

HOUSE BILL No. 2678

By Representatives Carr, Alcala, Amyx, Ballard, Boatman, Brownlee Paige, Carlin, Carmichael, Curtis, Hoye, Martinez, Melton, Meyer, Mosley, Ohaebosim, Oropeza, Osman, Poskin, L. Ruiz, Sawyer, Sawyer Clayton, Schlingensiepen, Simmons, Stogsdill, Vaughn, Wikle, Woodard and Xu

2-4

1 AN ACT concerning health and healthcare; relating to medical cannabis;
2 enacting the Kansas medical cannabis act; providing for the licensure
3 and regulation of the cultivation, processing, manufacturing,
4 distribution, sale and use of medical cannabis and medical cannabis
5 products; establishing the medical cannabis registration fund and the
6 medical cannabis regulation fund; requiring the expungement of
7 cannabis-related charges; assessing an excise tax and requiring amounts
8 collected from such tax to be used to fund child care, economic
9 development, mental health, low-cost housing and property tax rebates;
10 making exceptions to the crimes of unlawful manufacture and
11 possession of controlled substances; amending K.S.A. 21-5703, 21-
12 5706, 21-5707, 21-5709, 21-5710, 21-6109, 23-3201, 38-2269, 44-
13 1009, 44-1015, 79-5201 and 79-5210 and K.S.A. 2025 Supp. 8-1567,
14 21-5705, 21-6607, 22-3717, 22-4714, 44-501, 44-706, 65-1120 and 65-
15 28b08 and repealing the existing sections.
16

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

18 New Section 1. (a) Sections 1 through 41, and amendments thereto,
19 shall be known as the Kansas medical cannabis act.

20 (b) The legislature hereby declares that the Kansas medical cannabis
21 act is enacted pursuant to the police power of the state to protect the health
22 of its citizens, which power is reserved to the state of Kansas and its
23 people under the 10th amendment to the constitution of the United States.

24 New Sec. 2. As used in the Kansas medical cannabis act:

25 (a) "Advertising" means the act of providing consideration for the
26 publication, dissemination, solicitation or circulation of visual, oral or
27 written communication to directly or indirectly induce any person to
28 patronize a particular licensed medical cannabis facility or purchase a
29 particular type of medical cannabis or medical cannabis product.
30 "Advertising" includes marketing, but does not include the packaging and
31 labeling of any medical cannabis or medical cannabis product.

32 (b) "Board of healing arts" means the state board of healing arts.

33 (c) "Cannabinoid" means any of the chemical compounds that are
34 active principles of cannabis.

1 (d) (1) "Cannabis" means all parts of all varieties of the plant
2 Cannabis sativa whether growing or not, including, but not limited to, the
3 seeds thereof, the resin extracted from any part of the plant and every
4 compound, manufacture, salt, derivative, mixture or preparation of the
5 plant, its seeds or resin.

6 (2) "Cannabis" does not include:

7 (A) The mature stalks of the plant, fiber produced from the stalks, oil
8 or cake made from the seeds of the plant, any other compound,
9 manufacture, salt, derivative, mixture or preparation of the mature stalks,
10 except the resin extracted therefrom, fiber, oil or cake or the sterilized seed
11 of the plant that is incapable of germination;

12 (B) any substance listed in schedules II through V of the uniform
13 controlled substances act;

14 (C) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-
15 2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

16 (D) industrial hemp, as defined in K.S.A. 2-3901, and amendments
17 thereto, when cultivated, produced, possessed or used for activities
18 authorized by the commercial industrial hemp act.

19 (e) "Caregiver" means an individual who holds a caregiver
20 identification card issued pursuant to section 9, and amendments thereto.

21 (f) "Cultivate" means the same as defined in K.S.A. 65-4101, and
22 amendments thereto.

23 (g) "Cultivator" means a person licensed pursuant to section 17, and
24 amendments thereto, to cultivate, prepare and package medical cannabis
25 and to sell medical cannabis to patients, caregivers, processors and
26 medical cannabis pharmacies.

27 (h) "Department" means the department of health and environment.

28 (i) "Disposal facility" means a premises licensed pursuant to section
29 17, and amendments thereto, where medical cannabis waste is disposed of
30 by one or more processes that render such waste unusable and
31 unrecognizable through destruction or recycling.

32 (j) "Director" means the director of the division of alcoholic beverage
33 control.

34 (k) "Educational research facility" means a premises licensed
35 pursuant to section 18, and amendments thereto, where training and
36 education involving the cultivation, growing, harvesting, curing,
37 preparing, packaging or testing of medical cannabis and the production,
38 manufacture, extraction, processing, packaging or creation of medical
39 cannabis products is provided to individuals.

40 (l) "Laboratory" means a person licensed pursuant to section 17, and
41 amendments thereto, to conduct quality control testing on medical
42 cannabis and medical cannabis products.

43 (m) "Licensee" means any person holding a license issued pursuant to

1 section 17, and amendments thereto, to operate as a cultivator, processor,
2 laboratory or medical cannabis pharmacy.

3 (n) "Licensed premises" means the premises specified in an
4 application for a cultivator, processor, laboratory or medical cannabis
5 pharmacy license that is owned or leased by the person holding such
6 license.

7 (o) "Limited medical provider" means a physician or physician's
8 assistant who satisfies the qualifications under section 15, and
9 amendments thereto, but who has not more than 15 patients who hold a
10 valid medical cannabis identification card, or an advance practice
11 registered nurse who satisfies the qualifications under section 16, and
12 amendments thereto, but who has not more than 15 patients who hold a
13 valid medical cannabis identification card.

14 (p) (1) "Major life activity" includes, but is not limited to, caring for
15 oneself, performing manual tasks, seeing, hearing, eating, sleeping,
16 walking, standing, lifting, bending, speaking, breathing, learning, reading,
17 concentrating, thinking, communicating and working.

18 (2) "Major life activity" also includes the operation of a major bodily
19 function, including but not limited to, functions of the immune system,
20 normal cell growth, digestive, bowel, bladder, neurological, brain,
21 respiratory, circulatory, endocrine and reproductive functions.

22 (q) "Manufacture" means the production, propagation, compounding
23 or processing of a medical cannabis product, excluding cannabis plants,
24 either directly or indirectly, by extraction from substances of natural or
25 synthetic origin, by means of chemical synthesis or by a combination of
26 extraction and chemical synthesis.

27 (r) "Medical cannabis" means cannabis that is cultivated, processed,
28 manufactured, tested, sold, possessed or used for a medical purposes.

29 (s) "Medical cannabis concentrate" means a medical cannabis
30 concentrate produced by extracting cannabinoids and other plant
31 compounds from cannabis through the use of heat, cold or pressure.

32 (t) "Medical cannabis pharmacy" means a person licensed pursuant to
33 section 17, and amendments thereto, to sell medical cannabis and medical
34 cannabis products to patients and caregivers.

35 (u) (1) "Medical cannabis product" means a product that contains
36 cannabinoids that have been extracted from plant material or the resin of a
37 plant and is intended for administration to a patient, including, but is not
38 limited to: Suppositories; oils; tinctures; plant material; ingestibles; topical
39 forms; gels; creams; vapors; patches; liquids and any form administered by
40 an atomizer or nebulizer.

41 (2) "Medical cannabis product" does not include any form or method
42 of using medical cannabis that is considered attractive to children.

43 (v) "Medical cannabis waste" means any of the following:

1 (1) Medical cannabis, medical cannabis concentrate or medical
2 cannabis products that are:
3 (A) Unused, surplus, returned or expired;
4 (B) determined to have failed laboratory testing standards and cannot
5 be remediated or decontaminated; or
6 (C) part of the inventory of a licensee or educational research facility
7 and:
8 (i) Such licensee or facility has permanently closed;
9 (ii) such inventory was not acquired as authorized by the Kansas
10 medical cannabis act; or
11 (iii) such inventory cannot be lawfully transferred or sold to another
12 licensee or educational research facility; or
13 (2) the debris of the plant Cannabis sativa, including any dead plants
14 or parts of the plant that are not used by a licensee, except "medical
15 cannabis waste" does not include the seeds, roots, stems, stalks or fan
16 leaves of such plants.

17 (w) "Medical provider" means a qualified medical provider or a
18 limited medical provider.

19 (x) "Patient" means an individual who has been issued a valid
20 identification card pursuant to section 9, and amendments thereto.

21 (y) "Person" means an individual, partnership, limited partnership,
22 limited liability partnership, limited liability company, trust, estate,
23 association, corporation, cooperative or any other legal or commercial
24 organization.

25 (z) "Processor" means a person licensed pursuant to section 17, and
26 amendments thereto, to produce, manufacture, package or create medical
27 cannabis concentrate or medical cannabis products.

28 (aa) "Qualified medical provider" means a physician or physician's
29 assistant who is certified pursuant to section 15, and amendments thereto,
30 to recommend treatment with medical cannabis or an advance practice
31 registered nurse who is certified pursuant to section 16, and amendments
32 thereto, to recommend treatment with medical cannabis.

33 (bb) "Qualifying medical condition" means a temporary disability or
34 illness due to injury or surgery or a permanent disability or illness that
35 includes:
36 (1) Alzheimer's;
37 (2) amyotrophic lateral sclerosis;
38 (3) cancer;
39 (4) dementia;
40 (5) inflammatory bowel conditions and diseases;
41 (6) epilepsy or other seizure disorders;
42 (7) multiple sclerosis;
43 (8) Parkinson's disease;

- 1 (9) post-traumatic stress disorder that:
 - 2 (A) Has been diagnosed by a healthcare provider or mental health
 - 3 provider employed or contracted by the United States veterans
 - 4 administration, evidenced by copies of medical records from the United
 - 5 States veterans administration that are included as part of the patient's
 - 6 medical record documentation; or
 - 7 (B) has been diagnosed or confirmed through face-to-face or
 - 8 telehealth evaluation of the patient by a healthcare provider who is a:
 - 9 (i) Licensed psychiatrist, masters level psychologist or masters level
 - 10 clinical social worker;
 - 11 (ii) licensed advanced practice registered nurse who is qualified to
 - 12 practice within the psychiatric mental health nursing specialty; or
 - 13 (iii) licensed physician assistant who is qualified to specialize in
 - 14 mental health care;
 - 15 (10) sickle cell anemia;
 - 16 (11) HIV or acquired immune deficiency syndrome;
 - 17 (12) cachexia;
 - 18 (13) Crohn's disease or ulcerative colitis;
 - 19 (14) autism;
 - 20 (15) persistent nausea that is not significantly responsive to
 - 21 traditional treatment, except for nausea related to:
 - 22 (A) pregnancy;
 - 23 (B) cannabis-induced cyclical vomiting syndrome; or
 - 24 (C) cannabinoid hyperemesis syndrome;
 - 25 (16) a terminal illness when the patient's remaining life expectancy is
 - 26 less than six months;
 - 27 (17) a condition resulting in the individual receiving hospice care;
 - 28 (18) a rare condition or disease that:
 - 29 (A) Affects less than 200,000 individuals in the United States; and
 - 30 (B) is not adequately managed despite treatment attempts using:
 - 31 (i) Conventional medications other than opioids or opiates; or
 - 32 (ii) physical interventions;
 - 33 (19) spinal cord disease or injury;
 - 34 (20) severe or intractable pain:
 - 35 (A) Lasting longer than two weeks that, in the opinion of the patient's
 - 36 physician, is not adequately managed despite treatment attempts using:
 - 37 (i) Conventional medications other than opioids or opiates; or
 - 38 (ii) physical interventions; or
 - 39 (B) that is expected to last for two weeks or longer for an acute
 - 40 condition, including a surgical procedure, for which a medical professional
 - 41 may generally prescribe opioids for a limited duration; or
 - 42 (21) any other disease or condition adopted by the secretary of health
 - 43 and environment upon petition recommended for approval by the medical

1 cannabis advisory committee.

2 (cc) "Secretary" means the secretary of the department of health and
3 environment.

4 New Sec. 3. (a) No person shall grow, harvest, process, sell, barter,
5 transport, deliver, furnish or otherwise possess any form of cannabis,
6 except as specifically provided in the medical cannabis regulation act, the
7 Kansas cannabidiol regulation act, section 46 et seq., and amendments
8 thereto, or the commercial industrial hemp act, K.S.A. 2-3901 et seq., and
9 amendments thereto.

10 (b) Nothing in the Kansas medical cannabis act shall be construed to:

11 (1) Require a physician to recommend that a patient use medical
12 cannabis to treat a qualifying medical condition;

13 (2) permit the use, possession or administration of medical cannabis
14 other than as authorized by this act;

15 (3) permit the use, possession or administration of medical cannabis
16 on federal land located in this state;

17 (4) permit the use or administration of medical cannabis on any
18 property owned, operated or leased by any state agency or political
19 subdivision thereof or any city, county or other municipality;

20 (5) require any public place to accommodate a patient's use of
21 medical cannabis;

22 (6) prohibit any public place from accommodating a patient's use of
23 medical cannabis; or

24 (7) restrict research related to cannabis conducted at a postsecondary
25 educational institution, academic medical center or private research and
26 development organization as part of a research protocol approved by an
27 institutional review board or equivalent entity.

28 New Sec. 4. (a) The secretary shall administer the provisions of this
29 act and provide for the registration of patients and caregivers, including
30 the issuance of identification cards to such patients and caregivers in
31 accordance with the provisions of this act.

32 (b) The board of healing arts shall administer the provisions of this
33 act regarding the certification of physicians and physician assistants
34 authorizing such physicians and physician assistants to recommend
35 medical cannabis as a treatment for patients.

36 (c) The board of nursing shall administer the provisions of this act
37 regarding the certification of advance practice registered nurses
38 authorizing such advance practice registered nurses to recommend medical
39 cannabis as a treatment for patients.

40 (d) The director shall administer the provisions of this act and provide
41 for the licensure of cultivators, laboratories, processors, medical cannabis
42 pharmacies, disposal facilities and educational research facilities.

43 New Sec. 5. (a) Except as permitted under subsection (c), the

1 following individuals shall not solicit or accept, directly or indirectly, any
2 gift, gratuity, emolument or employment from any person who is an
3 applicant for any license or is a licensee under the provisions of this act or
4 any officer, agent or employee thereof, or solicit requests from or
5 recommend, directly or indirectly, to any such person, the appointment of
6 any individual to any place or position:

7 (1) The secretary or any officer, employee or agent of the department
8 of health and environment;

9 (2) the secretary of revenue, the director or any officer, employee or
10 agent of the division of alcoholic beverage control;

11 (3) any member of the state board of healing arts; or

12 (4) any member of the board of nursing.

13 (b) Except as permitted under subsection (c), an applicant for a
14 license or a licensee under the provisions of this act shall not offer any gift,
15 gratuity, emolument or employment to any of the following:

16 (1) The secretary or any officer, employee or agent of the department;

17 (2) the secretary of revenue, the director or any officer, employee or
18 agent of the division of alcoholic beverage control;

19 (3) any member of the state board of healing arts; or

20 (4) any member of the board of nursing.

21 (c) The secretary, the secretary of revenue, the state board of healing
22 arts and the board of nursing may adopt rules and regulations for their
23 respective agencies allowing the acceptance of official hospitality by the
24 respective secretary, members of the state board of healing arts, the board
25 of nursing and employees of each such respective agency, subject to any
26 limits as prescribed by such rules and regulations.

27 (d) If the secretary, the secretary of revenue, any member of the state
28 board of healing arts, the board of nursing or any employee of each such
29 respective agency violates any provision of this section, such person shall
30 be removed from such person's office or employment.

31 (e) Violation of any provision of this section is a severity level 7,
32 nonperson felony.

33 (f) Nothing in this section shall be construed to prohibit the
34 prosecution and punishment of any person for any other crime in the
35 Kansas criminal code.

36 New Sec. 6. All actions taken by the secretary, the director, the state
37 board of healing arts or the board of nursing under the Kansas medical
38 cannabis act shall be in accordance with the Kansas administrative
39 procedure act and reviewable in accordance with the Kansas judicial
40 review act.

41 New Sec. 7. (a) There is hereby established within the department the
42 Kansas medical cannabis advisory board. The Kansas medical cannabis
43 advisory board shall consist of 11 members appointed by the secretary.

1 The composition of the board shall accurately reflect the state's population
2 with respect to ethnicity, gender, age, race and economic status.

3 (b) Members of the Kansas medical cannabis advisory board shall
4 serve for a term of two years. Any vacancy in a position on the board shall
5 be filled in the same manner as the original appointment.

6 (c) On or before September 1, 2026, and each year thereafter, the
7 board shall meet to elect a chairperson and vice chairperson from the
8 members appointed pursuant to subsection (a)(9).

9 (d) The Kansas medical cannabis advisory board shall advise the
10 secretary, the board of healing arts and the board of nursing on the
11 adoption of rules and regulations pertaining to the following:

12 (1) Registration of patients and caregivers;

13 (2) issuance and renewal of identification cards and the fees therefor;

14 (3) certification of physicians, physician assistants and advance
15 practice registered nurses, including any continuing education
16 requirements;

17 (4) purchasing and transportation of medical cannabis by patients and
18 caregivers, including, but not limited to, any limits on the form or amount
19 of medical cannabis or medical cannabis products that can be purchased or
20 possessed; and

21 (5) education, research and treatment with medical cannabis.

22 (e) The Kansas medical cannabis advisory board shall advise the
23 secretary of revenue and the director on the adoption of rules and
24 regulations pertaining to the following:

25 (1) Applications for licensure;

26 (2) issuance and renewal of licenses, including the fees therefor;

27 (3) security of licensed premises;

28 (4) testing of medical cannabis, medical cannabis concentrate and
29 medical cannabis products;

30 (5) transportation of medical cannabis, medical cannabis concentrate
31 and medical cannabis products;

32 (6) education, research and advertising of medical cannabis;

33 (7) electronic monitoring of medical cannabis from seed source to
34 retail sale to a patient or caregiver as required under section 31, and
35 amendments thereto;

36 (8) policies and procedures related to the receipt, storage, packaging,
37 labeling, handling, manufacturing, tracking and retail sale of medical
38 cannabis, medical cannabis concentrate and medical cannabis products;

39 (9) a request for proposal process to identify a laboratory that has
40 operated within the legal cannabis sector for at least two years for assisting
41 in duties including, but not limited to, validation of test results and
42 calibration of equipment pursuant to section 27, and amendments thereto;

43 (10) purchasing and financial transactions pertaining to ordering

1 medical cannabis through the internet and delivery protocols; and
2 (11) medical cannabis waste management.

3 (f) (1) (A) Any person may submit a petition to the medical cannabis
4 advisory board requesting that a disease or condition:

5 (i) Be added as a qualifying medical condition for the purposes of this
6 act; or

7 (ii) that was previously recommended for approval by the board and
8 included as a qualifying medical condition by the secretary of health and
9 environment through the adoption of rules and regulations, be removed as
10 a qualifying medical condition for purposes of this act.

11 (B) The petition shall be submitted in such form and manner as
12 prescribed by the secretary of health and environment. A petition shall not
13 seek to add or remove a broad category of diseases or conditions but shall
14 be limited to one disease or condition and include a description of such
15 disease or condition.

16 (2) Upon receipt of a petition, the board shall review such petition to
17 determine whether to recommend the approval or denial of the disease or
18 condition described in the petition as an addition to or removal from the
19 list of qualifying medical conditions. The board may consolidate the
20 review of petitions for the same or similar diseases or conditions. In
21 making its determination, the board shall:

22 (A) Consult with one or more experts who specialize in the study of
23 the disease or condition;

24 (B) review any relevant medical or scientific evidence pertaining to
25 the disease or condition;

26 (C) consider whether conventional medical therapies are insufficient
27 to treat or alleviate the disease or condition;

28 (D) review evidence supporting the use of medical cannabis to treat
29 or alleviate the disease or condition; and

30 (E) review any letters of support provided by physicians with
31 knowledge of the disease or condition, including any letter provided by a
32 physician treating the petitioner.

33 (3) Upon completion of its review, the board shall make a
34 recommendation to the secretary of health and environment whether to
35 approve or deny the addition or removal of the disease or condition to the
36 list of qualifying medical conditions. The secretary shall adopt rules and
37 regulations in accordance with the recommendation of the board.

38 (4) Prior to July 1, 2027, and every three years thereafter, the board
39 shall review all diseases or conditions that have been recommended for
40 approval by the board and adopted by the secretary of health and
41 environment through rules and regulations to determine if the inclusion of
42 any such diseases or conditions are no longer supported by scientific
43 evidence. The inclusion of any such disease or condition that the board

1 determines is no longer supported by scientific evidence shall be
2 recommended by the board to the secretary of health and environment for
3 removal from the list of qualifying medical conditions.

4 (g) On or before January 15, 2027, and each January 15 thereafter, the
5 Kansas medical cannabis advisory board shall prepare and submit a report
6 to the legislature on the implementation of the Kansas medical cannabis
7 act during the previous calendar year and recommendations for statutory
8 changes to such act.

9 New Sec. 8. (a) The secretary shall begin accepting applications for
10 identification cards on or before January 1, 2027.

11 (b) The secretary shall develop and publish a website to provide
12 information about the Kansas medical cannabis act. A link to the website
13 shall be located in a prominent location on the primary website for the
14 Kansas medical cannabis advisory board. The department website may
15 include, but shall not be limited to, the following:

16 (1) The ability to search for any of the following:
17 (A) Certified medical providers;
18 (B) licensed cultivators and processors or manufacturers; and
19 (C) licensed medical cannabis pharmacies;
20 (2) contact information for applying for an identification card,
21 including the phone number and email;
22 (3) information regarding the process for appealing a decision of the
23 secretary;
24 (4) application forms for identification cards; and
25 (5) crop damage report forms, including a portal to upload documents
26 and pictures.

27 New Sec. 9. (a) A patient seeking to use medical cannabis or a
28 caregiver seeking to assist a patient in the use or administration of medical
29 cannabis shall apply to the secretary for an identification card authorizing
30 the possession and use of medical cannabis and medical cannabis products
31 as authorized by this act. The application for an identification card shall be
32 submitted in such form and manner as prescribed by the secretary and
33 include the required fee and the written recommendation from the patient's
34 medical provider to treat such patient with medical cannabis because such
35 patient has a qualifying medical condition.

36 (b) (1) The fee for a patient identification card or the renewal thereof
37 shall be established by rules and regulations adopted by the secretary,
38 except that such fee shall be waived for any applicant that submits proof
39 that the applicant:

40 (A) Qualifies for services under the Kansas medical assistance
41 program; or

42 (B) is certified by the Kansas department for aging and disability
43 services or by the Kansas department for children and families as having a

1 physical or mental impairment that constitutes a substantial barrier to
2 employment.

3 (2) The fee for a caregiver identification card or the renewal thereof
4 shall be established by rules and regulations adopted by secretary.

5 (c) The secretary shall not issue an identification card to an applicant
6 who is under 18 years of age unless the applicant submits written
7 recommendations from two medical providers that such applicant has a
8 qualifying medical condition, and such applicant's custodial parent or legal
9 guardian with responsibility for healthcare decisions for such applicant
10 obtains a caregiver identification card and is designated as such applicant's
11 caregiver.

12 (d) (1) A patient may designate any individual who is 18 years of age
13 or older as such patient's caregiver, including the owner, operator or any
14 trained staff of a licensed clinic, healthcare facility, hospice or home health
15 agency, group home or halfway house, and any individual who has been
16 designated as a caregiver by another patient.

17 (2) A caregiver may be less than 18 years of age if:

18 (A) The caregiver is the parent of the patient, and the patient is under
19 18 years of age;

20 (B) the caregiver is otherwise authorized by law to make healthcare
21 decisions for the patient; or

22 (C) it is demonstrated to the satisfaction of the director that the
23 patient needs a caregiver and there is no individual 18 years of age or older
24 who can adequately perform the duties of a caregiver for such patient.

25 (e) A patient or caregiver identification card shall be valid for the
26 period of time stated on such card and may be renewed by submitting a
27 renewal application in such form and manner as prescribed by the
28 secretary and paying the required fee.

29 (f) (1) Any information collected by the director pursuant to this
30 section is confidential and not a public record. The secretary may share
31 information identifying a specific patient or caregiver with a licensed
32 medical cannabis pharmacy for the purpose of confirming that such patient
33 or caregiver has a valid identification card. The provisions of this
34 subsection shall expire on July 1, 2031, unless the legislature reviews and
35 reenacts such provisions in accordance with K.S.A. 45-229, and
36 amendments thereto, prior to July 1, 2031.

37 (2) It shall be a class B nonperson misdemeanor for any person to
38 release any confidential information collected by the secretary except as
39 authorized under this act.

40 New Sec. 10. (a) A written recommendation from a medical provider
41 shall include a statement that such medical provider has taken
42 responsibility for an aspect of the medical care, treatment, diagnosis,
43 counseling or referral of a patient, has conducted a medical examination of

1 such patient and has determined such patient suffers from a qualifying
2 medical condition.

3 (b) In the case of a patient who is under 18 years of age, the medical
4 provider may recommend treatment with medical cannabis only after
5 obtaining the consent of the patient's parent or legal guardian responsible
6 for making healthcare decisions for the patient.

7 (c) A medical provider shall be immune from civil liability, shall not
8 be subject to professional disciplinary action by the state board of healing
9 arts or the board of nursing and is immune from criminal prosecution for
10 any of the following actions:

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

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

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

17 New Sec. 11. (a) There is hereby established the medical cannabis
18 registration fund in the state treasury. The secretary shall administer the
19 medical cannabis registration fund and shall remit all moneys collected
20 from the payment of all fees and fines imposed by the secretary pursuant
21 to the Kansas medical cannabis act and any other moneys received by or
22 on behalf of the secretary pursuant to such act to the state treasurer in
23 accordance with the provisions of K.S.A. 75-4215, and amendments
24 thereto. Upon receipt of each such remittance, the state treasurer shall
25 deposit the entire amount in the state treasury to the credit of the medical
26 cannabis registration fund. Moneys credited to the medical cannabis
27 registration fund shall only be expended or transferred as provided in this
28 section. Expenditures from such fund shall be made in accordance with
29 appropriation acts upon warrants of the director of accounts and reports
30 issued pursuant to vouchers approved by the secretary or the secretary's
31 designee.

32 (b) Moneys in the medical cannabis registration fund shall be used for
33 the payment or reimbursement of costs related to the regulation and
34 enforcement of the possession and use of medical cannabis by the
35 secretary.

36 New Sec. 12. (a) In addition to or in lieu of any other civil or criminal
37 penalty as provided by law, the secretary may impose a civil penalty or
38 suspend or revoke a patient or caregiver identification card upon a finding
39 that the patient or caregiver committed a violation as provided in this
40 section.

41 (b) Nothing in this act shall be construed to require the secretary to
42 enforce minor violations if the secretary determines that the public interest
43 is adequately served by a notice or warning to the alleged offender.

1 (c) Upon a finding that a patient or caregiver has submitted fraudulent
2 information or otherwise falsified or misrepresented information required
3 to be submitted by such patient or caregiver, the secretary may impose a
4 civil fine in an amount not to exceed \$500 for a first offense and may
5 suspend or revoke the individual's identification card for a second or
6 subsequent offense.

7 (d) If the secretary suspends, revokes or refuses to renew any
8 identification card issued pursuant to this act and determines that there is
9 clear and convincing evidence of a danger of immediate and serious harm
10 to any person, the secretary may place under seal all medical cannabis
11 owned by or in the possession, custody or control of the affected patient or
12 caregiver. Except as provided in this section, the secretary shall not
13 dispose of the sealed medical cannabis until a final order is issued
14 authorizing such disposition. During the pendency of an appeal from any
15 order issued by the secretary, a court may order the secretary to sell
16 medical cannabis that is perishable, and the proceeds of any such sale shall
17 be deposited with the court.

18 New Sec. 13. A medical cannabis identification card, or its
19 equivalent, that is issued under the laws of another state, district, territory,
20 commonwealth or insular possession of the United States that is verifiable
21 by the jurisdiction of issuance and allows a nonresident patient to possess
22 medical cannabis for medical purposes shall have the same force and
23 effect as an identification card issued by the director pursuant to section 9,
24 and amendments thereto.

25 New Sec. 14. On or before January 1, 2027, and after consultation
26 with the Kansas medical cannabis advisory board, the secretary shall adopt
27 rules and regulations to implement the provisions of this act, including, but
28 not limited to:

29 (a) Applications for a patient or caregiver identification card;
30 (b) issuance and renewal of such identification cards and the fees
31 therefor;
32 (c) the period of time for which such cards are valid;
33 (d) purchasing and transportation of medical cannabis by patients and
34 caregivers, including, but not limited to, any limits on the form or amount
35 of medical cannabis or medical cannabis products that can be purchased or
36 possessed; and
37 (e) education, research and treatment with medical cannabis.

38 New Sec. 15. (a) Except as provided in subsections (c) and (d), a
39 physician or physician assistant who is seeking to recommend treatment
40 with medical cannabis shall apply to the board of healing arts for a
41 certificate authorizing such physician or physician assistant to recommend
42 treatment with medical cannabis. The application shall be submitted in
43 such form and manner as prescribed by the board and by paying the

1 required fee. The board of healing arts shall grant a certificate to
2 recommend treatment with medical cannabis if the following conditions
3 are satisfied:

4 (1) The application is complete and meets the requirements
5 established in rules and regulations adopted by the board; and

6 (2) the applicant demonstrates that the applicant does not have an
7 ownership or investment interest in or compensation arrangement with an
8 entity licensed under section 17, and amendments thereto, or an applicant
9 for such licensure.

10 (b) A certificate to recommend treatment with medical cannabis may
11 be renewed by submitting a renewal application in such form and manner
12 as prescribed by the state board and paying the required fee.

13 (c) This section shall not apply to a limited medical provider. A
14 limited medical provider may only recommend treatment with medical
15 cannabis if:

16 (1) Such treatment is recommended after:

17 (A) A face-to-face visit for an initial recommendation or the renewal
18 of a recommendation for a patient for whom the limited medical provider
19 did not make the patient's original recommendation; or

20 (B) a visit using telehealth services for a renewal of a
21 recommendation for a patient for whom the limited medical provider made
22 the patient's original recommendation; and

23 (2) the recommendation would not cause the total number of such
24 limited medical provider's total number of patients who have a valid
25 medical cannabis identification card to exceed 15.

26 (d) This section shall not apply to a physician who recommends
27 treatment with cannabis or a cannabis-derived drug under any of the
28 following that is approved by an institutional review board or equivalent
29 entity, the United States food and drug administration or the national
30 institutes of health or one of its cooperative groups or centers under the
31 United States department of health and human services:

32 (1) A research protocol;

33 (2) a clinical trial;

34 (3) an investigational new drug application; or

35 (4) an expanded access submission.

36 (e) On or before January 1, 2027, and after consultation with the
37 Kansas medical cannabis advisory board, the board of healing arts shall
38 adopt rules and regulations to implement the provisions of this section,
39 including, but not limited to:

40 (1) Applications for a certificate to treat with medical cannabis;

41 (2) issuance and renewal of certificates including the fees therefor;

42 (3) the period of time for which such certificates are valid; and

43 (4) suspension or revocation of a certificate for violations of this act.

1 New Sec. 16. (a) Except as provided in subsection (c), an advance
2 practice registered nurse who is seeking to recommend treatment with
3 medical cannabis shall apply to the board of nursing for a certificate
4 authorizing such advance practice registered nurse to recommend
5 treatment with medical cannabis. The application shall be submitted in
6 such form and manner as prescribed by the board and by paying the
7 required fee. The board shall grant a certificate to recommend treatment
8 with medical cannabis if the following conditions are satisfied:

9 (1) The application is complete and meets the requirements
10 established in rules and regulations adopted by the board; and

11 (2) the applicant demonstrates that the applicant does not have an
12 ownership or investment interest in or compensation arrangement with an
13 entity licensed under section 17, and amendments thereto, or an applicant
14 for such licensure.

15 (b) A certificate to recommend treatment with medical cannabis may
16 be renewed by submitting a renewal application in such form and manner
17 as prescribed by the board and paying the required fee.

