

MINUTES

2022 SPECIAL COMMITTEE ON MEDICAL MARIJUANA

October 19, 2022
Room 346-S—Statehouse

Members Present

Senator Robert Olson, Chairperson
Representative John Barker, Vice-chairperson
Senator Larry Alley
Senator Cindy Holscher
Senator Rick Kloos
Senator Jeff Longbine
Representative John Eplee
Representative Christina Haswood
Representative Dennis “Boog” Highberger
Representative Nick Hoheisel
Representative Eric Smith

Staff Present

Jordan Milholland, Kansas Legislative Research Department (KLRD)
Natalie Nelson, KLRD
Kate Smeltzer, KLRD
Jason Long, Office of Revisor of Statutes
Kyle Hamilton, Office of Revisor of Statutes
Mike Heim, Office of Revisor of Statutes
Michael Welton, Committee Assistant

Conferees

Stephen Linder, Michigan Cannabis Manufacturers Association
Shelby Story, Greenlight
Orland Yee, Kanha Technology Solutions
Daniel Shafton, Kansas Cannabis Chamber of Commerce
Tuck Duncan, Kansas Cannabis Industry Association
Amy Reid, Kansas Cannabis Coalition
Dr. Sue Sisley, Scottsdale Research Institute
Dr. Bryon Adinoff
Dr. James McEntire
Former Senator Randall Hardy, Speaker, Kansas Silver Haired Legislature
Dolores Halbin, RN, American Cannabis Nurses Association
April Hatch, RN
Lt. Col (Ret.) Todd Scattini with Jonathon Lewis, Disabled Veteran
Kelly Rippel, Kansans for Hemp, Planted Association of Kansas, Kansas Cannabis Association
Juanita Ramos, private citizen

Brett Harris, KannaCorp
Randy Shepard, private citizen
Aileen Berquist, American Civil Liberties Union
Shane Roeder, private citizen
Wendy Turner, private citizen
Adam Hirsh, private citizen
Jim Ricketts, private citizen
John Hennessy, Gatsby's Cannabis Company
Rachelle Colombo, Kansas Medical Society
Dr. Eric Voth, MD
Phil Cosby, American Family Action of Kansas and Missouri
Greg Smith, Special Deputy, Johnson County Sheriff's Office
Donna Lippoldt, Culture Shield Network
Eric Stafford, Kansas Chamber of Commerce
Tony Andersen, Kansas Self-Insurers Association
Tom Palace, Lamar Outdoor Advertising
Chrissy Mayer, DCCCA, Inc.
Nick Reinecker, private citizen

Others Attending

See [Attached List](#)

WEDNESDAY, OCTOBER 19 ALL DAY SESSION

Welcome

Chairperson Olson convened the meeting at 10:04 a.m.

The Chairperson referenced a summary of policy issues raised by conferees at the October 12, 2022, meeting, prepared by Office of Revisor of Statutes staff. ([Attachment 1](#))

The Chairperson also referenced a draft list of research questions based upon the discussion by Committee members during the October 12, 2022, meeting, prepared by Kansas Legislative Research Department staff. ([Attachment 2](#))

Public Policy Implications Concerning the Legalization and Regulation of Medical Marijuana

The Chairperson opened the meeting for conferees wishing to provide perspectives on the public policy implications of legalizing medical marijuana in Kansas, beginning with proponents of legalization.

Proponent Testimony

Stephen Linder, Michigan Cannabis Manufacturers Association, referenced a supplemental testimony in addition to his own from his colleague Lance Boldrey. Mr. Linder provided a timeline for the process of legalizing medical marijuana in Michigan starting with the 2008 ballot initiative to legalize a non-regulated marijuana industry of "caregivers." He explained

the 2008 initiative defined a category of caregivers, but explicitly prohibited dispensaries and contained no regulatory process, mode of taxation, or product safety testing. By 2014, criminal activity became common due to the lack of a regulatory system, conflicts between state and federal law, and no oversight of the market. In response, the Michigan Legislature enacted the the Michigan Medical Facilities Licensing Act in 2016. The Act was established to create a legal industry from what had devolved into a primarily criminal enterprise. He stated in 2019 the Michigan Cannabis Manufactures Association was established, but as of 2022, Michigan has yet to establish an oversight board to monitor the activity of the regulatory agency.

Mr. Linder discussed the general evolution of the Michigan regulatory system, again referenced a more detailed supplementary analysis by Mr. Boldrey, and concluded with discussion of what topics Kansas may consider before legalizing medical marijuana in the state. ([Attachment 3](#))

Shelby Story, Greenlight, which is a marijuana industry operator in six states, summarized a set of regulations that have worked well (local opt-out; limited licenses; and economic spread) and those that have not (unlimited licenses; onerous and expensive barriers for patients; and bans on smoking the substance). In response to committee questions and comments, the conferee made the following points:

- The important role of the medical doctor is to ascertain a specific health ailment exists to legally qualify for substance usage; and
- Two key elements to avoid black market activity are ensuring the legal market has an adequate number of prescribing physicians and an economically sustainable industry. ([Attachment 4](#))

Orland Yee, Kanha Technology Solutions, recommended a “seed-to-sale” tracking system that is capable to “track and trace” every aspect of the plant as it makes its way from seed to flower and into a patient’s hands. Mr. Yee explained the benefits and functional aspects of seed-to-sale oversight of the supply chain, product purity, regulation, and enforcement of Kansas laws. ([Attachment 5](#))

