



Kansas - State Specific Information

Information provided is current as of January 7, 2026, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Not Legal. (Limited "Affirmative Defense" for CBD oil with up to 5% THC for debilitating conditions only).
Recreational Use	Not legal
Legal Status	Marijuana is a Schedule I substance. Possession of any amount is a Class B misdemeanor (up to 6 months jail and a \$1,000 fine). A second offense is a drug severity Level 5 felony.
Kansas law allows for CBD products, but they must contain 0% THC to be sold commercially. While "Claire and Lola's Law" (2019) provides a legal defense for patients possessing CBD oil with up to 5% THC, it does not allow for the legal sale or production of such oils within the state.	

State Regulatory Agency Information

State Regulatory Agency	Regulation of hemp is handled by the Kansas Department of Agriculture (KDA)
State Forms	None Specified

Employer Drug Testing

General Information	Kansas is an "open" drug-testing state with no specific statute governing testing for private employers. This gives companies broad authority to conduct pre-employment, random, post-accident, and reasonable suspicion testing. Because cannabis remains fully illegal, employers may enforce zero-tolerance policies and are not required to accommodate any THC use. *Remember, establishing robust documentation is a key risk mitigant for employers in states like Wisconsin.
Safety Sensitive Positions	While private employers can define these at will, state law (K.S.A. 75-4362) mandates drug screening for state employees in "safety-sensitive" roles, including law enforcement and positions involving the health and safety of others.
Privacy Laws	Kansas law does not provide specific privacy protections for drug testing. However, to avoid legal risk, employers are encouraged to use state-approved laboratories and provide a conditional job offer before testing applicants, as recommended by the Kansas Human Rights Commission.