

## Figure 1: 2021 Medical Marijuana Legislation in Kansas

Kansas is one of three states, including Nebraska and Idaho, with no public marijuana access program according to the National Conference of State Legislatures (NCSL). On May 6, the Kansas House passed House Substitute for Senate Bill 158 (H. Sub. for SB 158), which would create the Kansas Medical Marijuana Regulation Act and the Kansas Medical Marijuana Regulation Program; define terms related to the bill; amend laws concerning crimes, child welfare, employment and discipline of certain medical professionals; create provisions to address federal re-scheduling of marijuana; and rename the Division of Alcoholic Beverage Control, Kansas Department of Revenue, as the Division of Alcohol and Cannabis Control. After the House passed the bill, Senate President Ty Masterson stated he did not anticipate the Senate taking

up the bill this session but noted the bill would be available for consideration during the 2022 session and suggested that a joint committee may consider it during the interim period. On May 7, the Senate ruled the bill as “materially changed” and referred it to the Senate Federal and State Affairs Committee. SB 315, which would create the Kansas Medical Marijuana Regulation Act, also was introduced by the Senate on May 7 and was referred to the Senate Public Health and Welfare Committee.

KHI staff reviewed both bills and have prepared this summary comparing select provisions in [H. Sub. for SB 158](#) (124 pages) and [SB 315](#) (84 pages). (**Text in bold** indicates differences between the bills.)

	House Substitute for Senate Bill 158	Senate Bill 315
<b>Brief Summary</b>	Would create the Kansas Medical Marijuana Regulation Act (Act), the Kansas Medical Marijuana Regulation Program (Program), and related funds for the Act; define terms related to the bill; amend law concerning crimes, child welfare, employment and discipline of certain medical professionals; create provisions to address federal re-scheduling of marijuana; and rename the Division of Alcoholic Beverage Control (ABC), Kansas Department of Revenue (KDOR), as the Division of Alcohol and Cannabis Control (ACC).	Would create the Kansas Medical Marijuana Regulation Act; provide for licensure and regulation of the cultivation, distribution, sale and possession of medical marijuana; delegate administrative duties and functions to the Secretary of the Kansas Department of Health and Environment (KDHE), Secretary of KDOR, the Board of Healing Arts, Board of Pharmacy and the Director of ABC; impose fines and penalties for violations of the Act; establish the medical marijuana registration fund and the medical marijuana business regulation fund; create the crime of unlawful transport of medical marijuana; make exceptions to the crimes of unlawful manufacture and possession of controlled substances.
<b>Qualifying Health Conditions</b>	Acquired immune deficiency syndrome (AIDS), Alzheimer’s disease, amyotrophic lateral sclerosis, cancer, chronic traumatic encephalopathy, Crohn’s disease, epilepsy or another seizure disorder, fibromyalgia, glaucoma, hepatitis C, inflammatory bowel disease, lupus, multiple sclerosis, Parkinson’s disease, positive status for human immunodeficiency virus (HIV), post-traumatic stress disorder, sickle cell anemia, spinal cord disease or injury, Tourette’s syndrome, traumatic brain injury, ulcerative colitis, pain that is either chronic and severe or intractable, and any other disease or condition adopted by the Secretary of KDHE upon petition recommended for approval by the Medical Marijuana Advisory Committee. Any “person” may submit a petition to the Medical Marijuana Advisory Committee requesting that a disease or condition be added to this list.	AIDS, Alzheimer’s disease, amyotrophic lateral sclerosis, cancer, chronic traumatic encephalopathy, Crohn’s disease, epilepsy or another seizure disorder, fibromyalgia, glaucoma, hepatitis C, inflammatory bowel disease, multiple sclerosis, Parkinson’s disease, positive status for HIV, post-traumatic stress disorder, sickle cell anemia, spinal cord disease or injury, Tourette’s syndrome, traumatic brain injury, ulcerative colitis, pain that is either chronic and severe or intractable, <b>debilitating psychiatric disorder that is diagnosed by a physician who is board-certified in the practice of psychiatry, any other chronic, debilitating or terminal condition that in the professional judgment of a physician licensed in the state would be a detriment to the patient’s mental or physical health if left untreated</b> , or any other disease or condition approved by the Secretary of KDHE. Any “person” may submit a petition to the Medical Marijuana Advisory Committee requesting that a disease or condition be added to this list.
