



Kansas Peace Officers' Association

INCORPORATED

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Testimony to the Senate Committee on Federal and State Affairs

In Opposition to SB560

March 16, 2022

Chairman Senator Robert Olson and members:

The Kansas Peace Officers' Association, representing over 3000 law enforcement professionals across the state, respectfully stands in opposition to Senate Bill 560. Our association has long held we are not opposed to cannabis-based medications, but we are strongly opposed to legalizing medical marijuana use through methods inconsistent with the safety net of pharmaceutical processes. This opposition is focused on the sale of products through means other than a pharmacy.

One of the most compelling reasons the KPOA is opposed to medical marijuana in Kansas, is because marijuana continues to be illegal under federal law. Even though a majority of states have chosen to ignore federal law, Kansas should not make the same choice. We encourage our citizens to obey the laws, and as law enforcement officers we take an oath to set the example, but if passed, this bill will specifically direct Kansas law enforcement officers to ignore federal law.

Progress is being made in developing pharmaceutical drugs containing THC and other marijuana derivatives. Those processes will assure quality control, dosage control, and proper physician oversight. But marijuana convenience store sales cannot provide any such assurance. Prescription drugs are highly tested and regulated by the Food and Drug Administration. No matter what drugstore fills a prescription, the patient is receiving the same vetted drug, whether it is brand name or generic, at a specific dose. Marijuana "prescriptions" in states where medical marijuana exists allow "patients" who obtain a medical marijuana card, to go to a variety of marijuana stores where each store has different varieties of marijuana, including edibles with different THC levels. No prescription drug label simply reads, "ingest whatever amount you want, when you want, until you feel better."

One note about Senate Bill 560 is, while marijuana plant material is limited to a THC strength of 35 percent, there are no THC strength limits noted for other forms of marijuana. Also, there is no field test approved in Kansas that will measure the THC percentage of marijuana, so officers cannot make the determination in the field if the medical marijuana is within legal limits. With the sale of marijuana plant material legalized, there is nothing to prevent a medical marijuana container from being refilled by a user with their own marijuana.

Marijuana "edibles" are often packaged like candy or snacks with the information that it contains THC in small print. Often, the recommendation is to eat a small portion of one item, such as 1/2 of a cookie because edibles have a delayed reaction. This deceptive packaging may lead to a child or an adult unknowingly ingesting a high amount of THC.

Senate Bill 560 does address ensuring packaging is not attractive to children. However, what defines attractive to children? An edible has to be palatable. Even if the form is not attractive, a household with "legal" marijuana present is a potential exposure for a child.

Concerning the amounts allowed to be purchased, Senate Bill 560 refers to a 30 day supply. What constitutes a 30 day supply? Additionally, there is no language concerning the amount of marijuana in total that may be possessed. And again, I refer to the strength concerns above.

Senate Bill 560 addresses medical marijuana cards from other states being recognized, and uses the term "verifiable," but this bill does not address methods about law enforcement officers being able to confirm a suspect Kansas medical marijuana card, or a way to verify if someone says they have a card but don't have it in their possession.

KPOA recognizes this bill prohibits operating a motor vehicle, watercraft, or aircraft under the influence of medical marijuana. However, while a blood alcohol level of .08 percent is prima facia by statute, there is no such definition for percentage of THC in a driver's blood.

These are some, but not all of the concerns KPOA has with Senate Bill 560.

In summary, members of the Kansas Peace Officers' Association recognize medical marijuana in various forms, has been legalized in other states. As stated at the beginning of this written testimony, KPOA does not oppose what benefits may be derived from medical marijuana. The stance of KPOA is that if marijuana, or ingredients are beneficial to treat people, it should be regulated and distributed in the same manner of other drugs, starting with changes in federal law which will allow physicians to prescribe thoroughly tested products through pharmacies.