

HOUSE BILL No. 2282

By Committee on Health and Human Services

2-10

1 AN ACT concerning hemp preparation treatments for seizure disorders;
2 establishing registration of patients and preparation centers; protecting
3 from arrest, prosecution or discrimination for authorized use.
4

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

6 Section 1. The provisions of sections 1 through 14, and amendments
7 thereto, shall be known and may be cited as Otis's law.

8 Sec. 2. As used in sections 1 through 14, and amendments thereto,
9 unless the context requires otherwise:

10 (a) "Cardholder" means a patient or a designated caregiver to whom
11 the department has issued a hemp preparation registration card or who has
12 documentation that is deemed to be a hemp preparation registration card.

13 (b) "Designated caregiver" means a person who:

14 (1) Is either at least 21 years of age or a parent of a patient;

15 (2) has significant responsibility for managing the well-being of a
16 patient; and

17 (3) has been approved by the department to assist a patient in
18 obtaining hemp preparations.

19 (c) "Department" means the department of health and environment.

20 (d) "Hemp preparation" includes:

21 (1) Cannabis plant material that is no more than 3%
22 tetrahydrocannabinol by weight;

23 (2) an extract, mixture or preparation containing cannabis plant
24 material that is no more than 3% tetrahydrocannabinol by weight; and

25 (3) cannabis plant material or an extract, mixture or preparation
26 containing cannabis plant material that is approved by the department
27 pursuant to section 10, and amendments thereto.

28 (e) "Hemp preparation center agent" means an owner, officer, board
29 member, employee, volunteer, contractor, property owner or landlord of a
30 registered hemp preparation center.

31 (f) "Medical hemp establishment" means a registered hemp
32 preparation center or a registered hemp testing laboratory.

33 (g) "Medical use" includes the acquisition, administration, delivery,
34 possession, purchase, transfer, transportation or use of hemp preparations
35 and paraphernalia relating to the administration of hemp preparations to
36 treat or alleviate a patient cardholder's qualifying medical condition.

1 (h) "Parent" means a parent or legal guardian responsible for the
2 medical care of a patient under the age of 18.

3 (i) "Patient" means an individual who has been diagnosed with a
4 qualifying medical condition.

5 (j) "Physician" means a person who is licensed by the state board of
6 healing arts to practice medicine and surgery.

7 (k) "Qualifying medical condition" means:

8 (1) A condition causing seizures, including those characteristic of
9 epilepsy; or

10 (2) any other debilitating or life-threatening medical condition or
11 treatment approved by the department pursuant to section 9, and
12 amendments thereto.

13 (l) "Registered hemp preparation center" means an entity registered
14 pursuant to section 11, and amendments thereto, that acquires, possesses,
15 cultivates, transports and manufactures cannabis, hemp preparations and
16 related paraphernalia and transfers, transports, sells, supplies or dispenses
17 hemp preparations, paraphernalia related to hemp preparations and related
18 supplies and educational materials to cardholders, visiting cardholders and
19 other registered hemp preparation centers.

20 (m) "Registered testing laboratory" means an entity registered
21 pursuant to section 11, and amendments thereto, to analyze the safety and
22 potency of hemp.

23 (n) "Registration card" means a card issued by the department
24 pursuant to section 3, and amendments thereto.

25 (o) "Testing laboratory agent" means an owner, officer, board
26 member, employee, volunteer, contractor, property owner or landlord of a
27 registered testing laboratory.

28 (p) "Written certification" means a document signed and dated by a
29 physician stating that, in the physician's professional opinion, the patient
30 may receive therapeutic or palliative benefit from the medical use of hemp
31 preparations to treat or alleviate the patient's qualifying medical condition
32 or symptoms associated with such patient's qualifying medical condition.

33 (q) "Visiting cardholder" means a person who:

34 (1) Has been diagnosed with a qualifying medical condition or is the
35 parent, child, sibling, spouse, domestic partner, grandparent, grandchild or
36 personal aide of an individual who has been diagnosed with a qualifying
37 medical condition;

38 (2) possesses a valid registration card, its equivalent or other
39 documentation that allows the person to possess hemp preparations in
40 another jurisdiction pursuant to the laws of the other state, district,
41 territory, commonwealth, insular possession of the United States or
42 country recognized by the United States;

43 (3) is not a resident of Kansas or has been a resident of Kansas for

1 less than 30 days; and

2 (4) has submitted any required documentation with the department, if
3 the department has required registration.

