

1 (4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;
2 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-
3 4107(g) or 65-4109(g), and amendments thereto;
4 (4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c),
5 (d), (e), (f) or (g), and amendments thereto;
6 (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and
7 amendments thereto;
8 (6) any substance designated in K.S.A. 65-4113, and amendments
9 thereto; or
10 (7) any substance designated in K.S.A. 65-4105(h), and amendments
11 thereto.
12 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.
13 (2) Except as provided in subsection (c)(3):
14 (A) Violation of subsection (b) is a class A nonperson misdemeanor,
15 except as provided in subparagraph (B); and
16 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug
17 severity level 5 felony if that person has a prior conviction under such
18 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially
19 similar offense from another jurisdiction, or under any city ordinance or
20 county resolution for a substantially similar offense if the substance
21 involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana
22 as designated in K.S.A. 65-4105(d), and amendments thereto, or any
23 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an
24 analog thereof.
25 (3) If the substance involved is marijuana, as designated in K.S.A.
26 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as
27 designated in K.S.A. 65-4105(h), and amendments thereto, violation of
28 subsection (b) is a:
29 (A) Class B nonperson misdemeanor, except as provided in
30 subparagraphs (B) ~~and~~, (C) ~~and~~ (D);
31 (B) class A nonperson misdemeanor if that person has a prior
32 conviction under such subsection, under K.S.A. 65-4162, prior to its
33 repeal, under a substantially similar offense from another jurisdiction, or
34 under any city ordinance or county resolution for a substantially similar
35 offense; ~~and~~
36 (C) drug severity level 5 felony if that person has two or more prior
37 convictions under such subsection, under K.S.A. 65-4162, prior to its
38 repeal, under a substantially similar offense from another jurisdiction, or
39 under any city ordinance or county resolution for a substantially similar
40 offense; ~~and~~
41 (D) nonperson misdemeanor punishable by a fine not to exceed \$400,
42 if that person is not a registered patient or caregiver under the Kansas
43 medical marijuana regulation act, section 1 et seq., and amendments

,

, (E) and
(F)

1 *thereto, is found in possession of not more than 1.5 ounces of marijuana*
2 *and provides a statement from such person's physician recommending the*
3 *use of medical marijuana to treat such person's symptoms.*

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

7 ~~(1) Has a debilitating medical condition, as defined in K.S.A.2020~~
8 ~~Supp. 65-6235, and amendments thereto, or is the parent or guardian of a~~
9 ~~minor child who has such debilitating medical condition;~~

10 ~~(2) is possessing a cannabidiol treatment preparation, as defined in~~
11 ~~K.S.A. 2020 Supp. 65-6235, and amendments thereto, that is being used to~~
12 ~~treat such debilitating medical condition; and~~

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

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

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

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

21 ~~(D) identifies the person or the person's minor child as such~~
22 ~~physician's patient and identifies the patient's debilitating medical~~
23 ~~condition. If the substance involved is medical marijuana, as defined in~~
24 ~~section 2, and amendments thereto, the provisions of subsections (b) and~~
25 ~~(c) shall not apply to any person who is registered or licensed pursuant to~~
26 ~~the Kansas medical marijuana regulation act, section 1 et seq., and~~
27 ~~amendments thereto, whose possession is authorized by such act.~~

28 (e) It shall not be a defense to charges arising under this section that
29 the defendant was acting in an agency relationship on behalf of any other
30 party in a transaction involving a controlled substance or controlled
31 substance analog.

32 Sec. 57. K.S.A. 2020 Supp. 21-5707 is hereby amended to read as
33 follows: 21-5707. (a) It shall be unlawful for any person to knowingly or
34 intentionally use any communication facility:

35 (1) In committing, causing, or facilitating the commission of any
36 felony under K.S.A. 2020 Supp. 21-5703, 21-5705 or 21-5706, and
37 amendments thereto; or

38 (2) in any attempt to commit, any conspiracy to commit, or any
39 criminal solicitation of any felony under K.S.A. 2020 Supp. 21-5703, 21-
40 5705 or 21-5706, and amendments thereto. Each separate use of a
41 communication facility may be charged as a separate offense under this
42 subsection.

43 (b) Violation of subsection (a) is a nondrug severity level 8,

;
;
(E) class A nonperson misdemeanor if that
person is a registered patient or caregiver under
the Kansas medical marijuana act, section 1 et
seq., and amendments thereto, and is found in
possession of marijuana with a
tetrahydrocannabinol content that is 15% or
higher but less than 25%; and
(F) drug severity level 5 felony if that person is a
registered patient or caregiver under the Kansas
medical marijuana act, section 1 et seq., and
amendments thereto, and is found in possession
of marijuana with a tetrahydrocannabinol
content that is 25% or higher

with a tetrahydrocannabinol
content of less than 15%