EPLEE 3
Passed 3/29/21

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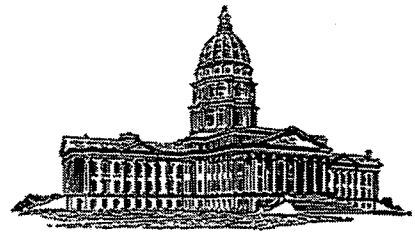

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PROVISION ON PHYSICIAN - PATIENT RELATIONSHIP WOULD REPLACE GARBER AMENDMENT PROVISIONS

EXPLANATION OF AMENDMENTS:

LARGE AMENDMENT—15 pages

Page 2, line 23: Physician's Designee—Definition: (An amendment for definition purposes.) To only be utilized for the transmission of data as in a normal physician's office. Whereas, in the office, Assistant's are utilized for K-TRACS transmission of Information.

Page 8, line 29: Change possession from 90 days to 30 days

Pages 11 & 12, lines 33 thru 37: with simple word insertion for the deletion of lines 38-43 (page 11), and also lines 1-3 (page 12). This is a description of a traditional physician-patient relationship with a 6 month lockout. This language is to prevent "doctor shopping".

Page 15, line 42: Lab language for quality-assurance. This language regarding testing criteria for contaminants.

Page 16, Line 4: Lab decontamination language and Attachment 1 language—insertion. New Section 22– ABC compliance, New Section 23– Lab ownership and record processing, New Section 24– ABC quality assurance language and record keeping.

Page 16, lines 8 & 9: Technical cleanup.

Page 16, line 9: Lab inspections, compliance, and accreditation.

Page 22, Line 11: Referencing statute of K-TRACS to utilize

Page 22, Line 29: Pharmacist consultant with each Dispensary.

Page 24, Line 28: ABC Director has the ability to require sample submission of licensees.

Page 26, Line 2: Language for rules and regulations for The Board of Pharmacy oversight and then Attachment 2 language— Pharmacy consultation of each dispensary-rules and regulations.

the daily operation of a licensed retail dispensary.

(j) "Marijuana" means the same as defined in K.S.A. 65-4101, and amendments thereto.

(k) "Medical marijuana" means marijuana that is cultivated, processed, tested, dispensed, possessed or used for a medical purpose.

(l) "Owned and controlled" means ownership of at least 51% of the business, including corporate stock if a corporation, control over the management and day-to-day operations of the business and an interest in the capital, assets and profits and losses of the business proportionate to such owner's percentage of ownership.

(m) "Patient" means an individual registered pursuant to section 8, and amendments thereto, who may purchase and possess medical marijuana in accordance with section 10, and amendments thereto.

(n) "Postsecondary educational institution" means the same as defined in K.S.A. 74-3201b, and amendments thereto.

(o) "Processor" means a person issued a license pursuant to section 28, and amendments thereto, who may purchase, process and sell medical marijuana in accordance with section 29, and amendments thereto.

(p) "Physician" means an individual licensed to practice medicine and surgery in this state and who is certified by the board of healing arts to recommend treatment with medical marijuana pursuant to section 17, and amendments thereto.

(q) ~~"Qualifying medical condition" means any of the following:~~

~~(1) Acquired immune deficiency syndrome;~~
~~(2) Alzheimer's disease;~~
~~(3) amyotrophic lateral sclerosis;~~
~~(4) cancer;~~
~~(5) chronic traumatic encephalopathy;~~
~~(6) Crohn's disease;~~
~~(7) epilepsy or another seizure disorder;~~
~~(8) fibromyalgia;~~
~~(9) glaucoma;~~
~~(10) hepatitis C;~~
~~(11) inflammatory bowel disease;~~
~~(12) multiple sclerosis;~~
~~(13) pain that is either chronic and severe or intractable;~~
~~(14) Parkinson's disease;~~
~~(15) positive status for HIV;~~
~~(16) post-traumatic stress disorder;~~
~~(17) sickle cell anemia;~~
~~(18) spinal cord disease or injury;~~
~~(19) Tourette's syndrome;~~
~~(20) traumatic brain injury;~~

"Physician's designee" means:
(1) A registered nurse, licensed practical nurse, respiratory therapist, emergency medical responder, paramedic, dental hygienist, pharmacy technician or pharmacy intern who has registered for access to the program database as an agent of a practitioner or pharmacist to request program data on behalf of the practitioner or pharmacist;
(2) a death investigator who has registered for limited access to the program database as an agent of a medical examiner, coroner or another person authorized under law to investigate or determine causes of death; or
(3) an individual authorized by rules and regulations adopted by the board of healing arts to access the prescription monitoring program database by the board of healing arts in rules and regulations.

