

- 1 (5) chronic traumatic encephalopathy;
- 2 (6) Crohn's disease;
- 3 (7) epilepsy or another seizure disorder;
- 4 (8) fibromyalgia;
- 5 (9) glaucoma;
- 6 (10) hepatitis C;
- 7 (11) inflammatory bowel disease;
- 8 (12) multiple sclerosis;
- 9 (13) Parkinson's disease;
- 10 (14) positive status for human immunodeficiency virus;
- 11 (15) post-traumatic stress disorder;
- 12 (16) sickle cell anemia;
- 13 (17) spinal cord disease or injury;
- 14 (18) Tourette's syndrome;
- 15 (19) traumatic brain injury;
- 16 (20) ulcerative colitis;
- 17 (21) a chronic medical condition that:
 - 18 (A) Causes severe, persistent pain or persistent muscle spasms; or
 - 19 (B) is normally treated with a prescription medication that could lead
 - 20 to physical or psychological dependence if a licensed physician determines
 - 21 that treatment for such condition with medical marijuana would be
 - 22 effective and would serve as a safer alternative;
 - 23 (22) a debilitating psychiatric disorder that is diagnosed by a
 - 24 physician licensed in this state who is board-certified in the practice of
 - 25 psychiatry, as determined by the board of healing arts; or
 - 26 (23) any other chronic, debilitating or terminal condition that, in the
 - 27 professional judgment of a physician licensed by in this state, ~~would be a~~
 - 28 ~~detriment to the patient's mental or physical health if left untreated.~~
 - 29 (r) "Retail dispensary" means a ~~person~~ issued a license pursuant to
 - 30 section 34, and amendments thereto, who may purchase and sell medical
 - 31 marijuana in accordance with section 35, and amendments thereto.
 - 32 (s) "Smoking" means the use of a lighted cigarette, cigar or pipe or
 - 33 otherwise burning marijuana in any other form for the purpose of
 - 34 consuming such marijuana.
 - 35 (t) "Support employee" means an individual employed by a licensed
 - 36 retail dispensary who does not have authority to make operational
 - 37 decisions.
 - 38 (u) "Vaporization" means the use of an electronic cigarette for the
 - 39 purpose of consuming medical marijuana in which such medical marijuana
 - 40 comes into direct contact with a heating element.
 - 41 (v) "Veteran" means a person who:
 - 42 (1) Has served in the army, navy, marine corps, air force, coast guard,
 - 43 space force, any state air or army national guard or any branch of the

licensed pharmacy that is
operated by a

who is a pharmacist licensed
in this state and who has
registered with the board of
pharmacy and been

1 beverage control shall administer the medical marijuana cultivation
2 regulation fund and shall remit all moneys collected from the payment by
3 cultivators and laboratories of all fees and fines imposed by the director
4 pursuant to the Kansas medical marijuana regulation act and any other
5 moneys received by or on behalf of the director pursuant to such act to the
6 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
7 amendments thereto. Upon receipt of each such remittance, the state
8 treasurer shall deposit the entire amount in the state treasury to the credit
9 of the medical marijuana cultivation regulation fund. Moneys credited to
10 the medical marijuana cultivation regulation fund shall only be expended
11 or transferred as provided in this section. Expenditures from such fund
12 shall be made in accordance with appropriation acts upon warrants of the
13 director of accounts and reports issued pursuant to vouchers approved by
14 the director or the director's designee.

15 (b) Moneys in the medical marijuana cultivation regulation fund shall
16 be used for the payment or reimbursement of costs related to the regulation
17 and enforcement of the cultivation, possession, testing and sale of medical
18 marijuana by the division of alcoholic beverage control.

19 New Sec. 31. (a) Any ~~entity~~ that seeks to process or distribute
20 medical marijuana shall ~~submit an application for the appropriate license~~
21 to the director of alcoholic beverage control in such form and manner as
22 prescribed by the director. A separate license application shall be submitted
23 for each location to be operated by the licensee.

