community correctional services program. The court may at any time
10 order the modification of such conditions, after notice to the court services
11 officer or community correctional services officer and an opportunity for
12 such officer to be heard thereon. The court shall cause a copy of any such
13 order to be delivered to the court services officer and the probationer or to
14 the community correctional services officer and the community corrections
15 participant, as the case may be. The provisions of K.S.A. 75-5291, and
16 amendments thereto, shall be applicable to any assignment to a community
17 correctional services program pursuant to this section.

18 (b) The court may impose any conditions of probation, suspension of
19 sentence or assignment to a community correctional services program that
20 the court deems proper, including, but not limited to, requiring that the
21 defendant:

22 (1) Avoid such injurious or vicious habits, as directed by the court,
23 court services officer or community correctional services officer;

24 (2) avoid such persons or places of disreputable or harmful character,
25 as directed by the court, court services officer or community correctional
26 services officer;

27 (3) report to the court services officer or community correctional
28 services officer as directed;

29 (4) permit the court services officer or community correctional
30 services officer to visit the defendant at home or elsewhere;

31 (5) work faithfully at suitable employment insofar as possible;

32 (6) remain within the state unless the court grants permission to
33 leave;

34 (7) pay a fine or costs, applicable to the offense, in one or several
35 sums and in the manner as directed by the court;

36 (8) support the defendant's dependents;

37 (9) reside in a residential facility located in the community and
38 participate in educational, counseling, work and other correctional or
39 rehabilitative programs;

40 (10) perform community or public service work for local
41 governmental agencies, private corporations organized not for profit, or
42 charitable or social service organizations performing services for the
43 community;

1 (11) perform services under a system of day fines whereby the
2 defendant is required to satisfy fines, costs or reparation or restitution
3 obligations by performing services for a period of days, determined by the
4 court on the basis of ability to pay, standard of living, support obligations
5 and other factors;

6 (12) participate in a house arrest program pursuant to K.S.A. 2022
7 Supp. 21-6609, and amendments thereto;

8 (13) order the defendant to pay the administrative fee authorized by
9 K.S.A. 22-4529, and amendments thereto, unless waived by the court; or

10 (14) in felony cases, except for violations of K.S.A. 8-1567, and
11 amendments thereto, be confined in a county jail not to exceed 60 days,
12 which need not be served consecutively.

13 (c) *Except as provided in subsection (d)*, in addition to any other
14 conditions of probation, suspension of sentence or assignment to a
15 community correctional services program, the court shall order the
16 defendant to comply with each of the following conditions:

17 (1) The defendant shall obey all laws of the United States, the state of
18 Kansas and any other jurisdiction to the laws of which the defendant may
19 be subject;

20 (2) make reparation or restitution to the aggrieved party for the
21 damage or loss caused by the defendant's crime in accordance with K.S.A.
22 2022 Supp. 21-6604(b), and amendments thereto;

23 (3) (A) pay a correctional supervision fee of \$60 if the person was
24 convicted of a misdemeanor or a fee of \$120 if the person was convicted
25 of a felony. In any case the amount of the correctional supervision fee
26 specified by this paragraph may be reduced or waived by the judge if the
27 person is unable to pay that amount;

28 (B) the correctional supervision fee imposed by this paragraph shall
29 be charged and collected by the district court. The clerk of the district
30 court shall remit all revenues received under this paragraph from
31 correctional supervision fees to the state treasurer in accordance with the
32 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
33 each such remittance, the state treasurer shall deposit the entire amount in
34 the state treasury to the credit of the state general fund, a sum equal to
35 41.67% of such remittance, and to the correctional supervision fund, a sum
36 equal to 58.33% of such remittance;

37 (C) this paragraph shall apply to persons placed on felony or
38 misdemeanor probation or released on misdemeanor parole to reside in
39 Kansas and supervised by Kansas court services officers under the
40 interstate compact for offender supervision; and

41 (D) this paragraph shall not apply to persons placed on probation or
42 released on parole to reside in Kansas under the uniform act for out-of-
43 state parolee supervision;

1 (4) reimburse the state general fund for all or a part of the
2 expenditures by the state board of indigents' defense services to provide
3 counsel and other defense services to the defendant. In determining the
4 amount and method of payment of such sum, the court shall take account
5 of the financial resources of the defendant and the nature of the burden that
6 payment of such sum will impose. A defendant who has been required to
7 pay such sum and who is not willfully in default in the payment thereof
8 may at any time petition the court which sentenced the defendant to waive
9 payment of such sum or of any unpaid portion thereof. If it appears to the
10 satisfaction of the court that payment of the amount due will impose
11 manifest hardship on the defendant or the defendant's immediate family,
12 the court may waive payment of all or part of the amount due or modify
13 the method of payment. The amount of attorney fees to be included in the
14 court order for reimbursement shall be the amount claimed by appointed
15 counsel on the payment voucher for indigents' defense services or the
16 amount prescribed by the board of indigents' defense services
17 reimbursement tables as provided in K.S.A. 22-4522, and amendments
18 thereto, whichever is less;

19 (5) be subject to searches of the defendant's person, effects, vehicle,
20 residence and property by a court services officer, a community
21 correctional services officer and any other law enforcement officer based
22 on reasonable suspicion of the defendant violating conditions of probation
23 or criminal activity; and

24 (6) be subject to random, but reasonable, tests for drug and alcohol
25 consumption as ordered by a court services officer or community
26 correctional services officer.

27 (d) *For any defendant who is a registered patient pursuant to section*
28 *8, and amendments thereto, the court shall not order any condition that*
29 *prohibits such defendant from purchasing, possessing or consuming*
30 *medical cannabis, as defined in section 2, and amendments thereto, in*
31 *accordance with the medical cannabis regulation act, section 1 et seq.,*
32 *and amendments thereto.*

33 (e) Any law enforcement officer conducting a search pursuant to
34 subsection (c)(5) shall submit a written report to the appropriate court
35 services officer or community correctional services officer no later than
36 the close of the next business day after such search. The written report
37 shall include the facts leading to such search, the scope of such search and
38 any findings resulting from such search.

39 ~~(e)~~(f) There is hereby established in the state treasury the correctional
40 supervision fund. All moneys credited to the correctional supervision fund
41 shall be used for: (1) The implementation of and training for use of a
42 statewide, mandatory, standardized risk assessment tool or instrument as
43 specified by the Kansas sentencing commission, pursuant to K.S.A. 75-

1 5291, and amendments thereto; (2) the implementation of and training for
2 use of a statewide, mandatory, standardized risk assessment tool or
3 instrument for juveniles adjudicated to be juvenile offenders; and (3)
4 evidence-based adult and juvenile offender supervision programs by
5 judicial branch personnel. If all expenditures for the program have been
6 paid and moneys remain in the correctional supervision fund for a fiscal
7 year, remaining moneys may be expended from the correctional
8 supervision fund to support adult and juvenile offender supervision by
9 court services officers. All expenditures from the correctional supervision
10 fund shall be made in accordance with appropriation acts upon warrants of
11 the director of accounts and reports issued pursuant to vouchers approved
12 by the chief justice of the Kansas supreme court or by a person or persons
13 designated by the chief justice.

14 Sec. 68. K.S.A. 2022 Supp. 22-3717 is hereby amended to read as
15 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
16 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through
17 21-4638 and 21-4642, prior to their repeal; K.S.A. 2022 Supp. 21-6617,
18 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments
19 thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including
20 an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or
21 K.S.A. 2022 Supp. 21-6707, and amendments thereto, shall be eligible for
22 parole after serving the entire minimum sentence imposed by the court,
23 less good time credits.

24 (b) (1) An inmate sentenced to imprisonment for life without the
25 possibility of parole pursuant to K.S.A. 2022 Supp. 21-6617, and
26 amendments thereto, shall not be eligible for parole.

27 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to
28 their repeal, and K.S.A. 2022 Supp. 21-6620, 21-6623, 21-6624 and 21-
29 6625, and amendments thereto, an inmate sentenced to imprisonment for
30 the crime of: (A) Capital murder committed on or after July 1, 1994, shall
31 be eligible for parole after serving 25 years of confinement, without
32 deduction of any good time credits; (B) murder in the first degree based
33 upon a finding of premeditated murder committed on or after July 1, 1994,
34 but prior to July 1, 2014, shall be eligible for parole after serving 25 years
35 of confinement, without deduction of any good time credits; and (C)
36 murder in the first degree as described in K.S.A. 2022 Supp. 21-5402(a)
37 (2), and amendments thereto, committed on or after July 1, 2014, shall be
38 eligible for parole after serving 25 years of confinement, without
39 deduction of any good time credits.

40 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
41 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through
42 21-4638, prior to their repeal, and K.S.A. 2022 Supp. 21-6620, 21-6623,
43 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to

1 imprisonment for an off-grid offense committed on or after July 1, 1993,
2 but prior to July 1, 1999, shall be eligible for parole after serving 15 years
3 of confinement, without deduction of any good time credits and an inmate
4 sentenced to imprisonment for an off-grid offense committed on or after
5 July 1, 1999, shall be eligible for parole after serving 20 years of
6 confinement without deduction of any good time credits.

7 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
8 repeal, an inmate sentenced for a class A felony committed before July 1,
9 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
10 its repeal, or K.S.A. 2022 Supp. 21-6707, and amendments thereto, shall
11 be eligible for parole after serving 15 years of confinement, without
12 deduction of any good time credits.

13 (5) An inmate sentenced to imprisonment for a violation of K.S.A.
14 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but
15 prior to July 1, 1999, shall be eligible for parole after serving 10 years of
16 confinement without deduction of any good time credits.

17 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
18 4643, prior to its repeal, or K.S.A. 2022 Supp. 21-6627, and amendments
19 thereto, committed on or after July 1, 2006, shall be eligible for parole
20 after serving the mandatory term of imprisonment without deduction of
21 any good time credits.

22 (c) (1) Except as provided in subsection (e), if an inmate is sentenced
23 to imprisonment for more than one crime and the sentences run
24 consecutively, the inmate shall be eligible for parole after serving the total
25 of:

26 (A) The aggregate minimum sentences, as determined pursuant to
27 K.S.A. 21-4608, prior to its repeal, or K.S.A. 2022 Supp. 21-6606, and
28 amendments thereto, less good time credits for those crimes which are not
29 class A felonies; and

30 (B) an additional 15 years, without deduction of good time credits,
31 for each crime which is a class A felony.