<b>Regulatory Authority</b>	<p>Would establish the Kansas Medical Marijuana Regulation Program, which would be administered by the Secretary of KDHE.</p> <p>The Secretary of KDHE would provide for the registration of patients and caregivers, including the issuance of identification cards to registered patients and caregivers.</p> <p>The Board of Healing Arts would provide for the certification of physicians to authorize them to recommend medical marijuana as a treatment for patients.</p> <p>The Board of Pharmacy would provide for registration of pharmacists as pharmacist consultants and the requirements for reporting to the Prescription Monitoring Program database.</p> <p>The Director of ABC would provide for the licensure of cultivators, laboratories that test medical marijuana, processors, distributors and retail dispensaries.</p>	<p>Would establish the Kansas Medical Marijuana Regulation Program, which would be administered by the Secretary of KDHE.</p> <p>The Secretary of KDHE would provide for the registration of patients and caregivers, including the issuance of identification cards to registered patients and caregivers.</p> <p>The Board of Healing Arts would provide for certification of physicians to authorize them to recommend medical marijuana as a treatment for patients.</p> <p>The Board of Pharmacy would provide for the registration of pharmacists as pharmacist consultants and the requirements for reporting to the Prescription Monitoring Program database.</p> <p>The Director of ABC would provide for the licensure of cultivators, laboratories that test medical marijuana, processors, distributors and retail dispensaries.</p>

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<b>Advisory Committee</b>	<p>Would create the 15-member Medical Marijuana Advisory Committee (Committee).</p> <p>Eight members appointed by the Governor would include two practicing pharmacists, two practicing physicians, one individual representing employers, one individual representing agriculture, one individual representing interests of persons involved in the treatment of alcohol and drug addiction, and one individual engaged in academic research on the use or regulation of medical marijuana.</p> <p>Two members appointed by the Senate President would include one individual representing law enforcement and one individual representing caregivers.</p> <p>One member appointed by the Senate Minority Leader who is a nurse.</p> <p>Two members appointed by the Speaker of the House, including individuals representing persons involved in mental health treatment and patients.</p> <p>One member appointed by the House Minority Leader representing employees.</p> <p>The Secretary of KDHE would serve as chairperson.</p> <p>The Committee would make recommendations to the Secretary of KDHE and the Director of ABC regarding offenses that would disqualify an applicant from registration or licensure by the respective state agency.</p> <p>Prior to January 31 of each year, the Committee would be required to provide a report to the Legislature detailing any concerns or recommended changes to the Act.</p> <p>The provisions of this section would expire on July 1, 2026.</p>	<p>Would create the <b>14</b>-member Medical Marijuana Advisory Committee in KDHE.</p> <p><b>Five</b> members appointed by the Governor would include: two practicing pharmacists, two practicing physicians, one individual representing persons involved in the treatment of alcohol and drug addiction.</p> <p>Two members appointed by the Senate President would include one individual representing law enforcement and one individual representing caregivers.</p> <p>One member appointed by the <b>Senate Majority Leader</b> would represent agricultural interests.</p> <p>One member appointed by the Senate Minority Leader who is a nurse.</p> <p>Two members appointed by the Speaker of the House, including one individual representing patients and one individual representing <b>employers</b>.</p> <p><b>One member representing cultivators, appointed by the House Majority Leader.</b></p> <p>One member appointed by the House Minority Leader, representing employees.</p> <p>The Secretary of KDHE would serve as chairperson.</p> <p>The Committee would develop policies and procedures for the submission, review, approval and denial of petitions for approval of qualifying medical conditions.</p> <p>Prior to January 31 of each year, the Committee would be required to provide a report to the Legislature detailing any concerns or recommended changes that the Committee has for the Act.</p> <p>The provisions of this section would expire on July 1, 2026.</p>
<b>Registration and Fees</b>	<p>Patients seeking to use medical marijuana or caregivers seeking to assist a patient in the use or administration of medical marijuana would apply to KDHE for registration.</p> <p>Physicians treating patients, or physicians' designees, would submit applications on behalf of patients and caregivers.</p> <p>Registered caregivers must be at least 21 years of age, except if the caregiver is the parent or legal guardian of a patient who is a minor, then the registered caregiver must be at least 18 years of age.</p> <p>Fees for patient or caregiver registration, or renewal would not exceed:</p> <ul style="list-style-type: none"> <li>• \$50 for patient registration,</li> <li>• \$25 for patient registration if patient is indigent or a veteran, and</li> <li>• \$25 for caregiver registration.</li> </ul> <p>Registrations would be valid for one year from the date the identification card is issued and may be renewed.</p>	<p>Patients seeking to use medical marijuana or caregivers seeking to assist a patient in the use or administration of medical marijuana would apply to KDHE for registration.</p> <p>Physicians treating patients, or physicians' designees, would submit applications on behalf of patients and caregivers.</p> <p>Registered caregivers must be at least 21 years of age, except if the caregiver is the parent or legal guardian of a patient who is a minor, then the registered caregiver must be at least 18 years of age.</p> <p>Fees for patient or caregiver registration, or renewal thereof, would not exceed:</p> <ul style="list-style-type: none"> <li>• \$50 for a patient registration,</li> <li>• \$25 for a patient registration if the patient is indigent or is a veteran, and</li> <li>• \$25 for a caregiver registration.</li> </ul> <p>Registrations would be valid for one year from the date the identification card is issued and may be renewed.</p>