(r)

and redesignate remaining subsections

Information that does not identify a person may be released in summary, statistical or aggregate form. The provisions of this subsection shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

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

(1) Except as specified in paragraph (2), $50 for a patient registration;

(2) $25 for a patient registration if the patient is indigent or is a veteran; and

(3) $25 for a caregiver registration.

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

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

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

(1) Use medical marijuana;

(2) subject to subsection (b), possess medical marijuana; and

(3) possess any paraphernalia or accessories as specified in rules and regulations adopted by the secretary of health and environment.

30-day

(b) A registered patient may possess medical ~~marijuana in an amount~~ not to exceed a ~~90-day~~ supply.

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

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

(1) Subject to subsection (b), possess medical marijuana on behalf of a registered patient under the caregiver's care;

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

(3) possess any paraphernalia or accessories as specified in rules and regulations adopted by the secretary of health and environment.

(b) A registered caregiver may possess medical marijuana on behalf of a registered patient in an amount not to exceed a 90-day supply. If a

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

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

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

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

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

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

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

licensed in this state

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

and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) an ongoing physician-patient relationship has been established by an initial office visit;
(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 has a certification to recommend pursuant to section 18, and amendments thereto;
(5) 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
(6) 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

established in rules and regulations adopted by the secretary and has paid all required fees.

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

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

New Sec. 21. (a) (1) A level I cultivator licensee may cultivate medical marijuana in an area that shall not exceed 25,000 square feet and may deliver or sell medical marijuana to one or more licensed processors.

(2) A level II cultivator licensee may cultivate medical marijuana in an area that shall not exceed 3,000 square feet and may deliver or sell medical marijuana to one or more licensed processors.

(b) (1) A licensee may submit an application to the department of agriculture for approval of an expansion of such licensee's cultivation area. Expansion approval applications shall be submitted in such form and manner as prescribed by the secretary and shall include an expansion plan that shall include the following:

(A) Specifications for the expansion or alteration that demonstrate compliance with all applicable zoning ordinances, building codes and any other state and local laws and rules and regulations adopted thereunder;

(B) a proposed timeline for completion of the expansion that, if approved, will become a mandatory condition; and

(C) a history of compliance with the Kansas medical marijuana regulation act and all rules and regulations adopted thereunder, including a history of enforcement actions and sanctions issued by the department or any law enforcement agency against the licensee.

(2) The secretary shall review all expansion approval applications. In determining whether to approve or deny any application, the secretary shall consider the population of this state and the number of patients seeking to use medical marijuana. No licensee may submit an application for expansion more than once during any 12-month period.

(3) In no event shall the aggregate area of cultivation of a licensee exceed 75,000 square feet if the licensee holds a level I cultivator license or 9,000 square feet if the licensee holds a level II cultivator license.

(c) ~~When establishing the number of cultivator licenses that will be~~ permitted at any one time, the secretary shall consider the population of

(1) Unless authorized by this act, a cultivator shall not transfer or sell medical marijuana and a processor shall not transfer, sell or process into a concentrate or product any medical marijuana, medical marijuana concentrate or medical marijuana product unless samples from each harvest batch or production batch from which that medical marijuana, medical marijuana concentrate or medical marijuana product was derived has been tested by a laboratory for contaminants and has passed all contaminant tests required by this act.

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

(d)

redesignate remaining subsections

Proposed Amendment HB 2184
Lab Testing and Pharmacy
3/21/2021
Prepared by M Sterling
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this state and the number of patients seeking to use medical marijuana.

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

~~New Sec. 22. (a) A laboratory licensee may:~~

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

~~(2) conduct medical marijuana testing in accordance with rules and regulations adopted by the secretary of agriculture.~~

~~(b) When testing medical marijuana, a licensed laboratory shall:~~

~~(1) Test the marijuana for potency, homogeneity and contamination; and~~

~~(2) prepare and submit a report of the test results to the licensee requesting such testing.~~

New Sec. 23. (a) The fees for a cultivator license shall be set by rules and regulations adopted by the secretary of agriculture in an amount not to exceed:

(1) (A) $20,000 for a level I cultivator license application;

(B) $180,000 for a level I cultivator license; and

(C) $200,000 for a renewal of a level I cultivator license; and

(2) (A) $2,000 for a level II cultivator license application;

(B) $18,000 for a level II cultivator license; and

(C) $20,000 for a renewal of a level II cultivator license.

