

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: House Committee on Agriculture  
From: Kyle Hamilton, Assistant Revisor of Statutes  
Date: March 14, 2018  
Subject: Bill Brief on SB 263

The 2014 Farm Bill contained a provision (now codified as 7 U.S.C. § 5940) allowing institutions of higher education or a state department of agriculture to grow or cultivate industrial hemp for the purpose of studying the growth, cultivation or marketing of industrial hemp. SB 263 would create such a pilot program within the Kansas department of agriculture and legalize industrial hemp grown for that purpose.

Section 1 would name the laws creating the pilot program “the alternative crop research act”. Section 1, subsection (b) would contain definitions for terms used throughout the act. “Industrial hemp” would be defined as “all parts and varieties of the plant *cannabis sativa* L., cultivated or possessed by a state educational institution or the department, whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.” This definition aligns with the federal definition of “industrial hemp” found in the 2014 Farm Bill.

Section 2, subsection (a), would allow the department, either alone or in coordination with a state educational institution, to cultivate industrial hemp and promote its research and development. Section 2, subsection (b) would require the department to oversee and license all individuals participating in the pilot program. Subsection (c) would require fingerprinting and background checks for those individuals when they seek a license or license renewal. Subsection (c), subparagraph (2) would prohibit any individual who has been convicted of the listed felony crimes, which are all related to controlled substances, from receiving a license or license renewal. Subsection (d) would require the department to adopt rules and regulations to carry out

the pilot program by December 31, 2018. Subsection (e) would require the department to submit a report to the legislature on or before January 14, 2019, outlining a future process for allowing individuals and business entities to grow, process and sell industrial hemp. Subsection (f) would state that nothing in the act shall be construed to authorize any individual to violate state or federal law.

Sections 3 and 4 would amend the Kansas crimes involving controlled substances to exempt the pilot program. In Section 3, this would be done on page 7, line 24, by exempting “Industrial hemp” as defined in Section 1 from the definition of “marijuana”. In Section 4, subsection (b) on page 8 would state that the prohibitions of the controlled substances act shall apply unless the conduct prohibited is authorized by the alternative crop research act.

Sections 5 and 6 would amend the Kansas uniform controlled substances act exempt the pilot program. In Section 5, this was done on page 12, starting on line 23, by exempting “Industrial hemp” as defined in Section 1 from the definition of “marijuana”. Section 6, which starts on page 14, lists the Schedule I controlled substances in the state of Kansas. On page 21, at the beginning of subsection (h), “industrial hemp” as defined in section 1 would be removed from the definition of cannabinoid in Schedule I.

SB 263 would become effective upon publication in the statute book.