

2021 Kansas Statutes

65-6235. **Use of cannabidiol treatment preparation with tetrahydrocannabinol.** (a) This section shall be known and may be cited as Claire and Lola's law.

(b) As used in this section and K.S.A. 2021 Supp. 21-5706, and amendments thereto:

(1) "Cannabidiol treatment preparation" means an oil containing cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)) and tetrahydrocannabinol, as described in K.S.A. 65-4105, and amendments thereto, and having a tetrahydrocannabinol concentration of no more than 5% relative to the cannabidiol concentration in the preparation, verified through testing by a third-party, independent laboratory.

(2) "Debilitating medical condition" means a medically diagnosed chronic disease or medical condition causing a serious impairment of strength or ability to function, including one that produces seizures, for which the patient is under current and active treatment by a physician licensed to practice medicine and surgery in Kansas.

(3) "Tetrahydrocannabinol concentration" means the combined percentage of tetrahydrocannabinol and its optical isomers, their salts and acids and salts of their acids, reported as free tetrahydrocannabinol on a percent by weight basis.

(4) "Third-party, independent laboratory" means an organization:

(A) That is accredited to ISO/IEC 17025 of the international organization for standardization and the international electrotechnical commission by an accreditation body that is a signatory of a multilateral recognition arrangement with the international accreditation forum, international laboratory accreditation cooperation or other similar body;

(B) whose scope of accreditation includes testing for cannabinoid potency; and

(C) that is not affiliated with the producer of the item being tested.

(c) No agency of this state or political subdivision thereof shall initiate proceedings to remove a child from the home of the child's parent or guardian or initiate any child protection action or proceeding based solely upon the parent's or the child's possession or use of cannabidiol treatment preparation in accordance with the provisions of K.S.A. 2021 Supp. 21-5706(d), and amendments thereto.

(d) Nothing in this section shall be construed to require the Kansas medical assistance program or any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after July 1, 2019, to provide payment or reimbursement for any cannabidiol treatment preparation.

(e) Nothing in this section shall be construed to allow the possession, sale, production, redistribution or use of any other form of cannabis.

History: L. 2019, ch. 67, § 1; July 1.