32 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
33 4643, prior to its repeal, or K.S.A. 2022 Supp. 21-6627, and amendments
34 thereto, for crimes committed on or after July 1, 2006, the inmate shall be
35 eligible for parole after serving the mandatory term of imprisonment.

36 (d) (1) Persons sentenced for crimes, other than off-grid crimes,
37 committed on or after July 1, 1993, or persons subject to subparagraph
38 (G), will not be eligible for parole, but will be released to a mandatory
39 period of postrelease supervision upon completion of the prison portion of
40 their sentence as follows:

41 (A) Except as provided in subparagraphs (D) and (E), persons
42 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
43 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July

1 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
2 July 1, 2012, must serve 36 months on postrelease supervision.

3 (B) Except as provided in subparagraphs (D) and (E), persons
4 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
5 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
6 drug severity level 4 crimes committed on or after July 1, 2012, must serve
7 24 months on postrelease supervision.

8 (C) Except as provided in subparagraphs (D) and (E), persons
9 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
10 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
11 2012, and drug severity level 5 crimes committed on or after July 1, 2012,
12 must serve 12 months on postrelease supervision.

13 (D) Persons sentenced to a term of imprisonment that includes a
14 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and
15 amendments thereto, committed on or after July 1, 1993, but prior to July
16 1, 2006, a sexually motivated crime in which the offender has been
17 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and
18 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its
19 repeal, or K.S.A. 2022 Supp. 21-5509, and amendments thereto, or
20 unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A.
21 2022 Supp. 21-5512, and amendments thereto, shall serve the period of
22 postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or
23 (d)(1)(C), plus the amount of good time and program credit earned and
24 retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2022
25 Supp. 21-6821, and amendments thereto, on postrelease supervision.

26 (i) If the sentencing judge finds substantial and compelling reasons to
27 impose a departure based upon a finding that the current crime of
28 conviction was sexually motivated, departure may be imposed to extend
29 the postrelease supervision to a period of up to 60 months.

30 (ii) If the sentencing judge departs from the presumptive postrelease
31 supervision period, the judge shall state on the record at the time of
32 sentencing the substantial and compelling reasons for the departure.
33 Departures in this section are subject to appeal pursuant to K.S.A. 21-
34 4721, prior to its repeal, or K.S.A. 2022 Supp. 21-6820, and amendments
35 thereto.

36 (iii) In determining whether substantial and compelling reasons exist,
37 the court shall consider:

38 (a) Written briefs or oral arguments submitted by either the defendant
39 or the state;

40 (b) any evidence received during the proceeding;

41 (c) the presentence report, the victim's impact statement and any
42 psychological evaluation as ordered by the court pursuant to K.S.A. 21-
43 4714(e), prior to its repeal, or K.S.A. 2022 Supp. 21-6813(e), and

1 amendments thereto; and

2 (d) any other evidence the court finds trustworthy and reliable.

3 (iv) The sentencing judge may order that a psychological evaluation
4 be prepared and the recommended programming be completed by the
5 offender. The department of corrections or the prisoner review board shall
6 ensure that court ordered sex offender treatment be carried out.

7 (v) In carrying out the provisions of subsection (d)(1)(D), the court
8 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2022 Supp. 21-
9 6817, and amendments thereto.

10 (vi) Upon petition and payment of any restitution ordered pursuant to
11 K.S.A. 2022 Supp. 21-6604, and amendments thereto, the prisoner review
12 board may provide for early discharge from the postrelease supervision
13 period imposed pursuant to subsection (d)(1)(D)(i) upon completion of
14 court ordered programs and completion of the presumptive postrelease
15 supervision period, as determined by the crime of conviction, pursuant to
16 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
17 postrelease supervision is at the discretion of the board.

18 (vii) Persons convicted of crimes deemed sexually violent or sexually
19 motivated shall be registered according to the offender registration act,
20 K.S.A. 22-4901 through 22-4910, and amendments thereto.

21 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
22 repeal, or K.S.A. 2022 Supp. 21-5508, and amendments thereto, shall be
23 required to participate in a treatment program for sex offenders during the
24 postrelease supervision period.

25 (E) The period of postrelease supervision provided in subparagraphs
26 (A) and (B) may be reduced by up to 12 months and the period of
27 postrelease supervision provided in subparagraph (C) may be reduced by
28 up to six months based on the offender's compliance with conditions of
29 supervision and overall performance while on postrelease supervision. The
30 reduction in the supervision period shall be on an earned basis pursuant to
31 rules and regulations adopted by the secretary of corrections.

32 (F) In cases where sentences for crimes from more than one severity
33 level have been imposed, the offender shall serve the longest period of
34 postrelease supervision as provided by this section available for any crime
35 upon which sentence was imposed irrespective of the severity level of the
36 crime. Supervision periods will not aggregate.

37 (G) (i) Except as provided in subsection (u), persons sentenced to
38 imprisonment for a sexually violent crime committed on or after July 1,
39 2006, when the offender was 18 years of age or older, and who are
40 released from prison, shall be released to a mandatory period of
41 postrelease supervision for the duration of the person's natural life.

42 (ii) Persons sentenced to imprisonment for a sexually violent crime
43 committed on or after the effective date of this act, when the offender was

1 under 18 years of age, and who are released from prison, shall be released
2 to a mandatory period of postrelease supervision for 60 months, plus the
3 amount of good time and program credit earned and retained pursuant to
4 K.S.A. 21-4722, prior to its repeal, or K.S.A. 2022 Supp. 21-6821, and
5 amendments thereto.

6 (2) Persons serving a period of postrelease supervision pursuant to
7 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner
8 review board for early discharge. Upon payment of restitution, the prisoner
9 review board may provide for early discharge.

10 (3) Persons serving a period of incarceration for a supervision
11 violation shall not have the period of postrelease supervision modified
12 until such person is released and returned to postrelease supervision.

13 (4) Offenders whose crime of conviction was committed on or after
14 July 1, 2013, and whose probation, assignment to a community
15 correctional services program, suspension of sentence or nonprison
16 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments
17 thereto, or whose underlying prison term expires while serving a sanction
18 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a
19 period of postrelease supervision upon the completion of the underlying
20 prison term.

21 (5) As used in this subsection, "sexually violent crime" means:

22 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2022 Supp.
23 21-5503, and amendments thereto;

24 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
25 or K.S.A. 2022 Supp. 21-5506(a), and amendments thereto;

26 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
27 to its repeal, or K.S.A. 2022 Supp. 21-5506(b), and amendments thereto;

28 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its
29 repeal, or K.S.A. 2022 Supp. 21-5504(a)(3) and (a)(4), and amendments
30 thereto;

31 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
32 or K.S.A. 2022 Supp. 21-5504(b), and amendments thereto;

33 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
34 or K.S.A. 2022 Supp. 21-5508(a), and amendments thereto;

35 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
36 to its repeal, or K.S.A. 2022 Supp. 21-5508(b), and amendments thereto;

37 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
38 or K.S.A. 2022 Supp. 21-5510, and amendments thereto;

39 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
40 K.S.A. 2022 Supp. 21-5505(b), and amendments thereto;

41 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.
42 2022 Supp. 21-5604(b), and amendments thereto;

43 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,

1 prior to its repeal, or K.S.A. 2022 Supp. 21-5426(b), and amendments
2 thereto, if committed in whole or in part for the purpose of the sexual
3 gratification of the defendant or another;

4 (L) internet trading in child pornography, as defined in K.S.A. 2022
5 Supp. 21-5514(a), and amendments thereto;

6 (M) aggravated internet trading in child pornography, as defined in
7 K.S.A. 2022 Supp. 21-5514(b), and amendments thereto;

8 (N) commercial sexual exploitation of a child, as defined in K.S.A.
9 2022 Supp. 21-6422, and amendments thereto; or

10 (O) an attempt, conspiracy or criminal solicitation, as defined in
11 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2022
12 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a
13 sexually violent crime as defined in this section.

14 (6) As used in this subsection, "sexually motivated" means that one of
15 the purposes for which the defendant committed the crime was for the
16 purpose of the defendant's sexual gratification.

17 (e) If an inmate is sentenced to imprisonment for a crime committed
18 while on parole or conditional release, the inmate shall be eligible for
19 parole as provided by subsection (c), except that the prisoner review board
20 may postpone the inmate's parole eligibility date by assessing a penalty not
21 exceeding the period of time which could have been assessed if the
22 inmate's parole or conditional release had been violated for reasons other
23 than conviction of a crime.

24 (f) If a person is sentenced to prison for a crime committed on or after
25 July 1, 1993, while on probation, parole, conditional release or in a
26 community corrections program, for a crime committed prior to July 1,
27 1993, and the person is not eligible for retroactive application of the
28 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
29 4724, prior to its repeal, the new sentence shall not be aggregated with the
30 old sentence, but shall begin when the person is paroled or reaches the
31 conditional release date on the old sentence. If the offender was past the
32 offender's conditional release date at the time the new offense was
33 committed, the new sentence shall not be aggregated with the old sentence
34 but shall begin when the person is ordered released by the prisoner review
35 board or reaches the maximum sentence expiration date on the old
36 sentence, whichever is earlier. The new sentence shall then be served as
37 otherwise provided by law. The period of postrelease supervision shall be
38 based on the new sentence, except that those offenders whose old sentence
39 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
40 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
41 term of life imprisonment, for which there is no conditional release or
42 maximum sentence expiration date, shall remain on postrelease
43 supervision for life or until discharged from supervision by the prisoner

1 review board.

2 (g) Subject to the provisions of this section, the prisoner review board
3 may release on parole those persons confined in institutions who are
4 eligible for parole when: (1) The board believes that the inmate should be
5 released for hospitalization, deportation or to answer the warrant or other
6 process of a court and is of the opinion that there is reasonable probability
7 that the inmate can be released without detriment to the community or to
8 the inmate; or (2) the secretary of corrections has reported to the board in
9 writing that the inmate has satisfactorily completed the programs required
10 by any agreement entered under K.S.A. 75-5210a, and amendments
11 thereto, or any revision of such agreement, and the board believes that the
12 inmate is able and willing to fulfill the obligations of a law abiding citizen
13 and is of the opinion that there is reasonable probability that the inmate
14 can be released without detriment to the community or to the inmate.
15 Parole shall not be granted as an award of clemency and shall not be
16 considered a reduction of sentence or a pardon.

