

Senate Public Health and Welfare

Written Proponent Testimony on SB489

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Chairman O'donnell and Committee Members

Thank you for letting me speak today in support of SB489. The current language of Otis's law is a cannabis bill not exclusive to hemp due to the percentage of THC allowed and it is exciting to watch the politics behind the cannabis bills that are currently being considered in both chambers of the Kansas Legislature. Whether it is industrial hemp, "medical hemp preparations", fiber, fuel or non-FDA evaluated uses such as food and/or therapeutic uses, the train of cannabis legislation reform has left the station. Yes this is a camel's foot under the tent. Yes, whole cannabis legalization is, at least, my goal. Yes, you are talking about it and yes actions are being taken, even if they are full of political theatre.

Thank you

State Industrial Hemp Statutes

3/4/2016



PLEASE NOTE: NCSL cannot provide advice or assistance to private citizens or businesses regarding industrial hemp laws or other related matters. Please consult your state department of agriculture or a private attorney.

In recent years, legislatures in several states have moved to promote the development of industrial hemp production. Industrial hemp can be used to make food, fuel, fabric, plastics, construction materials, textiles and paper, to name a few uses.

Federal Action

President Obama signed the Agricultural Act of 2014, or the 2014 Farm Bill, which featured Section 7606 allowing for universities and state departments of agriculture to begin cultivating industrial hemp for limited purposes. Specifically, the law allows universities and state departments of agriculture to grow or cultivate industrial hemp if:

“(1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and

(2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.”

The law also requires that the grow sites be certified by—and registered with—their state.

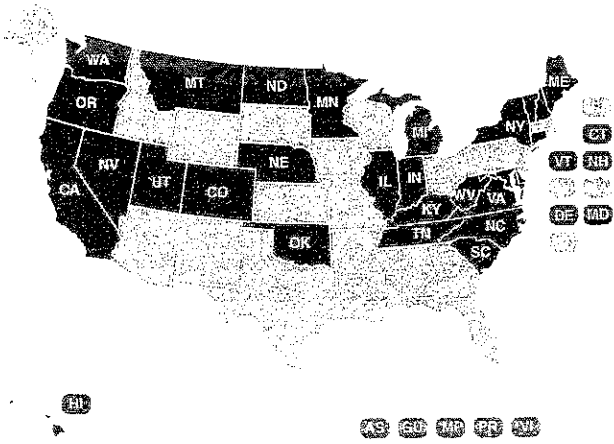
In 2015, a bipartisan group of U.S. Senators introduced the Industrial Hemp Farming Act of 2015 which would allow American farmers to produce and cultivate industrial hemp. The bill would remove hemp from the controlled substances list as long as it contained no more than 0.3 percent THC.

State Action

At least 28 states have laws in place related to industrial hemp. Generally, states have taken three approaches: (1) establish commercial industrial hemp programs, (2) establish industrial hemp research programs or (3) authorize studies of industrial hemp or the industrial hemp industry. Some states establishing these programs require a change in federal laws or a waiver from the U.S. Drug Enforcement Agency prior to implementation. Please click on the states in the map below for more information or see the complete list of [state statutes](#).

State Laws Related to Industrial Hemp

Allows cultivation of hemp for commercial, research or pilot programs Does not allow cultivation of hemp.



Elements of state industrial hemp laws can include:

- Defines industrial hemp. Most state laws require hemp to have THC concentrations of not more than 0.3 percent by weight, but at least one state (West Virginia) requires the crop have less than 1 percent THC concentrations.
- Provides that industrial hemp is an agricultural crop in the state.
- Establishes licensing or registration programs for growers. Such programs often require registrants to provide information on the type of industrial hemp that will be grown, the grow area, and how the harvested crop will be used. Programs often also require growers to submit to criminal background checks.
- Provides for inspections and establish testing standards for seeds and crops.
- Authorizes fees to support the program. Some states have authorized specific industrial hemp funds. Some states also specifically authorize the state to collect funding from foundations and private sources to support the industrial hemp program.
- Establishes an affirmative defense for registered industrial hemp growers from prosecution under state controlled substances laws.
- Sets penalties for violations of the industrial hemp law.
- Creates of an advisory board to advise regulators on the development of regulations, enforcement, and budgetary matters.
- Defines industrial hemp based on the percentage of tetrahydrocannabinol it contains.
- Authorizes the growing and possessing of industrial hemp.
- Requires state licensing of industrial hemp growers.
- Promotes research and development of markets for industrial hemp.
- Excludes industrial hemp from the definition of controlled substances under state law.
- Establishes a defense to criminal prosecution under drug possession or cultivation