4 Sec. 3. (a) The department shall issue a hemp preparation registration
5 card to each individual who is over the age of 18 who:

6 (1) Provides the department with a written certification signed by a
7 physician that was issued within 90 days immediately preceding the date
8 of an application;

9 (2) pays the department a fee in an amount established by the
10 department pursuant to section 5, and amendments thereto; and

11 (3) submits an application or renewal to the department on a form
12 created by the department that contains:

13 (A) The individual's name and address;

14 (B) a copy of the individual's valid photo identification; and

15 (C) any other information the department reasonably considers
16 necessary to implement the provisions of this section.

17 (b) The department shall issue a hemp preparation registration card to
18 each individual who is under the age of 18 whose parent:

19 (1) Submits the information required of patients over the age of 18
20 according to subsection (a); and

21 (2) agrees to serve as a designated caregiver for the patient.

22 (c) Except as provided in subsection (d), the department shall issue a
23 hemp preparation registration card to each designated caregiver applicant
24 who:

25 (1) Is designated in a patient's application; and

26 (2) submits an application to the department on a form created by the
27 department that contains:

28 (A) The applicant's name and address;

29 (B) the patient's name;

30 (C) a copy of the designated caregiver's valid photo identification;
31 and

32 (D) any other information the department reasonably considers
33 necessary to implement the provisions of this section.

34 (d) A patient may designate only one caregiver at any given time
35 unless the patient or such patient's parent submits documentation
36 demonstrating that a greater number of designated caregivers are needed
37 due to the patient's age or medical condition.

38 (e) The department shall, not later than 30 calendar days after the date
39 of the receipt of the completed application materials, approve the
40 application and issue to the applicant a registration card with a unique,
41 random identification number.

42 (f) Until the department issues, renews or denies a registration card, a
43 copy of the individual's application, a copy of the patient's written

1 certification and proof that the application was submitted to the
2 department shall be deemed a registration card.

3 (g) Until the department makes applications available, a valid, written
4 certification issued within the previous year shall be deemed a registration
5 card for a patient.

6 (h) Until the department makes applications available, the following
7 shall be deemed a designated caregiver registration card:

8 (1) A copy of a patient's valid written certification issued within the
9 previous year; and

10 (2) a signed affidavit attesting that the person has significant
11 responsibility for managing the well-being of the patient and that the
12 person has been chosen to assist a patient in obtaining hemp preparations.

13 (i) Except as provided in this subsection, the expiration date of a
14 registration card shall be one year after the date of issuance. If a physician
15 states in the written certification that a patient would benefit from hemp
16 preparations until a specified earlier date, then the registration card shall
17 expire on that date.

18 Sec. 4. (a) The department shall maintain a confidential list of all
19 cardholders and each cardholder's address and registry identification
20 number. This confidential list shall not be combined or linked in any
21 manner with any other list or database, nor shall it be used for any purpose
22 not provided for in sections 1 through 14, and amendments thereto.

23 (b) The department shall treat written certifications, applications,
24 renewals, supporting information, the names of applicants, cardholders,
25 visiting cardholders and physicians and related records as protected health
26 information under the health insurance portability and accountability act of
27 1996 (public law 104-191), exempt from disclosure under the Kansas open
28 records act, K.S.A. 45-415 et seq., and amendments thereto, and not
29 subject to disclosure to any individual or public or private entity, except as
30 provided in this section.

