

# Report of the Special Committee on Federal and State Affairs to the 2020 Kansas Legislature

**CHAIRPERSON:** Representative John Barker

**VICE-CHAIRPERSON:** Senator Bud Estes

**OTHER MEMBERS:** Senators Oletha Faust-Goudeau, Richard Hilderbrand, Ty Masterson, and Caryn Tyson; Representatives Stephanie Clayton, Chris Croft, John Eplee, Susan Humphries, and Jerry Stogsdill

## **STUDY TOPIC**

The Committee is directed to:

- Study the issues and possible options concerning the legality of abortions following the *Hodes & Nauser, MDs, PA v. Schmidt* Kansas Supreme Court decision; and
- Study the public policy implications concerning the legalization and regulation of medical marijuana.

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# Special Committee on Federal and State Affairs

## REPORT

### Conclusions and Recommendations

The Special Committee on Federal and State Affairs adopts the following recommendations.

### Public Policy Implications, Legalization and Regulation of Medical Marijuana

- The standing Judiciary Committees of the House and Senate should consider introducing legislation providing an affirmative defense to residents of other states who have legally obtained a medical prescription for cannabis, marijuana, or tetrahydrocannabinol (THC) in some form, and are traveling through or visiting the state of Kansas; and
- If the Legislature moves forward with legislation concerning the legalization of medical marijuana, the standing Federal and State Affairs Committees of both the House and Senate should consider using Ohio's legislation as a guide (Sub. for HB 523, passed into law in 2016). In addition, the Special Committee recommends the following be included in any bill considered by the Kansas Legislature:
  - Smokeable forms of marijuana be prohibited;
  - Vaping of marijuana be prohibited;
  - Photo identification cards be required when purchasing medical marijuana; and
  - Persons with prescriptions for medical marijuana would have an obligation to securely store marijuana if it could be accessed by minor children.

### Issues and Options, Legality of Abortions after *Hodes* Decision

- A constitutional amendment should be created by the appropriate standing committees of the Legislature and the people of Kansas should be allowed to vote on clarification to the language of the *Kansas Constitution*.

*Proposed Legislation:* None

### BACKGROUND

The Legislative Coordinating Council (LCC) directed the Special Committee on Federal and State Affairs to study the public policy implications concerning the legalization and regulation of medical marijuana and to study the

issues and possible options for a legislative response to the *Hodes & Nauser, MDs, PA v. Schmidt* Kansas Supreme Court decision concerning the legality of abortions.

The Committee was granted two meeting days and met at the Statehouse October 23 and 30, 2019.

## COMMITTEE ACTIVITIES

At the October 23 meeting, the Committee held a hearing concerning the medical marijuana topic. On October 30, the Committee held a hearing related to the *Hodes & Nausser* decision.

[*Staff note:* This report used the terms “marijuana” and “cannabis” interchangeably, as the descriptions of conferee testimony reference the terminology used by conferees.]

### *October 23*

Staff from the Office of Revisor of Statutes provided an overview of medical marijuana laws in Missouri, Ohio, and Oklahoma. Staff indicated the particular states were selected because each state had recently adopted laws to legalize medical marijuana. The overview compared major aspects of the states’ laws, including method of enactment; date of implementation; entities responsible for administering the laws; relevant definitions (*e.g.*, marijuana, medical use, and qualifying medical condition); legal restrictions on the use, possession, cultivation, and location; interaction with other state laws; licensing; fees; registration; requirements for prescribing physicians; processing; waste disposal; tracking systems; taxation; and revenue distribution.

Staff responded to Committee questions concerning the method of enactment of the states’ medical marijuana laws, identification requirements, issues with implementation, regulation of pricing, taxation, fees, and licensing requirements.

### *Proponents*

A representative of the Kansas Cannabis Industry Association presented recommendations for the implementation of any laws concerning medical marijuana in Kansas. Recommendations included using the current Kansas Liquor Control Act as a model of regulating for the production, distribution, and retail sale of medical marijuana; additional definitions specific to medical marijuana; taxation issues; restrictions on trade practices and vertical integration; public health and safety concerns (*e.g.*, times of sales, age restrictions, measuring impairment levels, public consumption, product safety and potency, and labeling and packaging); pricing and marketing;

licensing requirements; and structure, jurisdiction, and enforcement by a regulatory agency.