Note that some states laws establishing commercial industrial hemp programs require a change in federal law or waivers from the U.S. Drug Enforcement Agency before those programs can be implemented by the state.

2015 State Legislation

In 2015, at least 31 states and the territory Puerto Rico considered legislation related to industrial hemp.

State Statutes

California

CA FOOD & AG §81000-81010

- Requires industrial hemp growers to be registered with the state.
- Prohibits the possession of resin, flowering tops or leaves removed from the hemp plant.
- Establishes registration and renewal fees for commercial growers of industrial hemp.
- Organizes a five year review of industrial hemp's economic impact.

While legislation adding this section was enacted in 2013, the law specifies that its provisions do not become operative unless authorized by federal law.

Colorado

C.R.S.A. § 35-61-101 to 35-61-109

- Permits growing and possessing industrial hemp by registered persons for commercial or research and development purposes.
- Establishes an industrial hemp committee to work with the Department of Agriculture to to establish an industrial hemp registration program and a seed certification program.
- Establishes an industrial hemp grant research program for state institutions of higher education to conduct research to develop or recreate strains of industrial hemp best suited for industrial applications.

Connecticut

Public Act No.14-191

(Enacted June 12, 2014; Effective on Oct. 1, 2014)

- Requires the Commissioners of Agriculture, Consumer Protection and Economic and Community Development to study the feasibility of legalizing the production, possession, and sale of industrial hemp, respectively.
- By Jan. 1, 2015, a report will be made to the legislature regarding "[...]said commissioners' recommendations on (1) establishing a statutory definition of "industrial hemp", based on the percentage of proposed tetrahydrocannabinol in such industrial hemp, as distinguished from marijuana, (2) amending the general statutes to exclude industrial hemp from the definition of "controlled substance" in section 21a-240 of the general statutes, and (3) establishing a licensing system for industrial hemp growers and sellers."

Charlotte's Web, red tape: Medical marijuana in limbo

Joe Reedy, Associated Press 5:13 p.m. EST January 16, 2016

TALLAHASSEE - In the two years since the Florida Legislature passed a law allowing highly restricted use of medical marijuana to help people with seizures, the measure remains in regulatory limbo with more questions than answers.

The low-potency marijuana allowed under the Compassionate Cannabis Act of 2014 is not getting to patients and that has key supporters in the Legislature frustrated.

"We passed a law to respond to concerns from suffering families and we look up here a couple years later and we still do not have the relief promised to those families," Sen. Rob Bradley said during a recent hearing of the Regulated Industries Committee. "I find that particularly frustrating and I am sorry to those families that we are not there yet."

The Charlotte's Web strain can't be smoked. It is low in tetrahydrocannabinol (THC), which produces the euphoria-like state for users, but is high in cannabidiol (CBD) which has been effective in preventing seizures.

Getting low-THC marijuana to families covered is just one of many medical marijuana issues before the Legislature in its ongoing session, which runs through March 11. There is an expansion of the Right to Try bill, which would allow patients with terminal illnesses to use high-potency strains of marijuana, and an ongoing push for a medical marijuana constitutional amendment.

Lawmakers expected medical marijuana to be available to families by early 2015. In hindsight, that timetable was not feasible because Florida was trying to create and set up rules to regulate a new industry. Many have lauded the Department of Health and Office of Compassionate Use for dealing with a set of difficult circumstances.

