



Kansas Sheriffs' Association

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Testimony to the House Federal and State Affairs Committee

Opposing HB2184

February 25, 2021

Chairman Barker and Committee Members:

The Kansas Sheriffs Association is opposed to the method of medical marijuana legalization proposed in HB2184. Although it is more controlled than other proposals, it still presents many unintended consequences. Our association has long held if marijuana is to be 'prescribed' by physicians and used as a medication, it should be subject to the same rigorous approval process that other commercially available drugs undergo. Potentially therapeutic components of marijuana should be investigated, but they should only be made available to the public after adequate testing by the FDA. Furthermore, these compounds should be dispensed via standardized and FDA-regulated pharmacies to ensure purity and concentration.

Marijuana, unlike any prescription drugs designated for specific medical purposes at physician regulated strength of active ingredients and a physician regulated dosage unit is the way medicines should be delivered to the public.

It is common for the crude marijuana plant and its products to be contaminated with fungus or mold. Furthermore, crude marijuana contains over 60 active cannabinoids, few of which are well studied. Marijuana growers often breed their plants to alter the concentrations of different chemicals compounds. For instance, the concentration of tetrahydrocannabinol (THC), the principal psychoactive ingredient, is more than 20-fold more than in marijuana products used several decades ago. Without rigorous clinical trials, there is no way of knowing which combinations of cannabinoids may be therapeutic and which may cause harm or damage. As marijuana dispensaries experiment by breeding out different cannabinoids in order to increase the potency of THC, there may be unanticipated negative and lasting effects for individuals who smoke these strains. We know you are going to here from medical experts about the issues surrounding unintended consequences being discovered for some medical conditions where marijuana is being touted as the miracle cure.

The one positive thing about this bill is the prohibition of smoking, combusting, or vaping the products. (Page 22, line 40) Although we wonder if it is a reasonable expectation that those things won't be done since the sale of marijuana "plant material" will still be allowed. (Page 22 line 35)

The THC limits in this bill are set at 35% for plant material and 70% for extracts. Those are very high concentrations. Our research did not find any marijuana vegetation today containing more than 30% THC, including on the pro-marijuana sites we looked at. One site stated, "Finding a strain with levels of 30% THC is rare, but not impossible. . . what is the highest THC percentage that's actually been recorded? Recently, Leafly performed a review of legally sold cannabis flower and their respective lab reports. . . they found Ghost OG registered the highest THC percentage with a whopping 28.7%."¹ So why are we encouraging even higher THC content in this bill.

FDA-approved forms of THC (Dronabinol) and a THC-analog (Nabilone) are both available orally. Indications for these drugs are HIV/AIDS cachexia and chemotherapy-associated nausea and vomiting.

¹ [THC Percentage: Your Guide to THC Levels - Hail Mary Jane](#) ®

Unlike smoked, crude marijuana, these medications have been subject to randomized, placebo-controlled, clinical trials. (National Library of Medicine National Institutes of Health Article)

Another issue is the black market. In states where medical marijuana has passed, more highly concentrated marijuana is sold out the back door than is given to users with a medical marijuana card. Legalization does not stop the black market or any of the risks surrounding a black market.

Jail Issues

A big concern we have is what happens when a person with their medical marijuana card lands in jail? Will we be required to provide a federally controlled substance to them? Will we have to buy it for them? How the courts will rule on these issues is unknown. But calling it a medicine will certainly lead them toward those conclusions. Nothing in the bill covers this. Jails and correctional facilities are not given an exemption from use of marijuana in the facility.

Employment Issues

While licensing agencies are prohibited from denying approval based on medical marijuana use, there are some exceptions for law enforcement and others. (Page 32 line 40 through page 33, line 6)

Yet in another provision of the bill found on page 66 lines 16-35 prohibits “any employer” from taking job actions based on their “use of medical marijuana” under the act. Yet the exemptions for certain professions found on page 32 are not found on page 66. This seems to be a conflict and we believe the same exempted employers listed on page 32 need to be excluded on page 66.

Enforcement Issues

Several enforcement issues are presented by legalizing medical marijuana:

Drug Canines: Any legalization of marijuana has resulted in the courts in many states saying the reaction of a drug dog trained to detect marijuana can no longer establish probable cause for any drug. We estimate that about 85-90% of the drug dogs used in Kansas are trained to detect marijuana. These dogs generally cost around \$20,000 each to be acquired and fully trained. This is an enormous expense to local law enforcement. If this bill is passed it needs to include some of the expected revenue to go into a grant program to replace those dogs. The total cost statewide will probably exceed \$1 million.

Issues with Identifying and Confirming A Person has a Medical Marijuana Card: The bill does not contain any explicit language requiring a person to reveal to law enforcement they have a medical marijuana card. There also is not a requirement to provide access to the registration or licensure databases in a real time, 24/7, secured system such as KCJIS to verify a licensure or registration. This is especially important when the person says they have a card but don't have it with them.

THC Content Limits: There currently is no testing available for law enforcement to check the THC percentage content in the field. Our labs may not have that ability either. This will mean enforcement of THC level restrictions will be nearly impossible.

The Kansas Sheriff's Association is an opponent on any bill proposing making medical marijuana legal in the State of Kansas. We ask you to not move this bill forward favorably.

We thank you for your consideration and the opportunity to provide testimony to the Special Committee.

Sheriff Cole Presley, Graham County
President