18 (c) This section shall not apply to a limited medical provider. A
19 limited medical provider may only recommend treatment with medical
20 cannabis if:

21 (1) Such treatment is recommended after:

22 (A) A face-to-face visit for an initial recommendation or the renewal
23 of a recommendation for a patient for whom the limited medical provider
24 did not make the patient's original recommendation; or

25 (B) a visit using telehealth services for a renewal of a
26 recommendation for a patient for whom the limited medical provider made
27 the patient's original recommendation; and

28 (2) the recommendation would not cause the total number of such
29 limited medical provider's total number of patients who have a valid
30 medical cannabis identification card to exceed 15.

31 (d) On or before January 1, 2027, and after consultation with the
32 Kansas medical cannabis advisory board, the board of nursing shall adopt
33 rules and regulations to implement the provisions of this section,
34 including, but not limited to:

35 (1) Applications for a certificate to treat with medical cannabis;

36 (2) issuance and renewal of certificates including the fees therefor;

37 (3) the period of time for which such certificates are valid; and

38 (4) suspension or revocation of a certificate for violations of this act.

39 New Sec. 17. (a) A person seeking to operate as a cultivator,
40 processor, laboratory or medical cannabis pharmacy or to operate a
41 disposal facility shall apply to the director for a license by submitting an
42 application for such license in such form and manner as prescribed by the
43 director and paying the required fee.

1 (b) Except as otherwise provided, the director shall issue such license
2 if:

3 (1) The application is complete and meets the requirements
4 established in rules and regulations adopted by the secretary of revenue; and

5 (2) the applicant is an individual and:

6 (A) Is not less than 21 years of age;

7 (B) (i) is a resident of this state; or

8 (ii) has been a resident of this state for two consecutive years prior to
9 the date the application is submitted and has not fewer than two years of
10 experience in the cannabis industry, including the industrial hemp and
11 cannabidiol industries;

12 (C) has not previously held a license issued pursuant to this section
13 that has been revoked;

14 (D) is in good standing with any other licensing or regulatory body of
15 this state that has issued a license to such applicant; and

16 (E) has submitted a tax clearance certificate issued by the department
17 of revenue; or

18 (3) the applicant is a business entity and:

19 (A) The individual submitting the application on behalf of such
20 business entity would be qualified to hold a license as an individual;

21 (B) such individual is legally authorized to submit the application on
22 behalf of such business entity; and

23 (C) at least $\frac{2}{3}$ of the individuals who have an ownership interest in
24 such business entity are residents of this state.

25 (c) No cultivator license shall be issued to an applicant that:

26 (1) Has an ownership interest in another licensed cultivator; or

27 (2) has fewer than two years of experience in the cannabis industry.

28 (d) No laboratory license shall be issued to an applicant that has an
29 ownership interest in a licensed cultivator, processor, medical cannabis
30 pharmacy or disposal facility.

31 (e) (1) No license shall be issued pursuant to subsection (b) to an
32 applicant if any individual with an ownership interest in such applicant or
33 any officer, director, manager or employee of such applicant has been
34 convicted of a disqualifying felony offense.

35 (2) For purposes of this subsection, "disqualifying felony offense"
36 means any felony offense under the laws of this state, any other state or the
37 United States, except:

38 (A) Any offense where the unlawful conduct was the medical use of
39 cannabis or assisting in the medical use of cannabis by another;

40 (B) any offense that is not a person felony, for which the defendant
41 was not incarcerated and for which the conviction occurred at least five
42 years prior to the date the application for a license is submitted; or

1 (C) any offense for which the defendant was released from parole,
2 postrelease supervision or probation at least five years prior to the date the
3 application for a license is submitted and such defendant has not been
4 convicted of any offense since such release.

5 (3) The director may consult with the attorney general, the secretary
6 of the department of corrections or any district or county attorney as
7 necessary to determine the application of this subsection.

8 (f) A license issued pursuant to this section shall be valid for two
9 years from the date specified on such license. Such license may be
10 renewed by submitting a renewal application in such form and manner as
11 prescribed by the director and paying the required fee.

12 New Sec. 18. (a) A person seeking to operate an educational research
13 facility shall apply to the director for a license for such facility by
14 submitting an application for such license in such form and manner as
15 prescribed by the director and paying the required fee.

16 (b) The director shall issue a license for such facility if:

17 (1) The application is complete and meets the requirements
18 established in rules and regulations adopted by the secretary; and

19 (2) the applicant submits proof that such applicant has or will have an
20 employment policy that will not prohibit the employment of individuals
21 who have been convicted or pleaded guilty to any offense under article 36a
22 of chapter 21 of the Kansas Statutes Annotated, prior to its transfer, article
23 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
24 thereto, or K.S.A. 65-4160 or 65-4162, prior to their repeal, but whose
25 conduct that resulted in such offense would have been lawful if such
26 individual had possessed a valid patient or caregiver identification card at
27 the time of such offense.

28 (c) A license issued pursuant to this section shall be valid for two
29 years from the date specified on such license. Such license may be
30 renewed by submitting a renewal application in such form and manner as
31 prescribed by the director and paying the required fee.

32 New Sec. 19. For all applicants for a license to be issued pursuant to
33 section 17, and amendments thereto, the director shall require any owner,
34 director, officer or agent of such applicant to be fingerprinted and to
35 submit to a state and national criminal history record check in accordance
36 with K.S.A. 2025 Supp. 22-4714, and amendments thereto.

37 New Sec. 20. (a) The director may refuse to issue or renew a license
38 pursuant to section 17, and amendments thereto, or may revoke or suspend
39 such license for any of the following reasons:

40 (1) The licensee has failed to comply with any provision of the
41 Kansas medical cannabis act or any rules and regulations adopted by the
42 secretary;

43 (2) the applicant or licensee has falsified or misrepresented any

1 information submitted to the director in order to obtain a license;

2 (3) the applicant or licensee has failed to adhere to any

3 acknowledgment, verification or other representation made to the director

4 when applying for a license; or

5 (4) the applicant or licensee has failed to submit or disclose

6 information requested by the director.

7 (b) (1) Except as provided in paragraph (2), the director shall inspect

8 the licensed premises of a licensee not more than twice each calendar year

9 and provide notice of such inspection to the licensee at least 24 hours prior

10 to the inspection.

11 (2) The director may conduct additional inspections of a licensed

12 premises when necessary due to a prior violation of this act. Such

13 inspection may be conducted without prior notice to the licensee if the

14 director reasonably believes that such notice will result in the destruction

15 of evidence in further violation of this act.

16 (c) During any investigation by the director, the director may require

17 and conduct interviews with the licensee under investigation and any

18 owners, officers, employees and agents thereof. Prior to conducting any

19 such interviews upon the request of the licensee, the director shall provide

20 the licensee and any other individuals being interviewed sufficient time to

21 secure legal representation during such interviews.

22 New Sec. 21. (a) The director shall issue licenses under this act in a

23 manner that does not discriminate against any applicant on the basis of the

24 applicant's ethnicity, gender, age, race or economic status.

25 (b) Nothing in this section limits the director's authority to apply

26 neutral, objective and uniformly administered eligibility criteria

27 established under this act.

28 New Sec. 22. (a) A person arrested for, charged with or convicted of a

29 criminal offense pursuant to Kansas statute or district or municipal code

30 that was decriminalized or legalized after the date of the arrest, charge or

31 conviction may file a motion of expungement to seal the record of the

32 arrest, charge, conviction, supervision and related proceedings at any time

33 with no fee.

34 (b) The convicting court shall grant a motion of expungement and

35 seal the cannabis-related charge and not any other non-cannabis or non-

36 cannabis use related state, municipal or federal charges or convictions

37 against the person.

38 (c) In a motion filed under subparagraph (a), the burden shall be on

39 the prosecutor to establish by a preponderance of the evidence that the

40 record is not eligible for sealing pursuant to this section because the

41 conduct was not decriminalized or legalized.

42 (d) In cases that do not meet the requirements of this section, the

43 court of charge may grant a motion to seal if it is in the interest of justice

1 to do so. In making this determination, the court shall weigh:

2 (1) The interests of the petitioner in sealing the publicly available
3 records of such petitioner's arrest, charge, conviction, supervision and
4 related proceedings;

5 (2) the community's interest in retaining access to those records;

6 (3) the community's interest in furthering the petitioner's
7 rehabilitation and enhancing the petitioner's employability; and

8 (4) any other information such court considers relevant.

9 (e) If the court grants a motion to seal under this section:

10 (1) The court shall order the prosecutor, any law enforcement agency
11 and any pretrial, corrections or community supervision agency to remove
12 from publicly available records all references that identify the petitioner as
13 having been arrested, prosecuted or convicted.

14 (2) The prosecutor's office, any law enforcement agency and any
15 pretrial, corrections or community supervision agency shall be entitled to
16 retain records related to the petitioner's arrest, prosecution, conviction or
17 related court proceedings in a nonpublic file.

18 (3) The prosecutor, any law enforcement agency and any pretrial,
19 corrections or community supervision agency shall file a certification with
20 the court within 90 days after the court issues an order under this section
21 that, to the best of such court's knowledge and belief, all references that
22 identify the petitioner as having been arrested, prosecuted or convicted
23 have been removed from such court's publicly available records.

24 (4) The court shall order the clerk to remove or eliminate all publicly
25 available court records that identify the petitioner as having been arrested,
26 prosecuted or convicted.

27 (5) The clerk shall be entitled to retain any records related to the
28 petitioner's arrest, prosecution, conviction or related court proceedings in a
29 nonpublic file.

30 (f) In a case involving codefendants in which the court orders the
31 petitioner's records sealed, the court may order that only those records or
32 portions thereof related solely to the petitioner be redacted.

33 (g) The court need not order the redaction of references to the
34 petitioner that appear in a transcript of court proceedings involving
35 codefendants.

36 (h) The court shall not order the redaction of the petitioner's name
37 from any published opinion of the trial or appellate courts that refer to the
38 petitioner.

39 (i) Unless otherwise ordered by the court, the clerk and any other
40 agency shall reply in response to inquiries from the public concerning the
41 existence of records that have been sealed pursuant to this section that no
42 records are available.

43 (j) No person as to whom relief pursuant to this section has been

1 granted shall be held thereafter under any provision of law to be guilty of
2 perjury or otherwise giving a false statement by reason of failure to recite
3 or acknowledge such person's own arrest, charge, trial or conviction in
4 response to any inquiry made of such person for any purpose.

5 (k) A person imprisoned solely as a result of one or more convictions
6 for offenses that are expunged under this act shall be released from
7 incarceration upon the issuance of an order under this subsection.

8 (1) The department of corrections shall allow a person to use the
9 established access and review process for verifying such person's own
10 records related to eligibility.

11 (2) No conviction vacated pursuant to this section shall serve as the
12 basis for damages for time unjustly served.

13 (l) A person's right to expunge an expungeable offense shall not be
14 limited under this section. The effect of an order of expungement shall be
15 to restore the person to the status such person occupied before the arrest,
16 charge or conviction.

17 (m) The department of corrections shall post general information on
18 its website about the expungement process described in this section.

19 (n) If a person is arrested and the person's case is still pending but a
20 sentence has not been imposed, the person may petition the court in which
21 the charges are pending for an order to summarily dismiss those charges
22 against him or her and expunge all official records of his or her arrest,
23 plea, trial, conviction, incarceration, supervision or expungement.

24 (o) In the public interest, the state's attorney of a county has standing
25 to file motions to vacate and expunge cannabis-related charges in the court
26 with jurisdiction over the underlying conviction pursuant to this section.

27 (p) Any individual may file a motion to vacate and expunge a
28 conviction.

29 (q) (1) Upon the effective date of this act, the department of
30 corrections shall review all criminal history record information and
31 identify all records showing persons with one or more convictions for
32 offenses covered under this act and not associated with a conviction for
33 any crime prohibited for expungement under K.S.A. 21-6614(e) and (f),
34 and amendments thereto.

35 (2) Within 180 days after the effective date of this act, the department
36 of corrections shall notify the prisoner review board of all such records
37 that meet the criteria established in this subsection.

38 (3) The prisoner review board shall notify the convicting court of
39 each record identified by the department of corrections. The convicting
40 court may provide a written objection to the prisoner review board on the
41 sole basis that the record identified does not meet the criteria in this
42 section. Such an objection must be filed within 60 days or by a later date
43 set by the prisoner review board after the convicting court received notice

1 from the prisoner review board.

2 (A) In response to a written objection from a convicting court, the
3 prisoner review board is authorized to conduct a hearing to evaluate the
4 information provided in the objection.

5 (B) The prisoner review board shall make a confidential and
6 privileged recommendation to the governor as to whether to grant a pardon
7 authorizing expungement for each of the records identified by the
8 department of corrections.

9 (r) The following records may be sealed:

10 (1) All arrests resulting in a release and without a charge;

11 (2) arrests or charges not initiated by arrest resulting in acquittal,
12 dismissal or conviction when the conviction was reversed or vacated;

13 (3) arrests or charges not initiated by arrest resulting in orders of
14 supervision, including orders of supervision for municipal ordinance
15 violations, successfully completed by the petitioner;

16 (4) arrests or charges not initiated by arrest resulting in convictions,
17 including convictions on municipal ordinance violations;

18 (5) arrests or charges not initiated by arrest resulting in orders of first
19 offender probation; and

20 (6) arrests or charges not initiated by arrest resulting in felony
21 convictions, unless otherwise excluded by this section.

22 (s) Records identified as eligible under this section may be sealed at
23 any time.

24 (t) Upon becoming eligible to petition for the expungement or sealing
25 of records under this section, the petitioner shall file a petition requesting
26 the expungement or sealing of records with the clerk of the court where the
27 arrests occurred or the charges were brought, or both. If arrests occurred or
28 charges were brought in multiple jurisdictions, a petition must be filed in
29 each such jurisdiction.

30 (u) The petition shall be verified and shall contain the petitioner's
31 name, date of birth, current address and, for each arrest or charge not
32 initiated by arrest sought to be sealed or expunged, the case number, the
33 date of arrest, if any, the identity of the arresting authority and such other
34 information as the court may require. During the pendency of the
35 proceeding, the petitioner shall promptly notify the convicting court of any
36 change of such petitioner's address. If the petitioner has received a
37 certificate of eligibility for sealing from the prisoner review board, the
38 certificate shall be attached to the petition.

39 (v) The convicting court shall promptly serve a copy of the petition
40 and documentation to support the petition on the state's attorney or
41 prosecutor charged with the duty of prosecuting the offense.

42 (w) Any party entitled to notice of the petition may file an objection
43 to the petition. All objections shall be in writing, filed with the convicting

1 court and shall state with specificity the basis of the objection. Whenever a
2 person who has been convicted of an offense is granted a pardon by the
3 governor that specifically authorizes expungement, an objection to the
4 petition may not be filed.

5 (1) Objections to a petition to expunge or seal must be filed within 60
6 days of the date of service of the petition.

7 (2) Notwithstanding any other provision of law, the court shall not
8 deny a petition for sealing under this section because the petitioner has not
9 satisfied an outstanding legal financial obligation established, imposed or
10 originated by a court, law enforcement agency or a municipal, state,
11 county or other unit of local government, including, but not limited to, any
12 cost, assessment, fine or fee. An outstanding legal financial obligation does
13 not include any court ordered restitution to a victim unless the restitution
14 has been converted to a civil judgment. Nothing in this section waives,
15 rescinds or abrogates a legal financial obligation or otherwise eliminates or
16 affects the right of the holder of any financial obligation to pursue
17 collection under applicable federal, state or local law.

18 (x) If an objection is filed, the court shall set a date for a hearing and
19 notify the petitioner and all parties entitled to notice of the petition of the
20 hearing date at least 30 days prior to the hearing. At the hearing, the court
21 shall hear evidence on whether the petition should or should not be granted
22 and shall grant or deny the petition to expunge or seal the records based on
23 the evidence presented at the hearing. The court may consider the
24 following:

25 (1) The strength of the evidence supporting the defendant's
26 conviction;

27 (2) the reasons for retention of the conviction records by the state;

28 (3) the petitioner's age, criminal record history and employment
29 history;

30 (4) the period of time between the petitioner's arrest on the charge
31 resulting in the conviction and the filing of the petition under this section;
32 and

33 (5) the specific adverse consequences the petitioner may be subject to
34 if the petition is denied.

35 (y) After entering an order to expunge or seal records, the court shall
36 provide copies of the order to the petitioner, the state's attorney or
37 prosecutor charged with the duty of prosecuting the offense, the arresting
38 agency, the chief legal officer of the unit of local government effecting the
39 arrest and such other criminal justice agencies as may be ordered by the
40 court.

41 (1) No court order issued under the expungement or sealing
42 provisions of this section shall become final for purposes of appeal until
43 30 days after service of the order on the petitioner and all parties entitled

1 to notice of the petition.

2 (2) Unless a court has entered a stay of an order granting a petition to
3 seal, all parties entitled to notice of the petition must fully comply with the
4 terms of the order within 60 days of service of the order, even if a party is
5 seeking relief from the order through a motion filed or is appealing the
6 order.

7 (3) While a party is seeking relief from the order granting the petition
8 to expunge through a motion filed under this section or is appealing the
9 order, unless a court has entered a stay of that order, the parties entitled to
10 notice of the petition must seal but need not expunge the records until
11 there is a final order on the motion for relief or, in the case of an appeal,
12 the issuance of that court's mandate.

13 (z) If a person who has been convicted of an offense is granted a
14 pardon by the governor that specifically authorizes expungement, such
15 person may, upon verified petition to the court where the person was
16 convicted, have a court order entered expunging the record of arrest from
17 the official records of the arresting authority and order that the records of
18 the court clerk be sealed until further order of the court upon good cause
19 shown or as otherwise provided in subsection (y) and that the name of the
20 defendant be removed from the official index.

21 New Sec. 23. (a) A cultivator may:

22 (1) Cultivate medical cannabis in accordance with the provisions of
23 this act;

24 (2) transport, deliver and sell medical cannabis to one or more
25 licensed cultivators, processors or medical cannabis pharmacies;

26 (3) purchase and receive medical cannabis from one or more licensed
27 cultivators; and

28 (4) transport and deliver medical cannabis waste to one or more
29 disposal facilities.

30 (b) (1) Unless authorized by this act, a cultivator shall not transfer or
31 sell medical cannabis unless samples from each harvest batch or
32 production batch from which such medical cannabis was derived has been
33 tested by a licensed laboratory for contaminants and has passed all
34 contaminant tests required by this act.

35 (2) A cultivator may transfer medical cannabis that has failed
36 laboratory testing to a licensed processor only for the purposes of
37 decontamination or remediation and only in accordance with the
38 provisions of this act.

39 (c) A cultivator facility shall not cultivate medical cannabis for
40 personal, family or household use or on any public land.

41 (d) The licensed premises of a cultivator shall only be located on land
42 that has been zoned for commercial or industrial use.

43 New Sec. 24. (a) A processor may:

- 1 (1) Purchase and receive medical cannabis from one or more licensed
2 cultivators or processors;
- 3 (2) subject to subsection (b), process medical cannabis obtained from
4 a licensed cultivator into medical cannabis concentrate or medical
5 cannabis products;
- 6 (3) transport, deliver and sell processed medical cannabis, medical
7 cannabis concentrate and medical cannabis products to one or more
8 licensed processors or medical cannabis pharmacy; and
- 9 (4) transport and deliver medical cannabis waste to one or more
10 disposal facilities.

11 (b) A processor shall not transfer, sell or process into a concentrate or
12 medical cannabis product any medical cannabis, medical cannabis
13 concentrate or medical cannabis product unless samples from each harvest
14 batch or production batch from which such medical cannabis, medical
15 cannabis concentrate or medical cannabis product was derived has been
16 tested by a licensed laboratory for contaminants and has passed all
17 contaminant tests required by this act.

18 (c) When packaging medical cannabis, medical cannabis concentrate
19 and medical cannabis products, a processor shall comply with any
20 packaging and labeling requirements established by rules and regulations
21 adopted by the secretary of revenue.

22 (d) The licensed premises of a processor shall only be located on land
23 that has been zoned for commercial or industrial use.

24 New Sec. 25. (a) A medical cannabis pharmacy may:

- 25 (1) Purchase and receive medical cannabis and medical cannabis
26 products from one or more licensed cultivators or processors;
- 27 (2) sell medical cannabis and medical cannabis products to patients
28 and caregivers in accordance with subsection (b); and
- 29 (3) transport and deliver medical cannabis waste to one or more
30 disposal facilities.

31 (b) When selling medical cannabis and medical cannabis products, a
32 medical cannabis pharmacy shall:

- 33 (1) Sell medical cannabis and medical cannabis products only to a
34 person who provides a current, valid patient or caregiver identification
35 card and only in accordance with a written recommendation issued by a
36 medical provider; and
- 37 (2) comply with any packaging and labeling requirements established
38 by rules and regulations adopted by the secretary of revenue.

39 (c) A medical cannabis pharmacy shall not make public any
40 information received or collected by such licensee that identifies or would
41 tend to identify any specific patient.

42 (d) A medical cannabis pharmacy shall employ at least one licensed
43 pharmacist. Such pharmacist shall develop and provide training to other

1 medical cannabis pharmacy employees at least once every 12 months that
2 establishes guidelines for:

3 (1) Providing information to patients related to risks, benefits and
4 side effects associated with medical cannabis; and

5 (2) notifying the physician who provided the written certification for
6 medical cannabis if side effects or contraindications occur.

7 New Sec. 26. (a) A disposal facility may:

8 (1) Transport and receive medical cannabis waste to or from a
9 cultivator, processor, medical cannabis pharmacy, laboratory or another
10 disposal facility; and

11 (2) dispose of medical cannabis waste received from a cultivator,
12 processor, medical cannabis pharmacy, laboratory or another disposal
13 facility and medical cannabis waste produced by the licensee if the
14 licensee also holds a cultivator, processor, medical cannabis pharmacy or
15 laboratory license.

16 (b) All medical cannabis waste disposed of pursuant to this act shall
17 be subject to any rules and regulations adopted by the secretary relating to
18 the proper disposal of such materials in order to preserve the health and
19 safety of the public.

20 (c) All medical cannabis waste shall be documented and tracked
21 through the electronic inventory tracking system established under section
22 31, and amendments thereto. Such documentation shall include:

23 (1) Unique identification numbers for inventory lots;

24 (2) the total weight of the medical cannabis waste disposed of;

25 (3) the name of the licensee providing the medical cannabis waste;
26 and

27 (4) photographs of the disposed medical cannabis waste.

28 (d) The seeds, roots, stems, stalks and fan leaves of cannabis plants
29 may be disposed of by a licensee without a disposal facility license. Such
30 disposal may be conducted on the licensed premises by open burning,
31 incineration, burying, mulching, composting or any other method
32 approved by the secretary.

33 New Sec. 27. (a) On or before January 1, 2026, the director shall
34 contract with a private laboratory for the purpose of conducting
35 compliance and quality assurance testing of licensed laboratories to
36 provide public safety and ensure that quality medical cannabis and medical
37 cannabis products are available to patients and caregivers.

38 (b) Any private laboratory contracting with the director shall:

39 (1) Be prohibited from conducting any other commercial medical
40 cannabis or medical cannabis product testing in this state;

41 (2) have held a license, permit or other certification to test medical
42 cannabis issued by another state for at least one year prior to contracting
43 with the director and have entered into a contract with another state for

1 compliance and quality assurance testing;
2 (3) not employ, or be owned by any individual:
3 (A) That has a direct or indirect financial interest in any licensee;
4 (B) whose spouse, parent, child, spouse of a child, sibling or spouse
5 of a sibling has an active application for a license; or
6 (C) that is a member of the board of directors of any licensee; and
7 (4) be accessible for any medical cannabis testing needs of any state
8 agency, including, but not limited to, the department, the Kansas bureau of
9 investigation and the state fire marshal.

10 New Sec. 28. (a) The director shall recommend to the secretary of
11 revenue rules and regulations as necessary to develop acceptable testing
12 and research practices in consultation with the private laboratory
13 contracting with the director under section 27, and amendments thereto.
14 Such rules and regulations shall, include, but are not limited to, testing,
15 standards, quality control analysis, equipment certification and calibration
16 and identification of chemicals and other substances used in bona fide
17 research methods.

18 (b) The director shall also recommend to the secretary of revenue
19 rules and regulations for laboratory testing performed under this act
20 concerning:

21 (1) The cleanliness and orderliness of the premises of a licensed
22 laboratory and the security of such facilities;

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

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

28 (4) controlled access areas for the storage of medical cannabis,
29 medical cannabis concentrate and medical cannabis product test samples,
30 medical cannabis waste and reference standards;

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

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

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

36 (8) the transport and disposal of medical cannabis waste;

37 (9) the use of the electronic inventory tracking system established
38 under section 31, and amendments thereto, to ensure all test harvest and
39 production batches or samples containing medical cannabis, medical
40 cannabis concentrate or medical cannabis products are identified and
41 tracked from the point such batches or samples are transferred from a
42 licensee or a patient or caregiver through the point of transfer, destruction
43 or disposal. Such inventory tracking system shall include the results of any

1 tests that are conducted;

2 (10) the employment of laboratory personnel;

3 (11) a written standard operating procedure manual to be maintained

4 and updated by the laboratory;

5 (12) the successful participation in a proficiency testing program

6 approved by the director for conducting testing in order to obtain and

7 maintain certification;

8 (13) the establishment of and adherence to a quality assurance and

9 quality control program to ensure sufficient monitoring of laboratory

10 processes and the quality of results reported;

11 (14) the immediate recall of medical cannabis, medical cannabis

12 concentrate or medical cannabis products that test above allowable

13 thresholds or are otherwise determined to be unsafe;

14 (15) the establishment of a system to document the complete chain of

15 custody for batches or samples from receipt through disposal;

16 (16) the establishment of a system to retain and maintain all required

17 records, including business records, and processes to ensure results are

18 reported in a timely and accurate manner; and

19 (17) any other aspect of laboratory testing of medical cannabis,

20 medical cannabis concentrate or medical cannabis product deemed

21 necessary by the director.

22 New Sec. 29. (a) A laboratory shall:

23 (1) Comply with all applicable local ordinances, including, but not

24 limited to, any zoning, occupancy, licensing and building codes;

25 (2) establish policies to prevent the existence or appearance of undue

26 commercial, financial or other influences that diminish, or have the effect

27 of diminishing the public confidence in, the competency, impartiality and

28 integrity of the testing processes or results of such laboratory. Such

29 policies shall prohibit employees, owners or agents of a laboratory who

30 participate in any aspect of the analysis and results of a sample from

31 improperly influencing the testing process, manipulating data or benefiting

32 from any ongoing financial, employment, personal or business relationship

33 with the licensee that submitted the sample for testing;

34 (3) not test samples for any licensee in which an owner, employee or

35 agent of the laboratory has any form of ownership or financial interest in

36 such licensee that submitted the sample for testing;

37 (4) promptly provide the director access to:

38 (A) A report of a test and any underlying data that is conducted on a

39 sample; and

40 (B) laboratory premises and to any material or information requested

41 by the director to determine compliance with the requirements of this

42 section;

43 (5) retain all results of laboratory tests conducted on medical

1 cannabis, medical cannabis concentrate or medical cannabis products for a
2 period of at least two years and make such results available to the director
3 upon request;

4 (6) establish standards, policies and procedures for laboratory testing
5 procedures;

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

10 (i) Microbials;

11 (ii) mycotoxins;

12 (iii) residual solvents;

13 (iv) pesticides;

14 (v) tetrahydrocannabinol and other cannabinoid potency;

15 (vi) terpenoid potency type and concentration;

16 (vii) moisture content;

17 (viii) homogeneity; and

18 (ix) heavy metals; and

19 (B) only accept a test batch of usable medical cannabis, medical
20 cannabis concentrate or medical cannabis product for testing purposes
21 from a:

22 (i) Cultivator that has separated each harvest lot of usable cannabis
23 into harvest batches containing not more than 10 pounds, except harvest
24 batches of fresh, uncured medical cannabis or fresh or frozen medical
25 cannabis to be sold to a processor in order to make a concentrate may be
26 separated into batches containing not more than 20 pounds; and

27 (ii) processor that has separated each medical cannabis production lot
28 into production batches containing not more than 10 pounds.

29 (b) A laboratory may:

30 (1) Accept samples of medical cannabis, medical cannabis
31 concentrate or medical cannabis product from:

32 (A) A licensee or any entity authorized to possess such samples only
33 for testing and research purposes, including the provision of testing
34 services for samples submitted by a licensee for product development. A
35 laboratory shall not be prohibited from obtaining a license under this act
36 due to such facility performing other testing and research on medical
37 cannabis and medical cannabis products; or

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

39 (i) Patient or caregiver and such person provides the laboratory with
40 the individual's valid identification card and a valid photo identification; or

41 (ii) participant in an approved clinical or observational study
42 conducted by a research facility as described in section 15(c), and
43 amendments thereto; and

1 (2) transfer samples of medical cannabis, medical cannabis
2 concentrate and medical cannabis product to or from another laboratory or
3 any licensee. All laboratory reports shall identify the laboratory that
4 performed the testing of the sample.

5 (c) (1) A laboratory shall be inspected prior to initial licensure and
6 further inspected up to six times annually by an inspector approved by the
7 director. The director may enter the licensed premises of a laboratory to
8 conduct investigations and additional inspections when the director
9 believes an investigation or additional inspection is necessary due to a
10 possible violation of this act.

11 (2) After January 1, 2026, accreditation by the national environmental
12 laboratory accreditation program, ANSI/ASQ national accreditation board
13 or another accrediting body approved by the director shall be required for
14 licensure of a laboratory and the renewal thereof.

15 New Sec. 30. (a) The director shall recommend such rules and
16 regulations as necessary to implement the provisions of this act. After a
17 public hearing on a proposed rule and regulation has been held as required
18 by law, the director shall submit such proposed rule and regulation to the
19 secretary of revenue, who shall adopt the rule and regulation upon
20 approval by the secretary. Such rules and regulations shall include, but are
21 not limited to:

22 (1) Establishing internal control policies and procedures for the
23 review of license applications and the issuance and renewal of licenses;

24 (2) establishing fees for licenses;

25 (3) verifying the sources of financing for license applicants;

26 (4) establishing policies and procedures for the reporting and tracking
27 of:

28 (A) Adverse events;

29 (B) product recalls; and

30 (C) complaints; and

31 (5) any other policies and procedures recommended by the Kansas
32 medical cannabis advisory board.

33 (b) It is intended by this act that the director shall have broad
34 discretionary powers to govern the traffic in medical cannabis in this state
35 and to strictly enforce all the provisions of this act in the interest of
36 sanitation, purity of products, truthful representation and honest dealings
37 in such manner as generally will promote the public health and welfare.
38 All valid rules and regulations adopted under the provisions of this act
39 shall be absolutely binding upon all licensees and enforceable by the
40 director through the power of suspension or revocation of licenses.

41 New Sec. 31. The director shall establish and maintain an electronic
42 database to monitor medical cannabis from its seed source through its
43 cultivation, testing, processing, distribution and dispensing. The director

1 may contract with a separate entity to establish and maintain all or any
2 portion of the electronic database on behalf of the agency.

3 New Sec. 32. (a) There is hereby established the medical cannabis
4 regulation fund in the state treasury. The director of the Kansas medical
5 cannabis agency shall administer the medical cannabis regulation fund and
6 remit all moneys collected from the payment of all fees and fines imposed
7 by the director pursuant to the Kansas medical cannabis act and any other
8 moneys received by or on behalf of the director pursuant to this act to the
9 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
10 amendments thereto. Upon receipt of each such remittance, the state
11 treasurer shall deposit the entire amount in the state treasury to the credit
12 of the medical cannabis regulation fund. Moneys credited to the medical
13 cannabis regulation fund shall only be expended or transferred as provided
14 in this section. Expenditures from such fund shall be made in accordance
15 with appropriation acts upon warrants of the director of accounts and
16 reports issued pursuant to vouchers approved by the director, or the
17 director's designee.

18 (b) Moneys in the medical cannabis regulation fund shall be used for
19 costs related to the regulation and enforcement of the cultivation,
20 possession, processing and sale of medical cannabis by the Kansas medical
21 cannabis agency.