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<b>Patient Privileges</b>	<p>Registered patients would be permitted to:</p> <ul style="list-style-type: none"> <li>• Use medical marijuana,</li> <li>• Possess medical marijuana, and</li> <li>• Possess any paraphernalia or accessories used to administer medical marijuana.</li> </ul> <p>Registered patients would be allowed to possess an amount of medical marijuana not to exceed a 30-day supply.</p>	<p>Registered patients would be permitted to:</p> <ul style="list-style-type: none"> <li>• Use medical marijuana,</li> <li>• Possess medical marijuana, and</li> <li>• Possess any paraphernalia or accessories used to administer medical marijuana.</li> </ul> <p>Registered patients would be allowed to possess an amount of medical marijuana not to exceed a 30-day supply.</p>
<b>Caregiver Privileges</b>	<p>Registered caregivers would be permitted to:</p> <ul style="list-style-type: none"> <li>• Possess medical marijuana on behalf of registered patients under their care,</li> <li>• Assist a registered patient under their care in the use or administration of medical marijuana, and</li> <li>• Possess paraphernalia or accessories used to administer medical marijuana.</li> </ul> <p>Registered caregivers would be allowed to possess an amount of medical marijuana not to exceed a 30-day supply for each registered patient to whom they provide care.</p>	<p>Registered caregivers would be permitted to:</p> <ul style="list-style-type: none"> <li>• Possess medical marijuana on behalf of registered patients under their care,</li> <li>• Assist a registered patient under their care in the use or administration of medical marijuana, and</li> <li>• Possess paraphernalia or accessories used to administer medical marijuana.</li> </ul> <p>Registered caregivers would be allowed to possess an amount of medical marijuana not to exceed a 30-day supply for each registered patient to whom they provide care.</p>
<b>Registration Fund</b>	<p>The Medical Marijuana Registration Fund (Fund) would be established in the State Treasury and would be administered by the Secretary of KDHE.</p> <p>Moneys in the Fund would be used for the payment or reimbursement of costs related to the regulation and enforcement of the possession and use of medical marijuana by the Secretary.</p>	<p>The Medical Marijuana Registration Fund would be established in the State Treasury and would be administered by the Secretary of KDHE.</p> <p>Moneys in the Fund would be used for the payment or reimbursement of costs related to the regulation and enforcement of the possession and use of medical marijuana by the Secretary.</p>
<b>Timeline</b>	<p>On or before July 1, 2023, the Secretary of KDHE, after consultation with the Committee, would be required to adopt rules and regulations to administer the Program and enforce the provisions of the Act.</p> <p>On or before July 1, 2023, KDHE would be required to make a website available for the public to access information regarding patient and caregiver registration.</p> <p>On or before July 1, 2022, the Board of Healing Arts would be required to adopt rules and regulations to implement and enforce the provisions related to physician certification.</p> <p><b>Within 45 days of the effective date of the Act, the Director of ABC would be required to establish a Medical Marijuana Pilot Program and select a company for the purpose of cultivating, testing, processing, distributing and researching medical marijuana.</b></p> <p>Prior to January 1, 2023, the Director of ABC would be required to 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 the state.</p> <p>On or before July 1, 2023, the Director of ABC would be required to propose rules and regulations to administer the Act, and the Secretary of Revenue, after consulting with the Committee, would be required to adopt rules and regulations to administer the Program and implement and enforce the provisions of the Act.</p> <p>On or before July 1, 2022, the Board of Pharmacy would be required to adopt rules and regulations establishing the requirements for the reporting by retail dispensaries to the Prescription Monitoring Program database.</p>	<p>On or before <b>July 1, 2022</b>, the Secretary of KDHE, after consulting with the Committee, would be required to adopt rules and regulations to administer the Program and implement and enforce the provisions of the Act.</p> <p>On or before <b>July 1, 2022</b>, KDHE would be required to make a website available for the public to access information regarding patient and caregiver registration.</p> <p>On or before July 1, 2022, the Board of Healing Arts would be required to adopt rules and regulations to implement and enforce the provisions related to physician certification.</p> <p>Prior to <b>January 1, 2022</b>, the Director of ABC would be required to 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 the state.</p> <p>On or before <b>July 1, 2022</b>, the Director of ABC would be required to propose rules and regulations to administer the Act, and the Secretary of Revenue, after consulting with the Committee, would be required to adopt rules and regulations to administer the Program and implement and enforce the provisions of the Act.</p> <p>On or before July 1, 2022, the Board of Pharmacy would be required to adopt rules and regulations establishing the requirements for a retail dispensary to report to the Prescription Monitoring Program database.</p>

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<b>Reciprocity</b>	<p>Medical marijuana registry identification cards issued under the laws of other states that allow nonresident patients to possess medical marijuana would have the same force and effect as an identification card issued by the Secretary if the nonresident patient has not resided in Kansas for more than 180 days.</p>	<p>Medical marijuana registry identification cards issued under the laws of other states that <b>are verifiable by the jurisdiction of issuance</b> and allow nonresident patients to possess medical marijuana <b>for medical purposes</b> would have the same force and effect as an identification card issued by the Secretary if the nonresident patient has not resided in Kansas for more than 180 days.</p>