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

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

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

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

New Sec. 24. The secretary of agriculture may refuse to issue or renew a license, or may revoke or suspend a license for any of the following reasons:

(a) The applicant has failed to comply with any provision of the Kansas medical marijuana regulation act or any rules and regulations adopted thereunder;

(b) the applicant has falsified or misrepresented any information submitted to the secretary in order to obtain a license;

(c) the applicant has failed to adhere to any acknowledgment, verification or other representation made to the secretary when applying for a license; or

(d) the applicant has failed to submit or disclose information requested by the secretary.

New Sec. 25. (a) In addition to or in lieu of any other civil or criminal penalty as provided by law, the secretary of agriculture may impose a civil

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

revenue

the requirements of section 23, and amendments thereto, and

See attachment 1

redesignate remaining sections

(1) Licensure of laboratories shall be contingent upon the successful onsite inspection, participation in proficiency testing and ongoing compliance with the requirements of this act.
(2) A laboratory shall be inspected prior to initial licensure and up to six times annually by an inspector approved by the director. The director may enter the licensed premises of a laboratory to conduct investigations and additional inspections when the director believes an investigation or additional inspection is necessary due to a possible violation of this act.
(3) After January 1, 2022, accreditation by national environmental laboratory accreditation program, ANSI/ ASQ national accreditation board or another accrediting body approved by the director shall be required for licensure and renewal of licensure of laboratories.

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

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

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

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

(2) report to the prescription monitoring program database the information required by K.S.A. 65-1683, and amendments thereto;

(3) label the package containing medical marijuana with the following information:

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

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

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

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

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

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

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

(c) A retail dispensary shall employ only those individuals who hold a current, valid employee license issued pursuant to section 31, and amendments thereto, and who have completed the training requirements established by rules and regulations adopted by the secretary of revenue.

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

New Sec. 33. (a) Only the following forms of medical marijuana may be dispensed under the Kansas medical marijuana regulation act:

(1) Oils;

(2) tinctures;

(3) plant material;

(4) edibles;

(5) patches; or

(6) any other form approved by the secretary of revenue under section 34, and amendments thereto.

(b) The smoking, combustion or vaporization of medical marijuana is prohibited.

(c) Any form or method of using medical marijuana that is considered attractive to children is prohibited.

,and rules and regulations adopted by the board of pharmacy pursuant to section 40, and amendments thereto

(d) A dispensary shall appoint a pharmacist consultant who is a pharmacist licensed in this state and registered pursuant to section 42, and amendments thereto.
(e)

(5) $100 for each support employee license application.

New Sec. 36. The director of alcoholic beverage control may refuse to issue or renew a license, or may revoke or suspend a license for any of the following reasons:

(a) The applicant has failed to comply with any provision of the Kansas medical marijuana regulation act or any rules and regulations adopted thereunder;

(b) the applicant has falsified or misrepresented any information submitted to the director in order to obtain a license;

(c) the applicant has failed to adhere to any acknowledgment, verification or other representation made to the director when applying for a license; or

(d) the applicant has failed to submit or disclose information requested by the director.

New Sec. 37. (a) In addition to or in lieu of any other civil or criminal penalty as provided by law, the director of alcoholic beverage control may impose a civil penalty or suspend or revoke a license upon a finding that the licensee committed a violation as provided in this section.

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

(2) Upon a finding that a licensee has sold, transferred or otherwise distributed medical marijuana in violation of this act, the director may impose a civil fine not to exceed $5,000 for a first offense and may suspend or revoke such licensee's license for a second or subsequent offense.

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

New Sec. 38. (a) There is hereby established the medical marijuana business entity regulation fund in the state treasury. The director of alcoholic beverage control shall administer the medical marijuana business entity regulation fund and shall remit all moneys collected from the

The director may require any licensee to submit a sample of medical marijuana, medical marijuana concentrate or medical marijuana product to a laboratory upon demand.
(d)

Proposed Amendment HB 2184
Lab Testing and Pharmacy
3/21/2021
Prepared by M Sterling
Office of Revisor of Statutes

be best practices relative to the use and regulation of medical marijuana.

New Sec. 40. (a) The director of alcoholic beverage control shall establish and maintain an electronic database to monitor medical marijuana from its seed source through its cultivation, testing, processing, distribution and dispensing. The director may contract with a separate entity to establish and maintain all or any portion of the electronic database on behalf of the division of alcoholic beverage control.

(b) The electronic database shall allow for information regarding medical marijuana to be updated instantaneously. Any licensed cultivator, laboratory, processor, distributor or retail dispensary shall submit such information to the director as the director determines is necessary for maintaining the electronic database.

