

# Kansas Peace Officers' Association



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## Testimony to the Committee on Federal and State Affairs

In Opposition to HB 2184

February 24, 2021

Chairman Representative John Barker and members:

The Kansas Peace Officers' Association, representing over 3000 law enforcement professionals across the state, respectfully stands in opposition to House Bill 2184. Our association has long held we are not opposed to cannabis-based medications, but we are strongly opposed to legalizing marijuana use through methods inconsistent with the safety net of pharmaceutical processes. This opposition is focused on the sale of products through means other than a pharmacy.

Progress is being made in developing these drugs in the existing pharmaceutical processes. Those processes will assure quality control, dosage control, and proper physician oversight. But marijuana convenience store sales cannot provide any such assurance. Prescription drugs are highly tested and regulated by the Food and Drug Administration. No matter what drugstore fills a prescription, the patient is receiving the same vetted drug, whether it is brand name or generic, at a specific dose. Marijuana "prescriptions" in states where medical marijuana exists allow "patients" who obtain a medical marijuana card, to go to a variety of marijuana stores where each store has different varieties of marijuana, including edibles with different THC levels.

Marijuana continues to be illegal under federal law. Even though a majority of states have chosen to ignore federal law, Kansas should not make the same choice. As noted in previous opposition testimony, a law passed several years ago placed some of our southeast Kansas citizens in legal jeopardy when they engaged in acts – manufacturing firearm silencers - the Kansas legislature deemed lawful, which were unlawful under federal law. In that case, Kansas citizens acted under the state law only to find themselves being prosecuted, convicted, and sentenced for the federal law violation. These convictions were upheld in federal appeals. Since the marijuana products being authorized by state law in this bill are clearly in violation of federal law, we could be setting up Kansans for this same fate.

Marijuana "edibles" are often packaged like candy or snacks with the information that it contains THC in small print. Often, the recommendation is to eat a small portion of one item,

such as 1/2 of a cookie because edibles have a delayed reaction. This deceptive packaging may lead to a child or an adult unknowingly ingesting a high amount of THC.

HB 2184 does prohibit a form of marijuana that is "attractive to children" (page 10, line 21 and page 22 lines 42 and 43.) However, what defines attractive to children? An edible has to be palatable. Even if the form is not attractive, a household with "legal" marijuana present is a potential exposure for a child.

There is also no provision in HB 2184 requiring a marijuana edible to remain in original packaging until it is ingested. Since an edible is not in pill or tablet form, it could be mistaken for something other than a foodstuff containing THC.

Concerning the amounts allowed to be possessed, page 8, lines 28 and 29, restrict possession of the user to a 90 day supply. What constitutes a 90 day supply? Page 10, lines 16 and 17 do outline the regulation to be set in place, but the verbiage indicates the physical amount could vary based on THC content of individual items. Current field testing available to law enforcement only shows whether or not THC is present; not the percent of THC strength present.

Page 8, lines 42 and 43, and page 9, lines 1 and 2, allow a registered caregiver to possess the unspecified 90 day supply of not only one patient but also two patients, provided separate inventories are kept. Where is the audit or documentation regulation? Again, there is no way for law enforcement to determine THC percentage. What is the regulation for marijuana products possessed by a caretaker if the patient dies or becomes unable to ingest the edibles?

Police departments and sheriff's offices of all sizes have invested tens of thousands of dollars in drug detection dogs. Once the odor of marijuana is imprinted on a dog's brain, a dog cannot be "untrained" to ignore marijuana odor. This will cause a substantial financial investment to replace the drug detection dogs. When future drug detection dogs are not trained to alert on marijuana, it will open up trafficking and possession of marijuana.

Physical security in cultivation, processing and distribution centers has not been addressed. Even though the focus of this bill is medical marijuana, unfortunately there is a demand for recreational marijuana. This opens the opportunity for unauthorized distribution, and also for burglary and theft.

There is no mention in HB 2184 about people with medical marijuana cards who become incarcerated.

These are some, but not all of the concerns KPOA has with HB 2184.

In summary, members of the Kansas Peace Officers' Association recognize medical marijuana in various forms, has been legalized in other states. As stated at the beginning of this written testimony, KPOA does not oppose what benefits may be derived from medical marijuana. The stance of KPOA is that if marijuana, or ingredients are beneficial to treat people, it should be regulated and distributed in the same manner of other drugs, starting with changes in federal law which will allow physicians to prescribe thoroughly tested products through pharmacies.