<b>Physician Certification</b>	<p>Physicians seeking to recommend medical marijuana treatment would apply to the Board of Healing Arts for a certificate authorizing them to recommend treatment.</p> <p>Certificate would expire annually unless renewed.</p> <p>Annual fee for certificate would be in an amount not to exceed \$175.</p> <p>Physicians holding a certificate would be authorized to recommend patients be treated with medical marijuana if:</p> <ul style="list-style-type: none"> <li>• The patient has been diagnosed with a qualifying medical condition;</li> <li>• An ongoing physician-patient relationship has existed for a minimum of six months, with some exceptions; and</li> <li>• In the case of a patient who is a minor, the physician may recommend treatment only after obtaining the consent of the patient's parent or other person responsible for providing consent to treatment.</li> </ul> <p><b>A written recommendation issued to a patient is valid for a period of not more than 90 days and may be renewed 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.</b></p> <p>Physicians, or physician's designee, holding a certificate to recommend treatment would be required annually to submit a report to the Board of Healing Arts that describes their observations regarding the effectiveness of medical marijuana in treating their patients.</p> <p>Annually, physicians holding a certificate would be required to 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.</p> <p>Physicians who hold a certificate would be immune from civil liability, would not be subject to professional disciplinary action by the Board of Healing Arts and would not be subject to criminal prosecution for:</p> <ul style="list-style-type: none"> <li>• Advising patients, patient representatives or caregivers about the benefits and risks of medical marijuana to treat qualifying medical conditions;</li> <li>• Recommending that patients use medical marijuana to treat or alleviate qualifying health conditions; and</li> <li>• Monitoring patients' treatment.</li> </ul> <p>A physician would not be permitted to issue a recommendation for treatment for a family member or the physician's self, or personally furnish or otherwise dispense marijuana.</p>	<p>Physicians seeking to recommend medical marijuana treatment would apply to the Board of Healing Arts for a certificate authorizing them to recommend treatment.</p> <p>Certificate would expire annually unless renewed.</p> <p>Annual fee for certificate would be in an amount not to exceed \$175.</p> <p><b>Physicians licensed in the state who hold a certificate to recommend treatment with medical marijuana may recommend that a patient be treated with medical marijuana if:</b></p> <ul style="list-style-type: none"> <li>• The patient has been diagnosed with a qualifying medical condition;</li> <li>• <b>An ongoing physician-patient relationship has been established by an initial office visit;</b></li> <li>• <b>An in-person physical examination of the patient was performed by the physician together with a review of all the patient's medical records, particularly relating to the medical indication for a THC recommendation;</b></li> <li>• The recommending physician, or physician's designee, reports all medical marijuana recommendations for any patient to the Prescription Monitoring Program database;</li> <li>• 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.</li> </ul> <p><b>A written recommendation issued to a patient under this section is valid for a period of not more than 180 days and may be renewed for not more than four additional periods of not more than 180 days each.</b></p> <p>Each year a physician holding a certificate to recommend treatment would be required to submit to the Board of Healing Arts a report that describes the physician's observations regarding the effectiveness of medical marijuana in treating their patients during the year covered by the report.</p> <p>Annually, each physician who holds a certificate would be required to complete at least two hours of continuing medical education in the treatment with and use of medical marijuana.</p> <p>A physician would not be permitted to issue a recommendation for treatment for a family member or the physician's self, or personally furnish or otherwise dispense marijuana.</p> <p>A physician who holds a certificate would be immune from civil liability, would not be subject to professional disciplinary action by the Board of Healing Arts and would not be subject to criminal prosecution for acts permitted under the Act.</p>

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<p><b>Advertising</b></p>	<p>Direct or indirect cooperative advertising between or among two or more cultivators, dispensaries or physicians, <b>or any combination thereof</b>, where such advertising has the purpose or effect of steering or influencing patient or caregiver choice with regard to the selection of a physician, retail dispensary or medical marijuana would be prohibited.</p> <p><b>No advertisement may be disseminated if the submitter of the advertisement has received information that has not been widely publicized in medical literature that the use of the medical marijuana product may cause fatalities or serious harm.</b></p> <p>All advertisements for medical marijuana or medical marijuana products that make statements related to side effects, contraindications and effectiveness would be required to present a true statement of such information. <b>When applicable, advertisements broadcast through media such as radio, television or other electronic media, or displayed in print or on any sign or billboard, shall include such information in the audio or audio and visual parts of the presentation. False or misleading information in any part of the advertisement shall not be corrected by the inclusion of a true statement in another, distinct part of the advertisement.