(c) The director, any employee of the division, any entity under contract with the director and any employee or agent thereof shall not make public any information reported to or collected by the director under this section that identifies or would tend to identify any specific patient. Such information shall be kept confidential to protect the privacy of the patient. The provisions of this subsection shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

New Sec. 41. (a) The director of alcoholic beverage control may, in cooperation with the state treasurer, establish a closed-loop payment processing system whereby the state treasurer creates accounts to be used only by registered patients and caregivers at licensed retail dispensaries and all licensed cultivators, laboratories, processors and distributors. The system may include record-keeping and accounting functions that identify all parties in transactions involving the purchase and sale of medical marijuana. If established, such system shall be designed to prevent:

(1) Revenue from the sale of marijuana going to criminal enterprises, gangs and cartels;

(2) the diversion of marijuana from a state where it is legal in some form under that state's law to another state;

(3) the distribution of marijuana to minors; and

(4) the use of state-authorized marijuana activity as a cover or pretext for the trafficking of other illegal drugs or for other illegal activity.

(b) The information recorded by the system shall be fully accessible to the department of health and environment, the department of agriculture, the director and all state and federal law enforcement agencies, including the United States department of the treasury's financial crimes enforcement network.

New Sec. 42. (a) Except as provided in subsections (b) and (c), no licensed cultivator, laboratory, processor, distributor or retail dispensary shall be located within 1,000 feet of the boundaries of a parcel of real

New Sec. 40. (a) On or before July 1, 2022, the board of pharmacy shall adopt rules and regulations establishing the requirements for a:
(1) Dispensary to report to the prescription monitoring program database, including, but not limited to, the:
(A) Methods of transmission;
(B) nationally recognized telecommunications format to be used;
(C) frequency of such reports; and
(D) procedures for the maintenance of information submitted to or received from the prescription monitoring program database to ensure such information is treated as confidential and is subject to the requirements of K.S.A. 65-1685 and 65-1687, and amendments thereto.; and
(2) pharmacist to register as a pharmacist consultant for a dispensary.
(b) Every September 15, December 15, March 15, and June 15, the board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the Kansas prescription drug monitoring program that is attributable to this act. Upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the medical marijuana business entity regulation fund to the state board of pharmacy fee fund.

New Sec. 41. SEE ATTACHMENT 2

redesignate remaining sections

ATTACHMENT 1

New Sec.22. (a) Prior to January 1, 2022, the director of alcoholic beverage control shall contract with an operational private laboratory for the purpose of conducting compliance and quality assurance testing of medical marijuana laboratories, processors and cultivators licensed in this state in an effort to provide public safety and ensure quality medical marijuana product is available to registered patients.

(b) Any laboratory under contract with the director for compliance and quality assurance testing shall:

(1) Be prohibited from conducting any other commercial medical marijuana testing in this state;

(2) have a minimum of one year of medical marijuana testing licensure in another state and have contracted for quality assurance testing with another state;

(3) not employ, or be owned by any individual:

(A) that has a direct or indirect interest in any licensee in this state;

(B) or such individual's spouse, parent, child, spouse of a child, sibling or spouse of a sibling that has an active application for a license from the director;

(C) that is a member of the board of directors of a licensee; or (D) that has a financial interest in any licensee in this state.

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

New Sec. 23. (a) All laboratories in this state shall:

(1) Not be owned by a person who is a direct or indirect beneficial owner of a dispensary, cultivator, processor or distributor.

(2) Comply with all applicable local ordinances, including but not limited to zoning, occupancy, licensing and building codes.

(3) Obtain a separate license for each laboratory.

(4) Comply with the application requirements of this section and submit any information required by the director.

(S) Establish policies to prevent the existence of or appearance of undue commercial, financial or other influences that diminish, or have the effect of diminishing the public confidence in, the competency, impartiality and integrity of the testing processes or results of such laboratory. Such policies shall prohibit employees, owners or agents of a laboratory who participate in any aspect of the analysis and results of a sample from improperly influencing the testing process, manipulating data or benefiting

from any ongoing financial, employment, personal or business relationship with the licensee that submitted the sample for testing.

(6) Not test samples for any licensee in which an owner, employee or agent of the laboratory has any form of ownership or financial interest in the licensee that submitted the sample for testing.

(7) Promptly provide the director access to:

(A) A report of a test and any underlying data that is conducted on a sample at the request of a licensee or registered patient. (B) laboratory premises and to any material or information requested by the director to determine compliance with the requirements of this section.

(8) Retain all results of laboratory tests conducted on medical marijuana or marijuana products for a period of at least two years and shall make them available to the director upon request.

