

**SENATE BILL No. 489**

By Committee on Ways and Means

3-7

1 AN ACT concerning health and healthcare; relating to medical hemp  
2 preparation treatments; establishing registration for patients and  
3 establishments; protecting from arrest, prosecution or discrimination  
4 for authorized use.  
5

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

7 Section 1. The provisions of sections 1 through 12, and amendments  
8 thereto, shall be known and may be cited as Otis's law.

9 Sec. 2. As used in this act, unless the context requires otherwise:

10 (a) "Cannabis" means all parts of all varieties of the plant cannabis  
11 sativa L. ~~not exceeding 3% tetrahydrocannabinol by weight.~~

[strike]

12 (b) "Cardholder" means a patient or a designated caregiver to whom  
13 the department has issued a medical hemp preparation registration card or  
14 who has documentation that is deemed to be a medical hemp preparation  
15 registration card.

16 (c) "Designated caregiver" means a person who:

17 (1) Is either at least 21 years of age or a parent of a patient;

18 (2) has significant responsibility for managing the well-being of a  
19 patient; and

20 (3) has been approved by the department to assist a patient in  
21 obtaining medical hemp preparations.

22 (d) "Department" means the Kansas department of health and  
23 environment.

24 (e) "Medical hemp preparation" means cannabis plant material that is  
25 no more than 3% tetrahydrocannabinol by weight or an extract, mixture or  
26 preparation containing cannabis plant material that is no more than 3%  
27 tetrahydrocannabinol by weight.

:  
(1) For a patient 21 years of age or older,

; or  
(2) for a patient under 21 years of age, cannabis plant material that  
is no more than 0.3% tetrahydrocannabinol by weight or an  
extract, mixture or preparation containing cannabis plant material  
that is no more than 0.3% tetrahydrocannabinol by weight

28 (f) "Medical hemp preparation center agent" means an owner, officer,  
29 board member, employee, volunteer, contractor, property owner or  
30 landlord of a registered medical hemp preparation center.

31 (g) "Medical hemp establishment" means a registered medical hemp  
32 preparation center or a registered medical hemp testing laboratory.

that uses good laboratory practices as established by the United  
States food and drug administration that enables the laboratory to  
measure tetrahydrocannabinol and cannabidiol contents by weight  
for every preparation to be sold or dispensed by a medical hemp  
preparation center

33 (h) "Medical use" includes the acquisition, administration, delivery,  
34 possession, purchase, transfer, transportation or use of hemp preparations  
35 and paraphernalia relating to the administration of hemp preparations to  
36 treat or alleviate a patient cardholder's qualifying medical condition.

- 1 (i) "Parent" means a parent or legal guardian responsible for the  
2 medical care of a patient under the age of 18.
- 3 (j) "Patient" means an individual who has been diagnosed with a  
4 qualifying medical condition.
- 5 (k) "Physician" means a person who is licensed by the state board of  
6 healing arts to practice medicine and surgery.
- 7 (l) "Qualifying medical condition" means a condition ~~causing~~  
8 ~~seizures, including those characteristic of epilepsy, Alzheimer's disease,~~  
9 ~~cancer, multiple sclerosis or post-traumatic stress disorder.~~
- 10 (m) "Registered medical hemp preparation center" means an entity  
11 registered pursuant to section 9, and amendments thereto, that acquires,  
12 possesses, cultivates, transports and manufactures cannabis, medical hemp  
13 preparations and related paraphernalia and transfers, transports, sells,  
14 supplies or dispenses medical hemp preparations, paraphernalia related to  
15 hemp preparations and related supplies and educational materials to  
16 cardholders, visiting cardholders and other registered medical hemp  
17 preparation centers.
- 18 (n) "Registered testing laboratory" means an entity registered  
19 pursuant to section 9, and amendments thereto, to analyze the safety and  
20 potency of ~~cannabis.~~
- 21 (o) "Registration card" means a card issued by the department  
22 pursuant to section 3, and amendments thereto.
- 23 (p) "Testing laboratory agent" means an owner, officer, board  
24 member, employee, volunteer, contractor, property owner or landlord of a  
25 registered testing laboratory.
- 26 (q) "Written certification" means a document signed and dated by a  
27 physician stating that, in the physician's professional opinion, the patient  
28 may receive therapeutic or palliative benefit from the use of medical hemp  
29 preparations to treat or alleviate the patient's qualifying medical condition  
30 or symptoms associated with such patient's qualifying medical condition.
- 31 (r) "Visiting cardholder" means a person who:
- 32 (1) Has been diagnosed with a qualifying medical condition or is the  
33 parent, child, sibling, spouse, domestic partner, grandparent, grandchild or  
34 personal aide of an individual who has been diagnosed with a qualifying  
35 medical condition;
- 36 (2) possesses a valid registration card, its equivalent or other  
37 documentation that allows the person to possess medical hemp  
38 preparations in another state or jurisdiction pursuant to the laws of the  
39 other state or jurisdiction;
- 40 (3) is not a resident of Kansas or has been a resident of Kansas for  
41 fewer than 30 days; and
- 42 (4) has submitted any required documentation to the department, if  
43 the department has required registration.

