Session of 2018

SENATE BILL No. 263

By Senator Kerschen

<u>.</u>

AN ACT concerning agriculture; enacting the alternative crop research act; amending K.S.A. 2017 Supp. 21-5702 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Sections 1 and 2, and amendments thereto, shall be known and may be cited as the alternative crop research act.

(b) As used in the alternative crop research act:

9 (1) "Certified seed" means industrial hemp seed that has been 10 certified by a certifying agency, as defined by K.S.A. 2-1415, and 11 amendments thereto, as having a delta-9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.

(2) "Department" means the Kansas department of agriculture.

(4) 14 (3) "Hemp products" means all products made from industrial hemp,
15 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
16 particleboard, plastics, seed, seed metally and seed oil for consumption and
17 certified seed for cultivation, if the seeds originate from industrial hemp
18 varieties.

20 cannabis sativa L., cultivated or possessed by a state educational 21 institution or the department, whether growing or not, that contain a delta22 9 tetrahydrocannabinol concentration of no more than 0.3% on a dry

23 weight basis.

(6) 24 (5) "Seed research" means research conducted to develop or recreate 25 better strains of industrial hemp, particularly for the purpose of seed 26 production.

27——(6)] "State educational institution" means the university of Kansas, 28 Kansas state university, Wichita state university, Emporia state university, 29 Pittsburg state university and Fort Hays state university.

0 [(7)__"Tetrahydrocannabino!" or "THC" means the natural or synthetic.
1 equivalents of the substances contained in the plant or in the resinous.
2 extractives of cannabis or any synthetic substances, compounds, salts or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.]

New Sec. 2. (a) The department, alone or in coordination with a state educational institution, may cultivate industrial hemp grown from certified

Proposed Amendment for SB 263 RE: Definitions; Rules & Regulations; Licenses;

Background Checks
Senate Committee on Agriculture and Natural Resources
January 26, 2018

Tamera Lawrence Office of Revisor of Statutes

"Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC on a dry weight basis, of any part of the plant cannabis sativa L.

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seed and promote the research and development of industrial hemp. This

- (1) Oversight and analysis of growth of industrial hemp to conduct agronomy research and analysis of required soils, growing conditions and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;
- (2) seed research on various types of industrial hemp that are best suited to be grown in Kansas, including seed availability, creation of hybrid types, in-the-ground variety trials and seed production;
- (3) analysis on the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in Kansas;
- (4) analysis on the estimated value-added benefits, including environmental benefits, that Kansas businesses would reap by having an industrial hemp market of Kansas-grown industrial hemp varieties;
- (5) a study on the agronomy research conducted worldwide relating to industrial hemp varieties, production and utilization; and
- (6) a study on the feasibility of attracting federal and private funding for industrial hemp research.

 (b) The secretary of activations shall be a decided at the secretary of activations and the secretary of activations and the secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and the secretary of activations are secretary of activations and activations are secretary as a secretary of activations are secretary as a secretary activation and activations are secretarily activated and activated activated

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- (b) The secretary of agriculture shall have the authority to]promulgate rules and regulations to carry out the provisions of the alternative crop research act.
- [(c)] Nothing in the alternative crop research act shall be construed to authorize any person to violate any federal law.

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- Sec. 3. K.S.A. 2017 Supp. 21-5702 is hereby amended to read as follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1, 2009, shall be governed by the law in effect at the time the crime was committed. For purposes of this section, a crime was committed prior to July 1, 2009, if any element of the crime occurred prior thereto.
- (b) The prohibitions of this act shall apply unless the conduct prohibited is authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, the alternative crop research act or otherwise authorized by law.
- Sec. 4. K.S.A. 2017 Supp. 21-5702 is hereby repealed.

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Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in cultivation, growth, research, oversight, study, analysis or transportation of certified seed or industrial hemp pursuant to this act.

- (c) The department shall oversee and annually license all persons participating in the cultivation, growth, research, oversight, study, analysis or transportation of certified seed or industrial hemp pursuant to this act.
- employment. constitute grounds for removal from office or termination of provided for in this section shall be a class A misdemeanor and shall promulgated pursuant to the act. Disclosure or use of any information or continuing licensure pursuant to the act and rules and regulations and for making an official determination of the qualifications for initial authorized to submit the fingerprints to the Kansas bureau of received by the department for any purpose other than the purpose records check for purposes of verifying the identification of the person information obtained from fingerprinting and the criminal history national criminal history record check. The department may use the investigation and the federal bureau of investigation for a state and criminal history in this state or other jurisdiction. The department is the individual and to determine whether the individual has a record of criminal history record check. The fingerprints shall be used to identify under this act to be fingerprinted and to submit to a state and national continuing licensure, all individuals seeking a license or license renewal (d) (1) The department shall require, as a qualification for initial or
- (2) A person who has been convicted of any of the following shall be disqualified from initial or continuing licensure under the act: a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through
- 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009.
- (3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.
 (4) The applicant shall pay the costs of fingerprinting and the state and national criminal history record check.