31 (c) Nothing in this section shall preclude the following:

32 (1) Authorized employees of the department accessing the
33 information to perform official duties pursuant to this act;

34 (2) department employees notifying state or local law enforcement
35 about falsified or fraudulent information submitted to the department or of
36 other apparent criminal violations of this act;

37 (3) department employees notifying the state board of healing arts if
38 the department has reasonable suspicion to believe a physician violated the
39 standard of care or for other suspected violations of this act by a physician;

40 (4) the department verifying registration cards pursuant to subsection
41 (d);

42 (5) at a cardholder's request, the department confirming such
43 cardholder's status as a cardholder to a third party, such as a landlord,

1 school, medical professional or court; and

2 (6) provided that no identifying information pertaining to cardholders,
3 visiting cardholders, or physicians is disclosed:

4 (A) The department may release data that was voluntarily submitted
5 by cardholders and visiting cardholders on the effectiveness and any side
6 effects of medical hemp preparations to researchers at institutions of
7 higher education; and

8 (B) the department may release information on the number of patients
9 and designated caregivers approved, the number of registry identification
10 cards revoked and aggregate information from voluntary reports on the
11 effectiveness of medical hemp preparations and any side effects patients
12 have experienced.

13 (d) Within 120 days of the effective date of this act, the department
14 shall establish a secure phone or web-based verification system. Such
15 verification system must allow law enforcement personnel, medical hemp
16 establishments and medical hemp establishment agents to enter a registry
17 identification number and determine whether or not the number
18 corresponds with a current, valid registration card. The system may
19 disclose only whether the registration card is valid, the name of the
20 cardholder and whether the cardholder is a registered patient or a
21 designated caregiver. The department may also include visiting
22 cardholders in the database.

23 Sec. 5. (a) Not later than 120 days after the effective date of this act,
24 the department shall promulgate rules and regulations:

25 (1) Establishing the form and content of registration and renewal
26 applications submitted under this act;

27 (2) establishing the form and content of registration cards;

28 (3) governing the manner in which the department shall consider
29 petitions from the public to add to qualifying medical conditions set forth
30 in section 2(k), and amendments thereto, and hemp preparations set forth
31 in section 2(d), and amendments thereto, including public notice of and an
32 opportunity to comment in public hearings on the petitions;

33 (4) determining the number of testing laboratories that will be
34 allowed in the state, which may not be fewer than two;

35 (5) determining the number of hemp preparation centers that will be
36 allowed in the state, which shall be:

37 (A) No fewer than is reasonably necessary to ensure safe, steady
38 access to hemp preparations to cardholders located throughout the state;
39 and

40 (B) no fewer than a total of five;

41 (6) establishing a system to numerically score competing medical
42 hemp establishment applicants that must include analysis of:

43 (A) in the case of hemp preparation centers, the suitability of the

- 1 proposed location and its accessibility for patients;
- 2 (B) the character, veracity, background and relevant experience of
- 3 principal officers and board members; and
- 4 (C) the business plan proposed by the applicant, which in the case of
- 5 hemp preparation centers shall include the ability to maintain an adequate
- 6 supply of hemp preparations, plans to ensure safety and security of patrons
- 7 and the community and procedures to be used to prevent diversion;
- 8 (7) governing the manner in which it shall consider applications for
- 9 and renewals of registration cards, which may include creating a
- 10 standardized written certification form;
- 11 (8) governing medical hemp establishments to prevent diversion and
- 12 theft without imposing an undue burden or compromising the
- 13 confidentiality of cardholders, including:
 - 14 (A) Oversight requirements;
 - 15 (B) recordkeeping requirements;
 - 16 (C) security requirements, including at a minimum, lighting, physical
 - 17 security, transportation, waste destruction, video, and alarm requirements;
 - 18 (D) health and safety requirements, including prohibiting the use of
 - 19 harmful pesticides;
 - 20 (E) restrictions on advertising and signage;
 - 21 (F) requirements and procedures for the safe and accurate packaging
 - 22 and labeling of medical hemp including requiring:
 - 23 (i) Disclosure of whether the hemp preparation is organic or non-
 - 24 organic;
 - 25 (ii) specifying the length of time it typically takes for a product to
 - 26 take effect;
 - 27 (iii) listing ingredients and possible allergens in edible and potable
 - 28 preparations;
 - 29 (iv) a nutritional fact panel on all edible and potable products; and
 - 30 (v) a unique serial number that will match the product with a hemp
 - 31 preparation center batch and lot number so as to facilitate any warnings or
 - 32 recalls;
 - 33 (G) rules for random sample testing to ensure that hemp preparations
 - 34 available to cardholders and visiting cardholders are accurately labeled for
 - 35 content and potency in accordance with standards established by the
 - 36 department to ensure the health and safety of patient cardholders;
 - 37 (H) procedures for mandatory and voluntary recalls of hemp
 - 38 preparations; and
 - 39 (I) reporting requirements for changes, alterations or modifications of
 - 40 the premises;
 - 41 (9) establishing procedures for suspending or terminating the
 - 42 registration certificates or registration cards of cardholders and medical
 - 43 hemp establishments that commit multiple or serious violations of the