22 New Sec. 33. (a) In addition to or in lieu of any other civil or criminal
23 penalty as provided by law, the director may impose a civil penalty or
24 suspend or revoke a license upon a finding that the licensee committed a
25 violation as provided in this section.

26 (b) (1) Upon a finding that a licensee has sold, transferred or
27 otherwise distributed medical cannabis in violation of this act, the director
28 may impose a civil fine not to exceed \$1,000 for a first offense and not to
29 exceed \$5,000 for a second or subsequent offense.

30 (2) Upon a showing that a licensee acted willfully or with gross
31 negligence in selling, transferring or otherwise distributing medical
32 cannabis in violation of this act, the director may suspend or revoke such
33 licensee's license.

34 (c) (1) Upon a finding that a patient or caregiver intentionally
35 diverted medical cannabis or medical cannabis products to an unauthorized
36 person in violation of this act, the director may impose a civil fine not to
37 exceed \$2,000 for a first offense and not to exceed \$5,000 for a second or
38 subsequent offense.

39 (2) Upon a showing that a patient or caregiver acted willfully or with
40 gross negligence in intentionally diverting medical cannabis or medical
41 cannabis products to an unauthorized person in violation of this act, the
42 director may suspend or revoke such patient's or caregiver's identification
43 card.

1 (d) Upon a showing that a patient or caregiver violated any reporting
2 requirements with respect to medical cannabis cultivated by such patient
3 or caregiver, the director may impose a civil fine not to exceed \$250.

4 New Sec. 34. No state or municipal law enforcement agency, or any
5 officer or employee thereof, shall provide any identifying information
6 concerning a patient or caregiver who has been issued an identification
7 card pursuant to section 9, and amendments thereto, to any federal law
8 enforcement agency or law enforcement agency of another jurisdiction for
9 the purpose of any investigation of a crime involving possession of
10 cannabis, unless such law enforcement agency recognizes the lawful
11 purchase, possession and consumption of medical cannabis under the
12 Kansas medical cannabis act.

13 New Sec. 35. Nothing in this act shall prohibit a commercial real
14 property owner or a business owner from prohibiting the consumption of
15 medical cannabis or medical cannabis products on such owner's premises
16 or within 10 feet of any entryway to such premises.

17 New Sec. 36. (a) No rental agreement for subsidized housing shall
18 contain a provision or impose a rule that prohibits a patient or caregiver
19 who has been issued an identification card pursuant to section 9, and
20 amendments thereto, to agree, as a condition of tenancy, to a prohibition or
21 restriction on the possession or use of medical cannabis in such person's
22 residence. A landlord may impose reasonable restrictions related to the use
23 of medical cannabis by any person in public areas of the premises and such
24 possession and use shall be in accordance with this act.

25 (b) As used in this section:

26 (1) "Rental agreement" means an agreement, written or oral, and
27 valid rules and regulations embodying the terms and conditions concerning
28 the use and occupancy of a dwelling unit; and

29 (2) (A) "Subsidized housing" means a rental unit for which the
30 landlord receives rental assistance payments under a rental assistance
31 agreement administered by the United States department of agriculture
32 under the multi-family housing rental assistance program under title V of
33 the federal housing act of 1949 or receives housing assistance payments
34 under a housing assistance payment contract administered by the United
35 States department of housing and urban development under the housing
36 choice voucher program, the new construction program, the substantial
37 rehabilitation program or the moderate rehabilitation program under
38 section 8 of the United States housing act of 1937.

39 (B) "Subsidized housing" does not include owner-occupied housing
40 accommodations of four units or fewer.

41 New Sec. 37. No patient or caregiver who has been issued an
42 identification card pursuant to section 9, and amendments thereto, shall be
43 denied the ability to purchase or possess a firearm, ammunition or firearm

1 accessories solely on the basis that such individual purchases, possesses or
2 consumes medical cannabis in accordance with the provisions of this act.

3 New Sec. 38. (a) A patient or caregiver who has been issued an
4 identification card pursuant to section 9, and amendments thereto, shall not
5 be denied eligibility in any public assistance or social welfare programs,
6 including, but not limited to, the state medical assistance program, the
7 supplemental nutrition assistance program, the women, infants and
8 children nutrition program and the temporary assistance for needy families
9 program solely on the basis that such individual purchases, possesses or
10 consumes medical cannabis in accordance with this act.

11 (b) Nothing in this section shall be construed to require the state
12 medical assistance program or any other public assistance program to
13 reimburse an individual for the costs associated with the purchase,
14 possession or consumption of medical cannabis, unless otherwise required
15 by federal law.

16 (c) Nothing in this section shall be construed to prohibit a person
17 from taking any action necessary to procure or retain any monetary benefit
18 provided under federal law, or any rules and regulations adopted
19 thereunder, or to obtain or maintain any license, certificate, registration or
20 other legal status issued or bestowed under federal law, or any rules and
21 regulations adopted thereunder.

22 New Sec. 39. (a) The board of education of a school district may
23 prohibit the consumption of medical cannabis on the premises of any
24 school operated by such school district except by patients who have been
25 issued an identification card pursuant to section 9, and amendments
26 thereto, and who consume medical cannabis through any means other than
27 smoking in accordance with the provisions of this act.

28 (b) No student shall be denied participation in any curricular or
29 extracurricular activities solely on the basis that such student possesses or
30 consumes medical cannabis in accordance with the provisions of this act.

31 New Sec. 40. (a) The governing body or the chief administrative
32 officer, if no governing body exists, of a postsecondary educational
33 institution, as defined in K.S.A. 74-3201b, and amendments thereto, shall
34 permit any student enrolled in such postsecondary educational institution
35 who is a patient that has been issued an identification card pursuant to
36 section 9, and amendments thereto, to possess and consume medical
37 cannabis in accordance with the provisions of this act.

38 (b) No student shall be denied participation in any curricular or
39 extracurricular activities solely on the basis that such student possesses or
40 consumes medical cannabis in accordance with the provisions of this act.

41 New Sec. 41. The provisions of the Kansas medical cannabis act are
42 hereby declared to be severable. If any part or provision of the Kansas
43 medical cannabis act is held to be void, invalid or unconstitutional, such

1 part or provision shall not affect or impair any of the remaining parts or
2 provisions of the Kansas medical cannabis act and any such remaining
3 parts or provisions shall continue in full force and effect.

4 New Sec. 42. (a) A covered entity, solely on the basis that an
5 individual consumes medical cannabis in accordance with the provisions
6 of the Kansas medical cannabis act, section 1 et seq., and amendments
7 thereto, shall not:

8 (1) Consider such individual ineligible to receive an anatomical gift
9 or organ transplant;

10 (2) deny medical and other services related to organ transplantation,
11 including evaluation, surgery, counseling and post-transplantation
12 treatment and services;

13 (3) refuse to refer the individual to a transplant center or a related
14 specialist for the purpose of evaluation or receipt of an organ transplant;

15 (4) refuse to place such individual on an organ transplant waiting list;
16 or

17 (5) place such individual at a lower-priority position on an organ
18 transplant waiting list than the position at which such individual would
19 have been placed if not for such individual's consumption of medical
20 cannabis.

21 (b) A covered entity may take into account an individual's
22 consumption of medical cannabis when making treatment or coverage
23 recommendations or decisions, solely to the extent that such consumption
24 has been found by a physician, following an individualized evaluation of
25 the individual, to be medically significant to the provision of the
26 anatomical gift.

27 (c) Nothing in this section shall be construed to require a covered
28 entity to make a referral or recommendation for or perform a medically
29 inappropriate organ transplant.

30 (d) As used in this section:

31 (1) The terms "anatomical gift," "covered entity" and "organ
32 transplant" mean the same as such terms are defined in K.S.A. 65-3276,
33 and amendments thereto; and

34 (2) the term "medical cannabis" means the same as defined in section
35 2, and amendments thereto.

36 New Sec. 43. (a) No order shall be issued pursuant to K.S.A. 38-
37 2242, 38-2243 or 38-2244, and amendments thereto, if the sole basis for
38 the threat to the child's safety or welfare is that the child resides with an
39 individual who consumes medical cannabis in accordance with the
40 provisions of the Kansas medical cannabis act, section 1 et seq., and
41 amendments thereto, or the child consumes medical cannabis in
42 accordance with such act.

43 (b) This section shall be a part of and supplemental to the revised

1 Kansas code for care of children.

2 New Sec. 44. (a) Notwithstanding any other provision of law, any
3 person, board, commission or similar body that determines the
4 qualifications of individuals for licensure, certification or registration shall
5 not disqualify an individual from licensure, certification or registration
6 solely because such individual consumes medical cannabis in accordance
7 with the Kansas medical cannabis act, section 1 et seq., and amendments
8 thereto.

9 (b) The provisions of this section shall not apply to the:

- 10 (1) Kansas commission on peace officers' standards and training;
- 11 (2) Kansas highway patrol;
- 12 (3) office of the attorney general;
- 13 (4) department of health and environment; or
- 14 (5) division of alcoholic beverage control.

15 New Sec. 45. (a) There is hereby levied a tax at the rate of 8% on the
16 gross receipts from the sale of medical cannabis and medical cannabis
17 products by any licensee to patients and caregivers.

18 (b) The tax imposed by this section shall be paid by the patient or
19 caregiver to the licensee. It shall be the duty of each licensee subject to this
20 section to collect from the patient or caregiver the full amount of such tax
21 or an amount equal as nearly as possible or practicable to the average
22 equivalent thereto. Each licensee collecting the tax imposed hereunder
23 shall be responsible for paying over the amount of the tax collected to the
24 department of revenue in the manner prescribed by section 46, and
25 amendments thereto, and the department of revenue shall administer and
26 enforce the collection of such tax.

27 (c) As used in this section, "licensee" means the same as defined in
28 section 2, and amendments thereto.

29 New Sec. 46. (a) The taxes levied and collected pursuant to section
30 45, and amendments thereto, shall become due and payable monthly or on
31 or before the 25th day of the month immediately succeeding the month in
32 which such tax is collected, except that any cannabis business filing an
33 annual or quarterly return under the Kansas retailers' sales tax act as
34 prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such
35 conditions as the secretary of revenue may prescribe, pay the tax required
36 by section 45, and amendments thereto, on the same basis and at the same
37 time that the licensee pays such retailers' sales tax. Each licensee shall
38 make a true report to the department of revenue on a form prescribed by
39 the secretary of revenue, providing such information as may be necessary
40 to determine the amounts to which any such tax shall apply for all gross
41 receipts derived from the sale of medical cannabis and medical cannabis
42 products for the applicable month or months, the report of which shall be
43 accompanied by the tax disclosed thereby. Records of gross receipts

1 derived from the sale of medical cannabis and medical cannabis products
2 shall be kept separate and apart from the records of other retail sales made
3 by a licensee in order to facilitate the examination of books and records.

4 (b) The secretary of revenue or the secretary's authorized
5 representative shall have the right at all reasonable times during business
6 hours to make such examination and inspection of the books and records
7 of a licensee as may be necessary to determine the accuracy of such
8 reports required by this section.

9 (c) The secretary of revenue is hereby authorized to administer and
10 collect the tax imposed under section 45, and amendments thereto, and to
11 adopt such rules and regulations as may be necessary for the efficient and
12 effective administration and enforcement of the collection thereof.
13 Whenever any licensee liable to pay the tax imposed by section 45, and
14 amendments thereto, refuses or neglects to pay the amount of the tax
15 collected, the amount, including any penalty, shall be collected in the
16 manner prescribed for the collection of the retailers' sales tax by K.S.A.
17 79-3617, and amendments thereto.

18 (d) The secretary of revenue shall remit all revenue collected under
19 the provisions of section 45, and amendments thereto, to the state treasurer
20 in accordance with the provisions of K.S.A. 75-4215, and amendments
21 thereto. Upon receipt of each such remittance, the state treasurer shall
22 deposit such amount to the credit of the medical cannabis regulation fund.
23 Such amount shall only be used for the following purposes and as
24 administered by the director of the Kansas medical cannabis agency
25 through the adoption of rules and regulations:

26 (1) 10% to the state general fund;
27 (2) 15% to support child care;
28 (3) 10% to support economic development in the area immediately
29 surrounding any licensee;
30 (4) 10% to mental health;
31 (5) 40% to low-cost housing; and
32 (6) 15% to fund property tax rebates in the area immediately
33 surrounding any licensee.

34 (e) If deemed necessary by the secretary of revenue to secure the
35 collection of any tax, penalties or interest due or to become due under the
36 provisions of section 45, and amendments thereto, the secretary may
37 require any person subject to such tax to file a bond with the director of
38 taxation under conditions established by and in such form and amount as
39 prescribed by rules and regulations adopted by the secretary.

40 (f) The amount of tax imposed by section 45, and amendments
41 thereto, shall be assessed within three years after the return is filed, and no
42 proceedings in court for the collection of such taxes shall be initiated after
43 the expiration of such period except in the cases of fraud. In the case of a

1 false or fraudulent return with intent to evade tax, the tax may be assessed
2 or a proceeding in court for collection of such tax may be initiated at any
3 time within two years from the discovery of such fraud. No refund or
4 credit shall be allowed by the director after three years from the date of
5 payment of the tax as provided in section 45, and amendments thereto,
6 unless a claim therefor is filed by the taxpayer before the expiration of
7 such period. No suit or action to recover on any claim for refund shall be
8 commenced until after the expiration of six months from the date of filing
9 a claim therefor with the director. Before the expiration of time prescribed
10 in this section for the assessment of additional tax or the filing of a claim
11 for refund, the director is hereby authorized to enter into an agreement in
12 writing with the taxpayer consenting to the extension of the periods of
13 limitations for the assessment of tax or for the filing of a claim for refund
14 at any time prior to the expiration of the periods of limitations. The period
15 so agreed upon may be extended by subsequent agreements in writing
16 made before the expiration of the period previously agreed upon.

17 New Sec. 47. (a) On or before the 25th day of each calendar month,
18 every licensee subject to the provisions of section 45, and amendments
19 thereto, shall make a return to the director of taxation upon forms
20 prescribed and furnished by the director, stating:

21 (1) The name and address of the licensee;
22 (2) the total amount of gross sales subject to the tax imposed by
23 section 45, and amendments thereto, during the preceding calendar month;
24 and
25 (3) any other pertinent information the director requires.

26 (b) At the time of making the return, the person making the return
27 shall pay to the director of taxation the amount of tax levied by section 45,
28 and amendments thereto, as applicable to the person submitting the return.
29 The director of taxation may extend the time for submitting returns and
30 paying the tax for any period not to exceed 60 days under rules and
31 regulations adopted by the secretary of revenue.

32 New Sec. 48. (a) If any taxpayer fails to pay the tax levied by section
33 45, and amendments thereto, at the time required by or under the
34 provisions of section 46, and amendments thereto, interest at the rate per
35 month prescribed by K.S.A. 79-2968(a), and amendments thereto, shall be
36 added to the unpaid balance of the tax from the date the tax was due until
37 paid.

38 (b) If any taxpayer, due to negligence or intentional disregard, fails to
39 file a return or pay the tax due at the time required by or under the
40 provisions of section 46, and amendments thereto, there shall be added to
41 the tax a penalty in an amount equal to 10% of the unpaid balance of tax
42 due.

43 (c) If any person fails to make a return or pay any tax within six

1 months from the date the return or tax was due, except in the case of an
2 extension of time granted by the secretary of revenue or the secretary's
3 designee, there shall be added to the tax due a penalty equal to 25% of the
4 unpaid balance of such tax due.

5 (d) If any taxpayer fails to file a return or pay the tax that is due at the
6 time required under the provisions of section 45, and amendments thereto,
7 there shall be added to the tax a penalty in an amount equal to 1% of the
8 unpaid balance of the tax due for each month or fraction thereof during
9 which such failure continues, not to exceed 24% in the aggregate, plus
10 interest at the rate prescribed by K.S.A. 79-2968(a), and amendments
11 thereto, from the date the tax was due until paid. Notwithstanding the
12 foregoing, in the event an assessment is issued following a field audit for
13 any period for which a return was filed by the taxpayer and all of the tax
14 was paid pursuant to such return, a penalty shall be imposed for the period
15 included in the assessment in an amount equal to 1% per month, not to
16 exceed 10% of the unpaid balance of tax due shown in the notice of such
17 assessment. If, after review of a return for any period included in the
18 assessment, the secretary or the secretary's designee determines that the
19 underpayment of tax was due to the failure of the taxpayer to make a
20 reasonable attempt to comply with the provisions of section 45, and
21 amendments thereto, such penalty shall be imposed for the period included
22 in the assessment in an amount equal to 25% of the unpaid balance of tax
23 due.

24 (e) If any taxpayer fails to pay any tax or make, render or sign any
25 return or supply any information within the time required under the
26 provisions of section 46, and amendments thereto, with fraudulent intent,
27 there shall be added to the tax a penalty in an amount equal to 50% of the
28 unpaid balance of tax due.

29 (f) Penalty or interest applied under the provisions of subsections (a)
30 and (d) shall be in addition to the penalty added under any other provisions
31 of this section, but the provisions of subsections (b) and (c) shall be
32 mutually exclusive of each other.

33 (g) Whenever the secretary of revenue or the secretary's designee
34 determines that the failure of the taxpayer to comply with the provisions of
35 subsections (b) and (c) was due to reasonable causes, the secretary or the
36 secretary's designee may waive or reduce any of the penalties and may
37 reduce the interest rate to the underpayment rate prescribed and
38 determined for the applicable period under section 6621 of the federal
39 internal revenue code as in effect on January 1, 2025, upon making a
40 record of the reasons therefor.

41 (h) In addition to all other penalties provided by this section, any
42 person who willfully fails to make a return or pay any tax levied by section
43 45, and amendments thereto, makes a false or fraudulent return, fails to

1 keep any books or records necessary to determine the accuracy of such
2 person's reports, willfully violates any regulations of the secretary of
3 revenue for the enforcement and administration of the provisions of
4 sections 45 through 50, and amendments thereto, aids and abets another in
5 attempting to evade the payment of any tax levied by section 45, and
6 amendments thereto, or violates any other provision of sections 45 through
7 50, and amendments thereto, shall, upon conviction thereof, be fined not
8 less than \$100 nor more than \$1,000, be imprisoned in the county jail not
9 less than one month nor more than six months or be both so fined and
10 imprisoned in the discretion of the court.

11 (i) If a licensee violates any of the provisions of sections 45 through
12 50, and amendments thereto, the director of alcoholic beverage control
13 may suspend or revoke the license of such licensee or impose a civil fine
14 on the licensee or permit holder.

15 (j) The provisions of K.S.A. 75-5133, 79-3605, 79-3609, 79-3610,
16 79-3611, 79-3612, 79-3613, 79-3615, 79-3617 and 79-3619, and
17 amendments thereto, related to enforcement, collection and administration,
18 insofar as practicable, shall have full force and effect with respect to taxes
19 levied by section 45, and amendments thereto. As used in such statutes and
20 applied to sections 45 through 50, and amendments thereto, "director"
21 means the director of taxation. The provisions of K.S.A. 74-2422, 74-
22 2425, 74-2426 and 74-2427, and amendments thereto, related to the
23 approval of rules and regulations, the adoption of uniform rules and
24 regulations for such hearings and appeals from orders of the director of
25 taxation and prescribing the duties of county attorneys with respect to such
26 appeals, insofar as practicable, shall have full force and effect with respect
27 to taxes levied by and proceedings under the provisions of sections 45
28 through 50, and amendments thereto.

29 New Sec. 49. The director of alcoholic beverage control shall
30 promptly notify the director of taxation of any issuance of a license with
31 which the licensee shall sell medical cannabis or medical cannabis
32 products to patients or caregivers. The notice shall include the name of the
33 licensee and the address of the licensed premises. The director of alcoholic
34 beverage control shall likewise notify the director of taxation of any
35 revocation, suspension or expiration of any such license.

36 New Sec. 50. The director of taxation shall administer the provisions
37 of sections 45 through 50, and amendments thereto. The secretary of
38 revenue shall adopt rules and regulations necessary to carry out the
39 provisions and intent of sections 45 through 50, and amendments thereto.
40 The director of taxation shall appoint such agents and employees as the
41 secretary may deem necessary for the proper enforcement and
42 administration of such sections. When, in the judgment of the director of
43 taxation, it is necessary to secure the collection of any such tax, penalties

1 or interest due thereon or to become due under such sections, the director
2 may require any person subject to such tax to file a bond with the director
3 in such form and amount as the director may prescribe.

4 New Sec. 51. (a) Subject to the provisions of K.S.A. 44-1018, and
5 amendments thereto, it shall be unlawful for any person:

6 (1) To refuse to sell or rent after the making of a bona fide offer, to
7 fail to transmit a bona fide offer or refuse to negotiate in good faith for the
8 sale or rental of, or otherwise make unavailable or deny, real property to
9 any person because such person consumes medical cannabis in accordance
10 with the provisions of the Kansas medical cannabis act, section 1 et seq.,
11 and amendments thereto;

12 (2) to discriminate against any person in the terms, conditions or
13 privileges of sale or rental of real property, or in the provision of services
14 or facilities in connection therewith, because such person consumes
15 medical cannabis in accordance with the provisions of the Kansas medical
16 cannabis act, section 1 et seq., and amendments thereto; and

17 (3) to discriminate against any person in such person's use or
18 occupancy of real property because such person associates with another
19 person who consumes medical cannabis in accordance with the provisions
20 of the Kansas medical cannabis act, section 1 et seq., and amendments
21 thereto.

22 (b) (1) It shall be unlawful for any person or other entity whose
23 business includes engaging in real estate-related transactions to
24 discriminate against any person in making available such a transaction, or
25 in the terms or conditions of such a transaction, because such person or
26 any person associated with such person in connection with any real estate
27 related transaction consumes medical cannabis in accordance with the
28 provisions of the Kansas medical cannabis act, section 1 et seq., and
29 amendments thereto.

30 (2) Nothing in this subsection prohibits a person engaged in the
31 business of furnishing appraisals of real property to take into consideration
32 factors other than an individual's consumption of medical cannabis in
33 accordance with the provisions of the Kansas medical cannabis act, section
34 1 et seq., and amendments thereto.

35 (3) As used in this subsection, "real estate related transaction" means
36 the same as that term is defined in K.S.A. 44-1017, and amendments
37 thereto.

38 (c) It shall be unlawful to coerce, intimidate, threaten or interfere with
39 any person in the exercise or enjoyment of, or on account of such person's
40 having exercised or enjoyed, or on account of such person's having aided
41 or encouraged any other person in the exercise or enjoyment of, any right
42 granted or protected by subsection (a) or (b).

43 (d) Nothing in this section shall be construed to prohibit a person

1 from taking any action necessary to procure or retain any monetary benefit
2 provided under federal law, or any rules and regulations adopted
3 thereunder, or to obtain or maintain any license, certificate, registration or
4 other legal status issued or bestowed under federal law, or any rules and
5 regulations adopted thereunder.

6 (e) The provisions of this section shall be a part of and supplemental
7 to the Kansas act against discrimination.

8 New Sec. 52. (a) Any individual or group health insurance policy,
9 medical service plan, contract, hospital service corporation contract,
10 hospital and medical service corporation contract, fraternal benefit society
11 or health maintenance organization, municipal group-funded pool and the
12 state employee healthcare benefits plan shall not exclude coverage for an
13 insured individual solely on the basis that such insured individual
14 purchases, possesses or consumes medical cannabis in accordance with the
15 provisions of the Kansas medical cannabis act, section 1 et seq., and
16 amendments thereto.

17 (b) No health insurance exchange established within this state or any
18 health insurance exchange administered by the federal government or its
19 agencies within this state shall exclude from coverage an insured
20 individual solely on the basis that such insured individual purchases,
21 possesses or consumes medical cannabis in accordance with the provisions
22 of the Kansas medical cannabis act, section 1 et seq., and amendments
23 thereto.

24 (c) Nothing in this section shall be construed to prohibit a person
25 from taking any action necessary to procure or retain any monetary benefit
26 provided under federal law, or any rules and regulations adopted
27 thereunder, or to obtain or maintain any license, certificate, registration or
28 other legal status issued or bestowed under federal law, or any rules and
29 regulations adopted thereunder.

30 Sec. 53. K.S.A. 2025 Supp. 8-1567 is hereby amended to read as
31 follows: 8-1567. (a) Driving under the influence is operating or attempting
32 to operate any vehicle within this state while:

33 (1) The alcohol concentration in the person's blood or breath as
34 shown by any competent evidence, including other competent evidence, as
35 defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

36 (2) the alcohol concentration in the person's blood or breath, as
37 measured within three hours of the time of operating or attempting to
38 operate a vehicle, is 0.08 or more;

39 (3) under the influence of alcohol to a degree that renders the person
40 incapable of safely driving a vehicle;

41 (4) under the influence of any drug or combination of drugs to a
42 degree that renders the person incapable of safely driving a vehicle; or

43 (5) under the influence of a combination of alcohol and any drug or

1 drugs to a degree that renders the person incapable of safely driving a
2 vehicle.

3 (b) (1) Driving under the influence is:

4 (A) On a first conviction, a class B, nonperson misdemeanor. The
5 person convicted shall be sentenced to not less than 48 consecutive hours
6 nor more than six months' imprisonment, or in the court's discretion 100
7 hours of public service, and fined not less than \$750 nor more than \$1,000;

8 (B) on a second conviction, a class A, nonperson misdemeanor. The
9 person convicted shall be sentenced to not less than 90 days nor more than
10 one year's imprisonment and fined not less than \$1,250 nor more than
11 \$1,750. The following conditions shall apply to such sentence:

12 (i) As a condition of any probation granted under this subsection, the
13 person shall serve at least 120 hours of confinement. The hours of
14 confinement shall include at least 48 hours of imprisonment and otherwise
15 may be served by a combination of: Imprisonment; a work release
16 program, if such work release program requires such person to return to
17 the confinement at the end of each day in the work release program; or a
18 house arrest program pursuant to K.S.A. 21-6609, and amendments
19 thereto;

20 (ii) (a) if the person is placed into a work release program or placed
21 under a house arrest program for any portion of the minimum of 120 hours
22 of confinement mandated by this subsection, the person shall receive hour-
23 for-hour credit for time served in such program until the minimum
24 sentence is met. If the person is placed into a work release program or
25 placed under a house arrest program for more than the minimum of 120
26 hours of confinement mandated by this subsection, the person shall receive
27 hour-for-hour credit for time served in such program until the minimum of
28 120 hours of confinement is completed, and thereafter, the person shall
29 receive day-for-day credit for time served in such program unless
30 otherwise ordered by the court; and

31 (b) when in a work release program, the person shall only be given
32 credit for the time served in confinement at the end of and continuing to
33 the beginning of the person's work day. When under a house arrest
34 program, the person shall be monitored by an electronic monitoring device
35 that verifies the person's location and shall only be given credit for the
36 time served within the boundaries of the person's residence;

37 (C) on a third conviction, a class A, nonperson misdemeanor, except
38 as provided in subsection (b)(1)(D). The person convicted shall be
39 sentenced to not less than 90 days nor more than one year's imprisonment
40 and fined not less than \$1,750 nor more than \$2,500. The following
41 conditions shall apply to such sentence:

42 (i) As a condition of any probation granted under this subsection, the
43 person shall serve at least 30 days of confinement. After at least 48

1 consecutive hours of imprisonment, the remainder of the period of
2 confinement may be served by a combination of: Imprisonment; a work
3 release program, if such work release program requires such person to
4 return to the confinement at the end of each day in the work release
5 program; or a house arrest program pursuant to K.S.A. 21-6609, and
6 amendments thereto; and

7 (ii) (a) if the person is placed into a work release program or placed
8 under a house arrest program for any portion of the minimum of 30 days
9 of confinement mandated by this subsection, the person shall receive hour-
10 for-hour credit for time served in such program for the first 240 hours of
11 confinement, and thereafter, the person shall receive day-for-day credit for
12 time served in such program unless otherwise ordered by the court; and

13 (b) when in a work release program, the person shall only be given
14 credit for the time served in confinement at the end of and continuing to
15 the beginning of the person's work day. When under a house arrest
16 program, the person shall be monitored by an electronic monitoring device
17 that verifies the person's location and shall only be given credit for the
18 time served within the boundaries of the person's residence;

19 (D) on a third conviction, a severity level 6, nonperson felony if the
20 person has a prior conviction which occurred within the preceding 10
21 years, not including any period of incarceration. The following conditions
22 shall apply to such sentence:

23 (i) As a condition of any probation granted under this subsection, the
24 person shall serve at least 30 days of confinement. After at least 48
25 consecutive hours of imprisonment, the remainder of the period of
26 confinement may be served by a combination of: Imprisonment; a work
27 release program, if such work release program requires such person to
28 return to the confinement at the end of each day in the work release
29 program; or a house arrest program pursuant to K.S.A. 21-6609, and
30 amendments thereto; and

31 (ii) (a) if the person is placed into a work release program or placed
32 under a house arrest program for any portion of the minimum of 30 days
33 of confinement mandated by this subsection, the person shall receive hour-
34 for-hour credit for time served in such program for the first 240 hours of
35 confinement, and thereafter, the person shall receive day-for-day credit for
36 time served in such program unless otherwise ordered by the court; and

37 (b) when in a work release program, the person shall only be given
38 credit for the time served in confinement at the end of and continuing to
39 the beginning of the person's work day. When under a house arrest
40 program, the person shall be monitored by an electronic monitoring device
41 that verifies the person's location and shall only be given credit for the
42 time served within the boundaries of the person's residence; and

43 (E) on a fourth or subsequent conviction, a severity level 6,

1 nonperson felony. The following conditions shall apply to such sentence:

2 (i) As a condition of any probation granted under this subsection, the
3 person shall serve at least 30 days of confinement. After at least 48
4 consecutive hours of imprisonment, the remainder of the period of
5 confinement may be served by a combination of: Imprisonment; a work
6 release program, if such work release program requires such person to
7 return to the confinement at the end of each day in the work release
8 program; or a house arrest program pursuant to K.S.A. 21-6609, and
9 amendments thereto; and

10 (ii) (a) if the person is placed into a work release program or placed
11 under a house arrest program for any portion of the minimum of 30 days
12 of confinement mandated by this subsection, the person shall receive hour-
13 for-hour credit for time served in such program for the first 240 hours of
14 confinement, and thereafter, the person shall receive day-for-day credit for
15 time served in such program unless otherwise ordered by the court; and

16 (b) when in a work release program, the person shall only be given
17 credit for the time served in confinement at the end of and continuing to
18 the beginning of the person's work day. When under a house arrest
19 program, the person shall be monitored by an electronic monitoring device
20 that verifies the person's location and shall only be given credit for the
21 time served within the boundaries of the person's residence.

22 (2) (A) The court may order that the term of imprisonment imposed
23 pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in
24 the custody of the secretary of corrections in a facility designated by the
25 secretary for the provision of substance abuse treatment pursuant to the
26 provisions of K.S.A. 21-6804, and amendments thereto. The secretary of
27 corrections may refuse to admit the person to the designated facility and
28 place the person in a different state facility, or admit the person and
29 subsequently transfer the person to a different state facility, if the secretary
30 determines: (i) That substance abuse treatment resources or the capacity of
31 the facility designated by the secretary for the incarceration and treatment
32 of the person is not available; (ii) the person has failed to meaningfully
33 participate in the treatment program of the designated facility; (iii) the
34 person is disruptive to the security or operation of the designated facility;
35 or (iv) the medical or mental health condition of the person renders the
36 person unsuitable for confinement at the designated facility. The
37 determination by the secretary that the person either is not to be admitted
38 into the designated facility or is to be transferred from the designated
39 facility is not subject to review.

40 (B) In addition to the provisions of subsection (b)(1), for any
41 conviction pursuant to subsection (b)(1)(D) or (b)(1)(E), if the person is
42 granted probation, the court shall determine whether the person shall be
43 supervised by community correctional services or court services based on

1 the risk and needs of the person. The risk and needs of the person shall be
2 determined by use of a risk assessment tool specified by the Kansas
3 sentencing commission. During the probation supervision, the person shall
4 be required to participate in a multidisciplinary model of services for
5 substance use disorders facilitated by a Kansas department for aging and
6 disability services designated care coordination agency to include
7 assessment and, if appropriate, referral to a community based substance
8 use disorder treatment including recovery management and mental health
9 counseling as needed. The multidisciplinary team shall include the
10 designated care coordination agency, the supervision officer, the Kansas
11 department for aging and disability services designated treatment provider
12 and the person.

