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Testimony to the House Commerce, Labor, and Economic Development Committee Opposing HB2182 – Industrial Hemp February 15, 2017

Chairman Mason and Committee Members,

Our associations oppose HB2182 for the following reasons:

1. We do not believe the proposed bill is in compliance with the 2014 Farm Act and the type of operations provided for in HB2182 violate federal law. Section 3 of the bill appears to allow the state to license “any grower” and is not limited to universities and state departments of agriculture as provided in the 2014 Farm Bill. In our opinion, this is a fatal flaw in the bill. See below for more details.
2. All violations of the Act are class C misdemeanors, regardless of the amount of deviation from the law. (Section 7) We believe some violations should fall under current laws for cultivating marijuana, such as growing “hemp” exceeding the .3% THC limit. We believe this provision could pose a conflict in law between this statute and those used for growing stronger marijuana exceeding the .3% limitation of this Act. Such a conflict could render the other drug laws for growing marijuana exceeding the .3% THC levels unenforceable or potentially reduce their penalties to the Class C misdemeanor levels.
3. We do not find any controls over who may be licensed. For example, a person with a felony record, known drug manufacturer, etc. does not seem to be excluded from licensure. There are no provisions for a records check for applicants for a license.
4. Our crime labs, including the labs at the KBI, Sedgwick County, and Johnson County are not equipped nor have adequate personnel to analyze all marijuana seizures for quantitative THC content. Under the laws today, it is only required to show THC is present, not the percentage of THC content. This will add a considerable burden and cost to our already overburdened crime labs and could lead to slower responses on other crime evidence analysis.

The 2014 Farm Bill has specific limitations on industrial hemp (Source: National Council of State Legislatures, <http://www.ncsl.org/research/agriculture-and-rural-development/state-industrial-hemp-statutes.aspx>:

President Obama signed the Agricultural Act of 2014, or the 2014 Farm Bill, which featured Section 7606 allowing for universities and state departments of agriculture to begin cultivating industrial hemp for limited purposes. Specifically, the law allows universities and state departments of agriculture to grow or cultivate industrial hemp if:

- “(1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- (2) the growing or cultivating of industrial hemp is allowed under the laws of the state in which such institution of higher education or state department of agriculture is located and such research occurs.”

This appears to be consistent with the Statement of Principles On Industrial Hemp, published 8/12/16 by the USDA, DEA, and FDA, <https://www.gpo.gov/fdsys/pkg/FR-2016-08-12/pdf/2016-19146.pdf>.

We encourage you to not move this bill forward.

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