17 (h) The prisoner review board shall hold a parole hearing at least the
18 month prior to the month an inmate will be eligible for parole under
19 subsections (a), (b) and (c). At least one month preceding the parole
20 hearing, the county or district attorney of the county where the inmate was
21 convicted shall give written notice of the time and place of the public
22 comment sessions for the inmate to any victim of the inmate's crime who
23 is alive and whose address is known to the county or district attorney or, if
24 the victim is deceased, to the victim's family if the family's address is
25 known to the county or district attorney. Except as otherwise provided,
26 failure to notify pursuant to this section shall not be a reason to postpone a
27 parole hearing. In the case of any inmate convicted of an off-grid felony or
28 a class A felony, the secretary of corrections shall give written notice of the
29 time and place of the public comment session for such inmate at least one
30 month preceding the public comment session to any victim of such
31 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
32 amendments thereto. If notification is not given to such victim or such
33 victim's family in the case of any inmate convicted of an off-grid felony or
34 a class A felony, the board shall postpone a decision on parole of the
35 inmate to a time at least 30 days after notification is given as provided in
36 this section. Nothing in this section shall create a cause of action against
37 the state or an employee of the state acting within the scope of the
38 employee's employment as a result of the failure to notify pursuant to this
39 section. If granted parole, the inmate may be released on parole on the date
40 specified by the board, but not earlier than the date the inmate is eligible
41 for parole under subsections (a), (b) and (c). At each parole hearing and, if
42 parole is not granted, at such intervals thereafter as it determines
43 appropriate, the board shall consider: (1) Whether the inmate has

1 satisfactorily completed the programs required by any agreement entered
2 under K.S.A. 75-5210a, and amendments thereto, or any revision of such
3 agreement; and (2) all pertinent information regarding such inmate,
4 including, but not limited to, the circumstances of the offense of the
5 inmate; the presentence report; the previous social history and criminal
6 record of the inmate; the conduct, employment, and attitude of the inmate
7 in prison; the reports of such physical and mental examinations as have
8 been made, including, but not limited to, risk factors revealed by any risk
9 assessment of the inmate; comments of the victim and the victim's family
10 including in person comments, contemporaneous comments and
11 prerecorded comments made by any technological means; comments of
12 the public; official comments; any recommendation by the staff of the
13 facility where the inmate is incarcerated; proportionality of the time the
14 inmate has served to the sentence a person would receive under the Kansas
15 sentencing guidelines for the conduct that resulted in the inmate's
16 incarceration; and capacity of state correctional institutions.

17 (i) In those cases involving inmates sentenced for a crime committed
18 after July 1, 1993, the prisoner review board will review the inmate's
19 proposed release plan. The board may schedule a hearing if they desire.
20 The board may impose any condition they deem necessary to insure public
21 safety, aid in the reintegration of the inmate into the community, or items
22 not completed under the agreement entered into under K.S.A. 75-5210a,
23 and amendments thereto. The board may not advance or delay an inmate's
24 release date. Every inmate while on postrelease supervision shall remain in
25 the legal custody of the secretary of corrections and is subject to the orders
26 of the secretary.

27 (j) (1) Before ordering the parole of any inmate, the prisoner review
28 board shall have the inmate appear either in person or via a video
29 conferencing format and shall interview the inmate unless impractical
30 because of the inmate's physical or mental condition or absence from the
31 institution. Every inmate while on parole shall remain in the legal custody
32 of the secretary of corrections and is subject to the orders of the secretary.
33 Whenever the board formally considers placing an inmate on parole and
34 no agreement has been entered into with the inmate under K.S.A. 75-
35 5210a, and amendments thereto, the board shall notify the inmate in
36 writing of the reasons for not granting parole. If an agreement has been
37 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
38 has not satisfactorily completed the programs specified in the agreement,
39 or any revision of such agreement, the board shall notify the inmate in
40 writing of the specific programs the inmate must satisfactorily complete
41 before parole will be granted. If parole is not granted only because of a
42 failure to satisfactorily complete such programs, the board shall grant
43 parole upon the secretary's certification that the inmate has successfully

1 completed such programs. If an agreement has been entered under K.S.A.
2 75-5210a, and amendments thereto, and the secretary of corrections has
3 reported to the board in writing that the inmate has satisfactorily
4 completed the programs required by such agreement, or any revision
5 thereof, the board shall not require further program participation.
6 However, if the board determines that other pertinent information
7 regarding the inmate warrants the inmate's not being released on parole,
8 the board shall state in writing the reasons for not granting the parole. If
9 parole is denied for an inmate sentenced for a crime other than a class A or
10 class B felony or an off-grid felony, the board shall hold another parole
11 hearing for the inmate not later than one year after the denial unless the
12 board finds that it is not reasonable to expect that parole would be granted
13 at a hearing if held in the next three years or during the interim period of a
14 deferral. In such case, the board may defer subsequent parole hearings for
15 up to three years but any such deferral by the board shall require the board
16 to state the basis for its findings. If parole is denied for an inmate
17 sentenced for a class A or class B felony or an off-grid felony, the board
18 shall hold another parole hearing for the inmate not later than three years
19 after the denial unless the board finds that it is not reasonable to expect
20 that parole would be granted at a hearing if held in the next 10 years or
21 during the interim period of a deferral. In such case, the board may defer
22 subsequent parole hearings for up to 10 years, but any such deferral shall
23 require the board to state the basis for its findings.

24 (2) Inmates sentenced for a class A or class B felony who have not
25 had a board hearing in the five years prior to July 1, 2010, shall have such
26 inmates' cases reviewed by the board on or before July 1, 2012. Such
27 review shall begin with the inmates with the oldest deferral date and
28 progress to the most recent. Such review shall be done utilizing existing
29 resources unless the board determines that such resources are insufficient.
30 If the board determines that such resources are insufficient, then the
31 provisions of this paragraph are subject to appropriations therefor.

32 (k) (1) Parolees and persons on postrelease supervision shall be
33 assigned, upon release, to the appropriate level of supervision pursuant to
34 the criteria established by the secretary of corrections.

35 (2) Parolees and persons on postrelease supervision are, and shall
36 agree in writing to be, subject to searches of the person and the person's
37 effects, vehicle, residence and property by a parole officer or a department
38 of corrections enforcement, apprehension and investigation officer, at any
39 time of the day or night, with or without a search warrant and with or
40 without cause. Nothing in this subsection shall be construed to authorize
41 such officers to conduct arbitrary or capricious searches or searches for the
42 sole purpose of harassment.

43 (3) Parolees and persons on postrelease supervision are, and shall

1 agree in writing to be, subject to searches of the person and the person's
2 effects, vehicle, residence and property by any law enforcement officer
3 based on reasonable suspicion of the person violating conditions of parole
4 or postrelease supervision or reasonable suspicion of criminal activity. Any
5 law enforcement officer who conducts such a search shall submit a written
6 report to the appropriate parole officer no later than the close of the next
7 business day after such search. The written report shall include the facts
8 leading to such search, the scope of such search and any findings resulting
9 from such search.

10 (l) The prisoner review board shall promulgate rules and regulations
11 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not
12 inconsistent with the law and as it may deem proper or necessary, with
13 respect to the conduct of parole hearings, postrelease supervision reviews,
14 revocation hearings, orders of restitution, reimbursement of expenditures
15 by the state board of indigents' defense services and other conditions to be
16 imposed upon parolees or releasees. Whenever an order for parole or
17 postrelease supervision is issued it shall recite the conditions thereof.

18 (m) Whenever the prisoner review board orders the parole of an
19 inmate or establishes conditions for an inmate placed on postrelease
20 supervision, the board:

21 (1) Unless it finds compelling circumstances that would render a plan
22 of payment unworkable, shall order as a condition of parole or postrelease
23 supervision that the parolee or the person on postrelease supervision pay
24 any transportation expenses resulting from returning the parolee or the
25 person on postrelease supervision to this state to answer criminal charges
26 or a warrant for a violation of a condition of probation, assignment to a
27 community correctional services program, parole, conditional release or
28 postrelease supervision;

29 (2) to the extent practicable, shall order as a condition of parole or
30 postrelease supervision that the parolee or the person on postrelease
31 supervision make progress towards or successfully complete the
32 equivalent of a secondary education if the inmate has not previously
33 completed such educational equivalent and is capable of doing so;

34 (3) may order that the parolee or person on postrelease supervision
35 perform community or public service work for local governmental
36 agencies, private corporations organized not-for-profit or charitable or
37 social service organizations performing services for the community;

38 (4) may order the parolee or person on postrelease supervision to pay
39 the administrative fee imposed pursuant to K.S.A. 22-4529, and
40 amendments thereto, unless the board finds compelling circumstances that
41 would render payment unworkable;

42 (5) unless it finds compelling circumstances that would render a plan
43 of payment unworkable, shall order that the parolee or person on

1 postrelease supervision reimburse the state for all or part of the
2 expenditures by the state board of indigents' defense services to provide
3 counsel and other defense services to the person. In determining the
4 amount and method of payment of such sum, the prisoner review board
5 shall take account of the financial resources of the person and the nature of
6 the burden that the payment of such sum will impose. Such amount shall
7 not exceed the amount claimed by appointed counsel on the payment
8 voucher for indigents' defense services or the amount prescribed by the
9 board of indigents' defense services reimbursement tables as provided in
10 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
11 previous payments for such services;

12 (6) shall order that the parolee or person on postrelease supervision
13 agree in writing to be subject to searches of the person and the person's
14 effects, vehicle, residence and property by a parole officer or a department
15 of corrections enforcement, apprehension and investigation officer, at any
16 time of the day or night, with or without a search warrant and with or
17 without cause. Nothing in this subsection shall be construed to authorize
18 such officers to conduct arbitrary or capricious searches or searches for the
19 sole purpose of harassment; and

20 (7) shall order that the parolee or person on postrelease supervision
21 agree in writing to be subject to searches of the person and the person's
22 effects, vehicle, residence and property by any law enforcement officer
23 based on reasonable suspicion of the person violating conditions of parole
24 or postrelease supervision or reasonable suspicion of criminal activity.