In response to Committee questions, the representative of the Kansas Cannabis Industry Association stated there are currently no regulations that exist that apply to medical marijuana. He stated his belief that there are many policy decisions to be made by the Legislature before such regulations can be promulgated. He noted a carve-out for financial institutions transacting business with marijuana dispensaries passed the U.S. House of Representatives, but was not expected to move in the U.S. Senate. He also stated there were several bills that would declassify marijuana from being a Schedule I substance in the Kansas Controlled Substances Act. He also stated a legal level of intoxication had not been set for marijuana, but a device similar to a breathalyzer is being developed to detect marijuana metabolites on a person’s breath.

Another conferee stated the American Cancer Society acknowledges medical marijuana has been useful in reducing chemotherapy-induced nausea and vomiting, as well as helping with neuropathic pain and a variety of other medical conditions. She stated there are other studies showing decreases in suicides and opioid-related deaths in states that allow the use of medical marijuana.

A representative of the American Cannabis Nurses Association and the Cannabis Nurses Network stated her support for the legalization of medical marijuana and her belief that cannabis should not be a Schedule I substance because it has an accepted medical use. She also stated because medical cannabis reacts differently with each individual’s physiology and is not appropriate for use by everyone, trained cannabis nurses should be included in the formulation of any medical marijuana laws in Kansas. She further stated her belief that professionals working with patients who have been prescribed medical marijuana should be required to participate in yearly training.

A representative of Bleeding Kansas Advocates stated the organization has provided volumes of research about the medical safety and efficacy of cannabis to the Kansas Legislature. She stated her belief that a medical cannabis program could benefit Kansas citizens and the state in many

ways, including new jobs, new industry, and new revenue streams. She testified it would be important to make sure waste disposal regulation be included in any proposed bill. The representative further stated she feels there is a need to track product “seed-to-sale” and stated a digital application is available to track plants in real-time.

A pediatrician testified in support of medical cannabis, stating his support for the legalization of medical marijuana as a way of allowing ailing residents the opportunity to potentially improve their lives. He noted medical marijuana had the potential to harm persons it was not prescribed to, specifically adolescents and children, and stated his opinion that all physicians authorized by law to prescribe cannabis should be required to obtain certification, which should include obtaining a certain number of continuing medical education credits each year, as part of the annual renewal of their medical licenses.

In response to Committee questions, the pediatrician discussed the importance of cannabis training for physicians prescribing cannabis. He also noted his belief there should be some way to track and audit the prescriptions an individual obtains for medical marijuana.

A private citizen testified concerning a car accident he was involved in and the multiple medical conditions and complications he has suffered as a result. He stated opioid medications caused issues with addiction and did not improve his conditions. He stated medical marijuana has helped him by allowing him to sleep. He believes the use of marijuana and the cultivation of plants should be legal for people with pain or other medical conditions.

A private citizen testified in support of medical cannabis, stating she and her husband own several cannabidiol (CBD) stores. She stated most of their customers are people over age 55 seeking CBD as an alternative to medications they are taking. She recommended law from states with medical marijuana programs be used as a guide for creating a Kansas law. She also stated her belief that the process of creating such laws and running of dispensaries should involve medical professionals with cannabis training.

A private citizen testified in favor of medical marijuana, stating her belief that citizens should be allowed to grow marijuana at home for personal use and should have access to doctors who are educated in the endocannabinoid system.

A representative of the Kansas Silver Haired Legislature stated more than 70 percent of senior citizens in Kansas support medical marijuana. He stated there is a great deal of research showing the benefits of medical cannabis and most of the European nations have legalized medical cannabis.

A private citizen testified concerning a medical condition he has that causes constant pain. He stated he owns a medical cannabis dispensary in Maryland, noting the licensing fee in Maryland is \$125,000 per year for cultivation and \$40,000 per year for a dispensary, and the average cost to the patient ranges from \$1,200 to \$3,600 for a 30-day supply. He stated one way to circumvent those costs is to allow home cultivation. In addition, he stated possible ways to prevent black market diversion are licensing home cultivators, mandating harvest reporting, and regulating home storage.

A representative of The Human Solution International and owner of a California hemp company stated he has been involved in creating policy on this issue in many jurisdictions for the last 20 years. He stated Kansas is in a better position to set policy because it can learn from other states that have already legalized medical marijuana. He stated credit unions have been a solution to some of the banking issues surrounding the sale of medical marijuana.

The representative of The Human Solution International discussed some specific actions that have been helpful in states that have implemented medical marijuana programs, as well as some complications he has noticed. He also stated credit unions have more latitude with their policies than traditional banks do, which allows them to offer services to dispensaries when traditional banks cannot because of Federal Deposit Insurance Corporation (FDIC) rules.

