

To: House Federal and State Affairs

From: John Goodyear, Staff Attorney

Date: February 25, 2021

RE: Neutral Testimony on HB 2184

I want to thank Chairman Barker and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide neutral testimony today regarding HB 2184.

The League does not have a stance on whether the use of marijuana should be legalized in Kansas. As an advocate for cities across the state, we represent cities that come in at all points of the spectrum. Some would like to see broad legislation, others would prefer the absolute prohibition on the use of marijuana to remain in state law, and many, many more cities fall somewhere in between. This being the case, our testimony today is guided by a policy statement developed by our Policy Committees and approved by our Governing Body. Both of these groups are wholly made up of city officials and employees representing all corners of the state. The League's policy is as follows:

“The Legislature should carefully weigh the impact of medical marijuana on law enforcement and human resources. In addition, medical marijuana should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. Also, cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and should not allow residential grow operations of any sort. In addition, Kansas should delay implementation to give time to study any issues that might result from the passage of medical marijuana legislation.”

Working from this statement, HB 2184 has elements that the League and our member cities favor. For example, the League is supportive of provisions that will require cultivators to comply with local zoning in order to obtain a license, clearly prohibit driving under the influence of

marijuana, and prohibit cultivation by those not holding licenses issued by the state, thus prohibiting “home-grow” operations that have caused problems in other states.

That said, there are also some key components missing from this Legislation. Our members strongly believe that cities should have the ability to opt-in to allowing the sale of medical marijuana in their city and to otherwise restrict the locations where products can be sold through zoning regulations, similar to what they can do regarding cultivation. Cities are charged with preserving and protecting the public’s health, safety, and welfare. In order to do this, cities must have the ability to regulate the location of these facilities. Additional training for law enforcement officials and human resource professionals will also be needed to allow for implementation of the act. The League would ask that the Committee consider apportioning some revenue from fines and fees to local governments to aid in this training. We would also ask that the Committee consider moving the effective date of the legislation back to allow cities time to acquire resources, develop policies and ordinances, and provide the necessary training and public education. Ideally the implementation of HB 2184 or similar legislation will take place over time to allow for response to the impacts of this legalization and any unintended consequences.

The League would encourage this Committee to consider HB 2184 from all angles. Because of the impact of medical marijuana on local governments across the state, we would ask that these concerns be addressed as you consider the bill and whether to make recommendation to the full House for consideration.