1 provisions of this act or any rules and regulations promulgated pursuant to
2 this section; and

3 (10) establishing reasonable application and renewal fees for
4 registration cards, hemp preparation center registration certificates, and
5 testing laboratory registration certificates, according to the following:

6 (A) The fees shall be no greater than the amount reasonably necessary
7 to cover the cost the department incurs to implement the provisions of this
8 act;

9 (B) the fees for registration cards shall be no greater than the amount
10 reasonably necessary to cover the cost the department incurs processing
11 the identification cards; and

12 (C) the fee structure established by the department must incorporate a
13 sliding scale for cardholders who receive medicaid, supplemental security
14 income or social security disability insurance.

15 (b) The department may promulgate rules and regulations:

16 (1) Establishing a presumptive maximum quantity of hemp
17 preparations that a cardholder or a visiting cardholder may possess,
18 provided that:

19 (A) The amount should be no less than a reasonable 60-day supply;
20 and

21 (B) a patient may apply for a waiver if a physician provides a
22 substantial medical basis in a signed, written statement asserting that,
23 based on the patient's medical history, in the physician's professional
24 judgment, the amount established by the department is an insufficient
25 amount to properly alleviate the patient's medical condition or symptoms
26 associated with such medical condition;

27 (2) requiring visiting cardholders to submit a medical practitioner's
28 statement confirming that the patient has a qualifying medical condition
29 and documentation demonstrating that the visiting cardholder is allowed to
30 possess cannabis or hemp preparations in the jurisdiction where such
31 person resides, provided that:

32 (A) Any fee required of visiting cardholders must be no greater than
33 the amount reasonably necessary to cover the cost the department incurs in
34 processing their documentation and issuing any confirmation; and

35 (B) if the department requires visiting cardholders to submit
36 documentation to the department, a confirmation must be issued
37 electronically to the individual no later than seven calendar days after such
38 documentation is submitted.

39 Sec. 6. (a) A cardholder or visiting cardholder shall not be subject to
40 arrest, prosecution under state or municipal law or denial of any right or
41 privilege, including, but not limited to, civil penalty or disciplinary action
42 by a court or occupational or professional licensing board or bureau, for
43 the medical use of hemp preparations pursuant to sections 1 through 14,

1 and amendments thereto.

2 (b) No person may be subject to arrest, prosecution under state or
3 municipal law or denial of any right or privilege, including, but not limited to,
4 civil penalty or disciplinary action by a court or occupational or
5 professional licensing board or bureau, for:

6 (1) Selling hemp paraphernalia to a registered medical hemp
7 establishment, a cardholder or a visiting cardholder;

8 (2) being in the presence or vicinity of the medical use of hemp
9 preparations as allowed by sections 1 through 14, and amendments thereto;
10 or

11 (3) assisting a patient with a registration card in the act of using or
12 administering hemp.

13 (c) A hemp preparation center or hemp preparation center agent shall
14 not be subject to prosecution under state or municipal law, search or
15 inspection, except by the department pursuant to section 12(a), and
16 amendments thereto, seizure or penalty in any manner or be denied any
17 right or privilege, including, but not limited to, civil penalty or disciplinary
18 action by a court or business licensing board or entity, for acting pursuant
19 to sections 1 through 14, and amendments thereto, and department rules
20 and regulations to:

21 (1) Sell cannabis seeds to similar entities that are registered to
22 dispense cannabis for medical use in other jurisdictions;

23 (2) acquire, cultivate, grow, harvest, manufacture, plant, possess,
24 prepare, propagate, transport or store cannabis, hemp paraphernalia and
25 hemp preparations;

26 (3) deliver, dispense, supply, sell, transfer or transport hemp
27 preparations, paraphernalia for use with hemp preparations or related
28 supplies and educational materials to cardholders and visiting cardholders;

29 (4) deliver, dispense, transfer, transport, sell or supply cannabis seeds,
30 cannabis seedlings, cannabis plants, cannabis, hemp preparations or related
31 supplies and educational materials to other hemp preparation centers; or

32 (5) deliver, transfer or transport cannabis or hemp preparations to
33 registered testing laboratories.

