

House Substitute for SENATE BILL No. 106

By Committee on Commerce, Labor and Economic Development

3-18

1 AN ACT concerning agriculture; enacting the alternative crop research act;
2 amending K.S.A. 2015 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) "Agricultural pilot program" means a pilot program to study the
10 growth, cultivation or marketing of industrial hemp in a manner that:

11 (A) Ensures that only state educational institutions and the
12 department may grow or cultivate industrial hemp;

13 (B) requires that sites used for growing or cultivating industrial hemp
14 in this state be certified by, and registered with, the department; and

15 (C) authorizes the department to promulgate rules and regulations to
16 carry out such pilot program in accordance with the purposes of section
17 7606 of the federal agricultural act of 2014.

18 (2) "Certified seed" means industrial hemp seed that has been
19 certified as having no more delta-9 tetrahydrocannabinol concentration
20 than 0.3% on a dry weight basis.

21 (3) "Department" means the Kansas department of agriculture.

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

27 (5) "Industrial hemp" means all parts and varieties of the plant
28 cannabis sativa, cultivated or possessed by a state educational institution or
29 the department, whether growing or not, that contain a delta-9
30 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight
31 basis.

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

35 (7) "State educational institution" means the university of Kansas,
36 Kansas state university, Wichita state university, Emporia state university,

1 Pittsburg state university and Fort Hays state university.

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

7 New Sec. 2. (a) Pursuant to section 7606 of the federal agricultural
8 act of 2014, the department, alone or in coordination with a state
9 educational institution, may establish an agricultural pilot program to
10 cultivate industrial hemp grown from certified seed and promote the
11 research and development of 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.

29 (b) The secretary of agriculture shall have the authority to promulgate
30 rules and regulations to carry out the provisions of the alternative crop
31 research act.

32 (c) Nothing in the alternative crop research act shall be construed to
33 authorize any person to violate any federal law.

34 (d) The secretary of agriculture shall register and certify no more than
35 12 acres in this state for sites to grow or cultivate industrial hemp for such
36 agricultural pilot program. Four acres shall be located in the western third
37 of Kansas, four acres shall be located in the Wichita metropolitan area and
38 four acres shall be located in northeast Kansas as such geographic areas
39 are defined by the secretary of agriculture in rules and regulations.

40 Sec. 3. K.S.A. 2015 Supp. 21-5702 is hereby amended to read as
41 follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
42 2009, shall be governed by the law in effect at the time the crime was
43 committed. For purposes of this section, a crime was committed prior to

1 July 1, 2009, if any element of the crime occurred prior thereto.

2 (b) The prohibitions of this act shall apply unless the conduct
3 prohibited is authorized by the pharmacy act of the state of Kansas, the
4 uniform controlled substances act, *the alternative crop research act* or
5 otherwise authorized by law.

6 Sec. 4. K.S.A. 2015 Supp. 21-5702 is hereby repealed.

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