### *Opponents*

A physician and representative of the Institute on Global Drug Policy stated his concern that state

legalization of marijuana bypasses Food and Drug Administration (FDA) regulation. He stated the FDA provides governance and looks at efficacy and safety. He stated marijuana is not a pure medicine and can contain many different substances, including contaminants, and tetrahydrocannabinol (THC) concentration can also vary widely. He stated his belief that legalizing marijuana would not bring any benefits that are not already covered by medicine, noting medications with similar effects of marijuana, such as Marinol and Epidiolex, are already available separately. He stated his belief that scientific evaluations of marijuana only demonstrate a possible slight benefit of marijuana. He urged the Committee to consider the social and medical consequences of legalizing marijuana. He stated there has been a 23 percent increase in opiate deaths in the states that have started medical marijuana programs. He noted the possibility of abuse of the substance by young people and other drug abusers, potential workplace problems, and potential impacts on pregnancies.

The representative stated there have been increases in child in need of care cases in states after legalizing medical marijuana and again when marijuana was fully legalized by a state.

A representative of the Kansas Association of Addiction Professionals discussed his opinions on the impact of marijuana on young people and stated his belief that young people are being targeted by the marijuana industry and noted the average age of first-time marijuana use has lowered in recent years. He also stated vaping has become an epidemic among teenagers and there is evidence smoking cannabis is just as harmful to the respiratory system as smoking tobacco or vaping nicotine. He also discussed his belief that marijuana can be especially dangerous to young people with underlying conditions, such as depression or anxiety, if they use marijuana as a replacement for more conventional treatments. He stated if medical marijuana is legalized, it will injure the mental and physical health of these adolescents.

A representative of the Kansas Sheriffs' Association stated his concern that medical marijuana has not undergone FDA approval and referenced studies conducted by the FDA, which state there is more tar and more inhaled carbon

monoxide in marijuana than in cigarette smoke. He stated most sales revenue is generated by the black market in states that have eventually legalized all marijuana, which presents substantial law enforcement issues. He further stated CBD is already legal and is helping people with their medical issues; the presence of THC is not necessary to impart medical benefits. He referenced a conversation with federal Drug Enforcement Administration officials in Oklahoma regarding the problems these officials have experienced since the State legalized medical marijuana.

The representative noted his main concern with legalizing marijuana was the absence of FDA testing and stated if there was a product without the THC intoxicating effect, the organization would have no problem with its usage. He stated the association is concerned about the high levels of THC they are seeing in marijuana.

A representative of the Kansas Association of Chiefs of Police stated the potency of marijuana today is much stronger than it was in the 1960s and 1970s and the output of plants is significantly higher today. He stated marijuana grown today is more like a new designer narcotic drug than natural marijuana. He stated every state that has legalized medical marijuana has seen some deleterious effects, including underage exposures, accidental ingestion, driving under the influence, job-related accidents, increases in the need for drug treatment, and emergency room admissions. He urged the Committee to listen to the concerns of law enforcement when examining the issue of medical marijuana.

A representative of the Kansas Narcotics Officers Association stated marijuana is a dangerous drug that brings violent crime to communities and is not easily regulated. He questioned how much the State would need to invest to create a regulating agency to oversee medical marijuana and stated his belief that the Board of Pharmacy would be unable to execute the additional duties. He stated his belief that due to the broad scope of conditions for which medical marijuana is prescribed in other states, there would be many unintended consequences if Kansas legalized medical marijuana. He urged the Committee to not move forward with this issue.

A representative of the Kansas Bureau of Investigation stated, based on his experience in law enforcement, conversations with others in law enforcement, and reviewing research, he is aware of many negative consequences in states that have legalized marijuana. He referenced examples of violent crimes in Kansas involving marijuana and stated, according to Kansas drug seizure data, marijuana seizures increase 28.5 percent between 2012 and 2018, increasing by 18 percent from 2017 to 2018 alone. He stated his belief that expanding public access to a drug that has a high potential for abuse can create severe psychological, physical, or both psychological and physical dependence, and lacks generally accepted scientific medical value, which is contradictory to public safety. He stated there have been increases in violent and property crimes in states that have legalized marijuana and discussed the potential for increases in illegal drug operations, diversion, extortion, black market activity, and other issues for Kansas law enforcement officers if marijuana is legalized.