(9) (A) Test samples from each harvest batch or product batch, as appropriate, of medical marijuana, medical marijuana concentrate and medical marijuana product for each of the following categories of testing, consistent with standards developed by the director:

(i) Microbials;

(ii) mycotoxins;

(iii) residual solvents;

(iv) pesticides;

(v) tetrahydrocannabinol and other cannabinoid potency;

(vi) terpenoid potency type and concentration;

(vii) moisture content;

(viii) homogeneity; and

(ix) heavy metals.

(B) Except as provided in subclause (i), not accept a test batch that exceeds 10 pounds of usable medical marijuana or marijuana product. For testing purposes, a:

(i) Grower shall separate each harvest lot of usable marijuana into harvest batches containing no more than 10 pounds, except harvest batches of fresh, uncured medical marijuana or fresh or frozen medical marijuana to be sold to a processor in order to make a concentrate may be separated into batches containing no more than 20 pounds; and

(ii) a processor shall separate each medical marijuana production lot into production batches containing no more than 10 pounds.

(b) A laboratory may:

(1) Accept samples of medical marijuana, medical marijuana concentrate or medical marijuana product from:

(A) A licensee or any entity designated in section 45, and amendments thereto, for testing and research purposes only, including the provision of testing services for samples submitted by a licensee for product development. A laboratory shall not be prohibited from obtaining a license under this section due to such laboratory performing testing and research on medical marijuana and medical marijuana products for any entity designated in section 45, and amendments thereto; or

(B) an individual person for testing if such person is a:

(i) Registered patient or caregiver under this act and such person provides the laboratory with the individual's registration identification and a valid photo identification; or (ii) participant in an approved clinical or observational study conducted by a research facility.

(2) Transfer samples to another laboratory for testing. All laboratory reports provided to or by a licensee or to a patient or caregiver shall identify the laboratory that actually performed the testing of the sample that is submitted.

(3) Utilize a licensed medical marijuana transporter to transport samples of medical marijuana, medical marijuana concentrates and medical marijuana product for testing, in accordance with this act, between the original licensee requesting testing services and the destination laboratory performing testing services.

(4) Establish standards, policies and procedures for laboratory testing procedures pursuant to section 22, and amendments thereto.

New Sec. 24. (a) In consultation with the compliance and quality assurance testing laboratory contracted with pursuant to section 22, and amendments thereto, the director of alcoholic beverage control shall propose rules and regulations as necessary to develop acceptable testing and research practices in consultation with the contracted compliance and quality assurance testing laboratory, including, but not limited to, testing, standards, quality control analysis, equipment certification and calibration and chemical identification and substances used in bona fide research methods. After the hearing on a proposed rule and regulation has been held as required by law, the director shall submit any such proposed rule and regulation to the secretary of revenue who, if the secretary approves it, shall adopt the rule and regulation.

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

(1) The cleanliness and orderliness of a laboratory premises and the location of the laboratory in a secure location;

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

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

(4) controlled access areas for storage of medical marijuana and medical marijuana product test samples, waste and reference standards;

(5) records to be retained and computer systems to be utilized by the laboratory;

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

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

(8) the transport and disposal of unused marijuana, marijuana products and waste;

(9) the mandatory use by a laboratory of an inventory tracking system to ensure all test harvest and production batches or samples containing medical marijuana, medical marijuana concentrate or medical marijuana products are identified and tracked from the point they are transferred from a licensee or a registered patient or caregiver through the point of transfer, destruction or disposal. The inventory tracking system reporting shall include the results of any tests that are conducted;

(10) the employment of laboratory personnel;

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

(12) the successful participation in a proficiency testing program approved by the director for each testing required by section, in order to obtain and maintain certification;

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

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

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

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

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

ATTACHMENT 2

New Sec. 42. (a) Any pharmacist that seeks to operate as a pharmacist consultant for a dispensary shall register with the board of pharmacy in accordance with rules and regulations adopted by the board.

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

(1) Not charge a fee for the pharmacist's services that exceeds 2% of the gross receipts of the dispensary;

(2) audit each recommendation for use of medical marijuana and ensure that each such recommendation is reported to the prescription monitoring system in accordance with K.S.A. 65-1683, and amendments thereto, and rules and regulations adopted by the board of pharmacy;

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

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

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

(C) establishes guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana;

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

(4) Provide oversight for the development and dissemination of:

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

(i) Information about possible side effects and contraindications of medical marijuana;

(ii) guidelines for notifying the physician who provided the written certification for medical marijuana if side effects or contraindications occur;

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

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

(v) techniques for the use of medical marijuana and marijuana paraphernalia; and

(vi) information about different methods, forms and routes of medical marijuana administration;

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

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

(5) Be accessible by the dispensary or dispensary agent through:

(A) Telephonic means at all times during operating hours; and

(B) telephone or video conference for a patient consultation during operating hours.