

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

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

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

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

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

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

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

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

36 (1) The patient 6 en diagnosed with a qualifying medical
37 condition;

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

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

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

unless the patient:
(A) Has recently moved from out-of-state, and:
(i) Previously had medical marijuana recommended by
a physician in another state; and
(ii) has the patient's previous physician contact the new
physician to share the patient's medical history and
verify that the patient had a qualifying medical
condition;
(B) currently has a recommendation for medical
marijuana, but no longer has a relationship with the
recommending physician, the patient's previous
physician contact the new physician to share the
patient's medical history and verify that the patient had
a qualifying medical condition; and
(C) is a veteran, in which case the patient shall not
need an existing physician-patient relationship for an
initial recommendation

1 ~~prescription monitoring program database a report of information related~~
 2 ~~to the patient that covers at least the 12 months immediately preceding the~~
 3 ~~date of the report, and the physician has reviewed such report.~~

4 (d) In the case of a patient who is a minor, the physician may
 5 recommend treatment with medical marijuana only after obtaining the
 6 consent of the patient's parent or other person responsible for providing
 7 consent to treatment.

8 (e) When issuing a written recommendation to a patient, the
 9 physician shall specify any information required by rules and regulations
 10 adopted by the board of healing arts. A written recommendation issued to a
 11 patient under this section is valid for a period of not more than 90 days.
 12 The physician may renew the recommendation for not more than three
 13 additional periods of not more than 90 days each. Thereafter, the physician
 14 may issue another recommendation to the patient only upon a physical
 15 examination of the patient.

16 (f) Each year a physician holding a certificate to recommend
 17 treatment with medical marijuana shall submit to the board of healing arts
 18 a report that describes the physician's observations regarding the
 19 effectiveness of medical marijuana in treating the physician's patients
 20 during the year covered by the report. When submitting reports, a
 21 physician shall not include any information that identifies or would tend to
 22 identify any specific patient.

23 (g) Annually, each physician who holds a certificate to recommend
 24 treatment with medical marijuana shall complete at least two hours of
 25 continuing medical education in the treatment with and use of medical
 26 marijuana as approved by the board of healing arts.

27 (h) A physician shall not issue a recommendation for treatment with
 28 medical marijuana for a family member or the physician's self, or
 29 personally furnish or otherwise dispense medical marijuana.

30 (i) A physician who holds a certificate to recommend treatment with
 31 medical marijuana shall be immune from civil liability, shall not be subject
 32 to professional disciplinary action by the board of healing arts and shall
 33 not be subject to criminal prosecution for any of the following actions:

34 (1) Advising a patient, patient representative or caregiver about the
 35 benefits and risks of medical marijuana to treat a qualifying medical
 36 condition;

37 (2) recommending that a patient use medical marijuana to treat or
 38 alleviate a qualifying medical condition; and

39 (3) monitoring a patient's treatment with medical marijuana.

40 (j) This section shall not apply to a physician who recommends
 41 treatment with marijuana or a drug derived from marijuana under any of
 42 the following that is approved by an institutional review board or
 43 equivalent entity, the United States food and drug administration or the

- (3) a review of all old medical records, particularly relating to the medical indication for the tetrahydrocannabinol recommendation, and a physical exam has been performed;
- (4) the recommending physician, or physician's designee, reports all medical marijuana recommendations for all patients to the prescription monitoring system in accordance with K.S.A. 65-1683, and amendments thereto; and
- (5) for a patient who has previously had medical marijuana recommended for use by another physician, the patient:
 - (A) Has maintained a physician-patient relationship with the new recommending physician for at least six months with either inpatient visits or via telephonic or electronic means; or
 - (B) no longer has the previous physician-patient relationship on account of death or discontinuance of care by the physician