A representative of the Midwest High Intensity Drug Trafficking Area stated legalization of any marijuana in Kansas will diminish citizens' public health and safety, particularly children; increase physical and mental health issues; further burden already struggling drug treatment resources; and result in an increase of drugged driving and the use of other drugs. He urged the Committee not to look at promises of additional tax revenue without considering the larger social, criminal, and medical costs.

Responding to questions from the Committee, the representative stated marijuana is a non-toxic substance, which will cause psychotic episodes and reactions, but will not result in deaths from overdoses. He also stated his belief there are no therapeutic properties to marijuana.

A representative of the Kansas Association of Chiefs of Police, Kansas Bureau of Investigation, Kansas Narcotics Officers Association, Kansas Peace Officers Association, and Kansas Sheriffs' Association stated his concerns about the public safety of legalizing marijuana: higher levels of THC in plants than ever before, lack of FDA approval and review of purity, lack of standard dosages across forms of marijuana, and workplace issues related to zero tolerance drug policies. He

also suggested legalization would result in public policy issues with employees using marijuana as medicine and then being intoxicated while performing jobs, particularly law enforcement officers and complications in the purchasing of firearms, which is federally regulated. He stated his belief that marijuana was not an alternative to opioid use and referenced a Kansas Department for Aging and Disability Services report that stated 7.84 percent of people who sought substance abuse treatment received treatment for opioid abuse, while 19 percent received treatment for marijuana dependency and abuse.

Responding to Committee questions, the representative stated Kansas law enforcement agents enforce Kansas law without consideration of other states' laws regarding marijuana. He stated most officers use discretion if a person has a legal prescription and noted instances of prosecutorial discretion concerning simple marijuana possession cases. The representative also stated there was no research that established a baseline level of intoxication for marijuana like there is for alcohol, but reports have shown increases in the number of people involved in serious accidents who also had THC in their systems.

A representative of the Kansas Peace Officers Association stated the organization's support for research to validate the medical effectiveness of marijuana. He stated if a medical benefit was established, marijuana should undergo FDA approval and be sold through pharmacies like other medicine, not storefront dispensaries. He stated the organization supported the CBD bill allowing pharmaceutical CBD to be used in Kansas as soon as it is FDA approved. He referenced data from Colorado before recreational marijuana was legalized and stated there was a significant rise in the number of fatal and injury accidents involving people who had THC in their system. He also stated there were significant increases in youth usage of marijuana and in disciplinary actions in schools involving marijuana.

#### *Neutrals*

A representative of the League of Kansas Municipalities (League) stated the organization's concern about authorizing home-grown marijuana operations and his belief that the Legislature

should carefully weigh the impact marijuana legalization will have on law enforcement and human resources, including funding for local governments; a city option whether to allow dispensaries in a city; regulations concerning the location of retail and production operations; and regulation of the time, manner, and place where consumption is allowed. He stated the League has also become increasingly concerned about the dangers of home-grown operations. The representative urged the Committee to include a delayed implementation timeline in any medical marijuana bill they considered to allow time to address unforeseen issues, zoning changes, and law enforcement training.

A private citizen stated his belief that if the use of cannabis helps individuals avoid the use of prescription drugs, particularly opioids, such use should be allowed by the State. He stated his belief that cannabis should be available to minors who have seizures and have not had success with other medications. He stated alcohol and tobacco are exempt from the Kansas Controlled Substances Act although they are toxic substances that can cause death. He stated there have been no citizens at any of the hearings held on the topic that have testified in opposition to the legalization of medical marijuana. He stated his support for allowing individual citizens to grow their own marijuana.

The citizen noted states legalizing marijuana have removed it from their controlled substances acts, though it remains a Schedule I substance in the federal Controlled Substances Act.

### **October 30**

On October 30, 2019, the Committee met to discuss *Hodes & Nauser MDs, P.A. v. Schmidt (Hodes)*, and whether a constitutional amendment should be proposed to address the decision. Testimony from those who supported a constitutional amendment to address the decision were listed as proponents, while those opposed to the possibility of a constitutional amendment were listed as opponents.