25 (n) If the court that sentenced an inmate specified at the time of
26 sentencing the amount and the recipient of any restitution ordered as a
27 condition of parole or postrelease supervision, the prisoner review board
28 shall order as a condition of parole or postrelease supervision that the
29 inmate pay restitution in the amount and manner provided in the journal
30 entry unless the board finds compelling circumstances that would render a
31 plan of restitution unworkable.

32 (o) Whenever the prisoner review board grants the parole of an
33 inmate, the board, within 14 days of the date of the decision to grant
34 parole, shall give written notice of the decision to the county or district
35 attorney of the county where the inmate was sentenced.

36 (p) When an inmate is to be released on postrelease supervision, the
37 secretary, within 30 days prior to release, shall provide the county or
38 district attorney of the county where the inmate was sentenced written
39 notice of the release date.

40 (q) Inmates shall be released on postrelease supervision upon the
41 termination of the prison portion of their sentence. Time served while on
42 postrelease supervision will vest.

43 (r) An inmate who is allocated regular good time credits as provided

1 in K.S.A. 22-3725, and amendments thereto, may receive meritorious
2 good time credits in increments of not more than 90 days per meritorious
3 act. These credits may be awarded by the secretary of corrections when an
4 inmate has acted in a heroic or outstanding manner in coming to the
5 assistance of another person in a life-threatening situation, preventing
6 injury or death to a person, preventing the destruction of property or taking
7 actions that result in a financial savings to the state.

8 (s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and
9 (d)(1)(E) shall be applied retroactively as provided in subsection (t).

10 (t) For offenders sentenced prior to July 1, 2014, who are eligible for
11 modification of their postrelease supervision obligation, the department of
12 corrections shall modify the period of postrelease supervision as provided
13 for by this section:

14 (1) On or before September 1, 2013, for offenders convicted of:

15 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid
16 for nondrug crimes;

17 (B) severity level 4 crimes on the sentencing guidelines grid for drug
18 crimes committed prior to July 1, 2012; and

19 (C) severity level 5 crimes on the sentencing guidelines grid for drug
20 crimes committed on and after July 1, 2012;

21 (2) on or before November 1, 2013, for offenders convicted of:

22 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines
23 grid for nondrug crimes;

24 (B) level 3 crimes on the sentencing guidelines grid for drug crimes
25 committed prior to July 1, 2012; and

26 (C) level 4 crimes on the sentencing guidelines grid for drug crimes
27 committed on or after July 1, 2012; and

28 (3) on or before January 1, 2014, for offenders convicted of:

29 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing
30 guidelines grid for nondrug crimes;

31 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid
32 for drug crimes committed at any time; and

33 (C) severity level 3 crimes on the sentencing guidelines grid for drug
34 crimes committed on or after July 1, 2012.

35 (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
36 4643, prior to its repeal, or K.S.A. 2022 Supp. 21-6627, and amendments
37 thereto, for crimes committed on or after July 1, 2006, shall be placed on
38 parole for life and shall not be discharged from supervision by the prisoner
39 review board. When the board orders the parole of an inmate pursuant to
40 this subsection, the board shall order as a condition of parole that the
41 inmate be electronically monitored for the duration of the inmate's natural
42 life.

43 (v) Whenever the prisoner review board orders a person to be

1 electronically monitored pursuant to this section, or the court orders a
2 person to be electronically monitored pursuant to K.S.A. 2022 Supp. 21-
3 6604(r), and amendments thereto, the board shall order the person to
4 reimburse the state for all or part of the cost of such monitoring. In
5 determining the amount and method of payment of such sum, the board
6 shall take account of the financial resources of the person and the nature of
7 the burden that the payment of such sum will impose.

8 (w) (1) On and after July 1, 2012, for any inmate who is a sex
9 offender, as defined in K.S.A. 22-4902, and amendments thereto,
10 whenever the prisoner review board orders the parole of such inmate or
11 establishes conditions for such inmate placed on postrelease supervision,
12 such inmate shall agree in writing to not possess pornographic materials.

13 (A) As used in this subsection, "pornographic materials" means any
14 obscene material or performance depicting sexual conduct, sexual contact
15 or a sexual performance; and any visual depiction of sexually explicit
16 conduct.

17 (B) As used in this subsection, all other terms have the meanings
18 provided by K.S.A. 2022 Supp. 21-5510, and amendments thereto.

19 (2) The provisions of this subsection shall be applied retroactively to
20 every sex offender, as defined in K.S.A. 22-4902, and amendments
21 thereto, who is on parole or postrelease supervision on July 1, 2012. The
22 prisoner review board shall obtain the written agreement required by this
23 subsection from such offenders as soon as practicable.

24 (x) *For any parolee or person on postrelease supervision who is a*
25 *registered patient pursuant to section 8, and amendments thereto, the*
26 *prisoner review board shall not order any condition that prohibits such*
27 *parolee or person on postrelease supervision from purchasing, possessing*
28 *or consuming medical cannabis, as defined in section 2, and amendments*
29 *thereto, in accordance with the medical cannabis regulation act, section 1*
30 *et seq., and amendments thereto.*

31 Sec. 69. K.S.A. 2022 Supp. 23-3201 is hereby amended to read as
32 follows: 23-3201. (a) The court shall determine legal custody, residency
33 and parenting time of a child in accordance with the best interests of the
34 child.

35 (b) *The court shall not consider the fact that a parent or a child*
36 *consumes medical cannabis in accordance with section 10, and*
37 *amendments thereto, when determining the legal custody, residency or*
38 *parenting time of a child.*

39 Sec. 70. K.S.A. 38-2269 is hereby amended to read as follows: 38-
40 2269. (a) When the child has been adjudicated to be a child in need of
41 care, the court may terminate parental rights or appoint a permanent
42 custodian when the court finds by clear and convincing evidence that the
43 parent is unfit by reason of conduct or condition which renders the parent

1 unable to care properly for a child and the conduct or condition is unlikely
2 to change in the foreseeable future.

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

5 (1) Emotional illness, mental illness, mental deficiency or physical
6 disability of the parent, of such duration or nature as to render the parent
7 unable to care for the ongoing physical, mental and emotional needs of the
8 child;

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

11 (3) the use of intoxicating liquors or narcotic or dangerous drugs of
12 such duration or nature as to render the parent unable to care for the
13 ongoing physical, mental or emotional needs of the child, *except that the*
14 *use of medical cannabis in accordance with section 10, and amendments*
15 *thereto, shall not be considered to render the parent unable to care for the*
16 *ongoing physical, mental or emotional needs of the child;*

17 (4) physical, mental or emotional abuse or neglect or sexual abuse of
18 a child;

19 (5) conviction of a felony and imprisonment;

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

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

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

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

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

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

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

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

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

43 In making the above determination, the court may disregard incidental

1 visitations, contacts, communications or contributions.

2 (d) A finding of unfitness may be made as provided in this section if
3 the court finds that the parents have abandoned the child, the custody of
4 the child was surrendered pursuant to K.S.A. 38-2282, and amendments
5 thereto, or the child was left under such circumstances that the identity of
6 the parents is unknown and cannot be ascertained, despite diligent
7 searching, and the parents have not come forward to claim the child within
8 three months after the child is found.

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

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

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

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

31 (3) If the court does not terminate parental rights, the court may
32 authorize appointment of a permanent custodian pursuant to K.S.A. 38-
33 2272, and amendments thereto, or continued permanency planning.

34 (h) If a parent is convicted of an offense as provided in K.S.A. 38-
35 2271(a)(7), and amendments thereto, or is adjudicated a juvenile offender
36 because of an act which if committed by an adult would be an offense as
37 provided in K.S.A. 38-2271(a)(7), and amendments thereto, and if the
38 victim was the other parent of a child, the court may disregard such
39 convicted or adjudicated parent's opinions or wishes in regard to the
40 placement of such child.

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

42 (j) When adoption, proceedings to appoint a permanent custodian or
43 continued permanency planning has been authorized, the person or agency

1 awarded custody of the child shall within 30 days submit a written plan for
2 permanent placement which shall include measurable objectives and time
3 schedules.

4 Sec. 71. K.S.A. 41-201 is hereby amended to read as follows: 41-201.

5 (a) The director of ~~alcoholic beverage~~ *alcohol and cannabis* control and
6 agents and employees of the director designated by the director, with the
7 approval of the secretary of revenue, are hereby vested with the power and
8 authority of peace and police officers, in the execution of the duties
9 imposed upon the director of ~~alcoholic beverage~~ *alcohol and cannabis*
10 control by this act and in enforcing the provisions of this act.

11 (b) The director and each agent and employee designated by the
12 director under subsection (a), with the approval of the secretary of
13 revenue, shall have the authority to make arrests, conduct searches and
14 seizures and carry firearms while investigating violations of this act and
15 during the routine conduct of their duties as determined by the director or
16 designee. In addition to the above, the director and such agents and
17 employees shall have the authority to make arrests, conduct searches and
18 seizures and generally to enforce all the criminal laws of the state as
19 violations of those laws are encountered by such employees or agents
20 during the routine performance of their duties. In addition to or in lieu of
21 the above, the director and the director's agents and employees shall have
22 the authority to issue notices to appear pursuant to K.S.A. 22-2408, and
23 amendments thereto. No agent or employee of the director shall be
24 certified to carry firearms under the provisions of this section without
25 having first successfully completed the firearm training course or courses
26 prescribed for law enforcement officers under ~~subsection (a)~~ of K.S.A. 74-
27 5604a(a), and amendments thereto. The director may adopt rules and
28 regulations prescribing other training required for such agents or
29 employees.

30 (c) The attorney general shall appoint, with the approval of the
31 secretary of revenue, ~~an two~~ *attorney attorneys* general who shall
32 be the ~~attorney attorneys~~ for the director of ~~alcoholic beverage~~ *alcohol*
33 *and cannabis* control and the division of ~~alcoholic beverage~~ *alcohol and*
34 *cannabis* control, and who shall receive an annual salary fixed by the
35 attorney general with the approval of the director of ~~alcoholic beverage~~
36 *alcohol and cannabis* control and the state finance council.