</b></p> <p>An advertisement would be considered false or otherwise misleading if it:</p> <ul style="list-style-type: none"> <li>• Contains a representation or suggestion that a medical marijuana brand or product is better, more effective, useful in a broader range of conditions or patients, or is safer than other drugs or treatments, including other medical marijuana products, unless such a claim has been demonstrated by substantial evidence or substantial clinical experience.</li> <li>• Contains favorable information or opinions about a medical marijuana brand or product previously regarded as valid but that have been rendered invalid by contrary and more recent credible information.</li> <li>• Uses a quote or paraphrase out of context or without citing conflicting information from the same source to convey a false or misleading idea.</li> <li>• Cites or refers to a study on individuals with a qualifying medical condition without disclosing that the subjects were not suffering from a qualifying medical condition.</li> <li>• Uses data favorable to a medical marijuana product derived from patients treated with a product or dosages different from those approved in Kansas.</li> <li>• Contains favorable information or conclusions from a study that is inadequate in design, scope or conduct to furnish significant support for such information or conclusions.</li> <li>• Fails to provide adequate emphasis for the fact that two or more facing pages are part of the same advertisement when only one page contains information relating to side effects, consequences and contraindications.</li> </ul> <p>Advertisements would not be permitted to contain any:</p> <ul style="list-style-type: none"> <li>• Statements that are false or misleading in any material particular or are otherwise in violation of the Kansas Consumer Protection Act;</li> <li>• Statements that falsely disparage a competitor's products; or</li> <li>• Statements, designs or representations, pictures or illustrations that: <ul style="list-style-type: none"> <li>• Are obscene or indecent, encourage or represent the recreational use of marijuana or the use of medical marijuana for a condition other than a qualifying medical condition;</li> <li>• Relate to the safety or efficacy of medical marijuana unless supported by substantial evidence or substantial clinical data;</li> </ul> </li> </ul> <p style="text-align: center;"><i>(continued)</i></p>	<p>Direct or indirect cooperative advertising between or among two or more cultivators, dispensaries or physicians, where such advertising has the purpose or effect of steering or influencing patient or caregiver choice with regard to the selection of a physician, retail dispensary or medical marijuana would be prohibited.</p> <p>All advertisements for medical marijuana or medical marijuana products that make a statement relating to side effects, contraindications and effectiveness would be required to present a true statement of such information.</p> <p>An advertisement would be considered false or otherwise misleading if it:</p> <ul style="list-style-type: none"> <li>• Contains a representation or suggestion that a medical marijuana brand or product is better, more effective, useful in a broader range of conditions or patients, or is safer than other drugs or treatments, including other medical marijuana products, unless such a claim has been demonstrated by substantial evidence or substantial clinical experience.</li> <li>• Contains favorable information or opinions about a medical marijuana brand or product previously regarded as valid but that have been rendered invalid by contrary and more recent credible information.</li> <li>• Uses a quote or paraphrase out of context or without citing conflicting information from the same source to convey a false or misleading idea.</li> <li>• Cites or refers to a study on individuals with a qualifying medical condition without disclosing that the subjects were not suffering from a qualifying medical condition.</li> <li>• Uses data favorable to a medical marijuana product derived from patients treated with a product or dosages different from those approved in Kansas.</li> <li>• Contains favorable information or conclusions from a study that is inadequate in design, scope or conduct to furnish significant support for such information or conclusions.</li> <li>• Fails to provide adequate emphasis for the fact that two or more facing pages are part of the same advertisement when only one page contains information relating to side effects, consequences and contraindications.</li> </ul> <p>Advertisements would not be permitted to contain any:</p> <ul style="list-style-type: none"> <li>• Statements that are false or misleading in any material particular or are otherwise in violation of the Kansas Consumer Protection Act;</li> <li>• Statements that falsely disparage a competitor's products; or</li> <li>• Statements, designs or representations, pictures or illustrations that: <ul style="list-style-type: none"> <li>• Are obscene or indecent, encourage or represent the recreational use of marijuana or the use of medical marijuana for a condition other than a qualifying medical condition;</li> <li>• Relate to the safety or efficacy of medical marijuana unless supported by substantial evidence or substantial clinical data;</li> <li>• Portray anyone under 18 years of age or contain the use of a figure, symbol or language that is customarily associated with anyone under 18 years of age;</li> <li>• Offer a prize or reward to a registered patient, caregiver or physician related to the purchase of medical marijuana; or</li> <li>• Indicate or imply that the product or entity in the advertisement has been approved or endorsed by the Secretary of KDHE, Director of ABC, the state of Kansas or any person or entity associated with the state.</li> </ul> </li> </ul> <p style="text-align: center;"><i>(continued)</i></p>