13 (3) In addition to the provisions of subsection (b)(1), for any
14 conviction pursuant to subsection (b)(1)(C), at the time of the filing of the
15 judgment form or journal entry as required by K.S.A. 21-6711 or 22-3426,
16 and amendments thereto, the court shall cause a certified copy to be sent to
17 the officer having the person in charge. The court shall determine whether
18 the person, upon release from imprisonment, shall be supervised by
19 community correctional services or court services based upon the risk and
20 needs of the person. The risk and needs of the person shall be determined
21 by use of a risk assessment tool specified by the Kansas sentencing
22 commission. The law enforcement agency maintaining custody and control
23 of a person for imprisonment shall cause a certified copy of the judgment
24 form or journal entry to be sent to the supervision office designated by the
25 court and upon expiration of the term of imprisonment shall deliver the
26 person to a location designated by the supervision office designated by the
27 court. After the term of imprisonment imposed by the court, the person
28 shall be placed on supervision to community correctional services or court
29 services, as determined by the court, for a mandatory one-year period of
30 supervision, which such period of supervision shall not be reduced. During
31 such supervision, the person shall be required to participate in a
32 multidisciplinary model of services for substance use disorders facilitated
33 by a Kansas department for aging and disability services designated care
34 coordination agency to include assessment and, if appropriate, referral to a
35 community based substance use disorder treatment including recovery
36 management and mental health counseling as needed. The
37 multidisciplinary team shall include the designated care coordination
38 agency, the supervision officer, the Kansas department for aging and
39 disability services designated treatment provider and the person. A person
40 for whom a warrant has been issued by the court alleging a violation of
41 this supervision shall be considered a fugitive from justice if it is found
42 that the warrant cannot be served. If it is found that the person has violated
43 the provisions of this supervision, the court shall determine whether the

1 time from the issuing of the warrant to the date of the court's determination
2 of an alleged violation, or any part of it, shall be counted as time served on
3 supervision. Any violation of the conditions of such supervision may
4 subject such person to revocation of supervision and imprisonment in jail
5 for the remainder of the period of imprisonment, the remainder of the
6 supervision period, or any combination or portion thereof. The term of
7 supervision may be extended at the court's discretion beyond one year, and
8 any violation of the conditions of such extended term of supervision may
9 subject such person to the revocation of supervision and imprisonment in
10 jail of up to the remainder of the original sentence, not the term of the
11 extended supervision.

12 (4) In addition to the provisions of subsection (b)(1), prior to
13 sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)
14 (B), the court shall order the person to participate in an alcohol and drug
15 evaluation conducted by a provider in accordance with K.S.A. 8-1008, and
16 amendments thereto. The person shall be required to follow any
17 recommendation made by the provider after such evaluation, unless
18 otherwise ordered by the court.

19 (c) Any person 18 years of age or older convicted of violating this
20 section or an ordinance which prohibits the acts that this section prohibits
21 who had one or more children under the age of 18 years in the vehicle at
22 the time of the offense shall have such person's punishment enhanced by
23 one month of imprisonment. This imprisonment must be served
24 consecutively to any other minimum mandatory penalty imposed for a
25 violation of this section or an ordinance which prohibits the acts that this
26 section prohibits. Any enhanced penalty imposed shall not exceed the
27 maximum sentence allowable by law. During the service of the enhanced
28 penalty, the judge may order the person on house arrest, work release or
29 other conditional release.

30 (d) (1) If a person is charged with a violation of subsection (a)(4) or
31 (a)(5), the fact that the person is or has been entitled to use the drug under
32 the laws of this state shall not constitute a defense against the charge.

33 (2) *A positive test result for the presence of cannabis metabolites
34 shall not constitute a violation of subsection (a)(4) or (a)(5).*

35 (e) The court may establish the terms and time for payment of any
36 fines, fees, assessments and costs imposed pursuant to this section. Any
37 assessment and costs shall be required to be paid not later than 90 days
38 after imposed, and any remainder of the fine shall be paid prior to the final
39 release of the person by the court.

40 (f) (1) In lieu of payment of a fine imposed pursuant to this section,
41 the court may order that the person perform community service specified
42 by the court. The person shall receive a credit on the fine imposed in an
43 amount equal to \$5 for each full hour spent by the person in the specified

1 community service. The community service ordered by the court shall be
2 required to be performed not later than one year after the fine is imposed
3 or by an earlier date specified by the court. If by the required date the
4 person performs an insufficient amount of community service to reduce to
5 zero the portion of the fine required to be paid by the person, the
6 remaining balance of the fine shall become due on that date.

7 (2) The court may, in its discretion, waive any portion of a fine
8 imposed pursuant to this section, except the \$250 required to be remitted
9 to the state treasurer pursuant to subsection (q)(3), upon a showing that the
10 person successfully completed court-ordered education or treatment.

11 (g) Prior to filing a complaint alleging a violation of this section, a
12 prosecutor shall request and shall receive from the:

13 (1) Division a record of all prior convictions obtained against such
14 person for any violations of any of the motor vehicle laws of this state; and

15 (2) Kansas bureau of investigation central repository all criminal
16 history record information concerning such person.

17 (h) The court shall electronically report every conviction of a
18 violation of this section and every diversion agreement entered into in lieu
19 of further criminal proceedings on a complaint alleging a violation of this
20 section to the division including any finding regarding the alcohol
21 concentration in the person's blood or breath. Prior to sentencing under the
22 provisions of this section, the court shall request and shall receive from the
23 division a record of all prior convictions obtained against such person for
24 any violations of any of the motor vehicle laws of this state.

25 (i) For the purpose of determining whether a conviction is a first,
26 second, third, fourth or subsequent conviction in sentencing under this
27 section:

28 (1) Convictions for a violation of this section, or a violation of an
29 ordinance of any city or resolution of any county that prohibits the acts
30 that this section prohibits, or entering into a diversion agreement in lieu of
31 further criminal proceedings on a complaint alleging any such violations,
32 shall be taken into account, but only convictions or diversions occurring
33 on or after July 1, 2001. Nothing in this provision shall be construed as
34 preventing any court from considering any convictions or diversions
35 occurring during the person's lifetime in determining the sentence to be
36 imposed within the limits provided for a first, second, third, fourth or
37 subsequent offense;

38 (2) any convictions for a violation of the following sections occurring
39 during a person's lifetime shall be taken into account:

40 (A) Driving a commercial motor vehicle under the influence, K.S.A.
41 8-2,144, and amendments thereto;

42 (B) operating a vessel under the influence of alcohol or drugs, K.S.A.
43 32-1131, and amendments thereto;

1 (C) involuntary manslaughter while driving under the influence of
2 alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)
3 (3) or (a)(5), and amendments thereto;

4 (D) aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)
5 (4), and amendments thereto; and

6 (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its
7 repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the
8 crime was committed while committing a violation of K.S.A. 8-1567, and
9 amendments thereto;

10 (3) "conviction" includes:

11 (A) Entering into a diversion agreement in lieu of further criminal
12 proceedings on a complaint alleging an offense described in subsection (i)
13 (2); and

14 (B) conviction of a violation of an ordinance of a city in this state, a
15 resolution of a county in this state or any law of another jurisdiction that
16 would constitute an offense that is comparable to the offense described in
17 subsection (i)(1) or (i)(2);

18 (4) multiple convictions of any crime described in subsection (i)(1) or
19 (i)(2) arising from the same arrest shall only be counted as one conviction;

20 (5) it is irrelevant whether an offense occurred before or after
21 conviction for a previous offense; and

22 (6) a person may enter into a diversion agreement in lieu of further
23 criminal proceedings for a violation of this section, and amendments
24 thereto, or an ordinance which prohibits the acts of this section, and
25 amendments thereto, only once during the person's lifetime.

26 (j) For the purposes of determining whether an offense is comparable,
27 the following shall be considered:

28 (1) The name of the out-of-jurisdiction offense;

29 (2) the elements of the out-of-jurisdiction offense; and

30 (3) whether the out-of-jurisdiction offense prohibits similar conduct
31 to the conduct prohibited by the closest approximate Kansas offense.

32 (k) Upon conviction of a person of a violation of this section or a
33 violation of a city ordinance or county resolution prohibiting the acts
34 prohibited by this section, the division, upon receiving a report of
35 conviction, shall suspend, restrict or suspend and restrict the person's
36 driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

37 (l) (1) Nothing contained in this section shall be construed as
38 preventing any city from enacting ordinances, or any county from adopting
39 resolutions, declaring acts prohibited or made unlawful by this act as
40 unlawful or prohibited in such city or county and prescribing penalties for
41 violation thereof.

42 (2) The minimum penalty prescribed by any such ordinance or
43 resolution shall not be less than the minimum penalty prescribed by this

1 section for the same violation, and the maximum penalty in any such
2 ordinance or resolution shall not exceed the maximum penalty prescribed
3 for the same violation.

4 (3) On and after July 1, 2007, and retroactive for ordinance violations
5 committed on or after July 1, 2006, an ordinance may grant to a municipal
6 court jurisdiction over a violation of such ordinance which is concurrent
7 with the jurisdiction of the district court over a violation of this section,
8 notwithstanding that the elements of such ordinance violation are the same
9 as the elements of a violation of this section that would constitute, and be
10 punished as, a felony.

11 (4) Any such ordinance or resolution shall authorize the court to order
12 that the convicted person pay restitution to any victim who suffered loss
13 due to the violation for which the person was convicted.

14 (m) (1) Upon the filing of a complaint, citation or notice to appear
15 alleging a person has violated a city ordinance prohibiting the acts
16 prohibited by this section, and prior to conviction thereof, a city attorney
17 shall request and shall receive from the:

18 (A) Division a record of all prior convictions obtained against such
19 person for any violations of any of the motor vehicle laws of this state; and

20 (B) Kansas bureau of investigation central repository all criminal
21 history record information concerning such person.

22 (2) If the elements of such ordinance violation are the same as the
23 elements of a violation of this section that would constitute, and be
24 punished as, a felony, the city attorney shall refer the violation to the
25 appropriate county or district attorney for prosecution.

26 (n) No plea bargaining agreement shall be entered into nor shall any
27 judge approve a plea bargaining agreement entered into for the purpose of
28 permitting a person charged with a violation of this section, or a violation
29 of any ordinance of a city or resolution of any county in this state which
30 prohibits the acts prohibited by this section, to avoid the mandatory
31 penalties established by this section or by the ordinance. For the purpose
32 of this subsection, entering into a diversion agreement pursuant to K.S.A.
33 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not
34 constitute plea bargaining. This subsection shall not be construed to
35 prohibit an amendment or dismissal of any charge where the admissible
36 evidence is not sufficient to support a conviction beyond a reasonable
37 doubt on such charge.

38 (o) The alternatives set out in subsection (a) may be pleaded in the
39 alternative, and the state, city or county may, but shall not be required to,
40 elect one or more of such alternatives prior to submission of the case to the
41 fact finder.

42 (p) As used in this section:

43 (1) "Alcohol concentration" means the number of grams of alcohol

1 per 100 milliliters of blood or per 210 liters of breath;

2 (2) "imprisonment" includes any restrained environment in which the
3 court and law enforcement agency intend to retain custody and control of a
4 person and such environment has been approved by the board of county
5 commissioners or the governing body of a city; and

6 (3) "drug" includes toxic vapors as such term is defined in K.S.A. 21-
7 5712, and amendments thereto.

8 (q) (1) The amount of the increase in fines as specified in this section
9 shall be remitted by the clerk of the district court to the state treasurer in
10 accordance with the provisions of K.S.A. 75-4215, and amendments
11 thereto. Upon receipt of remittance of the increase provided in this act, the
12 state treasurer shall deposit the entire amount in the state treasury and the
13 state treasurer shall credit 50% to the community alcoholism and
14 intoxication programs fund and 50% to the Kansas department for aging
15 and disability services alcohol and drug abuse treatment fund, which is
16 hereby created in the state treasury.

17 (2) On July 1, 2025, the director of accounts and reports shall transfer
18 all moneys in the department of corrections alcohol and drug abuse
19 treatment fund to the Kansas department for aging and disability services
alcohol and drug abuse treatment fund. On July 1, 2025, all liabilities of
21 the department of corrections alcohol and drug abuse treatment fund are
22 hereby transferred and imposed on the Kansas department for aging and
23 disability services alcohol and drug abuse treatment fund, and the
24 department of corrections alcohol and drug abuse treatment fund is hereby
25 abolished.

26 (3) On and after July 1, 2011, the amount of \$250 from each fine
27 imposed pursuant to this section shall be remitted by the clerk of the
28 district court to the state treasurer in accordance with the provisions of
29 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
30 remittance, the state treasurer shall credit the entire amount to the
31 community corrections supervision fund established by K.S.A. 75-52,113,
32 and amendments thereto.

33 Sec. 54. K.S.A. 21-5703 is hereby amended to read as follows: 21-
34 5703. (a) It shall be unlawful for any person to manufacture any controlled
35 substance or controlled substance analog.

36 (b) Violation or attempted violation of subsection (a) is a:

37 (1) Drug severity level 2 felony, except as provided in subsections (b)
38 (2) and (b)(3);

39 (2) drug severity level 1 felony if:

40 (A) The controlled substance is not methamphetamine, as defined by
41 K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog
42 thereof;

43 (B) the controlled substance is not a fentanyl-related controlled

1 substance; and

2 (C) the offender has a prior conviction for unlawful manufacturing of
3 a controlled substance under this section, K.S.A. 65-4159, prior to its
4 repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially
5 similar offense from another jurisdiction and the substance was not
6 methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and
7 amendments thereto, or an analog thereof, in any such prior conviction;
8 and

9 (3) drug severity level 1 felony if the controlled substance is
10 methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and
11 amendments thereto, or an analog thereof, or is a fentanyl-related
12 controlled substance.

13 (c) The provisions of K.S.A. 21-5301(d), and amendments thereto,
14 shall not apply to a violation of attempting to unlawfully manufacture any
15 controlled substance or controlled substance analog pursuant to this
16 section.

17 (d) For persons arrested and charged under this section, bail shall be
18 at least \$50,000 cash or surety, and such person shall not be released upon
19 the person's own recognizance pursuant to K.S.A. 22-2802, and
20 amendments thereto, unless the court determines, on the record, that the
21 defendant is not likely to re-offend, the court imposes pretrial supervision,
22 or the defendant agrees to participate in a licensed or certified drug
23 treatment program.

24 (e) The sentence of a person who violates this section shall not be
25 subject to statutory provisions for suspended sentence, community service
26 work or probation.

27 (f) The sentence of a person who violates this section, K.S.A. 65-
28 4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its
29 transfer, shall not be reduced because these sections prohibit conduct
30 identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their
31 repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 21-
32 5705, and amendments thereto.

33 (g) *The provisions of this section shall not apply to a licensee, as
34 such term is defined in section 2, and amendments thereto, that is
35 producing medical cannabis or medical cannabis products, as such terms
36 are defined in section 2, and amendments thereto, when used for acts
37 authorized by the Kansas medical cannabis act, section 1 et seq., and
38 amendments thereto.*

39 Sec. 55. K.S.A. 2025 Supp. 21-5705 is hereby amended to read as
40 follows: 21-5705. (a) It shall be unlawful for any person to distribute or
41 possess with the intent to distribute any of the following controlled
42 substances or controlled substance analogs thereof:

43 (1) Opiates, opium or narcotic drugs, or any stimulant designated in

- 1 K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto;
- 2 (2) any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-4109(b) or (c) or 65-4111(b), and amendments thereto;
- 3 (3) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)
- 4 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;
- 5 (4) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-4107(g) or 65-4109(g), and amendments thereto;
- 6 (5) any substance designated in K.S.A. 65-4105(g) or 65-4111(c), (d), (e), (f) or (g), and amendments thereto;
- 7 (6) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto; or
- 8 (7) any substance designated in K.S.A. 65-4105(h), and amendments thereto.
- 9 (b) It shall be unlawful for any person to distribute or possess with the intent to distribute a controlled substance or a controlled substance analog designated in K.S.A. 65-4113, and amendments thereto.
- 10 (c) It shall be unlawful for any person to cultivate any controlled substance or controlled substance analog listed in subsection (a).
- 11 (d) (1) Except as provided further, violation of subsection (a) is a:
 - 12 (A) Drug severity level 4 felony if the quantity of the material was less than 3.5 grams;
 - 13 (B) drug severity level 3 felony if the quantity of the material was at least 3.5 grams but less than 100 grams;
 - 14 (C) drug severity level 2 felony if the quantity of the material was at least 100 grams but less than 1 kilogram; and
 - 15 (D) drug severity level 1 felony if the quantity of the material was 1 kilogram or more.
- 16 (2) Except as provided further, violation of subsection (a) with respect to material containing any quantity of marijuana, or an analog thereof, is a:
 - 17 (A) Drug severity level 4 felony if the quantity of the material was less than 25 grams;
 - 18 (B) drug severity level 3 felony if the quantity of the material was at least 25 grams but less than 450 grams;
 - 19 (C) drug severity level 2 felony if the quantity of the material was at least 450 grams but less than 30 kilograms; and
 - 20 (D) drug severity level 1 felony if the quantity of the material was 30 kilograms or more.
- 21 (3) Except as provided further, violation of subsection (a) with respect to material containing any quantity of a fentanyl-related controlled substance, heroin as defined by K.S.A. 65-4105(c)(12), and amendments thereto, or methamphetamine as defined by K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, is a:

1 (A) Drug severity level 4 felony if the quantity of the material was
2 less than 1 gram;

3 (B) drug severity level 3 felony if the quantity of the material was at
4 least 1 gram but less than 3.5 grams;

5 (C) drug severity level 2 felony if the quantity of the material was at
6 least 3.5 grams but less than 100 grams; and

7 (D) drug severity level 1 felony if the quantity of the material was
8 100 grams or more.

9 (4) Except as provided further, violation of subsection (a) with
10 respect to material containing any quantity of a controlled substance
11 designated in K.S.A. 65-4105, 65-4107, 65-4109 or 65-4111, and
12 amendments thereto, or an analog thereof, distributed by dosage unit, is a:

13 (A) Drug severity level 4 felony if the number of dosage units was
14 fewer than 10;

15 (B) drug severity level 3 felony if the number of dosage units was at
16 least 10 but fewer than 100;

17 (C) drug severity level 2 felony if the number of dosage units was at
18 least 100 but fewer than 1,000; and

19 (D) drug severity level 1 felony if the number of dosage units was
20 1,000 or more.

21 (5) Violation of subsection (a) with respect to material containing any
22 quantity of a fentanyl-related controlled substance, distributed by dosage
23 unit, is a:

24 (A) Drug severity level 4 felony if the number of dosage units was
25 fewer than 10;

26 (B) drug severity level 3 felony if the number of dosage units was at
27 least 10 but fewer than 50;

28 (C) drug severity level 2 felony if the number of dosage units was at
29 least 50 but fewer than 250; and

30 (D) drug severity level 1 felony if the number of dosage units was
31 250 or more.

32 (6) For any violation of subsection (a), the severity level of the
33 offense shall be increased one level if the controlled substance or
34 controlled substance analog was distributed or possessed with the intent to
35 distribute on or within 1,000 feet of any school property.

36 (7) Violation of subsection (b) is a:

37 (A) Class A person misdemeanor, except as provided in subsection
38 (d)(7)(B); and

39 (B) nondrug severity level 7, person felony if the substance was
40 distributed to or possessed with the intent to distribute to a minor.

41 (8) Violation of subsection (c) is a:

42 (A) Drug severity level 3 felony if the number of plants cultivated
43 was more than 4 but fewer than 50;

1 (B) drug severity level 2 felony if the number of plants cultivated was
2 at least 50 but fewer than 100; and

3 (C) drug severity level 1 felony if the number of plants cultivated was
4 100 or more.

5 (e) In any prosecution under this section, there shall be an inference
6 of an intent to distribute if such an inference is supported by the facts and
7 such person possesses the following quantities of controlled substances or
8 analogs thereof:

9 (1) 450 grams or more of marijuana;

10 (2) 3.5 grams or more of a fentanyl-related controlled substance,
11 heroin or methamphetamine;

12 (3) 50 dosage units or more containing any quantity of a fentanyl-
13 related controlled substance;

14 (4) 100 dosage units or more containing any other controlled
15 substance; or

16 (5) 100 grams or more of any other controlled substance.

17 (f) It shall not be a defense to charges arising under this section that
18 the defendant:

19 (1) Was acting in an agency relationship on behalf of any other party
20 in a transaction involving a controlled substance or controlled substance
21 analog;

22 (2) did not know the quantity of the controlled substance or
23 controlled substance analog; or

24 (3) did not know the specific controlled substance or controlled
25 substance analog contained in the material that was distributed or
26 possessed with the intent to distribute.

27 (g) *The provisions of (a)(4) shall not apply to a licensee, as such term
28 is defined in section 2, and amendments thereto, or any employee or agent
29 thereof that is growing, testing, processing, distributing or selling medical
30 cannabis or medical cannabis products, as such terms are defined in
31 section 2, and amendments thereto, in accordance with the Kansas
32 medical cannabis act, section 1 et seq., and amendments thereto.*

33 (h) As used in this section:

34 (1) "Material" means the total amount of any substance, including a
35 compound or a mixture, ~~which~~ that contains any quantity of a controlled
36 substance or controlled substance analog.

37 (2) "Dosage unit" means a controlled substance or controlled
38 substance analog distributed or possessed with the intent to distribute as a
39 discrete unit, including but not limited to, one pill, one capsule or one
40 microdot, and not distributed by weight.

41 (A) For steroids, or controlled substances in liquid solution legally
42 manufactured for prescription use, or an analog thereof, "dosage unit"
43 means the smallest medically approved dosage unit, as determined by the

1 label, materials provided by the manufacturer, a prescribing authority,
2 licensed health care professional or other qualified health authority.

3 (B) For illegally manufactured controlled substances in liquid
4 solution, or controlled substances in liquid products not intended for
5 ingestion by human beings, or an analog thereof, "dosage unit" means 10
6 milligrams, including the liquid carrier medium, except as provided in
7 subsection (g)(2)(C) subparagraph (C).

8 (C) For lysergic acid diethylamide (LSD) in liquid form, or an analog
9 thereof, a dosage unit is defined as 0.4 milligrams, including the liquid
10 medium.

11 Sec. 56. K.S.A. 21-5706 is hereby amended to read as follows: 21-
12 5706. (a) It shall be unlawful for any person to possess any opiates, opium
13 or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)
14 (3) or (f)(1), and amendments thereto, or a controlled substance analog
15 thereof.

16 (b) It shall be unlawful for any person to possess any of the following
17 controlled substances or controlled substance analogs thereof:

18 (1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-
19 4109(b) or (c) or 65-4111(b), and amendments thereto;

20 (2) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)
21 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;

22 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-
23 4107(g) or 65-4109(g), and amendments thereto;

24 (4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c),
25 (d), (e), (f) or (g), and amendments thereto;

26 (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and
27 amendments thereto;

28 (6) any substance designated in K.S.A. 65-4113, and amendments
29 thereto; or

30 (7) any substance designated in K.S.A. 65-4105(h), and amendments
31 thereto.

32 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.

33 (2) Except as provided in subsection (c)(3):

34 (A) Violation of subsection (b) is a class A nonperson misdemeanor,
35 except as provided in subparagraph (B); and

36 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug
37 severity level 5 felony if that person has a prior conviction under such
38 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially
39 similar offense from another jurisdiction, or under any city ordinance or
40 county resolution for a substantially similar offense if the substance
41 involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana
42 as designated in K.S.A. 65-4105(d), and amendments thereto, or any
43 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an

1 analog thereof.

2 (3) If the substance involved is marijuana, as designated in K.S.A.
3 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as
4 designated in K.S.A. 65-4105(h), and amendments thereto, violation of
5 subsection (b) is a:

6 (A) Class B nonperson misdemeanor, except as provided in
7 subparagraphs (B) and (C);

8 (B) class A nonperson misdemeanor if that person has a prior
9 conviction under such subsection, under K.S.A. 65-4162, prior to its
10 repeal, under a substantially similar offense from another jurisdiction, or
11 under any city ordinance or county resolution for a substantially similar
12 offense; and

13 (C) drug severity level 5 felony if that person has two or more prior
14 convictions under such subsection, under K.S.A. 65-4162, prior to its
15 repeal, under a substantially similar offense from another jurisdiction, or
16 under any city ordinance or county resolution for a substantially similar
17 offense.

18 (d) ~~It shall be an affirmative defense to prosecution under this section
19 arising out of a person's possession of any cannabidiol treatment
20 preparation if the person:~~

21 (1) ~~Has a debilitating medical condition, as defined in K.S.A. 2025
22 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a
23 minor child who has such debilitating medical condition;~~

24 (2) ~~is possessing a cannabidiol treatment preparation, as defined in
25 K.S.A. 2025 Supp. 65-6235, and amendments thereto, that is being used to
26 treat such debilitating medical condition; and~~

27 (3) ~~has possession of a letter, at all times while the person has
28 possession of the cannabidiol treatment preparation, that:~~

29 (A) ~~Shall be shown to a law enforcement officer on such officer's
30 request;~~

31 (B) ~~is dated within the preceding 15 months and signed by the
32 physician licensed to practice medicine and surgery in Kansas who
33 diagnosed the debilitating medical condition;~~

34 (C) ~~is on such physician's letterhead; and~~

35 (D) ~~identifies the person or the person's minor child as such
36 physician's patient and identifies the patient's debilitating medical
37 condition~~*If the substance involved is medical cannabis or a medical
38 cannabis product, as such terms are defined in section 2, and amendments
39 thereto, the provisions of subsection (b) shall not apply to any person who
40 has been issued a valid identification card pursuant to section 9, and
41 amendments thereto, and whose possession is authorized by the Kansas
42 medical cannabis act, section 1 et seq., and amendments thereto.*

43 (e) It shall not be a defense to charges arising under this section that

1 the defendant was acting in an agency relationship on behalf of any other
2 party in a transaction involving a controlled substance or controlled
3 substance analog.

4 Sec. 57. K.S.A. 21-5707 is hereby amended to read as follows: 21-
5 5707. (a) It shall be unlawful for any person to knowingly or intentionally
6 use any communication facility:

7 (1) In committing, causing, or facilitating the commission of any
8 felony under K.S.A. 21-5703, 21-5705 or 21-5706, and amendments
9 thereto; or

10 (2) in any attempt to commit, any conspiracy to commit, or any
11 criminal solicitation of any felony under K.S.A. 21-5703, 21-5705 or 21-
12 5706, and amendments thereto. Each separate use of a communication
13 facility may be charged as a separate offense under this subsection.

14 (b) Violation of subsection (a) is a nondrug severity level 8,
15 nonperson felony.

16 (c) *The provisions of this section shall not apply to any person using
17 communication facilities for activities authorized by the Kansas medical
18 cannabis act, section 1 et seq., and amendments thereto.*

19 (d) As used in this section, "communication facility" means any and
20 all public and private instrumentalities used or useful in the transmission
21 of writing, signs, signals, pictures or sounds of all kinds and includes
22 telephone, wire, radio, computer, computer networks, beepers, pagers and
23 all other means of communication.

24 Sec. 58. K.S.A. 21-5709 is hereby amended to read as follows: 21-
25 5709. (a) It shall be unlawful for any person to possess ephedrine,
26 pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine,
27 anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or
28 their salts, isomers or salts of isomers with an intent to use the product to
29 manufacture a controlled substance.

30 (b) It shall be unlawful for any person to use or possess with intent to
31 use any drug paraphernalia to:

32 (1) Manufacture, cultivate, plant, propagate, harvest, test, analyze or
33 distribute a controlled substance; or

34 (2) store, contain, conceal, inject, ingest, inhale or otherwise
35 introduce a controlled substance into the human body.

36 (c) It shall be unlawful for any person to use or possess with intent to
37 use anhydrous ammonia or pressurized ammonia in a container not
38 approved for that chemical by the Kansas department of agriculture.

39 (d) It shall be unlawful for any person to purchase, receive or
40 otherwise acquire at retail any compound, mixture or preparation
41 containing more than 3.6 grams of pseudoephedrine base or ephedrine
42 base in any single transaction or any compound, mixture or preparation
43 containing more than nine grams of pseudoephedrine base or ephedrine

1 base within any 30-day period.

2 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;

3 (2) violation of subsection (b)(1) is a:

4 (A) Drug severity level 5 felony, except as provided in subsection (e)
5 (2)(B); and

6 (B) class B nonperson misdemeanor if the drug paraphernalia was
7 used to cultivate fewer than five marijuana plants;

8 (3) violation of subsection (b)(2) is a class B nonperson
9 misdemeanor;

10 (4) violation of subsection (c) is a drug severity level 5 felony; and

11 (5) violation of subsection (d) is a class A nonperson misdemeanor.

12 (f) For persons arrested and charged under subsection (a) or (c), bail
13 shall be at least \$50,000 cash or surety, and such person shall not be
14 released upon the person's own recognizance pursuant to K.S.A. 22-2802,
15 and amendments thereto, unless the court determines, on the record, that
16 the defendant is not likely to reoffend, the court imposes pretrial
17 supervision or the defendant agrees to participate in a licensed or certified
18 drug treatment program.

19 (g) *The provisions of subsection (b) shall not apply to any person
20 who has been issued a valid identification card pursuant to section 9, and
21 amendments thereto, and whose possession of such equipment or material
22 is used solely to produce or for the administration of medical cannabis or
23 medical cannabis products, as such terms are defined in section 2, and
24 amendments thereto, in a manner authorized by the Kansas medical
25 cannabis act, section 1 et seq., and amendments thereto.*

26 Sec. 59. K.S.A. 21-5710 is hereby amended to read as follows: 21-
27 5710. (a) It shall be unlawful for any person to advertise, market, label,
28 distribute or possess with the intent to distribute:

29 (1) Any product containing ephedrine, pseudoephedrine, red
30 phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia,
31 pressurized ammonia or phenylpropanolamine or their salts, isomers or
32 salts of isomers if the person knows or reasonably should know that the
33 purchaser will use the product to manufacture a controlled substance or
34 controlled substance analog; or

35 (2) any product containing ephedrine, pseudoephedrine or
36 phenylpropanolamine, or their salts, isomers or salts of isomers for
37 indication of stimulation, mental alertness, weight loss, appetite control,
38 energy or other indications not approved pursuant to the pertinent federal
39 over-the-counter drug final monograph or tentative final monograph or
40 approved new drug application.

41 (b) It shall be unlawful for any person to distribute, possess with the
42 intent to distribute or manufacture with intent to distribute any drug
43 paraphernalia, knowing or under circumstances where one reasonably

1 should know that it will be used to manufacture or distribute a controlled
2 substance or controlled substance analog in violation of K.S.A. 21-5701
3 through 21-5717, and amendments thereto.

4 (c) It shall be unlawful for any person to distribute, possess with
5 intent to distribute or manufacture with intent to distribute any drug
6 paraphernalia, knowing or under circumstances where one reasonably
7 should know, that it will be used as such in violation of K.S.A. 21-5701
8 through 21-5717, and amendments thereto, except ~~subsection (b) of~~ K.S.A.
9 21-5706(b), and amendments thereto.

10 (d) It shall be unlawful for any person to distribute, possess with
11 intent to distribute or manufacture with intent to distribute any drug
12 paraphernalia, knowing, or under circumstances where one reasonably
13 should know, that it will be used as such in violation of ~~subsection (b) of~~ K.S.A.
14 21-5706(b), and amendments thereto.