37 Sec. 72. K.S.A. 44-501 is hereby amended to read as follows: 44-501.

38 (a) (1) Compensation for an injury shall be disallowed if such injury to the
39 employee results from:

40 (A) The employee's deliberate intention to cause such injury;

41 (B) the employee's willful failure to use a guard or protection against
42 accident or injury which is required pursuant to any statute and provided
43 for the employee;

1 (C) the employee's willful failure to use a reasonable and proper
2 guard and protection voluntarily furnished the employee by the employer;

3 (D) the employee's reckless violation of their employer's workplace
4 safety rules or regulations; or

5 (E) the employee's voluntary participation in fighting or horseplay
6 with a co-employee for any reason, work related or otherwise.

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

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

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

27 (ii) *In the case of cannabis, including any cannabis derivatives,*
28 *compensation shall not be denied if the employee is registered as a patient*
29 *pursuant to section 8, and amendments thereto, such cannabis or cannabis*
30 *derivative was used in accordance with the medical cannabis regulation*
31 *act, section 1 et seq., and amendments thereto, and there has been no*
32 *prior incidence of the employee's impairment on the job as a result of the*
33 *use of such cannabis or cannabis derivative within the immediately*
34 *preceding 24 months.*

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

40		Confirmatory
41		test cutoff
42		levels (ng/ml)
43	Marijuana metabolite ¹	15

1	Cocaine metabolite ²	150
2	Opiates:	
3	Morphine	2000
4	Codeine	2000
5	6-Acetylmorphine ⁴³	10 ng/ml
6	Phencyclidine	25
7	Amphetamines:	
8	Amphetamine	500
9	Methamphetamine ³⁴	500
10	¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid.	
11	² Benzoyllecgonine.	
12	³ Specimen must also contain amphetamine at a concentration greater	
13	than or equal to 200 ng/ml <i>Test for 6-AM when morphine concentration</i>	
14	exceeds 2,000 ng/ml.	
15	⁴ Test for 6-AM when morphine concentration exceeds 2,000-	
16	ng/ml <i>Specimen must also contain amphetamine at a concentration</i>	
17	greater than or equal to 200 ng/ml.	

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

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

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

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

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

37 (C) the worker, prior to the date and time of the accident or injury,
 38 gave written consent to the employer that the worker would voluntarily
 39 submit to a chemical test for drugs or alcohol following any accident or
 40 injury;

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

43 (E) as a result of federal or state law or a federal or state rule or

1 regulation having the force and effect of law requiring a post-injury testing
2 program and such required program was properly implemented at the time
3 of testing.

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

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

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

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

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

19 (E) the foundation evidence must establish, beyond a reasonable
20 doubt, that the test results were from the sample taken from the employee;
21 and

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

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

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

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

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

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

40 (d) Except as provided in the workers compensation act, no
41 construction design professional who is retained to perform professional
42 services on a construction project or any employee of a construction
43 design professional who is assisting or representing the construction

1 design professional in the performance of professional services on the site
2 of the construction project, shall be liable for any injury resulting from the
3 employer's failure to comply with safety standards on the construction
4 project for which compensation is recoverable under the workers
5 compensation act, unless responsibility for safety practices is specifically
6 assumed by contract. The immunity provided by this subsection to any
7 construction design professional shall not apply to the negligent
8 preparation of design plans or specifications.

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

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

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

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

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

36 (f) If the employee receives, whether periodically or by lump sum,
37 retirement benefits under the federal social security act or retirement
38 benefits from any other retirement system, program, policy or plan ~~which~~
39 *that* is provided by the employer against which the claim is being made,
40 any compensation benefit payments which the employee is eligible to
41 receive under the workers compensation act for such claim shall be
42 reduced by the weekly equivalent amount of the total amount of all such
43 retirement benefits, less any portion of any such retirement benefit, other

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

9 Sec. 73. K.S.A. 44-706 is hereby amended to read as follows: 44-706.

10 The secretary shall examine whether an individual has separated from
11 employment for each week claimed. The secretary shall apply the
12 provisions of this section to the individual's most recent employment prior
13 to the week claimed. An individual shall be disqualified for benefits:

14 (a) If the individual left work voluntarily without good cause
15 attributable to the work or the employer, subject to the other provisions of
16 this subsection. For purposes of this subsection, "good cause" is cause of
17 such gravity that would impel a reasonable, not supersensitive, individual
18 exercising ordinary common sense to leave employment. Good cause
19 requires a showing of good faith of the individual leaving work, including
20 the presence of a genuine desire to work. Failure to return to work after
21 expiration of approved personal or medical leave, or both, shall be
22 considered a voluntary resignation. After a temporary job assignment,
23 failure of an individual to affirmatively request an additional assignment
24 on the next succeeding workday, if required by the employment
25 agreement, after completion of a given work assignment, shall constitute
26 leaving work voluntarily. The disqualification shall begin the day
27 following the separation and shall continue until after the individual has
28 become reemployed and has had earnings from insured work of at least
29 three times the individual's weekly benefit amount. An individual shall not
30 be disqualified under this subsection if:

31 (1) The individual was forced to leave work because of illness or
32 injury upon the advice of a licensed and practicing health care provider
33 and, upon learning of the necessity for absence, immediately notified the
34 employer thereof, or the employer consented to the absence, and after
35 recovery from the illness or injury, when recovery was certified by a
36 practicing health care provider, the individual returned to the employer and
37 offered to perform services and the individual's regular work or
38 comparable and suitable work was not available. As used in this paragraph
39 "health care provider" means any person licensed by the proper licensing
40 authority of any state to engage in the practice of medicine and surgery,
41 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

42 (2) the individual left temporary work to return to the regular
43 employer;

1 (3) the individual left work to enlist in the armed forces of the United
2 States, but was rejected or delayed from entry;

3 (4) the spouse of an individual who is a member of the armed forces
4 of the United States who left work because of the voluntary or involuntary
5 transfer of the individual's spouse from one job to another job, which is for
6 the same employer or for a different employer, at a geographic location
7 which makes it unreasonable for the individual to continue work at the
8 individual's job. For the purposes of this provision the term "armed forces"
9 means active duty in the army, navy, marine corps, air force, coast guard or
10 any branch of the military reserves of the United States;

11 (5) the individual left work because of hazardous working conditions;
12 in determining whether or not working conditions are hazardous for an
13 individual, the degree of risk involved to the individual's health, safety and
14 morals, the individual's physical fitness and prior training and the working
15 conditions of workers engaged in the same or similar work for the same
16 and other employers in the locality shall be considered; as used in this
17 paragraph, "hazardous working conditions" means working conditions that
18 could result in a danger to the physical or mental well-being of the
19 individual; each determination as to whether hazardous working
20 conditions exist shall include, but shall not be limited to, a consideration
21 of: (A) The safety measures used or the lack thereof; and (B) the condition
22 of equipment or lack of proper equipment; no work shall be considered
23 hazardous if the working conditions surrounding the individual's work are
24 the same or substantially the same as the working conditions generally
25 prevailing among individuals performing the same or similar work for
26 other employers engaged in the same or similar type of activity;

27 (6) the individual left work to enter training approved under section
28 236(a)(1) of the federal trade act of 1974, provided the work left is not of a
29 substantially equal or higher skill level than the individual's past adversely
30 affected employment, as defined for purposes of the federal trade act of
31 1974, and wages for such work are not less than 80% of the individual's
32 average weekly wage as determined for the purposes of the federal trade
33 act of 1974;

34 (7) the individual left work because of unwelcome harassment of the
35 individual by the employer or another employee of which the employing
36 unit had knowledge and that would impel the average worker to give up
37 such worker's employment;

38 (8) the individual left work to accept better work; each determination
39 as to whether or not the work accepted is better work shall include, but
40 shall not be limited to, consideration of: (A) The rate of pay, the hours of
41 work and the probable permanency of the work left as compared to the
42 work accepted; (B) the cost to the individual of getting to the work left in
43 comparison to the cost of getting to the work accepted; and (C) the

1 distance from the individual's place of residence to the work accepted in
2 comparison to the distance from the individual's residence to the work left;

3 (9) the individual left work as a result of being instructed or requested
4 by the employer, a supervisor or a fellow employee to perform a service or
5 commit an act in the scope of official job duties which is in violation of an
6 ordinance or statute;

7 (10) the individual left work because of a substantial violation of the
8 work agreement by the employing unit and, before the individual left, the
9 individual had exhausted all remedies provided in such agreement for the
10 settlement of disputes before terminating. For the purposes of this
11 paragraph, a demotion based on performance does not constitute a
12 violation of the work agreement;

13 (11) after making reasonable efforts to preserve the work, the
14 individual left work due to a personal emergency of such nature and
15 compelling urgency that it would be contrary to good conscience to
16 impose a disqualification; or

17 (12) (A) the individual left work due to circumstances resulting from
18 domestic violence, including:

19 (i) The individual's reasonable fear of future domestic violence at or
20 en route to or from the individual's place of employment;

21 (ii) the individual's need to relocate to another geographic area in
22 order to avoid future domestic violence;

23 (iii) the individual's need to address the physical, psychological and
24 legal impacts of domestic violence;

25 (iv) the individual's need to leave employment as a condition of
26 receiving services or shelter from an agency which provides support
27 services or shelter to victims of domestic violence; or

28 (v) the individual's reasonable belief that termination of employment
29 is necessary to avoid other situations which may cause domestic violence
30 and to provide for the future safety of the individual or the individual's
31 family.

32 (B) An individual may prove the existence of domestic violence by
33 providing one of the following:

34 (i) A restraining order or other documentation of equitable relief by a
35 court of competent jurisdiction;

36 (ii) a police record documenting the abuse;

37 (iii) documentation that the abuser has been convicted of one or more
38 of the offenses enumerated in articles 34 and 35 of chapter 21 of the
39 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of
40 chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or
41 K.S.A. 2022 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-
42 6422, and amendments thereto, where the victim was a family or
43 household member;

1 (iv) medical documentation of the abuse;

2 (v) a statement provided by a counselor, social worker, health care
3 provider, clergy, shelter worker, legal advocate, domestic violence or
4 sexual assault advocate or other professional who has assisted the
5 individual in dealing with the effects of abuse on the individual or the
6 individual's family; or

7 (vi) a sworn statement from the individual attesting to the abuse.

8 (C) No evidence of domestic violence experienced by an individual,
9 including the individual's statement and corroborating evidence, shall be
10 disclosed by the department of labor unless consent for disclosure is given
11 by the individual.