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<p><b>Advertising (continued)</b></p>	<p style="text-align: center;"><i>(continued)</i></p> <ul style="list-style-type: none"> <li>• Portray anyone under 18 years of age or contain the use of a figure, symbol or language that is customarily associated with anyone under 18 years of age;</li> <li>• Offer a prize or reward to a registered patient, caregiver or physician related to the purchase of medical marijuana; or</li> <li>• Indicate or imply that the product or entity in the advertisement has been approved or endorsed by the Secretary of KDHE, Director of ABC, the state of Kansas or any person or entity associated with the state.</li> </ul> <p><b>Advertisements for medical marijuana would be required to be submitted to the Secretary of KDHE at the same time as, or prior to, the dissemination of the advertisement. [Bill includes extensive additional information that must be submitted along with the advertisement.] Within 21 days of receiving a complete advertising package, the Secretary must either approve the advertisement or notify the submitter or any necessary disclosures or changes. If the Secretary takes no action on the advertising package within 21 days, the advertisement will be deemed approved.</b></p> <p>Retail dispensaries would be prohibited from advertising medical marijuana brand names or utilizing graphics related to marijuana or paraphernalia on the exterior of the dispensary or the building in which the dispensary is located, or display any medical marijuana or paraphernalia so as to be clearly visible from the exterior of the dispensary.</p> <p>Cultivators, processors or distributors would be prohibited from advertising the price of medical marijuana, <b>including on any billboard located along any interstate highway, federal highway or state highway, except to make a price list available to a dispensary.</b></p> <p><b>Advertisements for medical marijuana would be prohibited on billboards or other similar devices located on interstate highways, federal highways or state highways that cross the Kansas border within 10 miles from where such highway crosses the state line.</b></p>	<p style="text-align: center;"><i>(continued)</i></p> <p>Retails dispensaries would be prohibited from:</p> <ul style="list-style-type: none"> <li>• <b>Illuminating a dispensary sign advertising a medical marijuana product at any time,</b></li> <li>• Advertising medical marijuana brand names or utilizing graphics related to marijuana or paraphernalia on the exterior of the dispensary or the building in which the dispensary is located, or</li> <li>• Displaying any medical marijuana or paraphernalia so as to be clearly visible from the exterior of the dispensary.</li> </ul> <p>Medical marijuana would not be permitted to be advertised:</p> <ul style="list-style-type: none"> <li>• <b>For sale by a cultivator, processor or distributor, except to make a price list available to a dispensary.</b></li> <li>• On any billboard that is located along a state highway.</li> </ul>
<p><b>Licensing</b></p>	<p>Licenses would not be issued to persons who:</p> <ul style="list-style-type: none"> <li>• Are not citizens of the U.S.;</li> <li>• Are under the age of 18;</li> <li>• Have been convicted of a felony under the laws of Kansas, any state, or the U.S.; and</li> <li>• Have had a license revoked for cause under the provisions of the Act or had any license issued under the medical marijuana laws of any state revoked for cause, with some exceptions.</li> </ul> <p>Bill includes numerous other provisions that would prohibit persons from being issued a license, including criminal convictions.</p> <p>At least 15 percent of processor, cultivator, laboratory, distributor and retail dispensary licenses would be issued to and controlled by U.S. citizens who are Kansas residents of Black or African American, American Indian, Hispanic or Latino, or Asian descent.</p> <p>Dispensary, cultivator and distributor licenses could not be issued to a corporation, LLC, limited partnership or limited liability partnership.</p>	<p>Cultivator, laboratory, processor, distributor and retail dispensary licenses would only be issued to a person:</p> <ul style="list-style-type: none"> <li>• Who is a U.S. citizen;</li> <li>• Who is at least 18 years of age;</li> <li>• Who has not been convicted of a felony under the laws or Kansas, any other state or the U.S.;</li> <li>• Who has not had a license revoked for cause under the provisions of the Act or has not had any license issued under the medical marijuana laws of any state revoked for cause;</li> <li>• Who has been a resident of the state for at least two years immediately preceding the date of the application; and</li> <li>• Who has not been found to have held an undisclosed beneficial interest in any license issued pursuant to this Act that was obtained by means of fraud or any false statement made on the application.</li> </ul> <p>Bill includes numerous other provisions with requirements for the issuance of a license.</p> <p><b>If the applicant is not an individual, then the license shall only be issued to a business entity formed in this state and registered with the Secretary of State.</b></p>

	House Substitute for Senate Bill 158	Senate Bill 315
<p><b>Authorized Forms of Medical Marijuana</b></p>	<p>Would authorize only the following forms of medical marijuana to be dispensed:</p> <ul style="list-style-type: none"> <li>• Oils,</li> <li>• Tinctures,</li> <li>• Plant material,</li> <li>• Edibles,</li> <li>• Patches, and</li> <li>• Any other form approved by the Secretary of Revenue.</li> </ul> <p>Smoking, combustion or vaporization of medical marijuana would be prohibited.</p> <p>Any form or method of using medical marijuana that is considered attractive to children would be prohibited.</p> <p>Plant material would be required to have a tetrahydrocannabinol (THC) content of not more than 35 percent in its final dispensed form.</p> <p>Extracts would be required to have a THC content of not more than 70 percent in their final dispensed form.</p> <p>No forms of medical marijuana would be permitted to be dispensed from a vending machine or through electronic commerce.</p>	<p>Would authorize only the following forms of medical marijuana to be dispensed:</p> <ul style="list-style-type: none"> <li>• Oils,</li> <li>• Tinctures,</li> <li>• Plant material,</li> <li>• Edibles,</li> <li>• Patches, and</li> <li>• Any other form approved by the Secretary of Revenue.</li> </ul> <p>Smoking, combustion or vaporization of medical marijuana would be prohibited.</p> <p>Any form or method of using medical marijuana that is considered attractive to children would be prohibited.</p> <p>Plant material would be required to have a THC content of not more than 35 percent in its final dispensed form.</p> <p>Extracts would be required to have a THC content of not more than 70 percent in their final dispensed form.</p> <p>No forms of medical marijuana would be permitted to be dispensed from a vending machine or through electronic commerce.</p>