15 (e) (1) Violation of subsection (a) is a drug severity level 3 felony;
16 (2) violation of subsection (b) is a:

17 (A) Drug severity level 5 felony, except as provided in ~~subsection (e)~~
18 ~~(2)(B)~~ subparagraph (B); and

19 (B) drug severity level 4 felony if the trier of fact makes a finding that
20 the offender distributed or caused drug paraphernalia to be distributed to a
21 minor or on or within 1,000 feet of any school property;

22 (3) violation of subsection (c) is a:

23 (A) Nondrug severity level 9, nonperson felony, except as provided in
24 ~~subsection (e)(3)(B)~~ subparagraph (B); and

25 (B) drug severity level 5 felony if the trier of fact makes a finding that
26 the offender distributed or caused drug paraphernalia to be distributed to a
27 minor or on or within 1,000 feet of any school property; and

28 (4) violation of subsection (d) is a:

29 (A) Class A nonperson misdemeanor, except as provided in
30 ~~subsection (e)(4)(B)~~ subparagraph (B); and

31 (B) nondrug severity level 9, nonperson felony if the trier of fact
32 makes a finding that the offender distributed or caused drug paraphernalia
33 to be distributed to a minor or on or within 1,000 feet of any school
34 property.

35 (f) For persons arrested and charged under subsection (a), bail shall
36 be at least \$50,000 cash or surety, and such person shall not be released
37 upon the person's own recognizance pursuant to K.S.A. 22-2802, and
38 amendments thereto, unless the court determines, on the record, that the
39 defendant is not likely to re-offend, the court imposes pretrial supervision
40 or the defendant agrees to participate in a licensed or certified drug
41 treatment program.

42 (g) *The provisions of subsection (c) shall not apply to any licensee, as
43 such term is defined in section 2, and amendments thereto, whose*

1 *distribution or manufacture is used solely to distribute or produce medical*
2 *cannabis or medical cannabis products, as such terms are defined in*
3 *section 2, and amendments thereto, in a manner authorized by the Kansas*
4 *medical cannabis act, section 1 et seq., and amendments thereto.*

5 (h) As used in this section, "or under circumstances where one
6 reasonably should know" that an item will be used in violation of this
7 section, shall include, but not be limited to, the following:

8 (1) Actual knowledge from prior experience or statements by
9 customers;

10 (2) inappropriate or impractical design for alleged legitimate use;

11 (3) receipt of packaging material, advertising information or other
12 manufacturer supplied information regarding the item's use as drug
13 paraphernalia; or

14 (4) receipt of a written warning from a law enforcement or
15 prosecutorial agency having jurisdiction that the item has been previously
16 determined to have been designed specifically for use as drug
17 paraphernalia.

18 Sec. 60. K.S.A. 21-6109 is hereby amended to read as follows: 21-
19 6109. As used in K.S.A. 21-6109 through 21-6116, and amendments
20 thereto:

21 (a) "Access point" means the area within a ten foot radius outside of
22 any doorway, open window or air intake leading into a building or facility
23 that is not exempted pursuant to K.S.A. 21-6110(d), and amendments
24 thereto.

25 (b) "Bar" means any indoor area that is operated and licensed for the
26 sale and service of alcoholic beverages, including alcoholic liquor as
27 defined in K.S.A. 41-102, and amendments thereto, or cereal malt
28 beverages as defined in K.S.A. 41-2701, and amendments thereto, for on-
29 premises consumption.

30 (c) "Cannabis" means the same as defined in section 2, and
31 amendments thereto.

32 (d) "Electronic cigarette" means the same as defined in K.S.A. 79-
33 3301, and amendments thereto.

34 (e) "Employee" means any person who is employed by an employer
35 in consideration for direct or indirect monetary wages or profit and any
36 person who volunteers their services for a nonprofit entity.

37 (f) "Employer" means any person, partnership, corporation,
38 association or organization, including municipal or nonprofit entities, that
39 employs one or more individual persons.

40 (g) "Enclosed area" means all space between a floor and ceiling
41 that is enclosed on all sides by solid walls, windows or doorways that
42 extend from the floor to the ceiling, including all space therein screened by
43 partitions that do not extend to the ceiling or are not solid or similar

1 structures. For purposes of this section, the following shall not be
2 considered an "enclosed area": (1) Rooms or areas, enclosed by walls,
3 windows or doorways, having neither a ceiling nor a roof and that are
4 completely open to the elements and weather at all times; and (2) rooms or
5 areas, enclosed by walls, fences, windows or doorways and a roof or
6 ceiling, having openings that are permanently open to the elements and
7 weather and that comprise an area that is at least 30% of the total
8 perimeter wall area of such room or area.

9 (f)(h) "Food service establishment" means any place in which food is
10 served or is prepared for sale or service on the premises. Such term shall
11 include, but not be limited to, fixed or mobile restaurants, coffee shops,
12 cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich
13 shops, soda fountains, taverns, private clubs, roadside kitchens,
14 commissaries and any other private, public or nonprofit organization or
15 institution routinely serving food and any other eating or drinking
16 establishment or operation where food is served or provided for the public
17 with or without charge.

18 (f)(i) "Gaming floor" means the area of a lottery gaming facility or
19 racetrack gaming facility, as those terms are defined in K.S.A. 74-8702,
20 and amendments thereto, where patrons engage in Class III gaming. The
21 gaming floor shall not include any areas used for accounting, maintenance,
22 surveillance, security, administrative offices, storage, cash or cash
23 counting, records, food service, lodging or entertainment, except that the
24 gaming floor may include a bar where alcoholic beverages are served so
25 long as the bar is located entirely within the area where Class III gaming is
26 conducted.

27 (f)(j) "Medical care facility" means a physician's office, general
28 hospital, special hospital, ambulatory surgery center or recuperation center,
29 as defined by K.S.A. 65-425, and amendments thereto, and any psychiatric
30 hospital licensed under K.S.A. 39-2001 et seq., and amendments thereto.

31 (f)(k) "Outdoor recreational facility" means a hunting, fishing,
32 shooting or golf club, business or enterprise operated primarily for the
33 benefit of its owners, members and their guests and not normally open to
34 the general public.

35 (f)(l) "Place of employment" means any enclosed area under the
36 control of a public or private employer, including, but not limited to, work
37 areas, auditoriums, elevators, private offices, employee lounges and
38 restrooms, conference and meeting rooms, classrooms, employee
39 cafeterias, stairwells and hallways, that is used by employees during the
40 course of employment. For purposes of this section, a private residence
41 shall not be considered a "place of employment" unless such residence is
42 used as a day care home, as defined in K.S.A. 65-530, and amendments
43 thereto.

1 (k)(m) "Private club" means an outdoor recreational facility operated
2 primarily for the use of its owners, members and their guests that in its
3 ordinary course of business is not open to the general public for which use
4 of its facilities has substantial dues or membership fee requirements for its
5 members.

6 (l)(n) "Public building" means any building owned or operated by: (1)
7 The state, including any branch, department, agency, bureau, commission,
8 authority or other instrumentality thereof; (2) any county, city, township,
9 other political subdivision, including any commission, authority, agency or
10 instrumentality thereof; or (3) any other separate corporate instrumentality
11 or unit of the state or any municipality.

12 (m)(o) "Public meeting" means any meeting open to the public
13 pursuant to K.S.A. 75-4317 et seq., and amendments thereto, or any other
14 law of this state.

15 (n)(p) "Public place" means any enclosed areas open to the public or
16 used by the general public including, but not limited to: Banks, bars, food
17 service establishments, retail service establishments, retail stores, public
18 means of mass transportation, passenger elevators, health care institutions
19 or any other place where health care services are provided to the public,
20 medical care facilities, educational facilities, libraries, courtrooms, public
21 buildings, restrooms, grocery stores, school buses, museums, theaters,
22 auditoriums, arenas and recreational facilities. For purposes of this section,
23 a private residence shall not be considered a "public place" unless such
24 residence is used as a day care home, as defined in K.S.A. 65-530, and
25 amendments thereto.

26 (o)(q) "Smoking" means possession of a lighted cigarette, cigar, pipe
27 or the use of an electronic cigarette, or burning tobacco or cannabis in any
28 other form or device designed for the use of tobacco or cannabis,
29 including for the consumption of a medical cannabis product, as defined
30 in section 2, and amendments thereto.

31 (p)(r) "Tobacco shop" means any indoor area operated primarily for
32 the retail sale of tobacco, tobacco products or smoking devices or
33 accessories, and that derives not less than 65% of its gross receipts from
34 the sale of tobacco.

35 (q)(s) "Substantial dues or membership fee requirements" means
36 initiation costs, dues or fees proportional to the cost of membership in
37 similarly-situated outdoor recreational facilities that are not considered
38 nominal and implemented to otherwise avoid or evade restrictions of a
39 statewide ban on smoking.

40 Sec. 61. K.S.A. 2025 Supp. 21-6607 is hereby amended to read as
41 follows: 21-6607. (a) Except as required by subsection (c), nothing in this
42 section shall be construed to limit the authority of the court to impose or
43 modify any general or specific conditions of probation, suspension of

1 sentence or assignment to a community correctional services program. The
2 court services officer or community correctional services officer may
3 recommend, and the court may order, the imposition of any conditions of
4 probation, suspension of sentence or assignment to a community
5 correctional services program. For crimes committed on or after July 1,
6 1993, in presumptive nonprison cases, the court services officer or
7 community correctional services officer may recommend, and the court
8 may order, the imposition of any conditions of probation or assignment to
9 a community correctional services program. The court may at any time
10 order the modification of such conditions, after notice to the court services
11 officer or community correctional services officer and an opportunity for
12 such officer to be heard thereon. The court shall cause a copy of any such
13 order to be delivered to the court services officer and the probationer or to
14 the community correctional services officer and the community corrections
15 participant, as the case may be. The provisions of K.S.A. 75-5291, and
16 amendments thereto, shall be applicable to any assignment to a community
17 correctional services program pursuant to this section.

18 (b) *Except as provided in subsection (d),* the court may impose any
19 conditions of probation, suspension of sentence or assignment to a
20 community correctional services program that the court deems proper,
21 including, but not limited to, requiring that the defendant:

22 (1) Obey all laws and ordinances and report any law enforcement
23 contact to the defendant's supervision officer within 24 hours after such
24 contact;

25 (2) not engage in physical violence or threats of violence of any kind
26 and, if the defendant is being supervised for conviction of a felony, not
27 purchase or possess a dangerous weapon, including a firearm, while on
28 supervision;

29 (3) report to the defendant's supervision officer as directed and be
30 truthful in all matters;

31 (4) remain within the state of Kansas or other specified areas as
32 defined by the defendant's supervision officer;

33 (5) reside at the defendant's approved residence unless the defendant
34 receives permission from the defendant's supervision officer to relocate
35 and notify the defendant's supervision officer within 24 hours after any
36 emergency changes in residence or contact information;

37 (6) not possess, use or distribute any controlled substances except
38 those prescribed by a licensed medical professional;

39 (7) not possess or consume any form of alcohol or intoxicating
40 substance or enter any establishment where alcohol is sold or consumed as
41 the primary business;

42 (8) submit to any form of alcohol or substance use testing directed by
43 the defendant's supervision officer and not alter or tamper with the

1 specimen or test;

2 (9) participate in assessment, treatment, programming and other
3 directives of the court or the defendant's supervision officer;

4 (10) be subject to searches of the defendant's person, effects, vehicle,
5 residence and property by a court services officer, community correctional
6 services officer or any other law enforcement officer based on reasonable
7 suspicion that the defendant violated conditions of probation or engaged in
8 criminal activity; or

9 (11) refrain from contacting victims unless authorized by the court to
10 contact a victim as part of rehabilitative or therapeutic purposes.

11 (c) In addition to any conditions of probation, suspension of sentence
12 or assignment to a community correctional services program ordered
13 pursuant to subsection (b), the court shall order the defendant to:

14 (1) Make reparation or restitution to the aggrieved party for the
15 damage or loss caused by the defendant's crime in accordance with K.S.A.
16 21-6604(b), and amendments thereto;

17 (2) (A) pay a correctional supervision fee of \$60 if the person was
18 convicted of a misdemeanor or a fee of \$120 if the person was convicted
19 of a felony. In any case the amount of the correctional supervision fee
20 specified by this paragraph may be reduced or waived by the judge if the
21 person is unable to pay that amount;

22 (B) the correctional supervision fee imposed by this paragraph shall
23 be charged and collected by the district court. The clerk of the district
24 court shall remit all revenues received under this paragraph from
25 correctional supervision fees to the state treasurer in accordance with the
26 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
27 each such remittance, the state treasurer shall deposit the entire amount in
28 the state treasury to the credit of the state general fund, a sum equal to
29 41.67% of such remittance, and to the correctional supervision fund, a sum
30 equal to 58.33% of such remittance;

31 (C) this paragraph shall apply to persons placed on felony or
32 misdemeanor probation or released on misdemeanor parole to reside in
33 Kansas and supervised by Kansas court services officers under the
34 interstate compact for offender supervision; and

35 (D) this paragraph shall not apply to persons placed on probation or
36 released on parole to reside in Kansas under the uniform act for out-of-
37 state parolee supervision; and

38 (3) reimburse the state general fund for all or a part of the
39 expenditures by the state board of indigents' defense services to provide
40 counsel and other defense services to the defendant. In determining the
41 amount and method of payment of such sum, the court shall take account
42 of the financial resources of the defendant and the nature of the burden that
43 payment of such sum will impose. A defendant who has been required to

1 pay such sum and who is not willfully in default in the payment thereof
2 may at any time petition the court which sentenced the defendant to waive
3 payment of such sum or of any unpaid portion thereof. If it appears to the
4 satisfaction of the court that payment of the amount due will impose
5 manifest hardship on the defendant or the defendant's immediate family,
6 the court may waive payment of all or part of the amount due or modify
7 the method of payment. The amount of attorney fees to be included in the
8 court order for reimbursement shall be the amount claimed by appointed
9 counsel on the payment voucher for indigents' defense services or the
10 amount prescribed by the board of indigents' defense services
11 reimbursement tables as provided in K.S.A. 22-4522, and amendments
12 thereto, whichever is less.

13 (d) The office of judicial administration and the department of
14 corrections shall collaborate to develop documentation related to
15 conditions of supervision.

16 (e) *For any defendant who has been issued a valid identification card*
17 *pursuant to section 9, and amendments thereto, the court shall not order*
18 *any condition that prohibits such defendant from purchasing, possessing*
19 *or consuming medical cannabis or medical cannabis products, as such*
20 *terms are defined in section 2, and amendments thereto, in accordance*
21 *with the Kansas medical cannabis act, section 1 et seq., and amendments*
22 *thereto.*

23 (f) Any law enforcement officer who conducts a search pursuant to
24 subsection (b)(10) shall submit a written report to the appropriate court
25 services officer or community correctional services officer not later than
26 the close of business the next day after such search is conducted. The
27 written report shall include the facts leading to such search, the scope of
28 such search and any findings resulting from such search.

29 (f)(g) There is hereby established in the state treasury the correctional
30 supervision fund. All moneys credited to the correctional supervision fund
31 shall be used for: (1) The implementation of and training for use of a
32 statewide, mandatory, standardized risk assessment tool or instrument as
33 specified by the Kansas sentencing commission, pursuant to K.S.A. 75-
34 5291, and amendments thereto; (2) the implementation of and training for
35 use of a statewide, mandatory, standardized risk assessment tool or
36 instrument for juveniles adjudicated to be juvenile offenders; and (3)
37 evidence-based adult and juvenile offender supervision programs by
38 judicial branch personnel. If all expenditures for the program have been
39 paid and moneys remain in the correctional supervision fund for a fiscal
40 year, remaining moneys may be expended from the correctional
41 supervision fund to support adult and juvenile offender supervision by
42 court services officers. All expenditures from the correctional supervision
43 fund shall be made in accordance with appropriation acts upon warrants of

1 the director of accounts and reports issued pursuant to vouchers approved
2 by the chief justice of the Kansas supreme court or by a person or persons
3 designated by the chief justice.

4 Sec. 62. K.S.A. 2025 Supp. 22-3717 is hereby amended to read as
5 follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A.
6 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through
7 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-
8 6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and
9 K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate
10 sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-
11 6707, and amendments thereto, shall be eligible for parole after serving the
12 entire minimum sentence imposed by the court, less good time credits.

13 (b) (1) An inmate sentenced to imprisonment for life without the
14 possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto,
15 shall not be eligible for parole.

16 (2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to
17 their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and
18 amendments thereto, an inmate sentenced to imprisonment for the crime
19 of: (A) Capital murder committed on or after July 1, 1994, shall be eligible
20 for parole after serving 25 years of confinement, without deduction of any
21 good time credits; (B) murder in the first degree based upon a finding of
22 premeditated murder committed on or after July 1, 1994, but prior to July
23 1, 2014, shall be eligible for parole after serving 25 years of confinement,
24 without deduction of any good time credits; and (C) murder in the first
25 degree as described in K.S.A. 21-5402(a)(2), and amendments thereto,
26 committed on or after July 1, 2014, shall be eligible for parole after
27 serving 25 years of confinement, without deduction of any good time
28 credits.

29 (3) Except as provided by subsections (b)(1), (b)(2) and (b)(5),
30 K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through
31 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and
32 21-6625, and amendments thereto, an inmate sentenced to imprisonment
33 for an off-grid offense committed on or after July 1, 1993, but prior to July
34 1, 1999, shall be eligible for parole after serving 15 years of confinement,
35 without deduction of any good time credits and an inmate sentenced to
36 imprisonment for an off-grid offense committed on or after July 1, 1999,
37 shall be eligible for parole after serving 20 years of confinement without
38 deduction of any good time credits.

39 (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its
40 repeal, an inmate sentenced for a class A felony committed before July 1,
41 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to
42 its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for
43 parole after serving 15 years of confinement, without deduction of any

1 good time credits.

2 (5) An inmate sentenced to imprisonment for a violation of K.S.A.
3 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but
4 prior to July 1, 1999, shall be eligible for parole after serving 10 years of
5 confinement without deduction of any good time credits.

6 (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
7 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto,
8 committed on or after July 1, 2006, shall be eligible for parole after
9 serving the mandatory term of imprisonment without deduction of any
10 good time credits.

11 (c) (1) Except as provided in subsection (e), if an inmate is sentenced
12 to imprisonment for more than one crime and the sentences run
13 consecutively, the inmate shall be eligible for parole after serving the total
14 of:

15 (A) The aggregate minimum sentences, as determined pursuant to
16 K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments
17 thereto, less good time credits for those crimes which are not class A
18 felonies; and

19 (B) an additional 15 years, without deduction of good time credits,
20 for each crime which is a class A felony.

21 (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-
22 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for
23 crimes committed on or after July 1, 2006, the inmate shall be eligible for
24 parole after serving the mandatory term of imprisonment.

25 (d) (1) Persons sentenced for crimes, other than off-grid crimes,
26 committed on or after July 1, 1993, or persons subject to subparagraph
27 (G), will not be eligible for parole, but will be released to a mandatory
28 period of postrelease supervision upon completion of the prison portion of
29 their sentence as follows:

30 (A) Except as provided in subparagraphs (D) and (E), persons
31 sentenced for nondrug severity levels 1 through 4 crimes, drug severity
32 levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July
33 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after
34 July 1, 2012, must serve 36 months on postrelease supervision.

35 (B) Except as provided in subparagraphs (D) and (E), persons
36 sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3
37 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and
38 drug severity level 4 crimes committed on or after July 1, 2012, must serve
39 24 months on postrelease supervision.

40 (C) Except as provided in subparagraphs (D) and (E), persons
41 sentenced for nondrug severity levels 7 through 10 crimes, drug severity
42 level 4 crimes committed on or after July 1, 1993, but prior to July 1,
43 2012, and drug severity level 5 crimes committed on or after July 1, 2012,

1 must serve 12 months on postrelease supervision.

2 (D) Persons sentenced to a term of imprisonment that includes a
3 sentence for a sexually violent crime as defined in K.S.A. 22-3717, and
4 amendments thereto, committed on or after July 1, 1993, but prior to July
5 1, 2006, a sexually motivated crime in which the offender has been
6 ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and
7 amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its
8 repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual
9 relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and
10 amendments thereto, shall serve the period of postrelease supervision as
11 provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount
12 of good time and program credit earned and retained pursuant to K.S.A.
13 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto,
14 on postrelease supervision.

15 (i) If the sentencing judge finds substantial and compelling reasons to
16 impose a departure based upon a finding that the current crime of
17 conviction was sexually motivated, departure may be imposed to extend
18 the postrelease supervision to a period of up to 60 months.

19 (ii) If the sentencing judge departs from the presumptive postrelease
20 supervision period, the judge shall state on the record at the time of
21 sentencing the substantial and compelling reasons for the departure.
22 Departures in this section are subject to appeal pursuant to K.S.A. 21-
23 4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

24 (iii) In determining whether substantial and compelling reasons exist,
25 the court shall consider:

26 (a) Written briefs or oral arguments submitted by either the defendant
27 or the state;

28 (b) any evidence received during the proceeding;

29 (c) the presentence report, the victim's impact statement and any
30 psychological evaluation as ordered by the court pursuant to K.S.A. 21-
31 4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto;
32 and

33 (d) any other evidence the court finds trustworthy and reliable.

34 (iv) The sentencing judge may order that a psychological evaluation
35 be prepared and the recommended programming be completed by the
36 offender. The department of corrections or the prisoner review board shall
37 ensure that court ordered sex offender treatment be carried out.

38 (v) In carrying out the provisions of subsection (d)(1)(D), the court
39 shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and
40 amendments thereto.

41 (vi) Upon petition and payment of any restitution ordered pursuant to
42 K.S.A. 21-6604, and amendments thereto, the prisoner review board may
43 provide for early discharge from the postrelease supervision period

1 imposed pursuant to subsection (d)(1)(D)(i) upon completion of court
2 ordered programs and completion of the presumptive postrelease
3 supervision period, as determined by the crime of conviction, pursuant to
4 subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from
5 postrelease supervision is at the discretion of the board.

6 (vii) Persons convicted of crimes deemed sexually violent or sexually
7 motivated shall be registered according to the offender registration act,
8 K.S.A. 22-4901 through 22-4910, and amendments thereto.

9 (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their
10 repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to
11 participate in a treatment program for sex offenders during the postrelease
12 supervision period.

13 (E) The period of postrelease supervision provided in subparagraphs
14 (A) and (B) may be reduced by up to 12 months and the period of
15 postrelease supervision provided in subparagraph (C) may be reduced by
16 up to six months based on the offender's compliance with conditions of
17 supervision and overall performance while on postrelease supervision. The
18 reduction in the supervision period shall be on an earned basis pursuant to
19 rules and regulations adopted by the secretary of corrections.

20 (F) In cases where sentences for crimes from more than one severity
21 level have been imposed, the offender shall serve the longest period of
22 postrelease supervision as provided by this section available for any crime
23 upon which sentence was imposed irrespective of the severity level of the
24 crime. Supervision periods will not aggregate.

25 (G) (i) Except as provided in subsection (v), persons sentenced to
26 imprisonment for a sexually violent crime committed on or after July 1,
27 2006, when the offender was 18 years of age or older, and who are
28 released from prison, shall be released to a mandatory period of
29 postrelease supervision for the duration of the person's natural life.

30 (ii) Persons sentenced to imprisonment for a sexually violent crime
31 committed on or after the effective date of this act, when the offender was
32 under 18 years of age, and who are released from prison, shall be released
33 to a mandatory period of postrelease supervision for 60 months, plus the
34 amount of good time and program credit earned and retained pursuant to
35 K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments
36 thereto.

37 (2) Persons serving a period of postrelease supervision pursuant to
38 subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner
39 review board for early discharge. Upon payment of restitution, the prisoner
40 review board may provide for early discharge.

41 (3) Persons serving a period of incarceration for a supervision
42 violation shall not have the period of postrelease supervision modified
43 until such person is released and returned to postrelease supervision.

1 (4) Offenders whose crime of conviction was committed on or after
2 July 1, 2013, and whose probation, assignment to a community
3 correctional services program, suspension of sentence or nonprison
4 sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments
5 thereto, or whose underlying prison term expires while serving a sanction
6 pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a
7 period of postrelease supervision upon the completion of the underlying
8 prison term.

9 (5) As used in this subsection, "sexually violent crime" means:
10 (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and
11 amendments thereto;
12 (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal,
13 or K.S.A. 21-5506(a), and amendments thereto;
14 (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior
15 to its repeal, or K.S.A. 21-5506(b), and amendments thereto;
16 (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its
17 repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;
18 (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal,
19 or K.S.A. 21-5504(b), and amendments thereto;
20 (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal,
21 or K.S.A. 21-5508(a), and amendments thereto;
22 (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior
23 to its repeal, or K.S.A. 21-5508(b), and amendments thereto;
24 (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal,
25 or K.S.A. 21-5510, and amendments thereto;
26 (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or
27 K.S.A. 21-5505(b), and amendments thereto;
28 (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A.
29 21-5604(b), and amendments thereto;
30 (K) aggravated human trafficking, as defined in K.S.A. 21-3447,
31 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if
32 committed in whole or in part for the purpose of the sexual gratification of
33 the defendant or another;
34 (L) internet trading in child pornography, as defined in K.S.A. 21-
35 5514(a), and amendments thereto;
36 (M) aggravated internet trading in child pornography, as defined in
37 K.S.A. 21-5514(b), and amendments thereto;
38 (N) commercial sexual exploitation of a child, as defined in K.S.A.
39 21-6422, and amendments thereto; or
40 (O) an attempt, conspiracy or criminal solicitation, as defined in
41 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-
42 5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent
43 crime as defined in this section.

1 (6) As used in this subsection, "sexually motivated" means that one of
2 the purposes for which the defendant committed the crime was for the
3 purpose of the defendant's sexual gratification.

4 (e) If an inmate is sentenced to imprisonment for a crime committed
5 while on parole or conditional release, the inmate shall be eligible for
6 parole as provided by subsection (c), except that the prisoner review board
7 may postpone the inmate's parole eligibility date by assessing a penalty not
8 exceeding the period of time which could have been assessed if the
9 inmate's parole or conditional release had been violated for reasons other
10 than conviction of a crime.

11 (f) If a person is sentenced to prison for a crime committed on or after
12 July 1, 1993, while on probation, parole, conditional release or in a
13 community corrections program, for a crime committed prior to July 1,
14 1993, and the person is not eligible for retroactive application of the
15 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-
16 4724, prior to its repeal, the new sentence shall not be aggregated with the
17 old sentence, but shall begin when the person is paroled or reaches the
18 conditional release date on the old sentence. If the offender was past the
19 offender's conditional release date at the time the new offense was
20 committed, the new sentence shall not be aggregated with the old sentence
21 but shall begin when the person is ordered released by the prisoner review
22 board or reaches the maximum sentence expiration date on the old
23 sentence, whichever is earlier. The new sentence shall then be served as
24 otherwise provided by law. The period of postrelease supervision shall be
25 based on the new sentence, except that those offenders whose old sentence
26 is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp.
27 21-4628, prior to its repeal, or an indeterminate sentence with a maximum
28 term of life imprisonment, for which there is no conditional release or
29 maximum sentence expiration date, shall remain on postrelease
30 supervision for life or until discharged from supervision by the prisoner
31 review board.

32 (g) Subject to the provisions of this section, the prisoner review board
33 may release on parole those persons confined in institutions who are
34 eligible for parole when: (1) The board believes that the inmate should be
35 released for hospitalization, deportation or to answer the warrant or other
36 process of a court and is of the opinion that there is reasonable probability
37 that the inmate can be released without detriment to the community or to
38 the inmate; or (2) the secretary of corrections has reported to the board in
39 writing that the inmate has satisfactorily completed the programs required
40 by any agreement entered under K.S.A. 75-5210a, and amendments
41 thereto, or any revision of such agreement, and the board believes that the
42 inmate is able and willing to fulfill the obligations of a law abiding citizen
43 and is of the opinion that there is reasonable probability that the inmate

1 can be released without detriment to the community or to the inmate.
2 Parole shall not be granted as an award of clemency and shall not be
3 considered a reduction of sentence or a pardon.

4 (h) The prisoner review board shall hold a parole hearing at least the
5 month prior to the month an inmate will be eligible for parole under
6 subsections (a), (b) and (c). At least one month preceding the parole
7 hearing, the county or district attorney of the county where the inmate was
8 convicted shall give written notice of the time and place of the public
9 comment sessions for the inmate to any victim of the inmate's crime who
10 is alive and whose address is known to the county or district attorney or, if
11 the victim is deceased, to the victim's family if the family's address is
12 known to the county or district attorney. Except as otherwise provided,
13 failure to notify pursuant to this section shall not be a reason to postpone a
14 parole hearing. In the case of any inmate convicted of an off-grid felony or
15 a class A felony, the secretary of corrections shall give written notice of the
16 time and place of the public comment session for such inmate at least one
17 month preceding the public comment session to any victim of such
18 inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and
19 amendments thereto. If notification is not given to such victim or such
20 victim's family in the case of any inmate convicted of an off-grid felony or
21 a class A felony, the board shall postpone a decision on parole of the
22 inmate to a time at least 30 days after notification is given as provided in
23 this section. Nothing in this section shall create a cause of action against
24 the state or an employee of the state acting within the scope of the
25 employee's employment as a result of the failure to notify pursuant to this
26 section. If granted parole, the inmate may be released on parole on the date
27 specified by the board, but not earlier than the date the inmate is eligible
28 for parole under subsections (a), (b) and (c). At each parole hearing and, if
29 parole is not granted, at such intervals thereafter as it determines
30 appropriate, the board shall consider: (1) Whether the inmate has
31 satisfactorily completed the programs required by any agreement entered
32 under K.S.A. 75-5210a, and amendments thereto, or any revision of such
33 agreement; and (2) all pertinent information regarding such inmate,
34 including, but not limited to, the circumstances of the offense of the
35 inmate; the presentence report; the previous social history and criminal
36 record of the inmate; the conduct, employment, and attitude of the inmate
37 in prison; the reports of such physical and mental examinations as have
38 been made, including, but not limited to, risk factors revealed by any risk
39 assessment of the inmate; comments of the victim and the victim's family
40 including in person comments, contemporaneous comments and
41 prerecorded comments made by any technological means; comments of
42 the public; official comments; any recommendation by the staff of the
43 facility where the inmate is incarcerated; proportionality of the time the

1 inmate has served to the sentence a person would receive under the Kansas
2 sentencing guidelines for the conduct that resulted in the inmate's
3 incarceration; and capacity of state correctional institutions.

4 (i) In those cases involving inmates sentenced for a crime committed
5 after July 1, 1993, the prisoner review board will review the inmate's
6 proposed release plan. The board may schedule a hearing if they desire.
7 The board may impose any condition they deem necessary to insure public
8 safety, aid in the reintegration of the inmate into the community, or items
9 not completed under the agreement entered into under K.S.A. 75-5210a,
10 and amendments thereto. The board may not advance or delay an inmate's
11 release date. Every inmate while on postrelease supervision shall remain in
12 the legal custody of the secretary of corrections and is subject to the orders
13 of the secretary.

14 (j) (1) Before ordering the parole of any inmate, the prisoner review
15 board shall have the inmate appear either in person or via a video
16 conferencing format and shall interview the inmate unless impractical
17 because of the inmate's physical or mental condition or absence from the
18 institution. Every inmate while on parole shall remain in the legal custody
19 of the secretary of corrections and is subject to the orders of the secretary.
20 Whenever the board formally considers placing an inmate on parole and
21 no agreement has been entered into with the inmate under K.S.A. 75-
22 5210a, and amendments thereto, the board shall notify the inmate in
23 writing of the reasons for not granting parole. If an agreement has been
24 entered under K.S.A. 75-5210a, and amendments thereto, and the inmate
25 has not satisfactorily completed the programs specified in the agreement,
26 or any revision of such agreement, the board shall notify the inmate in
27 writing of the specific programs the inmate must satisfactorily complete
28 before parole will be granted. If parole is not granted only because of a
29 failure to satisfactorily complete such programs, the board shall grant
30 parole upon the secretary's certification that the inmate has successfully
31 completed such programs. If an agreement has been entered under K.S.A.
32 75-5210a, and amendments thereto, and the secretary of corrections has
33 reported to the board in writing that the inmate has satisfactorily
34 completed the programs required by such agreement, or any revision
35 thereof, the board shall not require further program participation.
36 However, if the board determines that other pertinent information
37 regarding the inmate warrants the inmate's not being released on parole,
38 the board shall state in writing the reasons for not granting the parole. If
39 parole is denied for an inmate sentenced for a crime other than a class A or
40 class B felony or an off-grid felony, the board shall hold another parole
41 hearing for the inmate not later than one year after the denial unless the
42 board finds that it is not reasonable to expect that parole would be granted
43 at a hearing if held in the next three years or during the interim period of a

1 deferral. In such case, the board may defer subsequent parole hearings for
2 up to three years but any such deferral by the board shall require the board
3 to state the basis for its findings. If parole is denied for an inmate
4 sentenced for a class A or class B felony or an off-grid felony, the board
5 shall hold another parole hearing for the inmate not later than three years
6 after the denial unless the board finds that it is not reasonable to expect
7 that parole would be granted at a hearing if held in the next 10 years or
8 during the interim period of a deferral. In such case, the board may defer
9 subsequent parole hearings for up to 10 years, but any such deferral shall
10 require the board to state the basis for its findings.

