

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 345

As Recommended by Senate Committee on
Agriculture and Natural Resources

Brief*

SB 345 would require the Kansas Department of Agriculture (KDA), in coordination with state or local law enforcement, to develop a plan for the effective disposal of industrial hemp. The bill would require the KDA to notify relevant jurisdictional law enforcement when any individual licensed under the Commercial Industrial Hemp Act (licensee) is required to dispose of industrial hemp.

The bill would authorize the KDA to conduct action necessary to ensure the effective disposal of industrial hemp, including:

- Taking temporary possession of the industrial hemp;
- Destroying the industrial hemp; or
- Supervising and directing an appropriate method of effective disposal.

The bill would require state or local law enforcement to approve in advance any action taken by the KDA or individuals acting under the KDA's direction or supervision.

The bill would allow the Secretary of Agriculture to require any KDA employee or agent participating in the effective disposal of industrial hemp to be fingerprinted and to submit to an annual state and national criminal history record

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

check. The bill would allow the KDA to submit such fingerprints to the Kansas Bureau of Investigation and the Federal Bureau of Investigation for a state and national criminal history record check. The bill would require local and state law enforcement to assist in such fingerprinting and would permit local law enforcement agencies to charge a fee for reimbursement of any associated expenses.

The bill would allow the KDA and any appropriate law enforcement to seek reimbursement from licensees for any costs associated with conducting the effective disposal of industrial hemp.

The bill would prohibit the KDA from conducting effective disposal for any industrial hemp or cannabis plan not produced by a licensee.

Nothing in the bill would limit the jurisdiction or authority of state or local law enforcement to enforce the Kansas Controlled Substances Act.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the Senate Committee on Agriculture and Natural Resources at the request of the KDA.

In the Senate Committee hearing, representatives of the KDA and the Kansas Sheriffs' Association testified as proponents, stating the bill would permit the KDA to work with local law enforcement to develop a solution to restrictive federal industrial hemp regulations. A representative of the Kansas Cooperative Council provided written-only proponent testimony. No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the KDA indicates enactment of the bill

would have no fiscal effect on agency operations, as any related costs would be reimbursed by affected parties (licensees). The League of Kansas Municipalities and the Kansas Association of Counties also indicate enactment of the bill would have no fiscal effect on local or county government, as all related costs would be reimbursed.