

**Senate Bill 282 Opponent Testimony**

**Nick Reinecker March 8 2018**

**House Health and Human Services**

**Rep. Dan Hawkins: Chair**

Representatives,

Thank you for allowing me to speak today regarding Senate Bill 282. I am an opponent to this bill on the premise that cannabis prohibition is a threat to public health and safety, an irresponsible use of Law Enforcement/Correction resources and a violation of inherent rights, including access to a substance that provides relief for suffering individuals, and can be grown to produce food, fuel and fiber.

The present local, state and federal laws in the United States and Kansas regarding the growing, possession and consumption of cannabis are based largely on public hysteria and myth, rather than on any established data about the effects of cannabis on the user; furthermore, existing cannabis laws represent vast government over-reach into the personal lives of American citizens and violates principles of personal liberty and the Declaration of Independence. These laws are also making criminals of and causing undue and unjust punishment to many persons who have no criminal intent in the use of cannabis; and furthermore, the laws relating to cannabis are not uniformly enforced, and are being used as political weapons against people and industry, especially the young and minorities.

As of today, in addition to the fact cannabis is a schedule I substance, no reliable research on the effects of cannabis has shown its use to be as hazardous to the public or the individual user as the use of tobacco, alcohol or many other stimulants and depressants legally available to the public, such as refined sugar and caffeine.

Millions of Americans have been arrested, imprisoned, fined, or otherwise needlessly criminalized and stigmatized, potentially for life, because of their use of cannabis and "Asset seizure" programs have raised over \$13 billion for local police forces across the country, encouraging more cannabis arrests while funding the purchase of high tech military equipment for police, further militarizing their operations.

Existing cannabis laws have created an illegal market for cannabis that contributes to crime and violence while funding cartels operating in Kansas; furthermore, these existing laws have not had a significant impact on cannabis availability.

It should be noted that for Sovereign States, including Kansas, one of the areas in which states have traditionally held the greatest authority is in the exercise of their police powers to determine appropriate law enforcement policies reflective of local values and needs and the federal government cannot force a state to criminalize cultivating, possessing, or distributing cannabis whether for general well-being, adult-use, industrial or other uses because doing so would constitute unconstitutional commandeering.

So, in closing, for me to be a proponent of this bill, one of you would need to offer an amendment that would repeal all laws in the sovereign state of Kansas making the growing and possessing limited amounts of cannabis a criminal offense and that would support a re-birth of industrial economic opportunities that come from cannabis which can be grown and used to produce renewable food, oil, wax, resin, rope, cloth, paper and fuel in support of the agriculture industry, individual farmers and their families, of the state of Kansas. I also call on the Kansas Legislature to supports calls on police, prosecutors, and judges to focus on violent crime and to use the discretion afforded to them in an appropriate manner to preserve peace

# **Title 21 United States Code (USC) Controlled Substances Act**

## **SUBCHAPTER I — CONTROL AND ENFORCEMENT Part A — Introductory Provisions §802. Definitions**

As used in this subchapter:

(1) The term "addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

(4) The term "Drug Enforcement Administration" means the Drug Enforcement Administration in the Department of Justice.

(5) The term "control" means to add a drug or other substance, or immediate precursor, to a schedule under part B of this subchapter, whether by transfer from another schedule or otherwise.

(6) The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986.

The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article. The term "drug" means (A) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (C) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (D) articles intended for use as a component of any article specified in clause (A), (B), or (C). A food or dietary supplement for which a claim, subject to [sections 343\(r\)\(1\)\(B\)](#) and [343\(r\)\(3\)](#) of this title or [sections 343\(r\)\(1\)\(B\)](#) and [343\(r\)\(5\)\(D\)](#) of this title, is made in accordance with the requirements of [section 343\(r\)](#) of this title is not a drug solely because the label or the labeling contains such a claim. A food, dietary ingredient, or dietary supplement for which a truthful and not misleading statement is made in accordance with [section 343\(r\)\(6\)](#) of this title is not a drug under clause (C) solely because the label or the labeling contains such a statement.

Reference: <https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

<http://codes.findlaw.com/us/title-21-food-and-drugs/21-usc-sect-321.html>

Thank you and I will stand for any questions.