defined by a physician as a condition causing epileptic seizures

medical hemp preparations that utilizes good laboratory practices as established by the United States food and drug administration that enables the laboratory to measure tetrahydrocannabinol and cannabidiol contents by weight for every medical hemp preparation to be sold or dispensed by a medical hemp preparation center



1 security of patrons and the community and procedures to be used to  
2 prevent theft or diversion;  
3 (5) requirements for medical hemp establishments to prevent  
4 diversion and theft and ensure safety, without imposing an undue burden  
5 or compromising the confidentiality of cardholders, including:  
6 (A) Oversight requirements;  
7 (B) recordkeeping requirements;  
8 (C) security requirements, including at a minimum, lighting, physical  
9 security, transportation, waste destruction, video and alarm;  
10 (D) health and safety requirements, including prohibiting the use of  
11 harmful pesticides; and  
12 (E) restrictions on advertising and signage;  
13 (6) minimum requirements and procedures for the safe and accurate  
14 packaging and labeling of medical hemp preparations including  
15 requirements to:  
16 (A) Disclose whether the medical hemp preparation is organic or non-  
17 organic;  
18 (B) specify the length of time it typically takes for a product to take  
19 effect;  
20 (C) print a nutritional fact panel on all edible and potable product  
21 containers, including a list of ingredients and possible allergens; ~~and~~  
22 (D) include a unique serial number that will match the product with a  
23 medical hemp preparation center batch and lot number, so as to facilitate  
24 any warnings or recalls;  
25 (7) procedures for random sample testing to ensure that medical hemp  
26 preparations available to cardholders and visiting cardholders are  
27 accurately labeled for content and potency, in accordance with standards  
28 established by the department to ensure the health and safety of patient  
29 cardholders;  
30 (8) procedures for initiating mandatory and voluntary recalls of hemp  
31 preparations; and  
32 (9) procedures for suspending or terminating the registration  
33 certificates or registration cards of cardholders or medical hemp  
34 establishments that commit multiple or serious violations of the provisions  
35 of this act or any rules and regulations adopted thereunder.  
36 (b) The department may adopt rules and regulations to:  
37 (1) Establish a presumptive maximum quantity of medical hemp  
38 preparations that a cardholder or visiting cardholder may possess, provided  
39 that:  
40 (A) The amount should be ~~no less than a reasonable 60-day supply;~~  
41 and  
42 (B) a patient may apply for a waiver if a physician provides a  
43 substantial medical basis in a signed, written statement asserting that,

[strike]

and  
(E) package all medical hemp preparations  
in child-resistant packaging;

a 30-day supply with no refills

1 that indicates the hemp preparation's ingredients and its percentages of  
 2 tetrahydrocannabinol and cannabidiol by weight.

3 (g) Hemp preparation centers shall collect and submit to the  
 4 department data on strains used, methods of delivery, any side effects  
 5 experienced and the therapeutic effectiveness of hemp preparations for  
 6 each patient ~~who is willing to provide the information.~~ Such data  
 7 collection shall be done under the patient's registry identification number  
 8 to protect the patient's confidentiality.

Each patient receiving medical hemp preparations pursuant to this act shall be required to submit such information to the medical hemp preparation center from which the patient received the treatment.
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9 Sec. 12. If any provision of this act or the application thereof to any  
 10 person or circumstance is held invalid, such invalidity shall not affect the  
 11 application of any other provision of this act that can be given full effect  
 12 without the invalid provision or application.

Each medical hemp preparation center collecting data under this subsection and the department shall take any steps reasonably necessary to ensure compliance with the health insurance portability and accountability act of 1996, public law 104-191, and any other provision of state or federal law requiring confidentiality of patient health information.
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13 Sec. 13. This act shall take effect and be in force from and after its  
 14 publication in the statute book.