11 (2) Inmates sentenced for a class A or class B felony who have not
12 had a board hearing in the five years prior to July 1, 2010, shall have such
13 inmates' cases reviewed by the board on or before July 1, 2012. Such
14 review shall begin with the inmates with the oldest deferral date and
15 progress to the most recent. Such review shall be done utilizing existing
16 resources unless the board determines that such resources are insufficient.
17 If the board determines that such resources are insufficient, then the
18 provisions of this paragraph are subject to appropriations therefor.

19 (k) (1) Parolees and persons on postrelease supervision shall be
20 assigned, upon release, to the appropriate level of supervision pursuant to
21 the criteria established by the secretary of corrections.

22 (2) Parolees and persons on postrelease supervision are, and shall
23 agree in writing to be, subject to searches of the person and the person's
24 effects, vehicle, residence and property by a parole officer or a department
25 of corrections enforcement, apprehension and investigation officer, at any
26 time of the day or night, with or without a search warrant and with or
27 without cause. Nothing in this subsection shall be construed to authorize
28 such officers to conduct arbitrary or capricious searches or searches for the
29 sole purpose of harassment.

30 (3) Parolees and persons on postrelease supervision are, and shall
31 agree in writing to be, subject to searches of the person and the person's
32 effects, vehicle, residence and property by any law enforcement officer
33 based on reasonable suspicion of the person violating conditions of parole
34 or postrelease supervision or reasonable suspicion of criminal activity. Any
35 law enforcement officer who conducts such a search shall submit a written
36 report to the appropriate parole officer no later than the close of the next
37 business day after such search. The written report shall include the facts
38 leading to such search, the scope of such search and any findings resulting
39 from such search.

40 (l) The prisoner review board shall promulgate rules and regulations
41 in accordance with K.S.A. 77-415 et seq., and amendments thereto, not
42 inconsistent with the law and as it may deem proper or necessary, with
43 respect to the conduct of parole hearings, postrelease supervision reviews,

1 revocation hearings, orders of restitution, reimbursement of expenditures
2 by the state board of indigents' defense services and other conditions to be
3 imposed upon parolees or releasees. Whenever an order for parole or
4 postrelease supervision is issued it shall recite the conditions thereof.

5 (m) Whenever the prisoner review board orders the parole of an
6 inmate or establishes conditions for an inmate placed on postrelease
7 supervision, the board shall require that the inmate:

8 (1) Obey all laws and ordinances and report any law enforcement
9 contact to the inmate's supervision officer within 24 hours after such
10 contact;

11 (2) not engage in physical violence or threats of violence of any kind
12 and, if the inmate is being supervised for conviction of a felony, not
13 purchase or possess a dangerous weapon, including a firearm, while on
14 supervision;

15 (3) report to the inmate's supervision officer as directed and be
16 truthful in all matters;

17 (4) remain within the state of Kansas or other specified areas as
18 defined by the defendant's supervision officer;

19 (5) reside at the inmate's approved residence unless the defendant
20 receives permission from the inmate's supervision officer to relocate and
21 notify the inmate's supervision officer within 24 hours after any emergency
22 changes in residence or contact information;

23 (6) not possess, use or distribute any controlled substances except
24 those prescribed by a licensed medical professional;

25 (7) not possess or consume any form of alcohol or intoxicating
26 substance or enter any establishment where alcohol is sold or consumed as
27 the primary business;

28 (8) submit to any form of alcohol or substance use testing directed by
29 the inmate's supervision officer and not alter or tamper with the specimen
30 or test;

31 (9) participate in assessment, treatment, programming and other
32 directives of the court or the inmate's supervision officer;

33 (10) submit to searches of the person and the person's effects, vehicle,
34 residence and property by a parole officer or a department of corrections
35 enforcement, apprehension and investigation officer, at any time of the day
36 or night, with or without a search warrant and with or without cause,
37 except that nothing in this paragraph shall be construed to authorize such
38 officers to conduct arbitrary or capricious searches or searches for the sole
39 purpose of harassment;

40 (11) submit to searches of the person and the person's effects, vehicle,
41 residence and property by any law enforcement officer based on
42 reasonable suspicion of the person violating conditions of parole or
43 postrelease supervision or reasonable suspicion of criminal activity;

1 (12) refrain from contacting victims unless authorized by the board to
2 contact a victim as part of rehabilitative or therapeutic purposes;

3 (13) pay the administrative fee imposed pursuant to K.S.A. 22-4529,
4 and amendments thereto, unless the board finds compelling circumstances
5 that would render payment unworkable; and

6 (14) unless the board finds compelling circumstances that would
7 render a plan of payment unworkable, reimburse the state for all or part of
8 the expenditures by the state board of indigents' defense services to
9 provide counsel and other defense services to the person. In determining
10 the amount and method of payment of such sum, the prisoner review board
11 shall take account of the financial resources of the person and the nature of
12 the burden that the payment of such sum will impose. Such amount shall
13 not exceed the amount claimed by appointed counsel on the payment
14 voucher for indigents' defense services or the amount prescribed by the
15 board of indigents' defense services reimbursement tables as provided in
16 K.S.A. 22-4522, and amendments thereto, whichever is less, minus any
17 previous payments for such services.

18 (n) Any law enforcement officer who conducts a search pursuant to
19 subsection (m)(11) shall submit a written report to the inmate's parole
20 officer not later than the close of business the next day after such search is
21 conducted. The written report shall include the facts leading to such
22 search, the scope of such search and any findings resulting from such
23 search.

24 (o) If the court that sentenced an inmate specified at the time of
25 sentencing the amount and the recipient of any restitution ordered as a
26 condition of parole or postrelease supervision, the prisoner review board
27 shall order as a condition of parole or postrelease supervision that the
28 inmate pay restitution in the amount and manner provided in the journal
29 entry unless the board finds compelling circumstances that would render a
30 plan of restitution unworkable.

31 (p) Whenever the prisoner review board grants the parole of an
32 inmate, the board, within 14 days of the date of the decision to grant
33 parole, shall give written notice of the decision to the county or district
34 attorney of the county where the inmate was sentenced.

35 (q) When an inmate is to be released on postrelease supervision, the
36 secretary, within 30 days prior to release, shall provide the county or
37 district attorney of the county where the inmate was sentenced written
38 notice of the release date.

39 (r) Inmates shall be released on postrelease supervision upon the
40 termination of the prison portion of their sentence. Time served while on
41 postrelease supervision will vest.

42 (s) An inmate who is allocated regular good time credits as provided
43 in K.S.A. 22-3725, and amendments thereto, may receive meritorious

1 good time credits in increments of not more than 90 days per meritorious
2 act. These credits may be awarded by the secretary of corrections when an
3 inmate has acted in a heroic or outstanding manner in coming to the
4 assistance of another person in a life-threatening situation, preventing
5 injury or death to a person, preventing the destruction of property or taking
6 actions that result in a financial savings to the state.

7 (t) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and
8 (d)(1)(E) shall be applied retroactively as provided in subsection (u).

9 (u) For offenders sentenced prior to July 1, 2014, who are eligible for
10 modification of their postrelease supervision obligation, the department of
11 corrections shall modify the period of postrelease supervision as provided
12 for by this section:

13 (1) On or before September 1, 2013, for offenders convicted of:

14 (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid
15 for nondrug crimes;

16 (B) severity level 4 crimes on the sentencing guidelines grid for drug
17 crimes committed prior to July 1, 2012; and

18 (C) severity level 5 crimes on the sentencing guidelines grid for drug
19 crimes committed on and after July 1, 2012;

20 (2) on or before November 1, 2013, for offenders convicted of:

21 (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines
22 grid for nondrug crimes;

23 (B) level 3 crimes on the sentencing guidelines grid for drug crimes
24 committed prior to July 1, 2012; and

25 (C) level 4 crimes on the sentencing guidelines grid for drug crimes
26 committed on or after July 1, 2012; and

27 (3) on or before January 1, 2014, for offenders convicted of:

28 (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing
29 guidelines grid for nondrug crimes;

30 (B) severity levels 1 and 2 crimes on the sentencing guidelines grid
31 for drug crimes committed at any time; and

32 (C) severity level 3 crimes on the sentencing guidelines grid for drug
33 crimes committed on or after July 1, 2012.

34 (v) An inmate sentenced to imprisonment pursuant to K.S.A. 21-
35 4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for
36 crimes committed on or after July 1, 2006, shall be placed on parole for
37 life and shall not be discharged from supervision by the prisoner review
38 board. When the board orders the parole of an inmate pursuant to this
39 subsection, the board shall order as a condition of parole that the inmate be
40 electronically monitored for the duration of the inmate's natural life.

41 (w) Whenever the prisoner review board orders a person to be
42 electronically monitored pursuant to this section, or the court orders a
43 person to be electronically monitored pursuant to K.S.A. 21-6604(r), and

1 amendments thereto, the board shall order the person to reimburse the state
2 for all or part of the cost of such monitoring. In determining the amount
3 and method of payment of such sum, the board shall take account of the
4 financial resources of the person and the nature of the burden that the
5 payment of such sum will impose.

6 (x) (1) On and after July 1, 2012, for any inmate who is a sex
7 offender, as defined in K.S.A. 22-4902, and amendments thereto,
8 whenever the prisoner review board orders the parole of such inmate or
9 establishes conditions for such inmate placed on postrelease supervision,
10 such inmate shall agree in writing to not possess pornographic materials.

11 (A) As used in this subsection, "pornographic materials" means any
12 obscene material or performance depicting sexual conduct, sexual contact
13 or a sexual performance; and any visual depiction of sexually explicit
14 conduct.

15 (B) As used in this subsection, all other terms have the meanings
16 provided by K.S.A. 21-5510, and amendments thereto.

17 (2) The provisions of this subsection shall be applied retroactively to
18 every sex offender, as defined in K.S.A. 22-4902, and amendments
19 thereto, who is on parole or postrelease supervision on July 1, 2012. The
20 prisoner review board shall obtain the written agreement required by this
21 subsection from such offenders as soon as practicable.

22 *(y) For any parolee or person on postrelease supervision who has
23 been issued a valid identification card pursuant to section 9, and
24 amendments thereto, the prisoner review board shall not order any
25 condition that prohibits such parolee or person on postrelease supervision
26 from purchasing, possessing or consuming medical cannabis or medical
27 cannabis products, as such terms are defined in section 2, and
28 amendments thereto, in accordance with the Kansas medical cannabis act,
29 section 1 et seq., and amendments thereto.*

30 Sec. 63. K.S.A. 2025 Supp. 22-4714 is hereby amended to read as
31 follows: 22-4714. (a) A governmental agency other than a criminal justice
32 agency as defined in K.S.A. 22-4701, and amendments thereto, identified
33 in subsection (b) may require a person to be fingerprinted and shall submit
34 such fingerprints to the Kansas bureau of investigation and the federal
35 bureau of investigation for a search of the state and federal database.
36 Fingerprints provided pursuant to this section may be used to identify a
37 person and to determine whether such person has a record of criminal
38 history in this state or in another jurisdiction. An agency identified in
39 subsection (b) may use the information obtained from the criminal history
40 record check for the purposes of verifying the identification of a person
41 and in the official determination of the qualifications and fitness of such
42 person to be issued or maintain employment, licensure, registration,
43 certification or a permit, act as an agent of a licensee, hold ownership of a

1 licensee or serve as a director or officer of a licensee.

2 (b) (1) The Kansas bureau of investigation shall release criminal
3 history record information related to adult convictions, adult non-
4 convictions, adult diversions, adult expunged records, juvenile
5 adjudications, juvenile non-adjudications, juvenile diversions and juvenile
6 expunged records to:

7 (A) The Kansas department for children and families or the Kansas
8 department for aging and disability services for initial or continuing
9 employment or participation in any program administered for the
10 placement, safety, protection or treatment of vulnerable children or adults
11 as described in K.S.A. 75-53,105, and amendments thereto;

12 (B) the attorney general for applicants as defined in K.S.A. 75-7b01,
13 and amendments thereto, in connection with such application as described
14 in K.S.A. 75-7b04 and 75-7b17, and amendments thereto;

15 (C) the attorney general for applicants as defined in K.S.A. 75-7c02,
16 and amendments thereto, in connection with such application as described
17 in K.S.A. 75-7c05, and amendments thereto;

18 (D) the attorney general for applicants as defined in K.S.A. 75-7b01,
19 and amendments thereto, in connection with such application for
20 certification as described in K.S.A. 75-7b21, and amendments thereto; and

21 (E) the attorney general for applicants as defined in K.S.A. 7e01, and
22 amendments thereto, in connection with such application as described in
23 K.S.A. 75-7e03, and amendments thereto.

24 (2) The Kansas bureau of investigation shall release criminal history
25 record information related to adult convictions, adult non-convictions,
26 adult diversions, adult expunged records and juvenile expunged records to:

27 (A) The state lottery for candidates for employees as defined in
28 K.S.A. 74-8702, and amendments thereto, in connection with such
29 employment as described in K.S.A. 74-8704, and amendments thereto; and

30 (B) the Kansas racing and gaming commission for candidates for
31 employees or licensees as defined in K.S.A. 74-8802, and amendments
32 thereto, in connection with such employment or license as described in
33 K.S.A. 74-8804, and amendments thereto, including an applicant for a
34 simulcasting license.

35 (3) The Kansas bureau of investigation shall release criminal history
36 record information related to adult convictions, adult non-convictions,
37 adult diversions, adult expunged records, juvenile adjudications, juvenile
38 non-adjudications and juvenile diversions to:

39 (A) The emergency medical services board for applicants as defined
40 in K.S.A. 65-6129, and amendments thereto, in connection with such
41 application as described in K.S.A. 65-6129, and amendments thereto;

42 (B) the department of administration for candidates for sensitive
43 employees as defined in K.S.A. 75-3707e, and amendments thereto, in

1 connection with such employment as described in K.S.A. 75-3707e, and
2 amendments thereto; and

3 (C) the state gaming agency for candidates for employees and
4 licensees as defined in K.S.A. 74-9802, and amendments thereto, in
5 connection with such employment or license as described in K.S.A. 74-
6 9805, and amendments thereto.

7 (4) The Kansas bureau of investigation shall release criminal history
8 record information related to adult convictions, adult non-convictions,
9 adult diversions and adult expunged records to:

10 (A) The supreme court and state board of law examiners for
11 applicants as defined in K.S.A. 7-127, and amendments thereto, in
12 connection with such application as described in K.S.A. 7-127, and
13 amendments thereto; and

14 (B) the commission on peace officers' standards and training for
15 applicants for certification under the Kansas law enforcement training act
16 as described in K.S.A. 74-5607, and amendments thereto.

17 (5) The Kansas bureau of investigation shall release criminal history
18 record information related to adult convictions, adult non-convictions,
19 adult diversions and juvenile adjudications to:

20 (A) The athletic commission within the Kansas department of
21 commerce for a candidate for boxing commission as defined in K.S.A. 74-
22 50,182, and amendments thereto, in connection with such appointment as
23 described in K.S.A. 74-50,184, and amendments thereto;

24 (B) the secretary of health and environment for employees at a child
25 care facility as defined in K.S.A. 65-503, and amendments thereto, in
26 connection with such employment as described in K.S.A. 65-516, and
27 amendments thereto;

28 (C) the secretary of commerce for final applicants for a sensitive
29 position or employees in a sensitive position as defined in K.S.A. 2025
30 Supp. 74-5005a, and amendments thereto, in connection with such
31 employment as described in K.S.A. 2025 Supp. 74-5005a, and
32 amendments thereto;

33 (D) the secretary of labor for employees as defined in K.S.A. 75-
34 5702, and amendments thereto, in connection with such employment as
35 described in K.S.A. 75-5702, and amendments thereto; and

36 (E) the state bank commissioner for any officer, partner, member,
37 owner, principal or director of an applicant or registrant in connection with
38 such application or registration as described in K.S.A. 2025 Supp. 9-2411,
39 and amendments thereto.

40 (6) The Kansas bureau of investigation shall release criminal history
41 record information related to adult convictions and juvenile adjudications
42 to:

43 (A) The secretary for aging and disability services for applicants as

1 defined in K.S.A. 39-970, and amendments thereto, in connection with
2 such application as described in K.S.A. 39-970, and amendments thereto;

3 (B) the Kansas department for aging and disability services for
4 applicants as defined in K.S.A. 39-2009, and amendments thereto, in
5 connection with such application as described in K.S.A. 39-2009, and
6 amendments thereto; and

7 (C) the secretary for aging and disability services for applicants as
8 defined in K.S.A. 65-5117, and amendments thereto, in connection with
9 such application as described in K.S.A. 65-5117, and amendments thereto.

10 (7) The Kansas bureau of investigation shall release criminal history
11 record information related to adult convictions and adult non-convictions
12 to:

13 (A) The division of motor vehicles within the department of revenue
14 for applicants for reinstatement of a license to drive a commercial motor
15 vehicle as described in K.S.A. 8-2,142, and amendments thereto;

16 (B) the board of examiners in optometry for applicants or licensees as
17 defined in K.S.A. 65-1501, and amendments thereto, in connection with
18 such application or an investigation as described in K.S.A. 65-1505, and
19 amendments thereto;

20 (C) the board of pharmacy for fingerprint candidates as defined in
21 K.S.A. 65-1626, and amendments thereto, in connection with such
22 application or license as described in K.S.A. 65-1696, and amendments
23 thereto;

24 (D) the state board of healing arts for applicants or licensees as
25 defined in K.S.A. 65-2802, and amendments thereto, in connection with
26 such application or an investigation as described in K.S.A. 65-28,129, and
27 amendments thereto;

28 (E) the state board of healing arts for applicants or licensees as
29 defined in K.S.A. 65-2901, and amendments thereto, in connection with
30 such application or an investigation as described in K.S.A. 65-2924, and
31 amendments thereto;

32 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,
33 and amendments thereto, in connection with such application as described
34 in K.S.A. 74-1112, and amendments thereto;

35 (G) the behavioral sciences regulatory board for licensees as defined
36 in K.S.A. 74-7511, and amendments thereto, in connection with such
37 application or license as described in K.S.A. 74-7511, and amendments
38 thereto;

39 (H) the state lottery for a vendor to whom a major procurement
40 contract is to be awarded in connection with an investigation as described
41 in K.S.A. 74-8705, and amendments thereto;

42 (I) the attorney general for appointees of the governor to positions
43 subject to confirmation by the senate and judicial appointees as described

1 in K.S.A. 75-712, and amendments thereto;

2 (J) appointing authorities as defined in K.S.A. 75-4315d, and
3 amendments thereto, for nongubernatorial appointees as described in
4 K.S.A. 75-4315d, and amendments thereto;

5 (K) the Kansas real estate commission for applicants as defined in
6 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in
7 K.S.A. 58-3035, and amendments thereto, in connection with an
8 investigation as described in K.S.A. 58-3039, and amendments thereto;

9 (L) the insurance commissioner for applicants for licensure as an
10 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in
11 connection with such application as described in K.S.A. 40-4905, and
12 amendments thereto;

13 (M) the insurance commissioner for applicants as defined in K.S.A.
14 40-5501, and amendments thereto, in connection with such application as
15 described in K.S.A. 40-5505, and amendments thereto; and

16 (N) the state bank commissioner for applicants in control of a
17 licensee, licensees or key individuals as defined in K.S.A. 2025 Supp. 9-
18 555, and amendments thereto, in connection with such application as
19 described in K.S.A. 2025 Supp. 9-565, and amendments thereto.

20 (8) The Kansas bureau of investigation shall release criminal history
21 record information related to adult convictions to:

22 (A) The department of agriculture for hemp employees as defined in
23 K.S.A. 2-3901, and amendments thereto, in connection with such
24 employment as described in K.S.A. 2-3902, and amendments thereto;

25 (B) the department of agriculture for applicants for licensure as a
26 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in
27 connection with such application as described in K.S.A. 2-3906, and
28 amendments thereto;

29 (C) the office of state fire marshal for applicants for registration as a
30 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in
31 connection with such application as described in K.S.A. 2-3907, and
32 amendments thereto;

33 (D) the department of agriculture for hemp destruction employees as
34 defined in K.S.A. 2-3901, and amendments thereto, in connection with
35 such employment as described in K.S.A. 2-3911, and amendments thereto;

36 (E) the bank commissioner for any applicant as defined in K.S.A. 9-
37 508, and amendments thereto, in connection with such application as
38 described in K.S.A. 9-509, and amendments thereto;

39 (F) the bank commissioner for an applicant for employment as a new
40 executive officer or director with a money transmitter company as
41 described in K.S.A. 9-513e, and amendments thereto;

42 (G) the bank commissioner for any applicant as defined in K.S.A. 9-
43 1719, and amendments thereto, in connection with such application as

1 described in K.S.A. 9-1722, and amendments thereto;

2 (H) the bank commissioner for an applicant, registrant or licensee as

3 defined in K.S.A. 9-2201, and amendments thereto, in connection with

4 such application, registration or license as described in K.S.A. 9-2209, and

5 amendments thereto;

6 (I) the state banking board for any officer, director or organizer of a

7 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and

8 amendments thereto, in connection with such role as described in K.S.A.

9 9-2302, and amendments thereto;

10 (J) municipalities for applicants for merchant or security police as

11 described in K.S.A. 12-1679, and amendments thereto;

12 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-

13 104, and amendments thereto, in connection with such application as

14 described in K.S.A. 16a-6-104, and amendments thereto;

15 (L) the state department of credit unions for every candidate as

16 defined in K.S.A. 17-2234, and amendments thereto, in connection with

17 such employment as described in K.S.A. 17-2234, and amendments

18 thereto;

19 (M) the division of alcoholic beverage control within the department

20 of revenue for applicants as defined in K.S.A. 41-102, and amendments

21 thereto, in connection with such application as described in K.S.A. 41-

22 311b, and amendments thereto;

23 (N) the division of post audit for employees as defined in K.S.A. 46-

24 1103, and amendments thereto, in connection with such employment as

25 described in K.S.A. 46-1103, and amendments thereto;

26 (O) the bank commissioner for licensees as defined in K.S.A. 50-

27 1126, and amendments thereto, in connection with such license as

28 described in K.S.A. 50-1128, and amendments thereto;

29 (P) the real estate appraisal board for licensees as defined in K.S.A.

30 58-4102, and amendments thereto, in connection with an application or

31 investigation as described in K.S.A. 58-4127, and amendments thereto;

32 (Q) the real estate appraisal board for applicants as defined in K.S.A.

33 58-4703, and amendments thereto, in connection with such application as

34 described in K.S.A. 58-4709, and amendments thereto;

35 (R) the department of health and environment for an employee as

36 defined in K.S.A. 65-2401, and amendments thereto, in connection with

37 such employment as described in K.S.A. 65-2402, and amendments

38 thereto;

39 (S) the Kansas office of veterans services for candidates as defined in

40 K.S.A. 73-1210a, and amendments thereto, in connection with an

41 application as described in K.S.A. 73-1210a, and amendments thereto;

42 (T) a senate standing committee for a member named, appointed or

43 elected to the public employee retirement systems board of trustee

1 membership as described in K.S.A. 74-4905, and amendments thereto;

2 (U) the department of revenue for employees as defined in K.S.A. 75-
3 5133c, and amendments thereto, in connection with such employment as
4 described in K.S.A. 75-5133c, and amendments thereto;

5 (V) the division of motor vehicles within the department of revenue
6 for employees as defined in K.S.A. 75-5156, and amendments thereto, in
7 connection with such employment as described in K.S.A. 75-5156, and
8 amendments thereto;

9 (W) the Kansas commission for the deaf and hard of hearing for
10 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in
11 connection with such application as described in K.S.A. 75-5393a, and
12 amendments thereto;

13 (X) the Kansas commission for the deaf and hard of hearing for
14 employees as defined in K.S.A. 75-5397f, and amendments thereto, in
15 connection with such employment as described in K.S.A. 75-5393c, and
16 amendments thereto;

17 (Y) the department of health and environment for employees as
18 defined in K.S.A. 75-5609a, and amendments thereto, in connection with
19 such employment as described in K.S.A. 75-5609a, and amendments
20 thereto; and

21 (Z) an executive branch agency head for employees as defined in
22 K.S.A. 75-7241, and amendments thereto, in connection with such
23 employment as described in K.S.A. 75-7241, and amendments thereto;
24 and

25 (AA) *the director of alcoholic beverage control for applicants as
described in section 19, and amendments thereto, in connection with such
applications as described in section 17, and amendments thereto.*

26 (c) State and local law enforcement agencies shall assist with taking
27 fingerprints of individuals as authorized by this section.

28 (d) Any board, commission, committee or other public body shall
29 recess into a closed executive session pursuant to K.S.A. 75-4319, and
30 amendments thereto, to receive and discuss criminal history record
31 information obtained pursuant to this section.

32 (e) The Kansas bureau of investigation may charge a reasonable fee
33 for conducting a criminal history record check.

34 (f) (1) Fingerprints and criminal history record information received
35 pursuant to this section shall be confidential and shall not be subject to the
36 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and
37 amendments thereto. The provisions of this paragraph shall expire on July
38 1, 2029, unless the legislature reviews and reenacts this provision pursuant
39 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

40 (2) Disclosure or use of any information received pursuant to this
41 section for any purpose other than the purpose described in this section

1 shall be a class A nonperson misdemeanor and shall constitute grounds for
2 removal from office.

3 Sec. 64. K.S.A. 23-3201 is hereby amended to read as follows: 23-
4 3201. (a) The court shall determine legal custody, residency and parenting
5 time of a child in accordance with the best interests of the child.

6 (b) *The court shall not consider the fact that a parent consumes*
7 *medical cannabis or medical cannabis products, as defined in section 2,*
8 *and amendments thereto, in accordance with the Kansas medical cannabis*
9 *act, section 1 et seq., and amendments thereto, when determining the legal*
10 *custody, residency or parenting time of a child.*

11 Sec. 65. K.S.A. 38-2269 is hereby amended to read as follows: 38-
12 2269. (a) When the child has been adjudicated to be a child in need of
13 care, the court may terminate parental rights or appoint a permanent
14 custodian when the court finds by clear and convincing evidence that the
15 parent is unfit by reason of conduct or condition which renders the parent
16 unable to care properly for a child and the conduct or condition is unlikely
17 to change in the foreseeable future.

18 (b) In making a determination of unfitness the court shall consider,
19 but is not limited to, the following, if applicable:

20 (1) Emotional illness, mental illness, mental deficiency or physical
21 disability of the parent, of such duration or nature as to render the parent
22 unable to care for the ongoing physical, mental and emotional needs of the
23 child;

24 (2) conduct toward a child of a physically, emotionally or sexually
25 cruel or abusive nature;

26 (3) the use of intoxicating liquors or narcotic or dangerous drugs of
27 such duration or nature as to render the parent unable to care for the
28 ongoing physical, mental or emotional needs of the child, *except that the*
29 *use of medical cannabis or medical cannabis products, as defined in*
30 *section 2, and amendments thereto, in accordance with the Kansas*
31 *medical cannabis act, section 1 et seq., and amendments thereto, shall not*
32 *be considered to render the parent unable to care for the ongoing physical,*
33 *mental or emotional needs of the child;*

34 (4) physical, mental or emotional abuse or neglect or sexual abuse of
35 a child;

36 (5) conviction of a felony and imprisonment;

37 (6) unexplained injury or death of another child or stepchild of the
38 parent or any child in the care of the parent at the time of injury or death;

39 (7) failure of reasonable efforts made by appropriate public or private
40 agencies to rehabilitate the family;

41 (8) lack of effort on the part of the parent to adjust the parent's
42 circumstances, conduct or conditions to meet the needs of the child; and

43 (9) whether, as a result of the actions or inactions attributable to the

1 parent and one or more of the factors listed in subsection (c) apply, the
2 child has been in the custody of the secretary and placed with neither
3 parent for 15 of the most recent 22 months beginning 60 days after the
4 date on which a child in the secretary's custody was removed from the
5 child's home.

6 (c) In addition to the foregoing, when a child is not in the physical
7 custody of a parent, the court, shall consider, but is not limited to, the
8 following:

9 (1) Failure to assure care of the child in the parental home when able
10 to do so;

11 (2) failure to maintain regular visitation, contact or communication
12 with the child or with the custodian of the child;

13 (3) failure to carry out a reasonable plan approved by the court
14 directed toward the integration of the child into a parental home; and

15 (4) failure to pay a reasonable portion of the cost of substitute
16 physical care and maintenance based on ability to pay.

17 In making the above determination, the court may disregard incidental
18 visitations, contacts, communications or contributions.

19 (d) A finding of unfitness may be made as provided in this section if
20 the court finds that the parents have abandoned the child, the custody of
21 the child was surrendered pursuant to K.S.A. 38-2282, and amendments
22 thereto, or the child was left under such circumstances that the identity of
23 the parents is unknown and cannot be ascertained, despite diligent
24 searching, and the parents have not come forward to claim the child within
25 three months after the child is found.

26 (e) If a person is convicted of a felony in which sexual intercourse
27 occurred, or if a juvenile is adjudicated a juvenile offender because of an
28 act which, if committed by an adult, would be a felony in which sexual
29 intercourse occurred, and as a result of the sexual intercourse, a child is
30 conceived, a finding of unfitness may be made.

31 (f) The existence of any one of the above factors standing alone may,
32 but does not necessarily, establish grounds for termination of parental
33 rights.

34 (g) (1) If the court makes a finding of unfitness, the court shall
35 consider whether termination of parental rights as requested in the petition
36 or motion is in the best interests of the child. In making the determination,
37 the court shall give primary consideration to the physical, mental and
38 emotional health of the child. If the physical, mental or emotional needs of
39 the child would best be served by termination of parental rights, the court
40 shall so order. A termination of parental rights under the code shall not
41 terminate the right of a child to inherit from or through a parent. Upon
42 such termination all rights of the parent to such child, including, such
43 parent's right to inherit from or through such child, shall cease.

1 (2) If the court terminates parental rights, the court may authorize
2 adoption pursuant to K.S.A. 38-2270, and amendments thereto,
3 appointment of a permanent custodian pursuant to K.S.A. 38-2272, and
4 amendments thereto, or continued permanency planning.

5 (3) If the court does not terminate parental rights, the court may
6 authorize appointment of a permanent custodian pursuant to K.S.A. 38-
7 2272, and amendments thereto, or continued permanency planning.

8 (h) If a parent is convicted of an offense as provided in K.S.A. 38-
9 2271(a)(7), and amendments thereto, or is adjudicated a juvenile offender
10 because of an act which if committed by an adult would be an offense as
11 provided in K.S.A. 38-2271(a)(7), and amendments thereto, and if the
12 victim was the other parent of a child, the court may disregard such
13 convicted or adjudicated parent's opinions or wishes in regard to the
14 placement of such child.

15 (i) A record shall be made of the proceedings.

16 (j) When adoption, proceedings to appoint a permanent custodian or
17 continued permanency planning has been authorized, the person or agency
18 awarded custody of the child shall within 30 days submit a written plan for
19 permanent placement which shall include measurable objectives and time
20 schedules.

