

SENATE BILL No. 263

By Senator Kerschen

1-5

1 AN ACT concerning agriculture; enacting the alternative crop research act;
2 amending K.S.A. 2017 Supp. 21-5702 and repealing the existing
3 section.
4

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

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

8 (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
12 concentration of no more than 0.3% on a dry weight basis.

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

17 ~~(2)~~ (3) "Department" means the Kansas department of agriculture.

18 ~~(3)~~ (4) ***"Grower" means any person who has been approved and***
19 ***licensed by the department to grow or cultivate industrial hemp for the***
20 ***purposes of this act.***

21 (5) "Hemp products" means all products made from industrial hemp,
22 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
23 particleboard, plastics, seed, seed-~~metal~~ ***meal*** and seed oil for consumption
24 and certified seed for cultivation, if the seeds originate from industrial
25 hemp varieties.

26 ~~(4)~~ (6) "Industrial hemp" means all parts and varieties of the plant
27 cannabis sativa L., cultivated or possessed by a state educational
28 institution, ***a grower*** or the department, whether growing or not, that
29 contain a delta-9 tetrahydrocannabinol concentration of no more than 0.3%
30 on a dry weight basis.

31 ~~(5)~~(7) ***"Person" includes an individual, partnership, corporation,***
32 ***association or other legal entity.***

33 (8) "Seed research" means research conducted to develop or recreate
34 better strains of industrial hemp, particularly for the purpose of seed
35 production.

36 ~~(6)~~ (9) "State educational institution" means the university of Kansas,

1 Kansas state university, Wichita state university, Emporia state university,
2 Pittsburg state university and Fort Hays state university.

3 ~~(7) "Tetrahydrocannabinol" or "THC" means the natural or synthetic~~
4 ~~equivalents of the substances contained in the plant or in the resinous~~
5 ~~extractives of cannabis or any synthetic substances, compounds, salts or~~
6 ~~derivatives of the plant or chemicals and their isomers with similar~~
7 ~~chemical structure and pharmacological activity.~~

8 New Sec. 2. (a) The department, alone or in coordination with a state
9 educational institution *or any grower*, may cultivate industrial hemp
10 grown from certified seed and promote the research and development of
11 industrial hemp. This research may include:

12 (1) Oversight and analysis of growth of industrial hemp to conduct
13 agronomy research and analysis of required soils, growing conditions and
14 harvest methods relating to the production of various varieties of industrial
15 hemp that may be suitable for various commercial hemp products;

16 (2) seed research on various types of industrial hemp that are best
17 suited to be grown in Kansas, including seed availability, creation of
18 hybrid types, in-the-ground variety trials and seed production;

19 (3) analysis on the economic feasibility of developing an industrial
20 hemp market in various types of industrial hemp that can be grown in
21 Kansas;

22 (4) analysis on the estimated value-added benefits, including
23 environmental benefits, that Kansas businesses would reap by having an
24 industrial hemp market of Kansas-grown industrial hemp varieties;

25 (5) a study on the agronomy research conducted worldwide relating
26 to industrial hemp varieties, production and utilization; ~~and~~

27 (6) a study on the feasibility of attracting federal and private funding
28 for industrial hemp research; *and*

29 *(7) a pilot program in Russell county for the purpose of economic*
30 *development and market research of industrial hemp and industrial*
31 *hemp products.*

32 *(b) The department shall oversee and annually license all persons*
33 *participating in the cultivation, growth, research, oversight, study,*
34 *analysis or transportation of certified seed or industrial hemp pursuant*
35 *to this act.*

36 *(c) (1) The department shall require, as a qualification for initial or*
37 *continuing licensure, all persons seeking a license or license renewal*
38 *under this act to be fingerprinted and to submit to a state and national*
39 *criminal history record check. The fingerprints shall be used to identify*
40 *the person and to determine whether the person has a record of criminal*
41 *history in this state or any other jurisdiction. The department is*
42 *authorized to submit the fingerprints to the Kansas bureau of*
43 *investigation and the federal bureau of investigation for a state and*

1 *national criminal history record check. The department may use the*
2 *information obtained from fingerprinting and the criminal history*
3 *record check for purposes of verifying the identification of the person*
4 *and for making an official determination of the qualifications for initial*
5 *or continuing licensure pursuant to this act and rules and regulations*
6 *promulgated pursuant to this act. Disclosure or use of any information*
7 *received by the department for any purpose other than the purpose*
8 *provided for in this section shall be a class A misdemeanor and shall*
9 *constitute grounds for removal from office or termination of*
10 *employment.*

11 *(2) A person who has been convicted of any of the following shall*
12 *be disqualified from initial or continuing licensure under this act: A*
13 *felony violation of article 57 of chapter 21 of the Kansas Statutes*
14 *Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01*
15 *through 21-36a17, prior to their transfer, or any felony violation of any*
16 *provision of the uniform controlled substances act, prior to July 1, 2009.*

17 *(3) The Kansas bureau of investigation may charge a reasonable*
18 *fee for conducting a criminal history record check.*

19 *(4) The applicant shall pay the costs of fingerprinting and the state*
20 *and national criminal history record check.*

21 ~~*(b)(d) The secretary of agriculture shall have the authority to*~~
22 ~~*promulgate rules and regulations to carry out the provisions of the*~~
23 ~~*alternative crop research act on or before December 31, 2018. Such rules*~~
24 ~~*and regulations shall include, but not be limited to, a requirement that*~~
25 ~~*license holders shall have a current license in their possession at all*~~
26 ~~*times that they are engaged in cultivation, growth, research, oversight,*~~
27 ~~*study, analysis or transportation of certified seed or industrial hemp*~~
28 ~~*pursuant to this act.*~~

29 *(e) The department shall submit a report to the legislature outlining*
30 *the steps and timeline to implement a process that would allow persons*
31 *to grow and process industrial hemp in Kansas and to sell industrial*
32 *hemp in other states. Such report shall be submitted to the senate*
33 *standing committee on agriculture and natural resources on or before*
34 *January 14, 2019.*

35 ~~*(e)(f) Nothing in the alternative crop research act shall be construed*~~
36 ~~*to authorize any person to violate any state or federal law.*~~

37 Sec. 3. K.S.A. 2017 Supp. 21-5702 is hereby amended to read as
38 follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
39 2009, shall be governed by the law in effect at the time the crime was
40 committed. For purposes of this section, a crime was committed prior to
41 July 1, 2009, if any element of the crime occurred prior thereto.

42 (b) The prohibitions of this act shall apply unless the conduct
43 prohibited is authorized by the pharmacy act of the state of Kansas, the

1 uniform controlled substances act, *the alternative crop research act* or
2 otherwise authorized by law.

3 Sec. 4. K.S.A. 2017 Supp. 21-5702 is hereby repealed.

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