

SENATE BILL No. 489

By Committee on Ways and Means

3-7

certification required to recommend medical hemp preparation treatments; certification requirements and fees; amending K.S.A. 2015 Supp. 65-2852 and repealing the existing section.

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.

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.

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.

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.

and who is certified by the board to recommend hemp preparations
pursuant to section 13, and amendments thereto

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.

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.

13 Sec. 13. This act shall take effect and be in force from and after its
14 publication in the statute book.

Sec. 13. (a) There is hereby established the designation of medical hemp preparation certification. The board is authorized to issue a medical hemp preparation certification to any person who holds an active license to practice medicine and surgery issued by the board and who makes written application for such certification on a form provided by the board and remits the fee established by K.S.A. 65-2852, and amendments thereto. The board shall require every holder of a medical hemp preparation certification, in writing, to acknowledge and agree to abide by the guidelines set forth in the Kansas board of healing arts policy statement regarding experimental treatments.

(b) The medical hemp preparation certification shall be canceled on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. Any certification issued under this section shall expire no later than one year after the date of issuance.

(c) The provisions of K.S.A. 65-2809, and amendments thereto, providing for notice of cancellation, cancellation, renewal and reinstatement of a license shall apply to any medical hemp preparation certification issued under this section.

(d) The board shall adopt rules and regulations as may be necessary to administer the provisions of this section.

(e) This section shall be part of and supplemental to the Kansas healing arts act.

Sec. 14. K.S.A. 2015 Supp. 65-2852 is hereby amended to read as follows: [see insert]

Sec. 15. K.S.A. 2015 Supp. 65-2852 is hereby repealed.

65-2852. The following fees shall be established by the board by rules and regulations and collected by the board:

- (a) For a license, issued upon the basis of an examination, in a sum of not more than \$300;
- (b) for a license, issued without examination and by endorsement, in a sum of not more than \$300;
- (c) for a license, issued upon a certificate from the national boards, in a sum of not more than \$300;
- (d) for the renewal of a license, the sum of not more than \$500;
- (e) for a temporary permit, in a sum of not more than \$60;
- (f) for an institutional license, in a sum of not more than \$300;
- (g) for a visiting professor temporary license, in a sum of not more than \$50;
- (h) for a certified statement from the board that a licensee is licensed in this state, the sum of not more than \$30;
- (i) for any copy of any license issued by the board, the sum of not more than \$30;
- (j) for any examination given by the board, a sum in an amount equal to the cost to the board of the examination;
- (k) for application for and issuance of a special permit under K.S.A. 65-2811a, and amendments thereto, the sum of not more than \$60;
- (l) for an exempt or inactive license or renewal of an exempt or inactive license, the sum of not more than \$150;
- (m) for conversion of an exempt or inactive license to a license to practice the healing arts, the sum of not more than \$300;
- (n) for reinstatement of a revoked license, in a sum of not more than \$1,000;
- (o) for reinstatement of a canceled license, in a sum of not more than \$500;
- (p) for a visiting clinical professor license, or renewal of a visiting clinical professor license, in a sum of not more than \$300;
- (q) for a postgraduate permit in a sum of not more than \$60;
- (r) for a limited permit or renewal of a limited permit, the sum of not more than \$60;
- (s) for a written verification of any license or permit, the sum of not more than \$25;
- (t) for a reentry active license or renewal of a reentry active license, the sum of not more than \$500; ~~and~~
- (u) for a resident active license, the sum of not more than \$500; ~~and~~
- (v) for a medical hemp preparation certification, the sum of not more than \$2,000 annually. The board shall review annually the costs associated with issuing such certifications and adjust the fee to cover the costs of administering the certification program, not to exceed \$2,000 annually.