21 Sec. 66. K.S.A. 2025 Supp. 44-501 is hereby amended to read as
22 follows: 44-501. (a) (1) Compensation for an injury shall be disallowed if
23 such injury to the employee results from:

24 (A) The employee's deliberate intention to cause such injury;

25 (B) the employee's willful failure to use a guard or protection against
26 accident or injury which is required pursuant to any statute and provided
27 for the employee;

28 (C) the employee's willful failure to use a reasonable and proper
29 guard and protection voluntarily furnished the employee by the employer;

30 (D) the employee's reckless violation of their employer's workplace
31 safety rules or regulations; or

32 (E) the employee's voluntary participation in fighting or horseplay
33 with a co-employee for any reason, work related or otherwise.

34 (2) ~~Subparagraphs (B) and (C) of paragraph (1) of subsection~~
35 ~~(a) Subsections (a)(1)(B) and (a)(1)(C)~~ shall not apply when it was
36 reasonable under the totality of the circumstances to not use such
37 equipment, or if the employer approved the work engaged in at the time of
38 an accident or injury to be performed without such equipment.

39 (b) (1) (A) The employer shall not be liable under the workers
40 compensation act where the injury, disability or death was contributed to
41 by the employee's use or consumption of alcohol or any drugs, chemicals
42 or any other compounds or substances, including, but not limited to, any
43 drugs or medications ~~which~~ that are available to the public without a

1 prescription from a healthcare provider, prescription drugs or medications,
2 any form or type of narcotic drugs, marijuana, stimulants, depressants or
3 hallucinogens.

4 (B) (i) In the case of drugs or medications which are available to the
5 public without a prescription from a healthcare provider and prescription
6 drugs or medications, compensation shall not be denied if the employee
7 can show that such drugs or medications were being taken or used in
8 therapeutic doses and there have been no prior incidences of the
9 employee's impairment on the job as the result of the use of such drugs or
10 medications within the previous 24 months.

11 (ii) *In the case of cannabis, including any cannabis derivatives,
12 compensation shall not be denied if the employee has been issued a valid
13 identification card pursuant to the Kansas medical cannabis act, section 1
14 et seq., and amendments thereto, such cannabis or cannabis derivative
15 was used in accordance with such act, and there has been no prior
16 incidence of the employee's impairment on the job as a result of the use of
17 such cannabis or cannabis derivative within the immediately preceding 24
18 months.*

19 (C) It shall be conclusively presumed that the employee was impaired
20 due to alcohol or drugs if it is shown that, at the time of the injury, the
21 employee had an alcohol concentration of .04 or more, or a GCMS
22 confirmatory test by quantitative analysis showing a concentration at or
23 above the levels shown on the following chart for the drugs of abuse listed:

	Confirmatory test cutoff levels (ng/ml)
27 Marijuana metabolite ¹	15
28 Cocaine metabolite ²	150
29 Opiates:	

30 Morphine	2000
31 Codeine	2000
32 6-Acetylmorphine ⁴	10 ng/ml
33 Phencyclidine	25
34 Amphetamines:	

35 Amphetamine	500
36 Methamphetamine ³	500

37 ¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid.

38 ² Benzoyllecgonine.

39 ³ Specimen must also contain amphetamine at a concentration greater
40 than or equal to 200 ng/ml.

41 ⁴ Test for 6-AM when morphine concentration exceeds 2,000 ng/ml.

42 (D) If it is shown that the employee was impaired pursuant to
43 subsection (b)(1)(C) at the time of the injury, there shall be a rebuttable

1 presumption that the accident, injury, disability or death was contributed to
2 by such impairment. The employee may overcome the presumption of
3 contribution by clear and convincing evidence.

4 (E) An employee's refusal to submit to a chemical test at the request
5 of the employer shall result in the forfeiture of benefits under the workers
6 compensation act if the employer had sufficient cause to suspect the use of
7 alcohol or drugs by the claimant or if the employer's policy clearly
8 authorizes post-injury testing.

9 (2) The results of a chemical test shall be admissible evidence to
10 prove impairment if the employer establishes that the testing was done
11 under any of the following circumstances:

12 (A) As a result of an employer mandated drug testing policy, in place
13 in writing prior to the date of accident or injury, requiring any worker to
14 submit to testing for drugs or alcohol;

15 (B) during an autopsy or in the normal course of medical treatment
16 for reasons related to the health and welfare of the injured worker and not
17 at the direction of the employer;

18 (C) the worker, prior to the date and time of the accident or injury,
19 gave written consent to the employer that the worker would voluntarily
20 submit to a chemical test for drugs or alcohol following any accident or
21 injury;

22 (D) the worker voluntarily agrees to submit to a chemical test for
23 drugs or alcohol following any accident or injury; or

24 (E) as a result of federal or state law or a federal or state rule or
25 regulation having the force and effect of law requiring a post-injury testing
26 program and such required program was properly implemented at the time
27 of testing.

28 (3) Notwithstanding subsection (b)(2), the results of a chemical test
29 performed on a sample collected by an employer shall not be admissible
30 evidence to prove impairment unless the following conditions are met:

31 (A) The test sample was collected within a reasonable time following
32 the accident or injury;

33 (B) the collecting and labeling of the test sample was performed by or
34 under the supervision of a licensed healthcare professional;

35 (C) the test was performed by a laboratory approved by the United
36 States department of health and human services or licensed by the
37 department of health and environment, except that a blood sample may be
38 tested for alcohol content by a laboratory commonly used for that purpose
39 by state law enforcement agencies;

40 (D) the test was confirmed by gas chromatography-mass
41 spectroscopy or other comparably reliable analytical method, except that
42 no such confirmation is required for a blood alcohol sample;

43 (E) the foundation evidence must establish, beyond a reasonable

1 doubt, that the test results were from the sample taken from the employee;
2 and

3 (F) a split sample sufficient for testing shall be retained and made
4 available to the employee within 48 hours of a positive test.

5 (c) (1) Except as provided in paragraph (2), compensation shall not
6 be paid in case of coronary or coronary artery disease or cerebrovascular
7 injury unless it is shown that the exertion of the work necessary to
8 precipitate the disability was more than the employee's usual work in the
9 course of the employee's regular employment.

10 (2) For events occurring on or after July 1, 2014, in the case of a
11 firefighter as defined by K.S.A. 40-1709(b)(1), and amendments thereto,
12 or a law enforcement officer as defined by K.S.A. 74-5602, and
13 amendments thereto, coronary or coronary artery disease or
14 cerebrovascular injury shall be compensable if:

15 (A) The injury can be identified as caused by a specific event
16 occurring in the course and scope of employment;

17 (B) the coronary or cerebrovascular injury occurred within 24 hours
18 of the specific event; and

19 (C) the specific event was the prevailing factor in causing the
20 coronary or coronary artery disease or cerebrovascular injury.

21 (d) Except as provided in the workers compensation act, no
22 construction design professional who is retained to perform professional
23 services on a construction project or any employee of a construction
24 design professional who is assisting or representing the construction
25 design professional in the performance of professional services on the site
26 of the construction project, shall be liable for any injury resulting from the
27 employer's failure to comply with safety standards on the construction
28 project for which compensation is recoverable under the workers
29 compensation act, unless responsibility for safety practices is specifically
30 assumed by contract. The immunity provided by this subsection to any
31 construction design professional shall not apply to the negligent
32 preparation of design plans or specifications.

33 (e) An award of compensation for permanent partial impairment,
34 work disability, or permanent total disability shall be reduced by the
35 amount of functional impairment determined to be preexisting to the same
36 physical structure as the body part injured. Any such reduction shall not
37 apply to temporary total disability, nor shall it apply to compensation for
38 medical treatment.

39 (1) Where workers compensation benefits have previously been
40 awarded through settlement or judicial or administrative determination in
41 Kansas, the percentage basis of the prior settlement or award shall
42 conclusively establish the amount of functional impairment determined to
43 be preexisting. Where workers compensation benefits have not previously

1 been awarded through settlement or judicial or administrative
2 determination in Kansas, the amount of preexisting functional impairment
3 shall be established by competent evidence.

4 (2) In all cases, the applicable reduction shall be calculated as
5 follows:

6 (A) If the preexisting impairment is the result of injury sustained
7 while working for the employer against whom workers compensation
8 benefits are currently being sought, any award of compensation shall be
9 reduced by the current dollar value attributable under the workers
10 compensation act to the percentage of functional impairment determined to
11 be preexisting. The "current dollar value" shall be calculated by
12 multiplying the percentage of preexisting impairment by the compensation
13 rate in effect on the date of the accident or injury against which the
14 reduction will be applied.

15 (B) In all other cases, the employer against whom benefits are
16 currently being sought shall be entitled to a credit for the percentage of
17 preexisting impairment.

18 (f) If the employee receives retirement benefits under the federal
19 social security act, any compensation benefit payments for permanent
20 partial disability or permanent total disability that the employee is eligible
21 to receive under the workers compensation act for such claim shall be
22 reduced by 50% of the weekly equivalent amount of such retirement
23 benefits, but in no event shall the workers compensation benefit be less
24 than the workers compensation benefit payable for the employee's
25 percentage of functional impairment. The reduction in benefits allowed by
26 this subsection shall not apply to temporary total disability compensation
27 or temporary partial disability compensation.

28 (g) If the employee receives retirement benefits from any other
29 retirement system, program, policy or plan that is provided by the
30 employer against whom the claim is being made, any compensation for
31 permanent partial disability or permanent total disability benefits the
32 employee is eligible to receive under the workers compensation act for the
33 claim shall be reduced by the weekly equivalent amount of such retirement
34 benefits less any portion of any such retirement benefit that is attributable
35 to payments or contributions made by the employee. In no event shall the
36 workers compensation benefit be less than the workers compensation
37 benefit payable for the employee's percentage of functional impairment.
38 The credit allowed by this subsection shall not apply to temporary total
39 disability compensation or temporary partial disability compensation.

40 (h) Where the employee elects to take retirement benefits in a lump
41 sum, the lump sum payment shall be amortized at the rate of 4% per year
42 over the employee's life expectancy to determine the weekly equivalent
43 value of the benefits.

1 Sec. 67. K.S.A. 2025 Supp. 44-706 is hereby amended to read as
2 follows: 44-706. The secretary shall examine whether an individual has
3 separated from employment for each week claimed. The secretary shall
4 apply the provisions of this section to the individual's most recent
5 employment prior to the week claimed. An individual shall be disqualified
6 for benefits:

7 (a) If the individual left work voluntarily without good cause
8 attributable to the work or the employer, subject to the other provisions of
9 this subsection. For purposes of this subsection, "good cause" is cause of
10 such gravity that would impel a reasonable, not supersensitive, individual
11 exercising ordinary common sense to leave employment. Good cause
12 requires a showing of good faith of the individual leaving work, including
13 the presence of a genuine desire to work. Failure to return to work after
14 expiration of approved personal or medical leave, or both, shall be
15 considered a voluntary resignation. After a temporary job assignment,
16 failure of an individual to affirmatively request an additional assignment
17 on the next succeeding workday, if required by the employment
18 agreement, after completion of a given work assignment, shall constitute
19 leaving work voluntarily. The disqualification shall begin the day
20 following the separation and shall continue until after the individual has
21 become reemployed and has had earnings from insured work of at least
22 three times the individual's weekly benefit amount. An individual shall not
23 be disqualified under this subsection if:

24 (1) The individual was forced to leave work because of illness or
25 injury upon the advice of a licensed and practicing healthcare provider
26 and, upon learning of the necessity for absence, immediately notified the
27 employer thereof, or the employer consented to the absence, and after
28 recovery from the illness or injury, when recovery was certified by a
29 practicing health care provider, the individual returned to the employer and
30 offered to perform services and the individual's regular work or
31 comparable and suitable work was not available. As used in this paragraph
32 "healthcare provider" means any person licensed by the proper licensing
33 authority of any state to engage in the practice of medicine and surgery,
34 osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

35 (2) the individual left temporary work to return to the regular
36 employer;

37 (3) the individual left work to enter active service in the armed forces
38 of the United States but was rejected or delayed from entry;

39 (4) the spouse of an individual who is a member of the armed forces
40 of the United States who left work because of the voluntary or involuntary
41 transfer of the individual's spouse from one job to another job that is for
42 the same employer or for a different employer, at a geographic location
43 that makes it unreasonable for the individual to continue work at the

1 individual's job. For the purposes of this provision "member of the armed
2 forces" means a person performing active service in the army, navy,
3 marine corps, air force, space force, coast guard or any component of the
4 military reserves of the United States;

5 (5) the individual left work because of hazardous working conditions;
6 in determining whether or not working conditions are hazardous for an
7 individual, the degree of risk involved to the individual's health, safety and
8 morals, the individual's physical fitness and prior training and the working
9 conditions of workers engaged in the same or similar work for the same
10 and other employers in the locality shall be considered; as used in this
11 paragraph, "hazardous working conditions" means working conditions that
12 could result in a danger to the physical or mental well-being of the
13 individual; each determination as to whether hazardous working
14 conditions exist shall include, but shall not be limited to, a consideration
15 of: (A) The safety measures used or the lack thereof; and (B) the condition
16 of equipment or lack of proper equipment; no work shall be considered
17 hazardous if the working conditions surrounding the individual's work are
18 the same or substantially the same as the working conditions generally
19 prevailing among individuals performing the same or similar work for
20 other employers engaged in the same or similar type of activity;

21 (6) the individual left work to enter training approved under section
22 236(a)(1) of the federal trade act of 1974, provided the work left is not of a
23 substantially equal or higher skill level than the individual's past adversely
24 affected employment, as defined for purposes of the federal trade act of
25 1974, and wages for such work are not less than 80% of the individual's
26 average weekly wage as determined for the purposes of the federal trade
27 act of 1974;

28 (7) the individual left work because of unwelcome harassment of the
29 individual by the employer or another employee of which the employing
30 unit had knowledge and that would impel the average worker to give up
31 such worker's employment;

32 (8) the individual left work to accept better work; each determination
33 as to whether or not the work accepted is better work shall include, but
34 shall not be limited to, consideration of: (A) The rate of pay, the hours of
35 work and the probable permanency of the work left as compared to the
36 work accepted; (B) the cost to the individual of getting to the work left in
37 comparison to the cost of getting to the work accepted; and (C) the
38 distance from the individual's place of residence to the work accepted in
39 comparison to the distance from the individual's residence to the work left;

40 (9) the individual left work as a result of being instructed or requested
41 by the employer, a supervisor or a fellow employee to perform a service or
42 commit an act in the scope of official job duties that is in violation of an
43 ordinance or statute;

1 (10) the individual left work because of a substantial violation of the
2 work agreement by the employing unit and, before the individual left, the
3 individual had exhausted all remedies provided in such agreement for the
4 settlement of disputes before terminating. For the purposes of this
5 paragraph, a demotion based on performance does not constitute a
6 violation of the work agreement;

7 (11) after making reasonable efforts to preserve the work, the
8 individual left work due to a personal emergency of such nature and
9 compelling urgency that it would be contrary to good conscience to
10 impose a disqualification; or

11 (12) (A) the individual left work due to circumstances resulting from
12 domestic violence, including:

13 (i) The individual's reasonable fear of future domestic violence at or
14 en route to or from the individual's place of employment;

15 (ii) the individual's need to relocate to another geographic area in
16 order to avoid future domestic violence;

17 (iii) the individual's need to address the physical, psychological and
18 legal impacts of domestic violence;

19 (iv) the individual's need to leave employment as a condition of
20 receiving services or shelter from an agency that provides support services
21 or shelter to victims of domestic violence; or

22 (v) the individual's reasonable belief that termination of employment
23 is necessary to avoid other situations that may cause domestic violence and
24 to provide for the future safety of the individual or the individual's family.

25 (B) An individual may prove the existence of domestic violence by
26 providing one of the following:

27 (i) A restraining order or other documentation of equitable relief by a
28 court of competent jurisdiction;

29 (ii) a police record documenting the abuse;

30 (iii) documentation that the abuser has been convicted of one or more
31 of the offenses enumerated in articles 34 and 35 of chapter 21 of the
32 Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of
33 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325,
34 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the
35 victim was a family or household member;

36 (iv) medical documentation of the abuse;

37 (v) a statement provided by a counselor, social worker, health care
38 provider, clergy, shelter worker, legal advocate, domestic violence or
39 sexual assault advocate or other professional who has assisted the
40 individual in dealing with the effects of abuse on the individual or the
41 individual's family; or

42 (vi) a sworn statement from the individual attesting to the abuse.

43 (C) No evidence of domestic violence experienced by an individual,

1 including the individual's statement and corroborating evidence, shall be
2 disclosed by the department of labor unless consent for disclosure is given
3 by the individual.

4 (b) If the individual has been discharged or suspended for misconduct
5 connected with the individual's work. The disqualification shall begin the
6 day following the separation and shall continue until after the individual
7 becomes reemployed and in cases where the disqualification is due to
8 discharge for misconduct has had earnings from insured work of at least
9 three times the individual's determined weekly benefit amount, except that
10 if an individual is discharged for gross misconduct connected with the
11 individual's work, such individual shall be disqualified for benefits until
12 such individual again becomes employed and has had earnings from
13 insured work of at least eight times such individual's determined weekly
14 benefit amount. In addition, all wage credits attributable to the
15 employment from which the individual was discharged for gross
16 misconduct connected with the individual's work shall be canceled. No
17 such cancellation of wage credits shall affect prior payments made as a
18 result of a prior separation.

19 (1) (A) As used in this subsection, "misconduct" means a violation of
20 a duty or obligation reasonably owed the employer as a condition of
21 employment including, but not limited to, a violation of a company rule,
22 including a safety rule, if: (A)(i) The individual knew or should have
23 known about the rule; (B)(ii) the rule was lawful and reasonably related to
24 the job; and (C)(iii) the rule was fairly and consistently enforced.

25 (B) *"Misconduct" does not include any violation of a duty, obligation
26 or company rule, if: (i) The individual is a patient who has been issued a
27 valid identification card pursuant to section 9, and amendments thereto;
28 and (ii) the basis for the violation is the possession of such identification
29 card or the possession or use of medical cannabis or a medical cannabis
30 product, as such terms are defined in section 2, and amendments thereto,
31 in accordance with the Kansas medical cannabis act, section 1 et seq., and
32 amendments thereto.*

33 (2) (A) Failure of the employee to notify the employer of an absence
34 and an individual's leaving work prior to the end of such individual's
35 assigned work period without permission shall be considered *prima facie*
36 evidence of a violation of a duty or obligation reasonably owed the
37 employer as a condition of employment.

38 (B) For the purposes of this subsection, misconduct shall include, but
39 not be limited to, violation of the employer's reasonable attendance
40 expectations if the facts show:

41 (i) The individual was absent or tardy without good cause;
42 (ii) the individual had knowledge of the employer's attendance
43 expectation; and

1 (iii) the employer gave notice to the individual that future absence or
2 tardiness may or will result in discharge.

3 (C) For the purposes of this subsection, if an employee disputes being
4 absent or tardy without good cause, the employee shall present evidence
5 that a majority of the employee's absences or tardiness were for good
6 cause. If the employee alleges that the employee's repeated absences or
7 tardiness were the result of health related issues, such evidence shall
8 include documentation from a licensed and practicing healthcare provider
9 as defined in subsection (a)(1).

10 (3) (A) (i) The term "gross misconduct" as used in this subsection
11 shall be construed to mean conduct evincing extreme, willful or wanton
12 misconduct as defined by this subsection. Gross misconduct shall include,
13 but not be limited to: (i) theft; (ii) fraud; (iii) intentional damage
14 to property; (iv) intentional infliction of personal injury; or (v) any
15 conduct that constitutes a felony.

16 (ii) *"Gross misconduct" does not include any conduct of an
17 individual, if: (i) The individual is a patient who has been issued a valid
18 identification card pursuant to section 9, and amendments thereto; and (ii)
19 the basis for the violation is the possession of such identification card or
20 the possession or use of medical cannabis or a medical cannabis product,
21 as such terms are defined in section 2, and amendments thereto, in
22 accordance with the Kansas medical cannabis act, section 1 et seq., and
23 amendments thereto.*

24 (B) For the purposes of this subsection, the following shall be
25 conclusive evidence of gross misconduct:

26 (i) The use of alcoholic liquor, cereal malt beverage or a
27 nonprescribed controlled substance by an individual while working;

28 (ii) the impairment caused by alcoholic liquor, cereal malt beverage
29 or a nonprescribed controlled substance by an individual while working;

30 (iii) a positive breath alcohol test or a positive chemical test, if:

31 (a) The test was either:

32 (1) Required by law and was administered pursuant to the drug free
33 workplace act, 41 U.S.C. § 701 et seq.;

34 (2) administered as part of an employee assistance program or other
35 drug or alcohol treatment program in which the employee was
36 participating voluntarily or as a condition of further employment;

37 (3) requested pursuant to a written policy of the employer of which
38 the employee had knowledge and was a required condition of
39 employment;

40 (4) required by law and the test constituted a required condition of
41 employment for the individual's job; or

42 (5) there was reasonable suspicion to believe that the individual used,
43 had possession of, or was impaired by alcoholic liquor, cereal malt

1 beverage or a nonprescribed controlled substance while working;

2 (b) the test sample was collected either:

3 (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et
4 seq.;

5 (2) as prescribed by an employee assistance program or other drug or
6 alcohol treatment program in which the employee was participating
7 voluntarily or as a condition of further employment;

8 (3) as prescribed by the written policy of the employer of which the
9 employee had knowledge and that constituted a required condition of
10 employment;

11 (4) as prescribed by a test that was required by law and which
12 constituted a required condition of employment for the individual's job; or

13 (5) at a time contemporaneous with the events establishing probable
14 cause;

15 (c) the collecting and labeling of a chemical test sample was
16 performed by a licensed health care professional or any other individual
17 certified pursuant to paragraph (b)(3)(A)(iii)(f) subsection (b)(3)(B)(iii)(f)
18 or authorized to collect or label test samples by federal or state law, or a
19 federal or state rule or regulation having the force or effect of law,
20 including law enforcement personnel;

21 (d) the chemical test was performed by a laboratory approved by the
22 United States department of health and human services or licensed by the
23 department of health and environment, except that a blood sample may be
24 tested for alcohol content by a laboratory commonly used for that purpose
25 by state law enforcement agencies;

26 (e) the chemical test was confirmed by gas chromatography, gas
27 chromatography-mass spectroscopy or other comparably reliable
28 analytical method, except that no such confirmation is required for a blood
29 alcohol sample or a breath alcohol test;

30 (f) the breath alcohol test was administered by an individual trained
31 to perform breath tests, the breath testing instrument used was certified
32 and operated strictly according to a description provided by the
33 manufacturers and the reliability of the instrument performance was
34 assured by testing with alcohol standards; and

35 (g) the foundation evidence establishes, beyond a reasonable doubt,
36 that the test results were from the sample taken from the individual;

37 (iv) an individual's refusal to submit to a chemical test or breath
38 alcohol test, if:

39 (a) The test meets the standards of the drug free workplace act, 41
40 U.S.C. § 701 et seq.;

41 (b) the test was administered as part of an employee assistance
42 program or other drug or alcohol treatment program in which the
43 employee was participating voluntarily or as a condition of further

1 employment;

2 (c) the test was otherwise required by law and the test constituted a

3 required condition of employment for the individual's job;

4 (d) the test was requested pursuant to a written policy of the employer

5 of which the employee had knowledge and was a required condition of

6 employment; or

7 (e) there was reasonable suspicion to believe that the individual used,

8 possessed or was impaired by alcoholic liquor, cereal malt beverage or a

9 nonprescribed controlled substance while working; and

10 (v) an individual's dilution or other tampering of a chemical test.

11 (C) For purposes of this subsection:

12 (i) "Alcohol concentration" means the number of grams of alcohol

13 per 210 liters of breath;

14 (ii) "alcoholic liquor" means the same as defined in K.S.A. 41-102,

15 and amendments thereto;

16 (iii) "cereal malt beverage" means the same as defined in K.S.A. 41-

17 2701, and amendments thereto;

18 (iv) "chemical test" includes, but is not limited to, tests of urine,

19 blood or saliva;

20 (v) "controlled substance" means the same as defined in K.S.A. 21-

21 5701, and amendments thereto;

22 (vi) "required by law" means required by a federal or state law, a

23 federal or state rule or regulation having the force and effect of law, a

24 county resolution or municipal ordinance, or a policy relating to public

25 safety adopted in an open meeting by the governing body of any special

26 district or other local governmental entity;

27 (vii) "positive breath test" means a test result showing an alcohol

28 concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if

29 applicable, unless the test was administered as part of an employee

30 assistance program or other drug or alcohol treatment program in which

31 the employee was participating voluntarily or as a condition of further

32 employment, in which case "positive chemical test" means a test result

33 showing an alcohol concentration at or above the levels provided for in the

34 assistance or treatment program; and

35 (viii) "positive chemical test" means a chemical result showing a

36 concentration at or above the levels listed in K.S.A. 44-501, and

37 amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or

38 abuse listed therein, unless the test was administered as part of an

39 employee assistance program or other drug or alcohol treatment program

40 in which the employee was participating voluntarily or as a condition of

41 further employment, in which case "positive chemical test" means a

42 chemical result showing a concentration at or above the levels provided for

43 in the assistance or treatment program.

1 (4) An individual shall not be disqualified under this subsection if the
2 individual is discharged under the following circumstances:

3 (A) The employer discharged the individual after learning the
4 individual was seeking other work or when the individual gave notice of
5 future intent to quit, except that the individual shall be disqualified after
6 the time that such individual intended to quit and any individual who
7 commits misconduct after such individual gives notice to such individual's
8 intent to quit shall be disqualified;

9 (B) the individual was making a good faith effort to do the assigned
10 work but was discharged due to:

11 (i) Inefficiency;

12 (ii) unsatisfactory performance due to inability, incapacity or lack of
13 training or experience;

14 (iii) isolated instances of ordinary negligence or inadvertence;

15 (iv) good faith errors in judgment or discretion; or

16 (v) unsatisfactory work or conduct due to circumstances beyond the
17 individual's control; or

18 (C) the individual's refusal to perform work in excess of the contract
19 of hire.

20 (c) If the individual has failed, without good cause, to either apply for
21 suitable work when so directed by the employment office of the secretary
22 of labor, or to accept suitable work when offered to the individual by the
23 employment office, the secretary of labor, or an employer, such
24 disqualification shall begin with the week in which such failure occurred
25 and shall continue until the individual becomes reemployed and has had
26 earnings from insured work of at least three times such individual's
27 determined weekly benefit amount. In determining whether or not any
28 work is suitable for an individual, the secretary of labor, or a person or
29 persons designated by the secretary, shall consider the degree of risk
30 involved to health, safety and morals, physical fitness and prior training,
31 experience and prior earnings, length of unemployment and prospects for
32 securing local work in the individual's customary occupation or work for
33 which the individual is reasonably fit by training or experience, and the
34 distance of the available work from the individual's residence.
35 Notwithstanding any other provisions of this act, an otherwise eligible
36 individual shall not be disqualified for refusing an offer of suitable
37 employment, or failing to apply for suitable employment when notified by
38 an employment office, or for leaving the individual's most recent work
39 accepted during approved training, including training approved under
40 section 236(a)(1) of the trade act of 1974, if the acceptance of or applying
41 for suitable employment or continuing such work would require the
42 individual to terminate approved training and no work shall be deemed
43 suitable and benefits shall not be denied under this act to any otherwise

1 eligible individual for refusing to accept new work under any of the
2 following conditions:

3 (1) If the position offered is vacant due directly to a strike, lockout or
4 other labor dispute;

5 (2) if the remuneration, hours or other conditions of the work offered
6 are substantially less favorable to the individual than those prevailing for
7 similar work in the locality;

8 (3) if as a condition of being employed, the individual would be
9 required to join or to resign from or refrain from joining any labor
10 organization; and

11 (4) if the individual left employment as a result of domestic violence,
12 and the position offered does not reasonably accommodate the individual's
13 physical, psychological, safety, or legal needs relating to such domestic
14 violence.

15 (d) For any week with respect to which the secretary of labor, or a
16 person or persons designated by the secretary, finds that the individual's
17 unemployment is due to a stoppage of work that exists because of a labor
18 dispute or there would have been a work stoppage had normal operations
19 not been maintained with other personnel previously and currently
20 employed by the same employer at the factory, establishment or other
21 premises at which the individual is or was last employed, except that this
22 subsection (d) shall not apply if it is shown to the satisfaction of the
23 secretary of labor, or a person or persons designated by the secretary, that:

24 (1) The individual is not participating in or financing or directly
25 interested in the labor dispute that caused the stoppage of work; and

26 (2) the individual does not belong to a grade or class of workers of
27 which, immediately before the commencement of the stoppage, there were
28 members employed at the premises where the stoppage occurs any of
29 whom are participating in or financing or directly interested in the dispute.
30 If in any case separate branches of work that are commonly conducted as
31 separate businesses in separate premises are conducted in separate
32 departments of the same premises, each such department shall, for the
33 purpose of this subsection be deemed to be a separate factory,
34 establishment or other premises. For the purposes of this subsection,
35 failure or refusal to cross a picket line or refusal for any reason during the
36 continuance of such labor dispute to accept the individual's available and
37 customary work at the factory, establishment or other premises where the
38 individual is or was last employed shall be considered as participation and
39 interest in the labor dispute.

40 (e) For any week or a part of the week in which the individual has
41 received or is seeking unemployment benefits under the unemployment
42 compensation law of any other state or of the United States, except that if
43 the appropriate agency of such other state or the United States finally

1 determines that the individual is not entitled to such unemployment
2 benefits, this disqualification shall not apply.

3 (f) For any week in which the individual is entitled to receive any
4 unemployment allowance or compensation granted by the United States
5 under an act of congress to former members of the armed forces in
6 recognition of former service with the military, naval, air or space services
7 of the United States.

8 (g) If the individual, or another in such individual's behalf with the
9 knowledge of the individual, has knowingly made a false statement or
10 representation, or has knowingly failed to disclose a material fact to obtain
11 or increase benefits under this act or any other unemployment
12 compensation law administered by the secretary of labor, unless the
13 individual has repaid the full amount of the overpayment as determined by
14 the secretary or the secretary's designee, including, but not limited to, the
15 total amount of money erroneously paid as benefits or unlawfully
16 obtained, interest, penalties and any other costs or fees provided by law. If
17 the individual has made such repayment, the individual shall be
18 disqualified for a period of one year for the first occurrence or five years
19 for any subsequent occurrence, beginning with the first day following the
20 date the department of labor confirmed the individual has successfully
21 repaid the full amount of the overpayment. In addition to the penalties set
22 forth in K.S.A. 44-719, and amendments thereto, an individual who has
23 knowingly made a false statement or representation or who has knowingly
24 failed to disclose a material fact to obtain or increase benefits under this
25 act or any other unemployment compensation law administered by the
26 secretary of labor shall be liable for a penalty in the amount equal to 25%
27 of the amount of benefits unlawfully received. Notwithstanding any other
28 provision of law, such penalty shall be deposited into the employment
29 security trust fund. No person who is a victim of identify theft shall be
30 subject to the provisions of this subsection. The secretary shall investigate
31 all cases of an alleged false statement or representation or failure to
32 disclose a material fact to ensure no victim of identity theft is disqualified,
33 required to repay or subject to any penalty as provided by this subsection
34 as a result of identity theft.

35 (h) For any week in which the individual is receiving compensation
36 for temporary total disability or permanent total disability under the
37 workmen's compensation law of any state or under a similar law of the
38 United States.

39 (i) For any week of unemployment on the basis of service in an
40 instructional, research or principal administrative capacity for an
41 educational institution as defined in K.S.A. 44-703(v), and amendments
42 thereto, if such week begins during the period between two successive
43 academic years or terms or, when an agreement provides instead for a

1 similar period between two regular but not successive terms during such
2 period or during a period of paid sabbatical leave provided for in the
3 individual's contract, if the individual performs such services in the first of
4 such academic years or terms and there is a contract or a reasonable
5 assurance that such individual will perform services in any such capacity
6 for any educational institution in the second of such academic years or
7 terms.

8 (j) For any week of unemployment on the basis of service in any
9 capacity other than service in an instructional, research, or administrative
10 capacity in an educational institution, as defined in K.S.A. 44-703(v), and
11 amendments thereto, if such week begins during the period between two
12 successive academic years or terms if the individual performs such
13 services in the first of such academic years or terms and there is a
14 reasonable assurance that the individual will perform such services in the
15 second of such academic years or terms, except that if benefits are denied
16 to the individual under this subsection and the individual was not offered
17 an opportunity to perform such services for the educational institution for
18 the second of such academic years or terms, such individual shall be
19 entitled to a retroactive payment of benefits for each week for which the
20 individual filed a timely claim for benefits and such benefits were denied
21 solely by reason of this subsection.