34 (d) A registered testing laboratory and testing laboratory agents acting
35 on behalf of a testing laboratory shall not be subject to prosecution under
36 state or municipal law, search, except by the department pursuant to
37 section 12(a), and amendments thereto, seizure or penalty in any manner,
38 or be denied any right or privilege, including, but not limited to, civil
39 penalty or disciplinary action by a court or business licensing board or
40 entity, solely for acting in accordance with this act and department rules
41 and regulations to provide the following services:

42 (1) Acquiring, possessing, storing, analyzing, testing or transporting
43 cannabis obtained from hemp preparation centers and hemp preparations

1 obtained from cardholders, visiting cardholders or hemp preparation
2 centers;

3 (2) possessing, storing or transporting hemp paraphernalia;

4 (3) returning the hemp preparations to cardholders or hemp
5 preparation centers; or

6 (4) receiving compensation for actions allowed under this section.

7 (e) Mere possession of, or application for, a registration card or
8 medical hemp establishment registration shall not constitute probable
9 cause or reasonable suspicion, nor shall it be used to support the search of
10 the person, property or home of the person possessing or applying for the
11 registration card. The possession of, or application for, a registration card
12 or registration certificate shall not preclude the existence of probable cause
13 if probable cause exists on other grounds.

14 (f) For the purposes of state law, the medical use of hemp
15 preparations by a cardholder or visiting cardholder and activities a
16 registered medical hemp establishment are registered to engage in shall be
17 considered lawful as long as they are undertaken in accordance with
18 sections 1 through 14, and amendments thereto.

19 Sec. 7. (a) For the purposes of medical care, including organ and
20 tissue transplants, a patient's medical use of hemp preparations in
21 accordance with sections 1 through 14, and amendments thereto, is the
22 equivalent of the authorized use of any other medication in accordance
23 with a prescription issued by a physician and does not constitute the use of
24 an illicit substance or otherwise disqualify a patient cardholder from
25 needed medical care.

26 (b) A person otherwise entitled to custody of or visitation or parenting
27 time with a minor shall not be denied such a right, and there shall be no
28 presumption of neglect or child endangerment, for conduct allowed by
29 sections 1 through 14, and amendments thereto, unless the person's actions
30 in relation to hemp preparations were such that they created an
31 unreasonable danger to the safety of the minor as established by clear and
32 convincing evidence.

33 Sec. 8. (a) Sections 1 through 14, and amendments thereto, do not
34 authorize any person to engage in, and do not prevent the imposition of
35 any civil, criminal or other penalties for engaging in the following
36 conduct:

37 (1) Undertaking any task under the influence of hemp preparations
38 when doing so would constitute negligence or professional malpractice; or
39 (2) operating, navigating or being in actual physical control of any
40 motor vehicle, aircraft or motorboat while impaired by hemp preparations.

41 (b) Nothing in this act requires a government medical assistance
42 program or private insurer to reimburse a person for costs associated with
43 the medical use of hemp preparations.

1 Sec. 9. (a) Any resident of Kansas may petition the department to add
2 medical conditions to the list of qualifying medical conditions in section
3 2(k), and amendments thereto. The department shall consider petitions in
4 the manner required by department rules and regulations, including public
5 notice, a hearing and consideration of the recommendation from the
6 advisory council.

7 (b) The department shall accept petitions at least once every 180
8 days.

9 (c) The department shall approve or deny a petition within 180 days
10 of its submission.

11 (d) The approval or denial of any petition is a final decision of the
12 department subject to judicial review pursuant to the Kansas judicial
13 review act, K.S.A. 77-601 et seq., and amendments thereto.