<p><b>License Fees</b></p>	<p>Fees for a cultivator license would be:</p> <ul style="list-style-type: none"> <li>• \$5,000 for the nonrefundable license application.</li> <li>• \$20 per plant, for a minimum of 1,000 flowering plants, to be assessed at the time of licensing and each subsequent renewal for the maximum number of flowering medical marijuana plants, based upon a declaration by the applicant, that are cultivated by the licensee in the facility at a given time.</li> </ul> <p>Fees for a laboratory license would be:</p> <ul style="list-style-type: none"> <li>• \$2,000 for the nonrefundable laboratory license application.</li> <li>• \$18,000 for a laboratory license.</li> <li>• \$20,000 for a renewal of a laboratory license.</li> </ul> <p>Fees for a processor license would be:</p> <ul style="list-style-type: none"> <li>• \$5,000 for the nonrefundable processor license application.</li> <li>• \$40,000 for a processor license and any renewal thereof.</li> </ul> <p>Fees for a distributor license would be:</p> <ul style="list-style-type: none"> <li>• \$5,000 for the nonrefundable distributor license application.</li> <li>• \$40,000 for a distributor license and any renewal thereof.</li> </ul> <p>Fees for a retail dispensary license would be:</p> <ul style="list-style-type: none"> <li>• \$5,000 for the nonrefundable retail dispensary license application.</li> <li>• \$40,000 for a retail dispensary license and any renewal thereof.</li> <li>• \$500 for each associated employee license application.</li> <li>• \$100 for each support employee license application.</li> </ul>	<p>Fees for a cultivator license would be in an amount not to exceed an annual fee of <b>\$50,000 for a cultivator license application or the renewal thereof.</b> Fees include:</p> <ul style="list-style-type: none"> <li>• <b>\$40,000 for not more than 500 simultaneously grown, mature flowering plants, plus</b></li> <li>• <b>\$4,000 for each additional unit of 50 simultaneous grown, mature flowering plants, provided the aggregate number of such plants does not exceed 1,000; plus</b></li> <li>• <b>\$2,500 for each additional unit of 50 simultaneously grown, mature flowering plants that increases the aggregate number of such plants to more than 1,000.</b></li> </ul> <p>Fees for a laboratory license would be in an amount not to exceed an annual fee of:</p> <ul style="list-style-type: none"> <li>• \$2,000 for a laboratory license application.</li> <li>• \$18,000 for a laboratory license.</li> <li>• \$20,000 for a renewal of a laboratory license.</li> </ul> <p>Fees for a processor license would not exceed an annual fee of <b>\$50,000.</b></p> <p>Fees for a distributor license or renewal thereof would not exceed an annual fee of <b>\$50,000.</b></p> <p>Fees for a retail dispensary license would not exceed a biennial fee of:</p> <ul style="list-style-type: none"> <li>• <b>\$50,000 for a retail dispensary license application or renewal thereof; and</b></li> <li>• <b>\$50,000 for a retail dispensary license.</b></li> </ul>
<p><b>Regulation Fund</b></p>	<p>Would establish the Medical Marijuana Business Entity Regulation Fund (Fund) in the State Treasury.</p> <p>The Director of ABC would administer the Fund.</p> <p>Moneys in the Fund would be used for the payment or reimbursement of costs related to the regulation and enforcement of the cultivation, testing, distributing, possession, processing and sale of medical marijuana.</p>	<p>Would establish the medical Marijuana Business Entity Regulation Fund in the State Treasury.</p> <p>The Director of ABC would administer the Fund.</p> <p>Moneys in the Fund would be used for the payment or reimbursement of costs related to the regulation and enforcement of the cultivation, testing, distributing, possession, processing and sale of medical marijuana.</p>

	House Substitute for Senate Bill 158	Senate Bill 315
<b>Pharmacist Consultants</b>	<p>Would require pharmacists that seek to operate as pharmacist consultants for a retail dispensary to register with the Board of Pharmacy in accordance with rules and regulations adopted by the Board.</p> <p>In operating as a pharmacist consultant for a retail dispensary, such pharmacist shall:</p> <ul style="list-style-type: none"> <li>• Not charge a fee for the pharmacist's services that exceeds 1 percent of the gross receipts of the retail dispensary; and</li> <li>• Audit each recommendation for use of medical marijuana and ensure that each such recommendation is reported to the Prescription Monitoring Program database.</li> </ul> <p>Would establish various authorizations and requirements for pharmacists operating as pharmacist consultants.</p>	<p>Would require pharmacists that seek to operate as pharmacist consultants for a retail dispensary to register with the Board of Pharmacy in accordance with rules and regulations adopted by the Board.</p> <p>In operating as a pharmacist consultant, such pharmacists shall:</p> <ul style="list-style-type: none"> <li>• <b>Not charge a fee for the pharmacist's services that exceeds an annual amount of \$75,000;</b> and</li> <li>• Audit each recommendation for use of medical marijuana and ensure that each recommendation is reported to the Prescription Monitoring Program database.</li> </ul> <p>Would establish various authorizations and requirements for pharmacists operating as pharmacist consultants.</p>