12 (b) If the individual has been discharged or suspended for misconduct
13 connected with the individual's work. The disqualification shall begin the
14 day following the separation and shall continue until after the individual
15 becomes reemployed and in cases where the disqualification is due to
16 discharge for misconduct has had earnings from insured work of at least
17 three times the individual's determined weekly benefit amount, except that
18 if an individual is discharged for gross misconduct connected with the
19 individual's work, such individual shall be disqualified for benefits until
20 such individual again becomes employed and has had earnings from
21 insured work of at least eight times such individual's determined weekly
22 benefit amount. In addition, all wage credits attributable to the
23 employment from which the individual was discharged for gross
24 misconduct connected with the individual's work shall be canceled. No
25 such cancellation of wage credits shall affect prior payments made as a
26 result of a prior separation.

27 (1) (A) For the purposes of this subsection, "misconduct" is defined as
28 a violation of a duty or obligation reasonably owed the employer as a
29 condition of employment including, but not limited to, a violation of a
30 company rule, including a safety rule, if:

31 ~~(A)~~(i) The individual knew or should have known about the rule;

32 ~~(B)~~(ii) the rule was lawful and reasonably related to the job; and

33 ~~(C)~~(iii) the rule was fairly and consistently enforced.

34 (B) *The term "misconduct":*

35 (i) *Does not include any violation of a duty, obligation or company*
36 *rule if:*

37 (a) *The individual is a registered patient pursuant to section 8, and*
38 *amendments thereto; and*

39 (b) *the basis for the violation is the possession of an identification*
40 *card issued under section 8, and amendments thereto, or the possession or*
41 *use of medical cannabis in accordance with the medical cannabis*
42 *regulation act, section 1 et seq., and amendments thereto; and*

43 (ii) *includes any violation of a duty, obligation or company rule if the*

1 *individual ingested cannabis in the workplace, worked while under the*
 2 *influence of cannabis or tested positive for a controlled substance.*

3 (2) (A) Failure of the employee to notify the employer of an absence
 4 and an individual's leaving work prior to the end of such individual's
 5 assigned work period without permission shall be considered prima facie
 6 evidence of a violation of a duty or obligation reasonably owed the
 7 employer as a condition of employment.

8 (B) For the purposes of this subsection, misconduct shall include, but
 9 not be limited to, violation of the employer's reasonable attendance
 10 expectations if the facts show:

11 (i) The individual was absent or tardy without good cause;
 12 (ii) the individual had knowledge of the employer's attendance
 13 expectation; and

14 (iii) the employer gave notice to the individual that future absence or
 15 tardiness may or will result in discharge.

16 (C) For the purposes of this subsection, if an employee disputes being
 17 absent or tardy without good cause, the employee shall present evidence
 18 that a majority of the employee's absences or tardiness were for good
 19 cause. If the employee alleges that the employee's repeated absences or
 20 tardiness were the result of health related issues, such evidence shall
 21 include documentation from a licensed and practicing health care provider
 22 as defined in subsection (a)(1).

23 (3) (A) (i) The term "gross misconduct" as used in this subsection
 24 shall be construed to mean conduct evincing extreme, willful or wanton
 25 misconduct as defined by this subsection. Gross misconduct shall include,
 26 but not be limited to:

27 (i)(a) Theft;
 28 (i)(b) fraud;
 29 (i)(c) intentional damage to property;
 30 (i)(d) intentional infliction of personal injury; or
 31 (i)(e) any conduct that constitutes a felony.

32 (ii) *The term "gross misconduct":*

33 (a) *Does not include any conduct of an individual if:*

34 (1) *The individual is a registered patient pursuant to section 8, and*
 35 *amendments thereto; and*

36 (2) *the basis for such conduct is the possession of an identification*
 37 *card issued under section 8, and amendments thereto, or the possession or*
 38 *use of medical cannabis in accordance with the medical cannabis*
 39 *regulation act, section 1 et seq., and amendments thereto; and*

40 (b) *includes any conduct of an individual if the individual ingested*
 41 *cannabis in the workplace, worked while under the influence of cannabis*
 42 *or tested positive for a controlled substance.*

43 (B) For the purposes of this subsection, the following shall be

1 conclusive evidence of gross misconduct:

2 (i) The use of alcoholic liquor, cereal malt beverage or a
3 nonprescribed controlled substance by an individual while working;

4 (ii) the impairment caused by alcoholic liquor, cereal malt beverage
5 or a nonprescribed controlled substance by an individual while working;

6 (iii) a positive breath alcohol test or a positive chemical test,
7 provided:

8 (a) The test was either:

9 (1) Required by law and was administered pursuant to the drug free
10 workplace act, 41 U.S.C. § 701 et seq.;

11 (2) administered as part of an employee assistance program or other
12 drug or alcohol treatment program in which the employee was
13 participating voluntarily or as a condition of further employment;

14 (3) requested pursuant to a written policy of the employer of which
15 the employee had knowledge and was a required condition of
16 employment;

17 (4) required by law and the test constituted a required condition of
18 employment for the individual's job; or

19 (5) there was reasonable suspicion to believe that the individual used,
20 had possession of, or was impaired by alcoholic liquor, cereal malt
21 beverage or a nonprescribed controlled substance while working;

22 (b) the test sample was collected either:

23 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et
24 seq.;

25 (2) as prescribed by an employee assistance program or other drug or
26 alcohol treatment program in which the employee was participating
27 voluntarily or as a condition of further employment;

28 (3) as prescribed by the written policy of the employer of which the
29 employee had knowledge and which constituted a required condition of
30 employment;

31 (4) as prescribed by a test which was required by law and which
32 constituted a required condition of employment for the individual's job; or

33 (5) at a time contemporaneous with the events establishing probable
34 cause;

35 (c) the collecting and labeling of a chemical test sample was
36 performed by a licensed health care professional or any other individual
37 certified pursuant to ~~paragraph (b)(3)(A)(iii)(f)~~ *subsection (b)(3)(B)(iii)(f)*
38 or authorized to collect or label test samples by federal or state law, or a
39 federal or state rule or regulation having the force or effect of law,
40 including law enforcement personnel;

41 (d) the chemical test was performed by a laboratory approved by the
42 United States department of health and human services or licensed by the
43 department of health and environment, except that a blood sample may be

1 tested for alcohol content by a laboratory commonly used for that purpose
2 by state law enforcement agencies;

3 (e) the chemical test was confirmed by gas chromatography, gas
4 chromatography-mass spectroscopy or other comparably reliable
5 analytical method, except that no such confirmation is required for a blood
6 alcohol sample or a breath alcohol test;

7 (f) the breath alcohol test was administered by an individual trained
8 to perform breath tests, the breath testing instrument used was certified
9 and operated strictly according to a description provided by the
10 manufacturers and the reliability of the instrument performance was
11 assured by testing with alcohol standards; and

12 (g) the foundation evidence establishes, beyond a reasonable doubt,
13 that the test results were from the sample taken from the individual;

14 (iv) an individual's refusal to submit to a chemical test or breath
15 alcohol test, provided:

16 (a) The test meets the standards of the drug free workplace act, 41
17 U.S.C. § 701 et seq.;

18 (b) the test was administered as part of an employee assistance
19 program or other drug or alcohol treatment program in which the
20 employee was participating voluntarily or as a condition of further
21 employment;

22 (c) the test was otherwise required by law and the test constituted a
23 required condition of employment for the individual's job;

24 (d) the test was requested pursuant to a written policy of the employer
25 of which the employee had knowledge and was a required condition of
26 employment; or

27 (e) there was reasonable suspicion to believe that the individual used,
28 possessed or was impaired by alcoholic liquor, cereal malt beverage or a
29 nonprescribed controlled substance while working;

30 (v) an individual's dilution or other tampering of a chemical test.

31 (C) For purposes of this subsection:

32 (i) "Alcohol concentration" means the number of grams of alcohol
33 per 210 liters of breath;

34 (ii) "alcoholic liquor" means the same as provided in K.S.A. 41-102,
35 and amendments thereto;

36 (iii) "cereal malt beverage" means the same as provided in K.S.A. 41-
37 2701, and amendments thereto;

38 (iv) "chemical test" includes, but is not limited to, tests of urine,
39 blood or saliva;

40 (v) "controlled substance" means the same as provided in K.S.A.
41 2022 Supp. 21-5701, and amendments thereto;

42 (vi) "required by law" means required by a federal or state law, a
43 federal or state rule or regulation having the force and effect of law, a

1 county resolution or municipal ordinance, or a policy relating to public
2 safety adopted in an open meeting by the governing body of any special
3 district or other local governmental entity;

4 (vii) "positive breath test" means a test result showing an alcohol
5 concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if
6 applicable, unless the test was administered as part of an employee
7 assistance program or other drug or alcohol treatment program in which
8 the employee was participating voluntarily or as a condition of further
9 employment, in which case "positive chemical test" shall mean a test result
10 showing an alcohol concentration at or above the levels provided for in the
11 assistance or treatment program; *and*

12 (viii) "positive chemical test" means a chemical result showing a
13 concentration at or above the levels listed in K.S.A. 44-501, and
14 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or
15 abuse listed therein, unless the test was administered as part of an
16 employee assistance program or other drug or alcohol treatment program
17 in which the employee was participating voluntarily or as a condition of
18 further employment, in which case "positive chemical test" means a
19 chemical result showing a concentration at or above the levels provided for
20 in the assistance or treatment program.

21 (4) An individual shall not be disqualified under this subsection if the
22 individual is discharged under the following circumstances:

23 (A) The employer discharged the individual after learning the
24 individual was seeking other work or when the individual gave notice of
25 future intent to quit, except that the individual shall be disqualified after
26 the time at which such individual intended to quit and any individual who
27 commits misconduct after such individual gives notice to such individual's
28 intent to quit shall be disqualified;

29 (B) the individual was making a ~~good-faith~~ *good faith* effort to do the
30 assigned work but was discharged due to:

31 (i) Inefficiency;
32 (ii) unsatisfactory performance due to inability, incapacity or lack of
33 training or experience;

34 (iii) isolated instances of ordinary negligence or inadvertence;

35 (iv) ~~good-faith~~ *good faith* errors in judgment or discretion; or

36 (v) unsatisfactory work or conduct due to circumstances beyond the
37 individual's control; or

38 (C) the individual's refusal to perform work in excess of the contract
39 of hire.

