

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2329

As Recommended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2329 would create the Alternative Crop Research Act (Act). The Act would allow the Kansas Department of Agriculture (KDA), alone or in coordination with a state educational institution (defined by the bill to be the six Regents' institutions), to cultivate industrial hemp grown from certified seed and promote the research and development of industrial hemp. Research conducted on industrial hemp under the Act could include:

- Oversight and analysis of growth to conduct research of required soils, growing conditions, and harvest methods;
- Seed research, including seed availability, creation of hybrid types, in-the-ground variety trials, and seed production;
- Economic feasibility analysis;
- Analysis of estimated value-added benefits, including environment benefits;
- Study of world-wide agronomy research on industrial hemp varieties, production, and utilization; and
- Study of feasibility of attracting federal and private funding for research.

*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>

The Secretary of Agriculture would be authorized to promulgate rules and regulations to carry out the provisions of the Act.

The bill also would define key terms related to the Act, including:

- “Certified seed” means industrial hemp seed that has been certified as having no more tetrahydrocannabinol (THC) concentration than allowed in the Federal Controlled Substances Act;
- “Industrial hemp” means all parts and varieties of the plant *cannabis sativa*, cultivated or possessed by a state educational institution or KDA, whether growing or not, that contain a THC concentration no more than the amount allowed under the Federal Controlled Substances Act;and
- “THC” means the natural or synthetic equivalents of the substances contained in the plant or in the resinous extracts of cannabis or any synthetic substances, compounds, salts, or derivatives of the plant or chemical and their isomers with similar chemical structure and pharmacological activity.

Finally, the bill would amend the state Controlled Substances Act to specify the penalties in that law would not apply to actions authorized by the bill. Language in the bill also would specify that nothing in the bill could be construed to authorize a violation of federal law.

Background

At the hearing in the House Agriculture and Natural Resources Committee, Representatives Johnson and Dove, as well as a representative from the KDA and a private citizen testified in favor of the bill. The proponents testified federal law had been changed to allow research on industrial hemp

by state departments of agriculture and institutions of higher education, but such research was still illegal under Kansas law. The proponents urged that research was needed to see what the potential benefits might be for the State.

There was no neutral or opponent testimony presented.

According to the fiscal note prepared by the Division of the Budget, the bill would increase KDA's State General Fund expenditures by \$1,988 in FY 2016. These increased expenditures would be for administrative staff time, travel and inspection time, and lab analysis costs associated with the bill. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.