<b>Requirements for Licensees</b>	<p>Would prohibit licensed cultivators, laboratories, processors, distributors or retail dispensaries, with some exceptions, from locating within 1,000 feet of the boundaries of schools, religious organizations, public libraries or public parks.</p> <p>Would require applicants for licenses for cultivator, laboratory, processor, distributor or retail dispensary to require owners, directors, officers and any employees or agents to be fingerprinted and to submit to a state and national criminal history record check.</p>	<p>Would prohibit licensed cultivators, laboratories, processors, distributors or retail dispensaries, with some exceptions, from locating within 1,000 feet of the boundaries of schools, religious organizations, public libraries or public parks.</p> <p>Would require applicants for licenses for cultivator, laboratory, processor, distributor or retail dispensary to require owners, directors, officers and any employees or agents to be fingerprinted and to submit to a state and national criminal history record check.</p>
<b>Financial Transactions</b>	<p>Would exempt financial institutions that provide financial services to any licensed cultivator, laboratory, processor, distributor or retail dispensary from any criminal law of the state that may be proven by substantiating that a person provides financial services to a person who possesses, delivers or manufactures medical marijuana, if the licensed entities are in compliance with the provisions of the Act.</p>	<p>Would exempt financial institutions that provide financial services to any licensed cultivator, laboratory, processor, distributor or retail dispensary from any criminal law of the state that may be proven by substantiating that a person provides financial services to a person who possesses, delivers or manufactures medical marijuana, if the licensed entities are in compliance with the provisions of the Act.</p>
<b>Employer/Payer Protections</b>	<p>Would not require an employer to permit or accommodate the use, consumption, possession, transfer, display, distribution, transportation, sale or growing of marijuana or any conduct otherwise allowed by the Act in any workplace or on the employer's property.</p> <p>Would not prohibit a person, employer, corporation or any other entity that occupies, owns or controls a property from prohibiting or regulating the use, consumption, possession, transfer, display, distribution, transportation, sale or growing of marijuana on such property.</p> <p>Would not require any government medical assistance program, private health insurer or workers' compensation carrier or self-insured employer providing workers compensation benefits to reimburse a person for costs associated with the use of medical marijuana.</p> <p>Would not affect the ability of employers to implement policies to promote workplace health and safety by restricting the use of marijuana by employees.</p>	<p>Would not require an employer to permit or accommodate the use, consumption, possession, transfer, display, distribution, transportation, sale or growing of marijuana or any conduct otherwise allowed by the Act in any workplace or on the employer's property.</p> <p>Would not prohibit a person, employer, corporation or any other entity that occupies, owns or controls a property from prohibiting or regulating the use, consumption, possession, transfer, display, distribution, transportation, sale or growing of marijuana on such property.</p> <p>Would not require any government medical assistance program, private health insurer or workers' compensation carrier or self-insured employer providing workers compensation benefits to reimburse a person for costs associated with the use of medical marijuana.</p> <p>Would not affect the ability of employers to implement policies to promote workplace health and safety by restricting the use of marijuana by employees.</p>

	House Substitute for Senate Bill 158	Senate Bill 315
<b>Child Protection</b>	<p>Would make it unlawful to store or otherwise leave medical marijuana where it is readily accessible to children under the age of 18.</p> <p>Would prohibit court orders from being issued related to the safety or welfare of children if the sole basis for the threat to a child's safety or welfare is that the child resides with an individual who consumes medical marijuana.</p> <p>Would prohibit courts from considering the fact that a parent or child consumes medical marijuana when determining legal custody, residency or parenting time of a child.</p> <p>Would prohibit a court from determining the unfitness of a parent based on the use of medical marijuana under the provisions of the Act.</p>	<p>Would make it unlawful to store or otherwise leave medical marijuana where it is readily accessible to children under the age of 18.</p> <p>Would prohibit court orders from being issued related to the safety or welfare of children if the sole basis for the threat to a child's safety or welfare is that the child resides with an individual who consumes medical marijuana.</p> <p>Would prohibit courts from considering the fact that a parent or a child consumes medical marijuana when determining the legal custody, residency or parenting time of a child.</p> <p>Would prohibit the use of medical marijuana in accordance with the Act to be considered to render a parent unable to care for the ongoing physical, mental or emotional needs of a child.</p>
<b>Division of ABC Renamed</b>	Would rename the Division of ABC to the Division of Alcohol and Cannabis Control.	---
<b>Criminal Exemptions</b>	Would exempt entities licensed under the Act from laws related to the manufacture, possession, advertisement, marketing, and distributing of controlled substances.	Would exempt entities licensed under the Act from some laws related to the manufacture or distribution of controlled substances.
<b>Protections Related to Licensure</b>	---	<p>Persons, boards, commissions or similar bodies that determine the qualifications of individuals for licensure, certification or registration would be prohibited from disqualifying individuals solely because such individuals consume medical marijuana under the provisions of the Act.</p> <p>The provisions of this section would not apply to the:</p> <ul style="list-style-type: none"> <li>• Kansas Commission on Peace Officers' Standards and Training,</li> <li>• Kansas Highway Patrol,</li> <li>• Office of the Attorney General,</li> <li>• KDHE, or</li> <li>• ABC.</li> </ul>

Source: Kansas Health Institute analysis of Kansas House Substitute for Senate Bill 158 and Senate Bill 315.