Staff from the Office of Revisor of Statutes provided an overview of the case history of *Hodes* and the Kansas Supreme Court's (Supreme Courts's) decision in the case, including the

following information. The 2015 Legislature passed, and the Governor signed, SB 95, which prohibited dismemberment abortions (abortions performed using the dilation and evacuation [D&E] method). The legislation was immediately challenged by the plaintiffs, who are doctors who performed abortions using this method. The plaintiffs requested a temporary injunction to prevent enforcement of SB 95 pending the outcome of the lawsuit. The district court issued the requested injunction, and the State appealed to the Kansas Court of Appeals, which heard the case *en banc*. Due to a 7-7 split decision by the Court of Appeals, the injunction was upheld. The State then petitioned the Supreme Court for review, which granted the petition. In April 2019, the Supreme Court issued its 6-1 decision concluding that Section 1 of the *Kansas Bill of Rights* protects judicially enforceable rights, including a right to personal autonomy that includes the right to decide whether to continue a pregnancy. Turning to the question of the standard of review for the question of whether a statute infringes on a fundamental constitutional right, the Supreme Court concluded the undue burden standard used in federal cases is difficult to understand and apply, and therefore the strict scrutiny standard should be applied. Under this standard, the State must show the statute furthers a compelling government interest and is narrowly tailored to further that interest. The Supreme Court concluded the district court correctly ruled the plaintiffs were substantially likely to prevail on their claims and thus upheld the injunction. However, the Supreme Court instructed the district court on remand to conduct further proceedings in the case under the strict scrutiny standard. On remand, the State will now have the opportunity to present evidence of a compelling government interest and the provisions of SB 95 are narrowly tailored to further that interest.

Staff from the Office of Revisor of Statutes stated the burden of proof in determining the constitutionality of the law had changed from undue burden to strict scrutiny based on personal autonomy being characterized as a fundamental right, subject to the higher scrutiny. He stated this case was currently in the district court and will be scheduled for discovery and trial as it works back through the appellate process. Staff also stated the case dealt only with SB 95 and the Supreme Court had been careful not to rule on the constitutionality

of the bill, focusing on the right of a woman to terminate a pregnancy as part of personal autonomy under the *Kansas Bill of Rights*, and remanding the case to the district court for the constitutionality determination. He stated while the decision could be used to create new rights under the umbrella of personal autonomy, whether other laws would be struck down using this case would depend on the circumstances of any future lawsuits.

### *Proponents*

A representative of Kansans for Life stated her belief that through the *Hodes* decision, the Supreme Court interfered with Kansas citizens' right to self-governance through its elected representatives. She stated citizens deserve to have input on the laws concerning abortion and should be allowed to vote on a state constitutional amendment concerning the right to an abortion.

Responding to Committee questions, the representative stated a constitutional amendment would be intended to address the right of the people to be involved in the legislative process and have their will expressed in law by their elected representative. She stated her belief that people have the right to regulate abortion through the passage of legislation that puts reasonable restrictions on the practice.

A representative of Concerned Women for America of Kansas stated she does not agree with the Supreme Court's interpretation of the *Kansas Constitution*. She stated the organization's belief is that the state's citizens should be allowed to vote on an amendment to the *Kansas Constitution* to assure the unborn have the right to life and the pursuit of happiness.

A representative of the Kansas Catholic Conference stated Kansas voters should be allowed to reverse the *Hodes* ruling by voting on a state constitutional amendment during the 2020 election. She stated her concern that without a constitutional amendment, most abortion laws will be deemed unconstitutional and any protections in law will disappear, in particular the protections put in place requiring parental consent for abortions performed on minors. She stated it is reasonable to ask that parents be involved when something this serious is being done to their child.

A private citizen stated her belief that Section 1 of the *Kansas Bill of Rights* was intended to extend to the unborn and prohibit abortions. She stated her belief is supported by the fact that the framers of the *Kansas Constitution* also enacted a statute that made abortion equivalent to homicide. She stated her support for a personhood amendment to the *Kansas Constitution*, specifically 2019 HCR 5004.

A representative of Personhood Kansas stated his support for a personhood amendment to the *Kansas Constitution*. He referenced 2019 HCR 5004 and urged the Committee to allow Kansans to vote on the constitutional amendment it proposes, specifically providing due process of law for every human being from the time of fertilization.

A representative of Olathe Right to Life and the Olathe Pregnancy Clinic stated her belief that the *Hodes* decision is unjust and discriminatory. She stated she also opposes a constitutional amendment that would subject the decision of killing unborn children in Kansas to be put to a popular vote of the people. She stated her support for 2019 HCR 5004.

A private citizen stated the *Hodes* decision has created a significant policy shift, which could potentially deregulate abortions in Kansas and negatively impact the safety of women and children. She believes the people of Kansas should be allowed to vote on this issue and urged the Committee to support a state constitutional amendment.