24 (b) The director shall issue a license to an applicant if:

25 (1) The criminal history record check conducted pursuant to section
26 48, and amendments thereto, with respect to the applicant demonstrates
27 that the applicant is not disqualified from holding a license pursuant to
28 section 20, and amendments thereto;

29 (2) the applicant demonstrates that it does not have an ownership or
30 investment interest in or compensation arrangement with a laboratory
31 licensed under section 21, and amendments thereto, or an applicant for
32 such license;

33 (3) the applicant demonstrates that it does not share any corporate
34 officers or employees with a laboratory licensed under section 21, and
35 amendments thereto, or an applicant for such license;

36 (4) the applicant demonstrates that it will not violate the provisions of
37 section 47, and amendments thereto;

38 (5) the applicant has submitted a tax clearance certificate issued by
39 the department of revenue; and

40 (6) the applicant meets all other licensure eligibility conditions
41 established in rules and regulations adopted by the secretary of revenue
42 and has paid all required fees.

43 (c) The director shall issue not less than 15% of processor and

pharmacist that
is licensed in
this state

register with the board of
pharmacy in accordance with
rules and regulations adopted
by the board and

1 exceed:
2 (1) \$5,000 for a distributor license application; and
3 (2) \$40,000 for a distributor license and any renewal thereof.
4 (c) The fees for a retail dispensary license shall be set by rules and
5 regulations adopted by the secretary of revenue in an amount not to
6 exceed:
7 (1) \$5,000 for a retail dispensary license application;
8 (2) \$40,000 for a retail dispensary license and any renewal thereof;
9 (3) \$500 for each associated employee license application;
10 (4) \$250 for each key employee license application; and
11 (5) \$100 for each support employee license application.
12 New Sec. 39. The director of alcoholic beverage control may refuse
13 to issue or renew a license, or may revoke or suspend a license if the
14 applicant has:
15 (a) Failed to comply with any provision of the Kansas medical
16 marijuana regulation act or any rules and regulations adopted thereunder;
17 (b) falsified or misrepresented any information submitted to the
18 director in order to obtain a license;
19 (c) failed to adhere to any acknowledgment, verification or other
20 representation made to the director when applying for a license; or
21 (d) failed to submit or disclose information requested by the director.
22 New Sec. 40. (a) In addition to or in lieu of any other civil or criminal
23 penalty as provided by law, the director of alcoholic beverage control may
24 impose a civil penalty or suspend or revoke a license upon a finding that
25 the licensee committed a violation as provided in this section.
26 (b) (1) Upon a finding that a licensee has submitted fraudulent
27 information or otherwise falsified or misrepresented information required
28 to be submitted by such licensee, the director may impose a civil fine not
29 to exceed \$5,000 for a first offense and may suspend or revoke such
30 licensee's license for a second or subsequent offense.
31 (2) (A) Except as provided in paragraph (B), upon a finding that a
32 licensee has sold, transferred or otherwise distributed medical marijuana in
33 violation of this act, the director may impose a civil fine not to exceed
34 \$5,000 for a first offense and may suspend or revoke such licensee's
35 license for a second or subsequent offense.
36 (B) Upon a finding that a retail dispensary licensee has knowingly
37 disclosed patient information to any individual, the director shall impose a
38 civil fine of \$5,000 and revoke such licensee's license.
39 (c) The director may require any licensee to submit a sample of
40 medical marijuana, medical marijuana concentrate or medical marijuana
41 product to a laboratory upon demand.
42 (d) If the director suspends, revokes or refuses to renew any license
43 issued pursuant to this act and determines that there is clear and

New Sec. 39. (a) On or before July 1, 2022, the board of pharmacy shall adopt rules and regulations establishing the requirements for a pharmacy to:
(1) Register as a retail dispensary; and
(2) report all transactions of a retail dispensary to the prescription monitoring program database, including, but not limited to, the:
(A) Methods of transmission;
(B) nationally recognized telecommunications format to be used;
(C) frequency of such reports; and
(D) procedures for the maintenance of information submitted to or received from the prescription monitoring program database to ensure such information is treated as confidential and is subject to the requirements of K.S.A. 65-1685 and 65-1687, and amendments thereto.
redesignate remaining sections