14 Sec. 10. (a) Any resident of Kansas may petition the department to
15 add additional strains, mixtures or preparations of cannabis to the
16 definition of hemp preparations according to section 1(d), and
17 amendments thereto. The department shall consider petitions in the
18 manner required by department rules and regulations, including public
19 notice, a hearing and consultation with the advisory council.

20 (b) The department shall approve or deny a petition within 180 days
21 of its submission.

22 (c) The approval or denial of any petition is a final decision of the
23 department subject to judicial review pursuant to the Kansas judicial
24 review act, K.S.A. 77-601 et seq., and amendments thereto.

25 Sec. 11. (a) Any person who operates a medical hemp establishment
26 must first submit an application form to the department and receive
27 approval. Each application must be for a single type of a medical hemp
28 establishment.

29 (b) No later than 120 days after the effective date of this act, the
30 department shall begin accepting applications for hemp preparation centers
31 and testing laboratories.

32 (c) Except as otherwise provided in this act, not later than 90 calendar
33 days after receiving an application to operate a medical hemp
34 establishment, the department shall register the medical hemp
35 establishment and issue a registration certificate and a random
36 identification number if:

37 (1) The person or persons who wish to operate the proposed medical
38 hemp establishment have submitted to the department all of the following:

39 (A) The application fee, as established by the department; and

40 (B) an application, which must include:

41 (i) The legal name of the proposed medical cannabis establishment;

42 (ii) the physical address where the proposed medical hemp
43 establishment will be located and the physical address of any co-owned

1 additional or otherwise associated medical hemp establishments, so long
2 as the location of the proposed medical hemp establishment is not within
3 1,000 feet of a public or private school that provides formal education
4 traditionally associated with preschool or kindergarten through grade 12
5 which existed on the date on which the application for the proposed
6 medical hemp establishment was submitted to the department;

7 (C) evidence that the applicant controls not less than \$250,000 in
8 liquid assets;

9 (D) evidence that the applicant owns the property on which the
10 proposed medical hemp establishment will be located or has the written
11 permission of the property owner to operate the proposed medical hemp
12 establishment on that property;

13 (E) the name, address and date of birth of each person who is
14 proposed to be an owner, officer or board member of the proposed medical
15 hemp establishment;

16 (F) operating procedures consistent with rules and regulations of the
17 department for oversight of the proposed medical hemp establishment,
18 including procedures to ensure the use of adequate security measures;

19 (G) if the city, town or, in the case of a location in an unincorporated
20 area, county in which the proposed medical hemp establishment will be
21 located has enacted zoning restrictions or licensing requirements, proof of
22 licensure with the applicable local governmental authority or an
23 affirmation signed by the applicant that the proposed medical hemp
24 establishment will be in compliance with those restrictions and satisfies all
25 applicable zoning requirements; and

26 (H) such other information as the department may reasonably require
27 by rules and regulations;

28 (2) none of the persons who are proposed to be owners, officers or
29 board members of the proposed medical hemp establishment have served
30 as an owner, officer or board member for a medical hemp establishment
31 that has had its medical hemp establishment registration certificate
32 revoked; and

33 (3) none of the persons who are proposed to be owners, officers or
34 board members of the proposed medical hemp establishment are under 21
35 years of age.

36 (b) When more qualifying applications are submitted for a proposed
37 hemp preparation center or testing laboratory than the department will
38 approve, the department shall use an impartial and numerically scored
39 merit-based selection process to determine which application or
40 applications to approve. The department may approve the highest scoring
41 application or applications in specific geographic regions of the state. The
42 department may conduct a background check of the principal officers and
43 board members of any prospective hemp preparation center to carry out

1 the provisions of this subsection.

2 (c) Except as otherwise provided in this act, if an application for
3 registration as a medical hemp establishment satisfies the requirements of
4 this section and the establishment is not disqualified from being registered
5 as a medical hemp establishment pursuant to this act or other applicable
6 law, the department shall issue to the establishment a medical hemp
7 establishment registration certificate. A medical hemp establishment
8 registration certificate expires two years after the date of issuance and may
9 be renewed upon:

10 (1) Submission of a renewal application; and

11 (2) payment of the renewal fee established by the department.

12 Sec. 12. (a) Medical hemp establishments are subject to reasonable
13 inspection by the department.

14 (b) A medical hemp establishment may not employ or accept as a
15 volunteer any person who is under 21 years of age.

