

Session 1

Passed

3/29/21

13-8

- 1 (1) Obtain medical marijuana from one or more licensed processors
2 or distributors; and
3 (2) dispense or sell medical marijuana in accordance with subsection
4 (b).
5 (b) When dispensing or selling medical marijuana, a retail dispensary
6 shall:
7 (1) Dispense or sell medical marijuana only to a person who shows a
8 current, valid identification card and only in accordance with a written
9 recommendation issued by a physician;
10 (2) report to the prescription monitoring program database the
11 information required by K.S.A. 65-1683, and amendments thereto;
12 (3) label the package containing medical marijuana with the
13 following information:
14 (A) The name and address of the licensed processor that produced the
15 product and the retail dispensary;
16 (B) the name of the patient and caregiver, if any;
17 (C) the name of the physician who recommended treatment with
18 medical marijuana;
19 (D) the directions for use, if any, as recommended by the physician;
20 (E) a health warning as specified in rules and regulations adopted by
21 the secretary of health and environment;
22 (F) the date on which the medical marijuana was dispensed; and
23 (G) the quantity, strength, kind or form of medical marijuana
24 contained in the package.
25 (c) A retail dispensary shall employ only those individuals who hold a
26 current, valid employee license issued pursuant to section 31, and
27 amendments thereto, and who have completed the training requirements
28 established by rules and regulations adopted by the secretary of revenue.
29 (d) A retail dispensary shall not make public any information it
30 collects that identifies or would tend to identify any specific patient.
31 New Sec. 33. (a) Only the following forms of medical marijuana may
32 be dispensed under the Kansas medical marijuana regulation act:
33 (1) Oils;
34 (2) tinctures;
35 (3) plant material;
36 (4) edibles;
37 (5) patches; or
38 (6) any other form approved by the secretary of revenue under section
39 34, and amendments thereto.
40 (b) The smoking, combustion or vaporization of medical marijuana is
41 prohibited.
42 (c) Any form or method of using medical marijuana that is considered
43 attractive to children is prohibited.

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

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

13 (b) Moneys in the medical marijuana business entity regulation fund
14 shall be used for the payment or reimbursement of costs related to the
15 regulation and enforcement of the possession, processing and sale of
16 medical marijuana by the division of alcoholic beverage control.

17 New Sec. 39. (a) On or before July 1, 2022, the secretary of revenue
18 shall adopt rules and regulations to administer the Kansas medical
19 marijuana regulation program and implement and enforce the provisions of
20 the Kansas medical marijuana regulation act. Such rules and regulations
21 shall:

22 (1) Establish application procedures and fees for licenses issued
23 under sections 28 and 31, and amendments thereto;

24 (2) specify the following:

25 (A) The conditions for eligibility for licensure;

26 (B) subject to paragraph (C), the criminal offenses for which an
27 applicant will be disqualified from licensure; and

28 (C) the criminal offenses that will not disqualify an applicant from
29 licensure if the applicant was convicted of or pleaded guilty to the offense
30 more than five years prior to the date the application for licensure is filed;

31 (3) establish the number of licenses that will be permitted at any one
32 time in accordance with sections 29, 30 and 31, and amendments thereto;

33 (4) establish a license renewal schedule, renewal procedures and
34 renewal fees; and

35 (5) ~~establish training~~ requirements for employees of retail
36 dispensaries.

37 (b) The director shall propose such rules and regulations as necessary
38 to carry out the intent and purposes of this act. After the hearing on a
39 proposed rule and regulation has been held as required by law, the director
40 shall submit the proposed rule and regulation to the secretary of revenue
41 who, if the secretary approves it, shall adopt the rule and regulation.

42 (c) When adopting rules and regulations under this section, the
43 secretary shall consider standards and procedures that have been found to

establish official packaging requirements that designate the package as Kansas medical marijuana and ensure the packaging is tamper proof; and (6)

1 (c) This section shall not apply to any person who stores or otherwise
2 leaves medical marijuana where it is readily accessible to a child under the
3 age of 18 years if:

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

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

8 (d) As used in this section:

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

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

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

17 New Sec. 48. (a) Subject to the provisions of K.S.A. 44-1018, and
18 amendments thereto, it shall be unlawful for any person:

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

24 (2) to discriminate against any person in the terms, conditions or
25 privileges of sale or rental of real property, or in the provision of services
26 or facilities in connection therewith, because such person consumes
27 medical marijuana in accordance with section 10, and amendments
28 thereto; and

29 (3) to discriminate against any person in such person's use or
30 occupancy of real property because such person associates with another
31 person who consumes medical marijuana in accordance with section 10,
32 and amendments thereto.

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

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

New Sec. 48. (a) No person shall transport medical marijuana as defined in section 2, and amendments thereto, in any vehicle upon a highway or street unless such medical marijuana is in the:

(1) Original, sealed packaging that is in accordance with the requirements of Section 32, and amendments thereto, the seal of which has not been broken and any other means of closure has not been removed;

(2) locked rear trunk or rear compartment or any locked outside compartment that is not accessible to any person in the vehicle while it is in motion. If a motor vehicle is not equipped with a trunk, then such medical marijuana shall be behind the last upright seat or in an area not normally occupied by the driver or a passenger; or

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

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

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

redesignate remaining sections