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**Testimony to the House Federal and State Affairs Committee
Opposing HB2706
March 3, 2022**

Chairman Barker and Committee Members:

Our associations have deep concerns about HB2706 as proposed resulting in our opponent position on the bill.

Our concerns start on page 1, lines 17-20 with the proposed amendment to KSA 2-3901 (b)(2). By changing “combined” to “total” and striking “its optical isomers, their salts, and salts of the isomers” the language is not consistent with the terminology used elsewhere in the Kansas statutes. For example, in KSA 65-6235 Use of cannabidiol treatment preparation with tetrahydrocannabinol. That statute uses “‘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.” Or KSA 65-4105, “. . .and their isomers with similar chemical structure and pharmacological activity. . .” This deviation from consistency along with the inclusion of the “Delta-9” limitation will result in any form of THC, such as delta-8 and others, to be legal in an unlimited concentration in hemp and hemp products. This is problematic from a public safety perspective. To be consistent, this section should be restored to its current language but strike the term “delta-9.”

The same problem exists with the amendments to subsection (b)(4) on page 1 line 35 through page 2 line 2.

Our next biggest concern is the new provisions on page 3 lines 21-23 and the stricken provisions on lines 31-36. These deletions will allow products containing THC other than delta-9 to be an unlimited concentration. The words “. . .that will be further processed. . .” on line 23 will make even hemp products with delta-9 to exceed the 0.3% levels provided they are not intended to be “further processed.” This appears to exempt items with higher concentrations to be distributed to any person who is not registered as a hemp processor if it is to be consumed and not further processed. This appears to be especially true with the striking of the provisions on page 2 line 38 through page 3 line 20. Since under this bill all of those products would be allowed with the potentially higher THC levels.

We also believe these changes collectively could open the door to raw hemp products to be available to anyone who may then attempt home THC extraction operations. These operations have led to disastrous explosions and fires in other states.

We also understand the testing of the newly allowed products is not currently available through our forensic labs and will create a significant added cost or the inability to provide any control or enforcement of the new law. It could also result in additional work for our forensic labs which could delay and interfere with timely analysis of other criminal evidence.

We also point out that allowing hemp products as cigarettes, cigars, and vaping devices is not consistent with House Substitute for SB158 this Committee approved last year. This is in reference to the stricken prohibitions on page 2, lines 41-42 and page 3 lines 2-3.

Our recommendation is to not move the bill forward, unless ideally you restore all the amendments in the bill and strike any reference to delta-9 in the existing law. This is the provision that is creating the debate and uncertainty about whether delta-8 products are legal.

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