16 (c) The operating documents of a medical hemp establishment must
17 include procedures for the oversight of the medical hemp establishment
18 and procedures to ensure accurate recordkeeping.

19 (d) A medical hemp establishment shall implement appropriate
20 security measures designed to deter and prevent:

21 (1) The theft of cannabis and hemp preparations; and

22 (2) unauthorized entrance into areas containing cannabis or hemp
23 preparations.

24 (e) Before hemp preparations may be dispensed to a cardholder or
25 visiting cardholder, a hemp preparation center agent must:

26 (1) Make a diligent effort to verify that the registration card or other
27 documentation presented to the hemp preparation center is valid; and

28 (2) make a diligent effort to verify that the person presenting the card
29 is the person identified on the registration card presented to the hemp
30 preparation center agent.

31 (f) A hemp preparation center must dispense hemp preparations in a
32 sealed container with a label that conforms to department regulations and
33 that indicates the hemp preparation's ingredients and its percentages of
34 tetrahydrocannabinol and cannabidiol by weight.

35 (g) Hemp preparation centers shall collect and submit to the
36 department data on strains used, methods of delivery, any side effects
37 experienced and the therapeutic effectiveness of hemp preparations for
38 each patient who is willing to provide the information. Such data
39 collection shall be done under the patient's registry identification number
40 to protect the patient's confidentiality.

41 Sec. 13. (a) There is hereby established a nine-member advisory
42 council on medical hemp. The advisory council shall meet at least three
43 times per year for the purpose of evaluating and making recommendations

1 to the legislature and the department regarding:

- 2 (1) The ability of qualifying patients in all areas of the state to obtain
3 timely access to high-quality medical hemp preparations;
- 4 (2) the effectiveness of registered hemp preparation centers,
5 individually and together, in serving the needs of qualifying patients,
6 including the provision of educational and support services, the
7 reasonableness of their prices, whether they are generating any complaints
8 or security problems and the sufficiency of the number operating to serve
9 the state's patient cardholders;
- 10 (3) the effectiveness of the registered hemp testing laboratories,
11 including whether a sufficient number are operating and the
12 reasonableness of their fees;
- 13 (4) the sufficiency of the regulatory, health and safety and security
14 safeguards contained in this act and in rules and regulations adopted by the
15 department;
- 16 (5) any recommended additions or revisions to the department rules
17 and regulations or this act, including relating to security, health and safety,
18 qualifications of staff, labeling and nomenclature;
- 19 (6) whether additional qualifying medical conditions should be
20 approved; and
- 21 (7) whether additional hemp preparations should be approved.
- 22 (b) The advisory council shall consist of the following members:
- 23 (1) One member of the house of representatives, selected by the
24 speaker of the house of representatives;
- 25 (2) one member of the senate, selected by the president of the senate;
- 26 (3) one parent of a minor patient who is either a registered cardholder
27 or who intends to become one once the registry is open;
- 28 (4) one member who is either a patient or the parent of a minor
29 patient who is either a registered cardholder or who intends to become one
30 once the registry is open;
- 31 (5) four members representing health care providers, including one
32 physician who has issued written certifications to patients and one certified
33 pain specialist; and
- 34 (6) the secretary of health and environment or the secretary's
35 designee.
- 36 (c) Advisory council members specified in paragraphs (3), (4) and (5)
37 shall be appointed by the governor in consultation with the secretary of
38 health and environment.
- 39 (d) On or before January 15 of each year, the advisory council shall
40 submit a report to the department summarizing its recommendations.
- 41 (e) The advisory council shall submit written recommendations to the
42 department within 120 days of the department's receipt of a petition to:
- 43 (1) Add a condition to the list of qualifying medical conditions; or

1 (2) revise the definition of hemp preparations.

2 Sec. 14. If any provision of sections 1 through 14, and amendments
3 thereto, or the application thereof to any person or circumstance is held
4 invalid, such invalidity shall not affect the application of any other
5 provision of this act that can be given full effect without the invalid section
6 or application.

7 Sec. 15. This act shall take effect and be in force from and after its
8 publication in the statute book.