"It wasn't made easier that the Department of Health was given a long laundry list of things to accomplish and to craft something out of nothing and no budget. It has been a tremendous challenge for a constituency and marketplace," said Richard Blau, an attorney who leads the regulated industries division of the firm GrayRobinson. The division, which is based in Tampa, is one of many groups that have kept a close watch on the process.

Christian Bax, the director of the Office of Compassionate Use, appeared before the Senate's Regulated Industries Committee and called the process of crafting and carrying out the policies "unique."

He said the three judges each had to wade through 30,000 pages of applications from potential marijuana vendors in order to select five and that "the cumulative work load was equivalent of reading War & Peace 21 times."

The state ultimately granted five licenses to cultivate and distribute medical marijuana in Florida. The five regional dispensing organizations were announced Nov. 23. They must request authorization to cultivate by Feb. 7. Cultivation must begin within 210 days of receiving cultivation authorization.

The process of awarding the licenses underwent two legal challenges through the Division of Administrative Hearings. Thirteen challenges have also been issued by organizations that applied for but did not receive a license. While it may seem like another large hurdle, none of those organizations have requested an injunction to halt the entire process.

Alpha-Surterra, which is the dispensing organization for southwest Florida, requested authorization to cultivate in January. Susan Driscoll, who represented Alpha-Surterra at Wednesday's hearing, said she is hopeful that with its timeframe the group can start supplying products to patients by late July.

Alpha-Surterra will make medical marijuana available in gel capsules, tinctures, sprays and tropical creams with the possibility of adding patches later.

Bax, however, said he expects the five dispensing organizations to have products to families by September.

"This is a new industry. You look at the few states that had it before a lot of them have been medical wink-wink recreational," Driscoll said. "This has always been focused on therapeutic. We want to make sure we do it properly and correct."

Kansas Senate Corrections and Juvenile Justice
Senator Greg Smith Proponent Testimony HB 2049
January 19 2016
Nick Reinecker
Kansas Citizen

Chr.

Thank you Mr. Chairman and members of the committee for allowing me to speak today regarding HB2049. I present this testimony as a proponent of this bill in its original form for the exclusive purpose of allowing the admission of guilt, in regards to the damaging prohibition, complete or in part, by our state government, of cannabis. Other than that I believe it to be poor cannabis reform legislation that will be tainted by beurocratic red tape for the narrow selection of patients that could benefit from it, the agricultural producers that will be allowed access and the offenders who will still be offenders and subject to the use of force.

Therefore I would like to present an amendment that would essentially gut the present language and insert language that would strike any mention of cannabis from the Kansas controlled substances act and regulate a cannabis economy like alcohol with provisions for personal cultivation and possession free from prosecution for those citizens 21 years or older who are not engaged in commerce. The National Cancer Institute and global hemp producers have declared that cannabis is a useful substance in all forms and it should also be noted that Dr. Allen Frances who was the chair of the DSM-IV Task Force and of the department of psychiatry at Duke University School of Medicine, Durham, NC, testified last week in the Kansas Senate Public Health and Welfare Committee regarding the DSM-V which is the Diagnostics and Statistical Manual for Mental Illness, saying that, in regards to cannabis, Law Enforcement officers are becoming armed social workers involved in a paradoxical environment of undertreatment and overtreatment of those individuals that are contacted in situations involving less harmful illegal substances and more harmful legal substances and that one could not develop a more irrational approach to mental health then what we have in the United States where insurance companies push for diagnosis in a seven minute interface (tele or not) all in the name of reinbursement, where children now have no room for immaturity or cure but rather are subject to invasive marketing, questionable screening practices and free samples fortified by a gluttonous \$18 billion antipsychotic and an \$11 billion stimulant medication industry feeding the largest mental health centers where both adult and juvenile populations are warehoused, our jails and prisons.

It is bad form to use suffering people as pawns in the theatre of pro-con debate especially in an environment of ram-rod privatization. In the final analysis its all just politics and the future will depend on the vigilance of an informed electorate that is ready for compassionate and sensible cannabis legislation reform. We also need more money for the precious resources of Law Enforcement and Corrections personnel and ironically, cannabis, in whatever strain, is high-yield.

Nick Reinecker