### *Opponents*

Representative Lusk discussed several different historical and religious approaches to determining personhood. She stated there is no certain way to determine exactly when the soul inhabits the body and it is impossible to know when a fetus qualifies as a full legal entity. She stated she favors leaving power with the individual instead of allowing government to impose its will. She disagrees with a complete prohibition of abortion and stated her main concern is that a fetus' rights might come before those of the mother. She stated her belief that there should be more dialogue before any action is taken by the Legislature.

Representative Lusk stated her belief that viability was the most logical stage to confer rights to a fetus. She also stated the Catholic Church has previously believed ensoulment occurred later in the pregnancy, but now believes it occurs at conception.

A representative of Planned Parenthood Great Plains Votes stated the organization is opposed to any attempt to amend the *Kansas Constitution* to take away women's reproductive rights. She stated her belief that the *Hodes* decision would not prohibit the Kansas Legislature from passing any regulations on the medical practice of abortion, but would subject laws regulating the practice of abortion to a strict scrutiny standard. She stated the majority opinion explained the right to personal autonomy is fundamental, but it is not absolute. She stated while Kansans have the right to amend the *Kansas Constitution*, she does not believe something as important as a determination of natural rights should be dependent on a popular vote. She stated banning all abortions would result in a lack of comprehensive medical care for, and result in harm to, pregnant women.

In response to Committee questions, the representative stated the U.S. Supreme Court has ruled that blanket prohibitions on abortion are unconstitutional at any stage of a pregnancy and all restrictions on abortion must contain exceptions for life and health of the mother. She stated fundamental rights should not be subject to a popular vote, and amending the *Kansas Bill of Rights* is different than amending other parts of the *Kansas Constitution*. She stated the issue of a constitutional amendment looks at the government's rights versus an individual's rights, not the rights of the mother versus the rights of a fetus.

A representative of the American Civil Liberties Union of Kansas stated the organization's opposition to any constitutional amendment restricting personal autonomy and infringing on reproductive rights. A constitutional amendment overturning the court's decision would ignore the natural rights of women. She stated denying natural rights to only pregnant women is discriminatory, since decisions about terminating pregnancies should be between a woman and her doctor, not voters and politicians. She also noted a constitutional amendment could be contradictory

to the precedent established by the U.S. Supreme Court and would be detrimental to women's health.

In response to Committee questions, the representative again stated an amendment banning abortion would violate U.S. Supreme Court precedent.

A plaintiff's attorney, who was part of the *Hodes* litigation, stated the Kansas Supreme Court relied upon Kansas law and precedent and held Section 1 of the *Kansas Bill of Rights* includes protection of the natural and fundamental right of personal autonomy, including a woman's right to decide whether or not to terminate a pregnancy. She stated the State can still regulate abortions as long as laws enacted show a compelling interest of the State and are drafted as narrowly as possible to promote that interest. She stated several other states have used the same analysis as the Kansas Supreme Court and have found similar constitutional protections for abortion. She stated at this time there has been no final decision by any court as to the constitutionality of SB 95, so at this time a constitutional amendment banning abortion is not needed.

In response to questions, the attorney stated she was not sure what effect a proposed constitutional amendment might have on the practice of abortion in Kansas because bill language did not yet exist. She also stated the constitutionality of SB 95 was yet to be determined by the court of appeals.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee adopted recommendations concerning the topic of medical marijuana at the beginning of the October 30 meeting. Recommendations concerning issues and possible options following the *Hodes* case were adopted at the end of the October 30 meeting.

### Public Policy Implications, Legalization and Regulation of Medical Marijuana

It is the recommendation of the Special Committee on Federal and State Affairs that the standing Judiciary Committees of the House and Senate consider introducing legislation providing

an affirmative defense to residents of other states who have legally obtained a medical prescription for cannabis, marijuana, or THC in some form, and are traveling through or visiting the state of Kansas.

In addition, it is the recommendation of the Special Committee on Federal and State Affairs that if the Legislature moves forward with legislation to legalize medical marijuana, the standing Federal and State Affairs Committees of both the House and Senate should consider introducing such legislation using Ohio's legislation as a guide (Sub. for HB 523, passed into law in 2016). Additionally, the Special Committee recommends the following be included in any bill considered by the Kansas Legislature:

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### **Issues and Options, Legality of Abortions after *Hodes* Decision**

It is the recommendation of the Special Committee on Federal and State Affairs that a constitutional amendment be created by the appropriate standing committees of the Legislature and the people of Kansas be allowed to vote on clarification to the language of the *Kansas Constitution*.