40 (c) If the individual has failed, without good cause, to either apply for
41 suitable work when so directed by the employment office of the secretary
42 of labor, or to accept suitable work when offered to the individual by the
43 employment office, the secretary of labor, or an employer, such

1 disqualification shall begin with the week in which such failure occurred
2 and shall continue until the individual becomes reemployed and has had
3 earnings from insured work of at least three times such individual's
4 determined weekly benefit amount. In determining whether or not any
5 work is suitable for an individual, the secretary of labor, or a person or
6 persons designated by the secretary, shall consider the degree of risk
7 involved to health, safety and morals, physical fitness and prior training,
8 experience and prior earnings, length of unemployment and prospects for
9 securing local work in the individual's customary occupation or work for
10 which the individual is reasonably fitted by training or experience, and the
11 distance of the available work from the individual's residence.
12 Notwithstanding any other provisions of this act, an otherwise eligible
13 individual shall not be disqualified for refusing an offer of suitable
14 employment, or failing to apply for suitable employment when notified by
15 an employment office, or for leaving the individual's most recent work
16 accepted during approved training, including training approved under
17 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying
18 for suitable employment or continuing such work would require the
19 individual to terminate approved training and no work shall be deemed
20 suitable and benefits shall not be denied under this act to any otherwise
21 eligible individual for refusing to accept new work under any of the
22 following conditions:

23 (1) If the position offered is vacant due directly to a strike, lockout or
24 other labor dispute;

25 (2) if the remuneration, hours or other conditions of the work offered
26 are substantially less favorable to the individual than those prevailing for
27 similar work in the locality;

28 (3) if as a condition of being employed, the individual would be
29 required to join or to resign from or refrain from joining any labor
30 organization; and

31 (4) if the individual left employment as a result of domestic violence,
32 and the position offered does not reasonably accommodate the individual's
33 physical, psychological, safety, or legal needs relating to such domestic
34 violence.

35 (d) For any week with respect to which the secretary of labor, or a
36 person or persons designated by the secretary, finds that the individual's
37 unemployment is due to a stoppage of work which exists because of a
38 labor dispute or there would have been a work stoppage had normal
39 operations not been maintained with other personnel previously and
40 currently employed by the same employer at the factory, establishment or
41 other premises at which the individual is or was last employed, except that
42 this subsection (d) shall not apply if it is shown to the satisfaction of the
43 secretary of labor, or a person or persons designated by the secretary, that:

1 (1) The individual is not participating in or financing or directly interested
2 in the labor dispute which caused the stoppage of work; and (2) the
3 individual does not belong to a grade or class of workers of which,
4 immediately before the commencement of the stoppage, there were
5 members employed at the premises at which the stoppage occurs any of
6 whom are participating in or financing or directly interested in the dispute.
7 If in any case separate branches of work which are commonly conducted
8 as separate businesses in separate premises are conducted in separate
9 departments of the same premises, each such department shall, for the
10 purpose of this subsection be deemed to be a separate factory,
11 establishment or other premises. For the purposes of this subsection,
12 failure or refusal to cross a picket line or refusal for any reason during the
13 continuance of such labor dispute to accept the individual's available and
14 customary work at the factory, establishment or other premises where the
15 individual is or was last employed shall be considered as participation and
16 interest in the labor dispute.

17 (e) For any week with respect to which or a part of which the
18 individual has received or is seeking unemployment benefits under the
19 unemployment compensation law of any other state or of the United
20 States, except that if the appropriate agency of such other state or the
21 United States finally determines that the individual is not entitled to such
22 unemployment benefits, this disqualification shall not apply.

23 (f) For any week with respect to which the individual is entitled to
24 receive any unemployment allowance or compensation granted by the
25 United States under an act of congress to ex-service men and women in
26 recognition of former service with the military or naval services of the
27 United States.

28 (g) If the individual, or another in such individual's behalf with the
29 knowledge of the individual, has knowingly made a false statement or
30 representation, or has knowingly failed to disclose a material fact to obtain
31 or increase benefits under this act or any other unemployment
32 compensation law administered by the secretary of labor, unless the
33 individual has repaid the full amount of the overpayment as determined by
34 the secretary or the secretary's designee, including, but not limited to, the
35 total amount of money erroneously paid as benefits or unlawfully
36 obtained, interest, penalties and any other costs or fees provided by law. If
37 the individual has made such repayment, the individual shall be
38 disqualified for a period of one year for the first occurrence or five years
39 for any subsequent occurrence, beginning with the first day following the
40 date the department of labor confirmed the individual has successfully
41 repaid the full amount of the overpayment. In addition to the penalties set
42 forth in K.S.A. 44-719, and amendments thereto, an individual who has
43 knowingly made a false statement or representation or who has knowingly

1 failed to disclose a material fact to obtain or increase benefits under this
2 act or any other unemployment compensation law administered by the
3 secretary of labor shall be liable for a penalty in the amount equal to 25%
4 of the amount of benefits unlawfully received. Notwithstanding any other
5 provision of law, such penalty shall be deposited into the employment
6 security trust fund. No person who is a victim of identify theft shall be
7 subject to the provisions of this subsection. The secretary shall investigate
8 all cases of an alleged false statement or representation or failure to
9 disclose a material fact to ensure no victim of identity theft is disqualified,
10 required to repay or subject to any penalty as provided by this subsection
11 as a result of identity theft.

12 (h) For any week with respect to which the individual is receiving
13 compensation for temporary total disability or permanent total disability
14 under the workmen's compensation law of any state or under a similar law
15 of the United States.

16 (i) For any week of unemployment on the basis of service in an
17 instructional, research or principal administrative capacity for an
18 educational institution as defined in K.S.A. 44-703(v), and amendments
19 thereto, if such week begins during the period between two successive
20 academic years or terms or, when an agreement provides instead for a
21 similar period between two regular but not successive terms during such
22 period or during a period of paid sabbatical leave provided for in the
23 individual's contract, if the individual performs such services in the first of
24 such academic years or terms and there is a contract or a reasonable
25 assurance that such individual will perform services in any such capacity
26 for any educational institution in the second of such academic years or
27 terms.

28 (j) For any week of unemployment on the basis of service in any
29 capacity other than service in an instructional, research, or administrative
30 capacity in an educational institution, as defined in K.S.A. 44-703(v), and
31 amendments thereto, if such week begins during the period between two
32 successive academic years or terms if the individual performs such
33 services in the first of such academic years or terms and there is a
34 reasonable assurance that the individual will perform such services in the
35 second of such academic years or terms, except that if benefits are denied
36 to the individual under this subsection and the individual was not offered
37 an opportunity to perform such services for the educational institution for
38 the second of such academic years or terms, such individual shall be
39 entitled to a retroactive payment of benefits for each week for which the
40 individual filed a timely claim for benefits and for which benefits were
41 denied solely by reason of this subsection.

42 (k) For any week of unemployment on the basis of service in any
43 capacity for an educational institution as defined in K.S.A. 44-703(v), and

1 amendments thereto, if such week begins during an established and
2 customary vacation period or holiday recess, if the individual performs
3 services in the period immediately before such vacation period or holiday
4 recess and there is a reasonable assurance that such individual will perform
5 such services in the period immediately following such vacation period or
6 holiday recess.

7 (l) For any week of unemployment on the basis of any services,
8 substantially all of which consist of participating in sports or athletic
9 events or training or preparing to so participate, if such week begins during
10 the period between two successive sport seasons or similar period if such
11 individual performed services in the first of such seasons or similar periods
12 and there is a reasonable assurance that such individual will perform such
13 services in the later of such seasons or similar periods.

14 (m) For any week on the basis of services performed by an alien
15 unless such alien is an individual who was lawfully admitted for
16 permanent residence at the time such services were performed, was
17 lawfully present for purposes of performing such services, or was
18 permanently residing in the United States under color of law at the time
19 such services were performed, including an alien who was lawfully present
20 in the United States as a result of the application of the provisions of
21 section 212(d)(5) of the federal immigration and nationality act. Any data
22 or information required of individuals applying for benefits to determine
23 whether benefits are not payable to them because of their alien status shall
24 be uniformly required from all applicants for benefits. In the case of an
25 individual whose application for benefits would otherwise be approved, no
26 determination that benefits to such individual are not payable because of
27 such individual's alien status shall be made except upon a preponderance
28 of the evidence.

29 (n) For any week in which an individual is receiving a governmental
30 or other pension, retirement or retired pay, annuity or other similar
31 periodic payment under a plan maintained by a base period employer and
32 to which the entire contributions were provided by such employer, except
33 that:

34 (1) If the entire contributions to such plan were provided by the base
35 period employer but such individual's weekly benefit amount exceeds such
36 governmental or other pension, retirement or retired pay, annuity or other
37 similar periodic payment attributable to such week, the weekly benefit
38 amount payable to the individual shall be reduced, but not below zero, by
39 an amount equal to the amount of such pension, retirement or retired pay,
40 annuity or other similar periodic payment which is attributable to such
41 week;~~or~~

42 (2) if only a portion of contributions to such plan were provided by
43 the base period employer, the weekly benefit amount payable to such

1 individual for such week shall be reduced, but not below zero, by the
2 prorated weekly amount of the pension, retirement or retired pay, annuity
3 or other similar periodic payment after deduction of that portion of the
4 pension, retirement or retired pay, annuity or other similar periodic
5 payment that is directly attributable to the percentage of the contributions
6 made to the plan by such individual; ~~or~~

7 (3) if the entire contributions to the plan were provided by such
8 individual, or by the individual and an employer, or any person or
9 organization, who is not a base period employer, no reduction in the
10 weekly benefit amount payable to the individual for such week shall be
11 made under this subsection; or

12 (4) whatever portion of contributions to such plan were provided by
13 the base period employer, if the services performed for the employer by
14 such individual during the base period, or remuneration received for the
15 services, did not affect the individual's eligibility for, or increased the
16 amount of, such pension, retirement or retired pay, annuity or other similar
17 periodic payment, no reduction in the weekly benefit amount payable to
18 the individual for such week shall be made under this subsection.

19 No reduction shall be made for payments made under the social
20 security act or railroad retirement act of 1974.

21 (o) For any week of unemployment on the basis of services
22 performed in any capacity and under any of the circumstances described in
23 subsection (i), (j) or (k) that an individual performed in an educational
24 institution while in the employ of an educational service agency. For the
25 purposes of this subsection, the term "educational service agency" means a
26 governmental agency or entity which is established and operated
27 exclusively for the purpose of providing such services to one or more
28 educational institutions.

