



Kansas Bureau of Investigation

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**Neutral Testimony on Senate Bill 263
Before the Senate Standing Committee on Agriculture and Natural Resources
Katie Whisman, Executive Officer
Kansas Bureau of Investigation
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Chairman Kerschen and Members of the Committee,

Thank you for the opportunity to provide neutral testimony on Senate Bill 263, which proposes to create the alternative crop research act.

As written, SB 263 appears to be compliant with Section 7606 of the Agricultural Act of 2014 and limits the cultivation and possession of industrial hemp, grown from certified seed, to the Kansas Department of Agriculture and state educational institutions for research purposes only. Because SB 263 restricts the program to the department and state education institutions, and does not allow persons outside of those controlled environments to possess and/or cultivate industrial hemp, the concerns we have expressed in response to other pieces of industrial hemp legislation that would have required forensic laboratories to quantitate tetrahydrocannabinol (THC) concentration are minimized. Based on this assumption, we do not anticipate any immediate or quantifiable fiscal impact with SB 263 as written.

Our neutral testimony is reflective of our request that the Committee consider some amendments that do not change the intent of SB 263 but make compliance practical while ensuring certain measures be addressed in rules and regulations.

First, tetrahydrocannabinol is a chemical compound which needs no definition. The tetrahydrocannabinol definition in SB 263 is not consistent with the bill's definitions of "certified seed" and "industrial hemp", or the definitions that exist in the Kansas uniform controlled substances act and Kansas criminal code. In order to make enactment and compliance of SB 263 practical, we recommend the definition found in subsection (b)(7) be amended to the following:

"Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC on a dry weight basis, of any part of the plant *Cannabis Sativa L.*"

We are concerned that the bill gives the Kansas Department of Agriculture the authority to promulgate rules and regulations but does not *require* them to do so. We feel strongly that rules and regulations be promulgated and, at a minimum, should do the following:

- Require criminal history record checks for licensure under the act, such that anyone handling or having direct access to the certified seeds and/or industrial hemp would be prohibited from participation if they have a drug felony conviction;
- Require licensed participants to possess documentation of their licensure while engaged in any activity where the certified seeds, industrial hemp, and/or hemp products would be possessed and/or transported, pursuant to the act, in public.

Lastly, we feel it important to inform the Committee that industrial hemp and marijuana are both varieties of the cannabis plant and have the same taxonomy. From a practical standpoint, there is no way, scientifically or otherwise, to differentiate between the two, or to prove or disprove that a product was cultivated by an entity authorized to do so under the act. Such determinations, if necessary in evaluating criminal conduct, may require THC quantitation and/or plant DNA testing, neither of which are capabilities the KBI currently possesses. If possession and/or cultivation are expanded beyond what would be authorized pursuant to SB 263 as written, there may be a significant fiscal impact to the KBI and we would strongly oppose such legislation.

If it is the will of the Committee, we would be willing to work with the bill's sponsor and/or the Revisor's Office to develop language that would address our concerns.

I would be happy to stand for questions.

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