



Marijuana Considerations by State

KANSAS

(Updated as of January 2020)

Legal Status of Marijuana

Medical Marijuana Law	No
Recreational Marijuana Law	No
No broad laws legalizing marijuana*	✓

*Marijuana is either totally illegal, or there may be laws decriminalizing possession, or use of marijuana, or, the state may have a CBD law legalizing THC at a level constituting marijuana-derived CBD.

Understanding this report: The objective of this state report is to identify direct factors that impact employment rights, protections and obligations as they relate to an employee’s use of marijuana.

In some cases, information can be confusing or even appear contradictory. This underscores the necessity of having legal counsel, specialized in marijuana and all related state laws, assist the employer in determining impactors/influences. Further, it is wise to have a professional experienced in drug-responsible workplace programs (i.e., drug-free workplace program [DFWP] consultant) assist in the development of corporate policies and operational practices. (See the NDS article, [Workplace Considerations For Marijuana Use.](#))

The subtitle categories within each state report are standardized. Because the marijuana laws and other laws directly associated to dealing with employee use of marijuana are different in every state, there may be categories within a state’s report that have no information. This indicates there has been no specific information found.

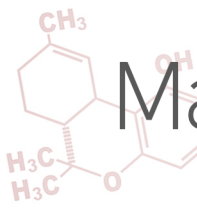
Lastly, where there are quotation marks, the language is directly from published law cited just before the quote. The quoted words are significant, but it will benefit the reader to review the information in context (go to the law) and in relation to other laws (e.g., disability discrimination, workers’ compensation, unemployment law). Additionally, there may be case decisions in a state, that set precedence and clarify or further detail the operational meaning of a law for an employer.

FROM THE STATE

Employer Concerns

Significant

- Medical and recreational cannabis are both illegal in Kansas.
- Under Kansas SB 282 (2018) CBD with no THC is allowed. Under Kansas HB 2244 (2019), CBD with no more than 5% THC is allowed to treat debilitating medical conditions for which the patient is under treatment by a licensed physician.



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- Under Kansas SB 282, the definition of marijuana excludes cannabidiol (CBD).
- Kansas has specific drug testing requirements to qualify for workers' compensation reduction and unemployment denial. These include testing for marijuana. Through the Kansas Department of Health and Environment, there are also implementation details about those requirements.

Testing

- A positive drug test for marijuana at a level of 15 ng/ml constitutes impairment under Kansas Statutes Ann. 44-501(b)(1)(C).

Hiring/Termination

Discipline

Use/Possession

- CBD in the form of oils, pills or lotions with no THC are considered herbal supplements and can be used.
- No restrictions about where CBD can be used.
- No smoking or vaping of CBD is permitted.

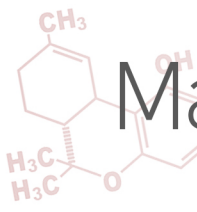
Other Impacting Laws (e.g., drug testing, workers' compensation, unemployment)

- An individual is deemed guilty of driving under the influence if they are under the influence of any drug or if they are a habitual user of narcotics.
- Refusal to submit to a drug test or a positive drug test for marijuana is conclusive evidence of gross misconduct and, if discharged, will make the employee ineligible for unemployment benefits.
- Refusal to test or a positive post-accident drug test for marijuana will disqualify the employee from workers' compensation benefits.
- Apply the [Checklist of Impacting Issues for Employee Use of Marijuana](#) provided by NDS for additional state laws and issues that can relate to and/or impact your operations regarding employee use of marijuana.

Miscellaneous

Sources (e.g., Bill Number, Authority)

- Kansas HB 2244 ("Claire and Lola's Law") – CBD related
- Kansas SB 282 – CBD/marijuana related
- Kansas Rev. Stat. 65-1,108 – Drug testing related
- Kansas Admin. Reg. 28-33-12 – Drug testing related
- Kansas Stat. Ann. 44-706 – Unemployment related



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DISCLAIMER: This resource, developed by *Working Partners*®, is meant for educational purposes only. It is provided with the understanding that those involved in the resource are not engaged in rendering legal counsel. An experienced attorney with proven knowledge about these issues should be consulted for legal advice. In addition, an experienced drug-free workplace professional should be relied upon for assistance on operational issues for your company's program.