29 (p) For any week of unemployment on the basis of service as a school
30 bus or other motor vehicle driver employed by a private contractor to
31 transport pupils, students and school personnel to or from school-related
32 functions or activities for an educational institution, as defined in K.S.A.
33 44-703(v), and amendments thereto, if such week begins during the period
34 between two successive academic years or during a similar period between
35 two regular terms, whether or not successive, if the individual has a
36 contract or contracts, or a reasonable assurance thereof, to perform
37 services in any such capacity with a private contractor for any educational
38 institution for both such academic years or both such terms. An individual
39 shall not be disqualified for benefits as provided in this subsection for any
40 week of unemployment on the basis of service as a bus or other motor
41 vehicle driver employed by a private contractor to transport persons to or
42 from nonschool-related functions or activities.

43 (q) For any week of unemployment on the basis of services

1 performed by the individual in any capacity and under any of the
2 circumstances described in subsection (i), (j), (k) or (o) ~~which~~ that are
3 provided to or on behalf of an educational institution, as defined in K.S.A.
4 44-703(v), and amendments thereto, while the individual is in the employ
5 of an employer which is a governmental entity, Indian tribe or any
6 employer described in section 501(c)(3) of the federal internal revenue
7 code of 1986 which is exempt from income under section 501(a) of the
8 code.

9 (r) For any week in which an individual is registered at and attending
10 an established school, training facility or other educational institution, or is
11 on vacation during or between two successive academic years or terms. An
12 individual shall not be disqualified for benefits as provided in this
13 subsection provided:

14 (1) The individual was engaged in full-time employment concurrent
15 with the individual's school attendance;

16 (2) the individual is attending approved training as defined in K.S.A.
17 44-703(s), and amendments thereto; or

18 (3) the individual is attending evening, weekend or limited day time
19 classes, which would not affect availability for work, and is otherwise
20 eligible under K.S.A. 44-705(c), and amendments thereto.

21 (s) For any week with respect to which an individual is receiving or
22 has received remuneration in the form of a back pay award or settlement.
23 The remuneration shall be allocated to the week or weeks in the manner as
24 specified in the award or agreement, or in the absence of such specificity
25 in the award or agreement, such remuneration shall be allocated to the
26 week or weeks in which such remuneration, in the judgment of the
27 secretary, would have been paid.

28 (1) For any such weeks that an individual receives remuneration in
29 the form of a back pay award or settlement, an overpayment will be
30 established in the amount of unemployment benefits paid and shall be
31 collected from the claimant.

32 (2) If an employer chooses to withhold from a back pay award or
33 settlement, amounts paid to a claimant while they claimed unemployment
34 benefits, such employer shall pay the department the amount withheld.
35 With respect to such amount, the secretary shall have available all of the
36 collection remedies authorized or provided in K.S.A. 44-717, and
37 amendments thereto.

38 (t) (1) Any applicant for or recipient of unemployment benefits who
39 tests positive for unlawful use of a controlled substance or controlled
40 substance analog shall be required to complete a substance abuse treatment
41 program approved by the secretary of labor, secretary of commerce or
42 secretary for children and families, and a job skills program approved by
43 the secretary of labor, secretary of commerce or the secretary for children

1 and families. Subject to applicable federal laws, any applicant for or
2 recipient of unemployment benefits who fails to complete or refuses to
3 participate in the substance abuse treatment program or job skills program
4 as required under this subsection shall be ineligible to receive
5 unemployment benefits until completion of such substance abuse
6 treatment and job skills programs. Upon completion of both substance
7 abuse treatment and job skills programs, such applicant for or recipient of
8 unemployment benefits may be subject to periodic drug screening, as
9 determined by the secretary of labor. Upon a second positive test for
10 unlawful use of a controlled substance or controlled substance analog, an
11 applicant for or recipient of unemployment benefits shall be ordered to
12 complete again a substance abuse treatment program and job skills
13 program, and shall be terminated from unemployment benefits for a period
14 of 12 months, or until such applicant for or recipient of unemployment
15 benefits completes both substance abuse treatment and job skills programs,
16 whichever is later. Upon a third positive test for unlawful use of a
17 controlled substance or controlled substance analog, an applicant for or a
18 recipient of unemployment benefits shall be terminated from receiving
19 unemployment benefits, subject to applicable federal law.

20 (2) Any individual who has been discharged or refused employment
21 for failing a preemployment drug screen required by an employer may
22 request that the drug screening specimen be sent to a different drug testing
23 facility for an additional drug screening. Any such individual who requests
24 an additional drug screening at a different drug testing facility shall be
25 required to pay the cost of drug screening.

26 (3) *The provisions of this subsection shall not apply to any individual*
27 *who is a registered patient pursuant to section 8, and amendments thereto,*
28 *for activities authorized by the medical cannabis regulation act, section 1*
29 *et seq., and amendments thereto.*

30 (u) If the individual was found not to have a disqualifying
31 adjudication or conviction under K.S.A. 39-970 or 65-5117, and
32 amendments thereto, was hired and then was subsequently convicted of a
33 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments
34 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and
35 amendments thereto. The disqualification shall begin the day following the
36 separation and shall continue until after the individual becomes
37 reemployed and has had earnings from insured work of at least three times
38 the individual's determined weekly benefit amount.

39 (v) Notwithstanding the provisions of any subsection, an individual
40 shall not be disqualified for such week of part-time employment in a
41 substitute capacity for an educational institution if such individual's most
42 recent employment prior to the individual's benefit year begin date was for
43 a non-educational institution and such individual demonstrates application

1 for work in such individual's customary occupation or for work for which
2 the individual is reasonably fitted by training or experience.

3 Sec. 74. K.S.A. 44-1009 is hereby amended to read as follows: 44-
4 1009. (a) It shall be an unlawful employment practice:

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

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

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

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

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

40 (6) For an employer, labor organization, employment agency, or
41 school which provides, coordinates or controls apprenticeship, on-the-job,
42 or other training or retraining program, to maintain a practice of
43 discrimination, segregation or separation because of race, religion, color,

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

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

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

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

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

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

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

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

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

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

43 (H) fail to select and administer tests concerning employment in the

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

8 (9) For any employer to:

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

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

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

19 (i) *Refuse to hire or employ a person;*

20 (ii) *bar or discharge such person from employment; or*

21 (iii) *otherwise discriminate against such person in compensation or*
22 *in terms, conditions or privileges of employment without a valid business*
23 *necessity.*

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

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

35 (D) *Nothing in this paragraph shall be construed to provide a cause*
36 *of action against an employer for wrongful discharge or discrimination for*
37 *any unlawful act involving cannabis.*

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

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

42 (1) For any person, as defined herein being the owner, operator,
43 lessee, manager, agent or employee of any place of public accommodation

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

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

10 (3) For any person, to refuse, deny, make a distinction, directly or
11 indirectly, or discriminate in any way against persons because of the race,
12 religion, color, sex, disability, national origin or ancestry of such persons
13 in the full and equal use and enjoyment of the services, facilities,
14 privileges and advantages of any institution, department or agency of the
15 state of Kansas or any political subdivision or municipality thereof.

16 Sec. 75. K.S.A. 44-1015 is hereby amended to read as follows: 44-
17 1015. As used in this act, unless the context otherwise requires:

18 (a) "Commission" means the Kansas human rights commission.

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

20 (1) All vacant or unimproved land; and

21 (2) any building or structure ~~which~~ *that* is occupied or designed or
22 intended for occupancy, or any building or structure having a portion
23 thereof ~~which~~ *that* is occupied or designed or intended for occupancy.

24 (c) "Family" includes a single individual.

25 (d) "Person" means an individual, corporation, partnership,
26 association, labor organization, legal representative, mutual company,
27 joint-stock company, trust, unincorporated organization, trustee, trustee in
28 bankruptcy, receiver and fiduciary.

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

32 (f) "Discriminatory housing practice" means any act that is unlawful
33 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, *or*
34 *section 56, and amendments thereto.*

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

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

40 (i) "Familial status" means having one or more individuals less than
41 18 years of age domiciled with:

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

1 (2) the designee of such parent or other person having such custody,
2 with the written permission of such parent or other person.

3 Sec. 76. K.S.A. 79-5201 is hereby amended to read as follows: 79-
4 5201. As used in ~~this act~~ *article 52 of chapter 79 of the Kansas Statutes*
5 *Annotated, and amendments thereto*:

6 (a) ~~"Marijuana" means any marijuana, whether real or counterfeit, as~~
7 ~~defined by K.S.A. 2022 Supp. 21-5701, and amendments thereto, which is~~
8 ~~held, possessed, transported, transferred, sold or offered to be sold in~~
9 ~~violation of the laws of Kansas;~~

10 (b) ~~"Controlled substance" means any drug or substance, whether real~~
11 ~~or counterfeit, as defined by K.S.A. 2022 Supp. 21-5701, and amendments~~
12 ~~thereto, which that is held, possessed, transported, transferred, sold or~~
13 ~~offered to be sold in violation of the laws of Kansas. Such term shall not~~
14 ~~include marijuana;~~

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

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

24 (e) ~~"marijuana" means any marijuana, whether real or counterfeit,~~
25 ~~as defined in K.S.A. 2022 Supp. 21-5701, and amendments thereto, that is~~
26 ~~held, possessed, transported, transferred, sold or offered for sale in~~
27 ~~violation of the laws of Kansas; and~~

28 (f) ~~"medical cannabis" means the same as defined in section 2, and~~
29 ~~amendments thereto.~~

30 Sec. 77. K.S.A. 79-5210 is hereby amended to read as follows: 79-
31 5210. Nothing in this act requires persons registered under article 16 of
32 chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*, or
33 otherwise lawfully in possession of marijuana, *medical cannabis* or a
34 controlled substance to pay the tax required under this act.

35 Sec. 78. K.S.A. 38-2269, 41-201, 44-501, 44-706, 44-1009, 44-1015,
36 79-5201 and 79-5210 and K.S.A. 2022 Supp. 19-101a, 21-5703, 21-5705,
37 21-5706, 21-5707, 21-5709, 21-5710, 21-6607, 22-3717 and 23-3201 are
38 hereby repealed.

39 Sec. 79. This act shall take effect and be in force from and after its
40 publication in the statute book.