22 (k) For any week of unemployment on the basis of service in any
23 capacity for an educational institution as defined in K.S.A. 44-703(v), and
24 amendments thereto, if such week begins during an established and
25 customary vacation period or holiday recess, if the individual performs
26 services in the period immediately before such vacation period or holiday
27 recess and there is a reasonable assurance that such individual will perform
28 such services in the period immediately following such vacation period or
29 holiday recess.

30 (l) For any week of unemployment on the basis of any services,
31 consisting of participating in sports or athletic events or training or
32 preparing to so participate, if such week begins during the period between
33 two successive sport seasons or similar period if such individual
34 performed services in the first of such seasons or similar periods and there
35 is a reasonable assurance that such individual will perform such services in
36 the later of such seasons or similar periods.

37 (m) For any week on the basis of services performed by an alien
38 unless such alien is an individual who was lawfully admitted for
39 permanent residence at the time such services were performed, was
40 lawfully present for purposes of performing such services, or was
41 permanently residing in the United States under color of law at the time
42 such services were performed, including an alien who was lawfully present
43 in the United States as a result of the application of the provisions of

1 section 212(d)(5) of the federal immigration and nationality act. Any data
2 or information required of individuals applying for benefits to determine
3 whether benefits are not payable to them because of their alien status shall
4 be uniformly required from all applicants for benefits. In the case of an
5 individual whose application for benefits would otherwise be approved, no
6 determination that benefits to such individual are not payable because of
7 such individual's alien status shall be made except upon a preponderance
8 of the evidence.

9 (n) For any week in which an individual is receiving a governmental
10 or other pension, retirement or retired pay, annuity or other similar
11 periodic payment under a plan maintained by a base period employer and
12 to which the entire contributions were provided by such employer, except
13 that:

14 (1) If the entire contributions to such plan were provided by the base
15 period employer but such individual's weekly benefit amount exceeds such
16 governmental or other pension, retirement or retired pay, annuity or other
17 similar periodic payment attributable to such week, the weekly benefit
18 amount payable to the individual shall be reduced, but not below zero, by
19 an amount equal to the amount of such pension, retirement or retired pay,
20 annuity or other similar periodic payment that is attributable to such week;
21 or

22 (2) if only a portion of contributions to such plan were provided by
23 the base period employer, the weekly benefit amount payable to such
24 individual for such week shall be reduced, but not below zero, by the
25 prorated weekly amount of the pension, retirement or retired pay, annuity
26 or other similar periodic payment after deduction of that portion of the
27 pension, retirement or retired pay, annuity or other similar periodic
28 payment that is directly attributable to the percentage of the contributions
29 made to the plan by such individual; or

30 (3) if the entire contributions to the plan were provided by such
31 individual, or by the individual and an employer, or any person or
32 organization, who is not a base period employer, no reduction in the
33 weekly benefit amount payable to the individual for such week shall be
34 made under this subsection; or

35 (4) whatever portion of contributions to such plan were provided by
36 the base period employer, if the services performed for the employer by
37 such individual during the base period, or remuneration received for the
38 services, did not affect the individual's eligibility for, or increased the
39 amount of, such pension, retirement or retired pay, annuity or other similar
40 periodic payment, no reduction in the weekly benefit amount payable to
41 the individual for such week shall be made under this subsection. No
42 reduction shall be made for payments made under the social security act or
43 railroad retirement act of 1974.

1 (o) For any week of unemployment on the basis of services
2 performed in any capacity and under any of the circumstances described in
3 subsection (i), (j) or (k) that an individual performed in an educational
4 institution while in the employ of an educational service agency. For the
5 purposes of this subsection, the term "educational service agency" means a
6 governmental agency or entity that is established and operated exclusively
7 for the purpose of providing such services to one or more educational
8 institutions.

9 (p) For any week of unemployment on the basis of service as a school
10 bus or other motor vehicle driver employed by a private contractor to
11 transport pupils, students and school personnel to or from school-related
12 functions or activities for an educational institution, as defined in K.S.A.
13 44-703(v), and amendments thereto, if such week begins during the period
14 between two successive academic years or during a similar period between
15 two regular terms, whether or not successive, if the individual has a
16 contract or contracts, or a reasonable assurance thereof, to perform
17 services in any such capacity with a private contractor for any educational
18 institution for both such academic years or both such terms. An individual
19 shall not be disqualified for benefits as provided in this subsection for any
20 week of unemployment:

21 (1) That the individual is a participating employee in a short-term
22 compensation program established pursuant to K.S.A. 44-757, and
23 amendments thereto; or

24 (2) on the basis of service as a bus or other motor vehicle driver
25 employed by a private contractor to transport persons to or from
26 nonschool-related functions or activities.

27 (q) For any week of unemployment on the basis of services
28 performed by the individual in any capacity and under any of the
29 circumstances described in subsection (i), (j), (k) or (o) that are provided
30 to or on behalf of an educational institution, as defined in K.S.A. 44-
31 703(v), and amendments thereto, while the individual is in the employ of
32 an employer that is a governmental entity, Indian tribe or any employer
33 described in section 501(c)(3) of the federal internal revenue code of 1986
34 that is exempt from income under section 501(a) of the code.

35 (r) For any week in which an individual is registered at and attending
36 an established school, training facility or other educational institution, or is
37 on vacation during or between two successive academic years or terms. An
38 individual shall not be disqualified for benefits as provided in this
39 subsection if:

40 (1) The individual was engaged in full-time employment concurrent
41 with the individual's school attendance;

42 (2) the individual is attending approved training as defined in K.S.A.
43 44-703(s), and amendments thereto; or

1 (3) the individual is attending evening, weekend or limited day time
2 classes that would not affect availability for work, and is otherwise eligible
3 under K.S.A. 44-705(c), and amendments thereto.

4 (s) For any week in which an individual is receiving or has received
5 remuneration in the form of a back pay award or settlement. The
6 remuneration shall be allocated to the week or weeks in the manner as
7 specified in the award or agreement, or in the absence of such specificity
8 in the award or agreement, such remuneration shall be allocated to the
9 week or weeks for which such remuneration, in the judgment of the
10 secretary, would have been paid.

11 (1) For any such weeks that an individual receives remuneration in
12 the form of a back pay award or settlement, an overpayment will be
13 established in the amount of unemployment benefits paid and shall be
14 collected from the claimant.

15 (2) If an employer chooses to withhold from a back pay award or
16 settlement, amounts paid to a claimant while they claimed unemployment
17 benefits, such employer shall pay the department the amount withheld.
18 With respect to such amount, the secretary shall have available all of the
19 collection remedies authorized or provided in K.S.A. 44-717, and
20 amendments thereto.

21 (t) (1) Any applicant for or recipient of unemployment benefits who
22 tests positive for unlawful use of a controlled substance or controlled
23 substance analog shall be required to complete a substance abuse treatment
24 program approved by the secretary of labor, secretary of commerce or
25 secretary for children and families, and a job skills program approved by
26 the secretary of labor, secretary of commerce or the secretary for children
27 and families. Subject to applicable federal laws, any applicant for or
28 recipient of unemployment benefits who fails to complete or refuses to
29 participate in the substance abuse treatment program or job skills program
30 as required under this subsection shall be ineligible to receive
31 unemployment benefits until completion of such substance abuse
32 treatment and job skills programs. Upon completion of both substance
33 abuse treatment and job skills programs, such applicant for or recipient of
34 unemployment benefits may be subject to periodic drug screening, as
35 determined by the secretary of labor. Upon a second positive test for
36 unlawful use of a controlled substance or controlled substance analog, an
37 applicant for or recipient of unemployment benefits shall be ordered to
38 complete again a substance abuse treatment program and job skills
39 program, and shall be terminated from unemployment benefits for a period
40 of 12 months, or until such applicant for or recipient of unemployment
41 benefits completes both substance abuse treatment and job skills programs,
42 whichever is later. Upon a third positive test for unlawful use of a
43 controlled substance or controlled substance analog, an applicant for or a

1 recipient of unemployment benefits shall be terminated from receiving
2 unemployment benefits, subject to applicable federal law.

3 (2) Any individual who has been discharged or refused employment
4 for failing a preemployment drug screen required by an employer may
5 request that the drug screening specimen be sent to a different drug testing
6 facility for an additional drug screening. Any such individual who requests
7 an additional drug screening at a different drug testing facility shall be
8 required to pay the cost of drug screening.

9 (3) *The provisions of this subsection shall not apply to any individual
10 who is a patient and has been issued a valid identification card pursuant
11 to section 10, and amendments thereto.*

12 (u) If the individual was found not to have a disqualifying
13 adjudication or conviction under K.S.A. 39-970 or 65-5117, and
14 amendments thereto, was hired and then was subsequently convicted of a
15 disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments
16 thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and
17 amendments thereto. The disqualification shall begin the day following the
18 separation and shall continue until after the individual becomes
19 reemployed and has had earnings from insured work of at least three times
20 the individual's determined weekly benefit amount.

21 (v) Notwithstanding the provisions of any subsection, an individual
22 shall not be disqualified for such week of part-time employment in a
23 substitute capacity for an educational institution if such individual's most
24 recent employment prior to the individual's benefit year begin date was for
25 a non-educational institution and such individual demonstrates application
26 for work in such individual's customary occupation or for work for which
27 the individual is reasonably fit by training or experience.

28 Sec. 68. K.S.A. 44-1009 is hereby amended to read as follows: 44-
29 1009. (a) It shall be an unlawful employment practice:

30 (1) For an employer, because of the race, religion, color, sex,
31 disability, national origin or ancestry of any person to refuse to hire or
32 employ such person to bar or discharge such person from employment or
33 to otherwise discriminate against such person in compensation or in terms,
34 conditions or privileges of employment; to limit, segregate, separate,
35 classify or make any distinction in regards to employees; or to follow any
36 employment procedure or practice which, in fact, results in discrimination,
37 segregation or separation without a valid business necessity.

38 (2) For a labor organization, because of the race, religion, color, sex,
39 disability, national origin or ancestry of any person, to exclude or to expel
40 from its membership such person or to discriminate in any way against any
41 of its members or against any employer or any person employed by an
42 employer.

43 (3) For any employer, employment agency or labor organization to

1 print or circulate or cause to be printed or circulated any statement,
2 advertisement or publication, or to use any form of application for
3 employment or membership or to make any inquiry in connection with
4 prospective employment or membership, which expresses, directly or
5 indirectly, any limitation, specification or discrimination as to race,
6 religion, color, sex, disability, national origin or ancestry, or any intent to
7 make any such limitation, specification or discrimination, unless based on
8 a bona fide occupational qualification.

9 (4) For any employer, employment agency or labor organization to
10 discharge, expel or otherwise discriminate against any person because such
11 person has opposed any practices or acts forbidden under this act or
12 because such person has filed a complaint, testified or assisted in any
13 proceeding under this act.

14 (5) For an employment agency to refuse to list and properly classify
15 for employment or to refuse to refer any person for employment or
16 otherwise discriminate against any person because of such person's race,
17 religion, color, sex, disability, national origin or ancestry; or to comply
18 with a request from an employer for a referral of applicants for
19 employment if the request expresses, either directly or indirectly, any
20 limitation, specification or discrimination as to race, religion, color, sex,
21 disability, national origin or ancestry.

22 (6) For an employer, labor organization, employment agency, or
23 school which provides, coordinates or controls apprenticeship, on-the-job,
24 or other training or retraining program, to maintain a practice of
25 discrimination, segregation or separation because of race, religion, color,
26 sex, disability, national origin or ancestry, in admission, hiring,
27 assignments, upgrading, transfers, promotion, layoff, dismissal,
28 apprenticeship or other training or retraining program, or in any other
29 terms, conditions or privileges of employment, membership,
30 apprenticeship or training; or to follow any policy or procedure which, in
31 fact, results in such practices without a valid business motive.

32 (7) For any person, whether an employer or an employee or not, to
33 aid, abet, incite, compel or coerce the doing of any of the acts forbidden
34 under this act, or attempt to do so.

35 (8) For an employer, labor organization, employment agency or joint
36 labor-management committee to: (A) Limit, segregate or classify a job
37 applicant or employee in a way that adversely affects the opportunities or
38 status of such applicant or employee because of the disability of such
39 applicant or employee; (B) participate in a contractual or other
40 arrangement or relationship, including a relationship with an employment
41 or referral agency, labor union, an organization providing fringe benefits to
42 an employee or an organization providing training and apprenticeship
43 programs that has the effect of subjecting a qualified applicant or

1 employee with a disability to the discrimination prohibited by this act; (C)
2 utilize standards criteria, or methods of administration that have the effect
3 of discrimination on the basis of disability or that perpetuate the
4 discrimination of others who are subject to common administrative
5 control; (D) exclude or otherwise deny equal jobs or benefits to a qualified
6 individual because of the known disability of an individual with whom the
7 qualified individual is known to have a relationship or association; (E) not
8 make reasonable accommodations to the known physical or mental
9 limitations of an otherwise qualified individual with a disability who is an
10 applicant or employee, unless such employer, labor organization,
11 employment agency or joint labor-management committee can
12 demonstrate that the accommodation would impose an undue hardship on
13 the operation of the business thereof; (F) deny employment opportunities
14 to a job applicant or employee who is an otherwise qualified individual
15 with a disability, if such denial is based on the need to make reasonable
16 accommodation to the physical or mental impairments of the employee or
17 applicant; (G) use qualification standards, employment tests or other
18 selection criteria that screen out or tend to screen out an individual with a
19 disability or a class of individuals with disabilities unless the standard, test
20 or other selection criteria, as used, is shown to be job-related for the
21 position in question and is consistent with business necessity; or (H) fail to
22 select and administer tests concerning employment in the most effective
23 manner to ensure that, when such test is administered to a job applicant or
24 employee who has a disability that impairs sensory, manual or speaking
25 skills, the test results accurately reflect the skills, aptitude or whatever
26 other factor of such applicant or employee that such test purports to
27 measure, rather than reflecting the impaired sensory, manual or speaking
28 skills of such employee or applicant (, except where such skills are the
29 factors that the test purports to measure).

30 (9) For any employer to:

31 (A) Seek to obtain, to obtain or to use genetic screening or testing
32 information of an employee or a prospective employee to distinguish
33 between or discriminate against or restrict any right or benefit otherwise
34 due or available to an employee or a prospective employee; or

35 (B) subject, directly or indirectly, any employee or prospective
36 employee to any genetic screening or test.

37 (10) (A) For an employer, because a person is a patient or caregiver
38 who has been issued a valid identification card pursuant to section 9, and
39 amendments thereto, or possesses or uses medical cannabis in accordance
40 with the Kansas medical cannabis act, section 1 et seq., and amendments
41 thereto, to:

42 (i) Refuse to hire or employ a person;

43 (ii) bar or discharge such person from employment; or

1 (iii) *otherwise discriminate against such person in compensation or*
2 *in terms, conditions or privileges of employment without a valid business*
3 *necessity.*

4 (B) *For a labor organization, because a person is a patient or*
5 *caregiver who has been issued a valid identification card pursuant to*
6 *section 9, and amendments thereto, or possesses or uses medical cannabis*
7 *in accordance with the Kansas medical cannabis act, section 1 et seq., and*
8 *amendments thereto, to exclude or expel such person from such labor*
9 *organization's membership.*

10 (C) *Nothing in this paragraph shall be construed to prohibit a person*
11 *from taking any action necessary to procure or retain any monetary*
12 *benefit provided under federal law, or any rules and regulations adopted*
13 *thereunder; or to obtain or maintain any license, certificate, registration*
14 *or other legal status issued or bestowed under federal law, or any rules*
15 *and regulations adopted thereunder.*

16 (b) It shall not be an unlawful employment practice to fill vacancies
17 in such way as to eliminate or reduce imbalance with respect to race,
18 religion, color, sex, disability, national origin or ancestry.

19 (c) It shall be an unlawful discriminatory practice:

20 (1) For any person, as defined herein being the owner, operator,
21 lessee, manager, agent or employee of any place of public accommodation
22 to refuse, deny or make a distinction, directly or indirectly, in offering its
23 goods, services, facilities, and accommodations to any person as covered
24 by this act because of race, religion, color, sex, disability, national origin or
25 ancestry, except where a distinction because of sex is necessary because of
26 the intrinsic nature of such accommodation.

27 (2) For any person, whether or not specifically enjoined from
28 discriminating under any provisions of this act, to aid, abet, incite, compel
29 or coerce the doing of any of the acts forbidden under this act, or to
30 attempt to do so.

31 (3) For any person, to refuse, deny, make a distinction, directly or
32 indirectly, or discriminate in any way against persons because of the race,
33 religion, color, sex, disability, national origin or ancestry of such persons
34 in the full and equal use and enjoyment of the services, facilities,
35 privileges and advantages of any institution, department or agency of the
36 state of Kansas or any political subdivision or municipality thereof.

37 Sec. 69. K.S.A. 44-1015 is hereby amended to read as follows: 44-
38 1015. As used in this act, unless the context otherwise requires:

39 (a) "Commission" means the Kansas human rights commission.

40 (b) "Real property" means and includes:

41 (1) All vacant or unimproved land; and

42 (2) any building or structure which is occupied or designed or
43 intended for occupancy, or any building or structure having a portion

1 thereof which is occupied or designed or intended for occupancy.

2 (c) "Family" includes a single individual.

3 (d) "Person" means an individual, corporation, partnership,
4 association, labor organization, legal representative, mutual company,
5 joint-stock company, trust, unincorporated organization, trustee, trustee in
6 bankruptcy, receiver and fiduciary.

7 (e) "To rent" means to lease, to sublease, to let and otherwise to grant
8 for a consideration the right to occupy premises not owned by the
9 occupant.

10 (f) "Discriminatory housing practice" means any act that is unlawful
11 under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto, *or*
12 *section 45, and amendments thereto.*

13 (g) "Person aggrieved" means any person who claims to have been
14 injured by a discriminatory housing practice or believes that such person
15 will be injured by a discriminatory housing practice that is about to occur.

16 (h) "Disability" ~~has the meaning provided by~~ means *the same as*
17 *defined in K.S.A. 44-1002 and amendments thereto.*

18 (i) "Familial status" means having one or more individuals less than
19 18 years of age domiciled with:

20 (1) A parent or another person having legal custody of such
21 individual or individuals; or

22 (2) the designee of such parent or other person having such custody,
23 with the written permission of such parent or other person.

24 Sec. 70. K.S.A. 2025 Supp. 65-1120 is hereby amended to read as
25 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may
26 deny, revoke, limit or suspend any license or authorization to practice
27 nursing as a registered professional nurse, as a licensed practical nurse, as
28 an advanced practice registered nurse or as a registered nurse anesthetist
29 that is issued by the board or applied for under this act, or may require the
30 licensee to attend a specific number of hours of continuing education in
31 addition to any hours the licensee may already be required to attend or
32 may publicly or privately censure a licensee or holder of a temporary
33 permit or authorization, if the applicant, licensee or holder of a temporary
34 permit or authorization is found after hearing:

35 (1) To be guilty of fraud or deceit in practicing nursing or in
36 procuring or attempting to procure a license to practice nursing;

37 (2) to have been guilty of a felony or to have been guilty of a
38 misdemeanor involving an illegal drug offense unless the applicant or
39 licensee establishes sufficient rehabilitation to warrant the public trust,
40 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
41 license or authorization to practice nursing as a licensed professional
42 nurse, as a licensed practical nurse, as an advanced practice registered
43 nurse or registered nurse anesthetist shall be granted to a person with a

1 felony conviction for a crime against persons as specified in article 34 of
2 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
3 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-
4 6325, 21-6326 or 21-6418, and amendments thereto;

5 (3) has been convicted or found guilty or has entered into an agreed
6 disposition of a misdemeanor offense related to the practice of nursing as
7 determined on a case-by-case basis;

8 (4) to have committed an act of professional incompetency as defined
9 in subsection (e);

10 (5) to be unable to practice with skill and safety due to current abuse
11 of drugs or alcohol;

12 (6) to be a person who has been adjudged in need of a guardian or
13 conservator, or both, under the act for obtaining a guardian or conservator,
14 or both, and who has not been restored to capacity under that act;

15 (7) to be guilty of unprofessional conduct as defined by rules and
16 regulations of the board;

17 (8) to have willfully or repeatedly violated the provisions of the
18 Kansas nurse practice act or any rules and regulations adopted pursuant to
19 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

20 (9) to have a license to practice nursing as a registered nurse or as a
21 practical nurse denied, revoked, limited or suspended, or to be publicly or
22 privately censured, by a licensing authority of another state, agency of the
23 United States government, territory of the United States or country or to
24 have other disciplinary action taken against the applicant or licensee by a
25 licensing authority of another state, agency of the United States
26 government, territory of the United States or country. A certified copy of
27 the record or order of public or private censure, denial, suspension,
28 limitation, revocation or other disciplinary action of the licensing authority
29 of another state, agency of the United States government, territory of the
30 United States or country shall constitute *prima facie* evidence of such a
31 fact for purposes of this paragraph (9); or

32 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to
33 its repeal, or K.S.A. 21-5407, and amendments thereto, as established by
34 any of the following:

35 (A) A copy of the record of criminal conviction or plea of guilty for a
36 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-
37 5407, and amendments thereto; or

38 (B) a copy of the record of a judgment of contempt of court for
39 violating an injunction issued under K.S.A. 60-4404, and amendments
40 thereto; or

41 (C) a copy of the record of a judgment assessing damages under
42 K.S.A. 60-4405, and amendments thereto.

43 (b) *Proceedings.* Upon filing of a sworn complaint with the board

1 charging a person with having been guilty of any of the unlawful practices
2 specified in subsection (a), two or more members of the board shall
3 investigate the charges, or the board may designate and authorize an
4 employee or employees of the board to conduct an investigation. After
5 investigation, the board may institute charges. If an investigation, in the
6 opinion of the board, reveals reasonable grounds for believing the
7 applicant or licensee is guilty of the charges, the board shall fix a time and
8 place for proceedings, which shall be conducted in accordance with the
9 provisions of the Kansas administrative procedure act.

10 (c) *Witnesses.* No person shall be excused from testifying in any
11 proceedings before the board under this act or in any civil proceedings
12 under this act before a court of competent jurisdiction on the ground that
13 such testimony may incriminate the person testifying, but such testimony
14 shall not be used against the person for the prosecution of any crime under
15 the laws of this state except the crime of perjury as defined in K.S.A. 21-
16 5903, and amendments thereto.

17 (d) *Costs.* If final agency action of the board in a proceeding under
18 this section is adverse to the applicant or licensee, the costs of the board's
19 proceedings shall be charged to the applicant or licensee as in ordinary
20 civil actions in the district court, but if the board is the unsuccessful party,
21 the costs shall be paid by the board. Witness fees and costs may be taxed
22 by the board according to the statutes relating to procedure in the district
23 court. All costs accrued by the board, when it is the successful party, and
24 ~~which that~~ the attorney general certifies cannot be collected from the
25 applicant or licensee shall be paid from the board of nursing fee fund. All
26 moneys collected following board proceedings shall be credited in full to
27 the board of nursing fee fund.

28 (e) *Professional incompetency defined.* As used in this section,
29 "professional incompetency" means:

30 (1) One or more instances involving failure to adhere to the
31 applicable standard of care to a degree ~~which that~~ constitutes gross
32 negligence, as determined by the board;

33 (2) repeated instances involving failure to adhere to the applicable
34 standard of care to a degree ~~which that~~ constitutes ordinary negligence, as
35 determined by the board; or

36 (3) a pattern of practice or other behavior ~~which that~~ demonstrates a
37 manifest incapacity or incompetence to practice nursing.

38 (f) *Criminal justice information.* The board upon request shall receive
39 from the Kansas bureau of investigation such criminal history record
40 information relating to arrests and criminal convictions as necessary for
41 the purpose of determining initial and continuing qualifications of
42 licensees of and applicants for licensure by the board in accordance with
43 K.S.A. 2025 Supp. 22-4715, and amendments thereto.

1 (g) *Medical cannabis exemption. The board shall not deny, revoke,*
2 *limit or suspend the license of any licensee or publicly or privately*
3 *censure any licensee for:*

4 (1) *Advising a patient about the possible benefits and risks of using*
5 *medical cannabis or that using medical cannabis may mitigate the*
6 *patient's symptoms; or*

7 (2) *any actions as a patient or caregiver who has been issued a valid*
8 *identification card pursuant to the Kansas medical cannabis act, section 1*
9 *et seq., and amendments thereto, including whether the licensee possesses*
10 *or has possessed or uses or has used medical cannabis in accordance with*
11 *such act.*

12 Sec. 71. K.S.A. 2025 Supp. 65-28b08 is hereby amended to read as
13 follows: 65-28b08. (a) The board may deny, revoke, limit or suspend any
14 license or authorization issued to a certified nurse-midwife to engage in
15 the independent practice of midwifery that is issued by the board or
16 applied for under this act, or may publicly censure a licensee or holder of a
17 temporary permit or authorization, if the applicant or licensee is found
18 after a hearing:

19 (1) To be guilty of fraud or deceit while engaging in the independent
20 practice of midwifery or in procuring or attempting to procure a license to
21 engage in the independent practice of midwifery;

22 (2) to have been found guilty of a felony or to have been found guilty
23 of a misdemeanor involving an illegal drug offense unless the applicant or
24 licensee establishes sufficient rehabilitation to warrant the public trust,
25 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
26 license or authorization to practice and engage in the independent practice
27 of midwifery shall be granted to a person with a felony conviction for a
28 crime against persons as specified in article 34 of chapter 21 of the Kansas
29 Statutes Annotated, prior to its repeal, or article 54 of chapter 21 of the
30 Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104,
31 21-6325, 21-6326 or 21-6418, and amendments thereto;

32 (3) to have committed an act of professional incompetence as defined
33 in subsection (c);

34 (4) to be unable to practice the healing arts with reasonable skill and
35 safety by reason of impairment due to physical or mental illness or
36 condition or use of alcohol, drugs or controlled substances. All
37 information, reports, findings and other records relating to impairment
38 shall be confidential and not subject to discovery or release to any person
39 or entity outside of a board proceeding;

40 (5) to be a person who has been adjudged in need of a guardian or
41 conservator, or both, under the act for obtaining a guardian or conservator,
42 or both, and who has not been restored to capacity under that act;

43 (6) to be guilty of unprofessional conduct as defined by rules and

1 regulations of the board;

2 (7) to have willfully or repeatedly violated the provisions of the
3 Kansas nurse practice act or any rules and regulations adopted pursuant to
4 such act;

5 (8) to have a license to practice nursing as a registered nurse or as a
6 practical nurse denied, revoked, limited or suspended, or to have been
7 publicly or privately censured, by a licensing authority of another state,
8 agency of the United States government, territory of the United States or
9 country or to have other disciplinary action taken against the applicant or
10 licensee by a licensing authority of another state, agency of the United
11 States government, territory of the United States or country. A certified
12 copy of the record or order of public or private censure, denial, suspension,
13 limitation, revocation or other disciplinary action of the licensing authority
14 of another state, agency of the United States government, territory of the
15 United States or country shall constitute *prima facie* evidence of such a
16 fact for purposes of this paragraph; or

17 (9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its
18 repeal, or K.S.A. 21-5407, and amendments thereto, as established by any
19 of the following:

20 (A) A copy of the record of criminal conviction or plea of guilty to a
21 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-
22 5407, and amendments thereto;

23 (B) a copy of the record of a judgment of contempt of court for
24 violating an injunction issued under K.S.A. 60-4404, and amendments
25 thereto; or

26 (C) a copy of the record of a judgment assessing damages under
27 K.S.A. 60-4405, and amendments thereto.

28 (b) No person shall be excused from testifying in any proceedings
29 before the board under this act or in any civil proceedings under this act
30 before a court of competent jurisdiction on the ground that such testimony
31 may incriminate the person testifying, but such testimony shall not be used
32 against the person for the prosecution of any crime under the laws of this
33 state, except the crime of perjury as defined in K.S.A. 21-5903, and
34 amendments thereto.

35 (c) *The board shall not deny, revoke, limit or suspend the license or
36 authorization issued to a certified nurse-midwife or publicly or privately
37 censure a certified nurse-midwife for:*

38 (1) *Advising a patient about the possible benefits and risks of using
39 medical cannabis or that using medical cannabis may mitigate the
40 patient's symptoms; or*

41 (2) *any actions as a patient or caregiver who has been issued a valid
42 identification card pursuant to the Kansas medical cannabis act, section 1
43 et seq., and amendments thereto, including whether the licensee possesses*

1 *or has possessed or uses or has used medical cannabis in accordance with
2 such act.*

3 (d) As used in this section, "professional incompetency" means:

4 (1) One or more instances involving failure to adhere to the
5 applicable standard of care to a degree ~~which that~~ constitutes gross
6 negligence, as determined by the board;

7 (2) repeated instances involving failure to adhere to the applicable
8 standard of care to a degree ~~which that~~ constitutes ordinary negligence, as
9 determined by the board; or

10 (3) a pattern of practice or other behavior ~~which that~~ demonstrates a
11 manifest incapacity or incompetence to engage in the independent practice
12 of midwifery.

13 (d)(e) The board, upon request, shall receive from the Kansas bureau
14 of investigation such criminal history record information relating to arrests
15 and criminal convictions, as necessary, for the purpose of determining
16 initial and continuing qualifications of licensees and applicants for
17 licensure by the board.

18 Sec. 72. K.S.A. 79-5201 is hereby amended to read as follows: 79-
19 5201. As used in ~~this act~~ article 52 of chapter 79 of the Kansas Statutes
20 Annotated, and amendments thereto:

21 (a) "~~Marijuana~~" means any marijuana, whether real or counterfeit, as
22 defined by K.S.A. 21-5701, and amendments thereto, which is held,
23 possessed, transported, transferred, sold or offered to be sold in violation
24 of the laws of Kansas;

25 (b) "Controlled substance" means any drug or substance, whether real
26 or counterfeit, as defined by K.S.A. 21-5701, and amendments thereto,
27 which is held, possessed, transported, transferred, sold or offered to be
28 sold in violation of the laws of Kansas. Such term shall not include
29 marijuana;

30 (c)(b) "dealer" means any person who, in violation of Kansas law,
31 manufactures, produces, ships, transports or imports into Kansas or in any
32 manner acquires or possesses more than 28 grams of marijuana, or more
33 than one gram of any controlled substance, or 10 or more dosage units of
34 any controlled substance ~~which that~~ is not sold by weight;

35 (d)(c) "domestic marijuana plant" means any cannabis plant at any
36 level of growth ~~which that~~ is harvested or tended, manicured, irrigated,
37 fertilized or where there is other evidence that it has been treated in any
38 other way in an effort to enhance growth;

39 (d) "*marijuana*" means any marijuana, whether real or counterfeit,
40 as defined in K.S.A. 21-5701, and amendments thereto, that is held,
41 possessed, transported, transferred, sold or offered for sale in violation of
42 the laws of Kansas; and

43 (e) "*medical cannabis*" means the same as defined in section 2, and

1 *amendments thereto.*

2 Sec. 73. K.S.A. 79-5210 is hereby amended to read as follows: 79-
3 5210. Nothing in this act requires persons registered under article 16 of
4 chapter 65 of the Kansas Statutes Annotated, *and amendments thereto*, or
5 otherwise lawfully in possession of marijuana, *medical cannabis* or a
6 controlled substance to pay the tax required under this act.

7 Sec. 74. K.S.A. 21-5703, 21-5706, 21-5707, 21-5709, 21-5710, 21-
8 6109, 23-3201, 38-2269, 44-1009, 44-1015, 79-5201 and 79-5210 and
9 K.S.A. 2025 Supp. 8-1567, 21-5705, 21-6607, 22-3717, 22-4714, 44-501,
10 44-706, 65-1120 and 65-28b08 are hereby repealed.

11 Sec. 75. This act shall take effect and be in force from and after its
12 publication in the statute book.