Daniel Shafon, Kansas Cannabis Chamber of Commerce, summarized various points of discussion that he deemed to be consensus opinions amongst all stakeholders, such as thirty-day supply; an integrated system between K-TRACS and seed-to-sale which is accessible by law enforcement; plant licensing measurements (canopy size); and establishing affordable child safe packaging and advertising. Mr. Shafon concluded by urging the Committee and stakeholders to fully resolve all 48 policy issues from the document provided by Office of Revisor of Statutes staff. ([Attachment 6](#))

Tuck Duncan, Kansas Cannabis Industry Association, emphasized the need for regulations to clearly define what is allowed under a legal medical marijuana market within the state to discourage black market activity, while allowing a “safe harbor” for product legally produced and acquired out of state. ([Attachment 7](#))

Amy Reid, Kansas Cannabis Coalition, recommended the following changes to previously considered bill language found in 2022 SB 560:

- Licensing fees should be high enough to limit the number of licenses and supply, while avoiding an unnecessary cost burden to the patient;

- Law enforcement should be able to access data without violating the confidentiality of the patient's medical history;
- Language regarding seals in Section 50 should be removed to allow practical usage when commuting or traveling; and
- Implementation of regulation should be expedited to provide access to relief for patients.

Ms. Reid concluded by recognizing the need for a bill that is passable in both chambers, but reminded the Committee the primary goal should be to allow patients access to medical cannabis. ([Attachment 8](#))

Dr. Sue Sisley, Scottsdale Research Institute, currently operates a federally licensed cannabis research organization; she provided testimony documenting the scientific basis for the benefits of the cannabis plant to treat chronic pain and nausea and indicated cannabis is far safer than opioids to manage pain. She also urged against allowing large multi-state operators to control the market and suggested there be a requirement that a large percentage of investment originate from within the state. Dr. Sisley also encouraged the Committee to allow patients to access many forms of the plant for more treatment options including creams, tinctures, inhalants, and concentrates. ([Attachment 9](#))

Dr. Bryon Adinoff, an addiction psychiatrist, stated his belief that Kansas urgently needs to provide legal access to cannabis treatments and cautioned against processes that might make treatment too cumbersome and expensive, and stated a number of opinions regarding language in 2022 SB 158 and 2022 SB 560 that he considers too restrictive. ([Attachment 10](#))

Dr. James McEntire addressed certain definitions, terminology and compliance topics, including differentiated "caregiver" and a "cultivation caregiver"; suggested additional treatment options for military veterans; and contended vaping in a medically controlled space is safe. Dr. McEntire concluded with the observation that adverse reactions to cannabis are limited and mostly precipitated by black market products. ([Attachment 11](#))

Former Senator Randall Hardy, Speaker, Kansas Silver Haired Legislature, referenced a resolution passed by the Kansas Silver Haired Legislature urging the state to legalize the medical use of cannabis, stating that seniors frequently look to medical cannabis and CBD derivatives to help manage severe pain from arthritis, diabetic neuropathy, migraines, and cancer. ([Attachment 12](#))

Lunch

The Chairperson announced the Committee would recess for lunch from Noon to 1:00 p.m.

Continuation of Proponent Testimony

The Chairperson resumed the hearing at 1:04 p.m.

Dolores Halbin, RN, American Cannabis Nurses Association, stated the Committee has a moral and spiritual responsibility to allow Kansans to benefit from marijuana and shared personal experiences related to the criminalization of marijuana. ([Attachment 13](#))

April Hatch, RN, refuted opposing view points from the previous Committee meeting by contending cannabis usage has not increased adolescent suicides; discounted law enforcement concerns regarding possible impact on canine officers; and claimed cannabis has been proven effective for more than the relief of pain. ([Attachment 14](#))

Lt. Col. (Ret.) Todd Scattini, with Jonathon Lewis, disabled veteran, discussed the challenges faced by veterans, including high suicide rates, opioid addiction, and dependency as a result of chronic pain, post-traumatic stress disorder, and traumatic brain injuries. Lt. Col. Scattini called for the Committee to encourage more cannabis research within university and Veteran Administration facilities and collaborate with other states to import immediate sources of cannabis products for those currently in pain. ([Attachment 15](#))

Kelly Rippel, Kansans for Hemp, Planted Association of Kansas, and Kansas Cannabis Association, discussed sustainability issues and cautioned against repeating the failures of other states. Mr. Rippel made three recommendations concerning establishing standard operating procedure protocols; restricting flowering canopy sizes; patient to caregiver ratios; and establishing affordable testing for the safety and public health of patients. ([Attachment 16](#))

Juanita Ramos, private citizen, painted a scenario of a Kansas-based public-private partnership to pursue clinical trials. Ms. Ramos encouraged the Committee to take advantage off U.S. Department of Defense track-and-trace technology to reduce the development of a black market in Kansas. ([Attachment 17](#))

Brett Harris, KannaCorp, a small business owner and farmer expressed his concerns that he and his farm business partners might be forced out of the market by large cannabis players operating in the state. ([Attachment 18](#))

Randy Shepard, private citizen, proposed the addition of requiring compliance training for cannabis business owners. ([Attachment 19](#))

Eileen Berquist, American Civil Liberties Union of Kansas, discussed several recommendations and offered model language, including allowing opportunities for small businesses to participate in the industry; allowing patients with felony convictions and their family members to participate in the industry; cap local taxes on medical marijuana; and allowing patients with criminal records or those who reside in restricted housing to use medical marijuana. ([Attachment 20](#))

Shane Roeder, private citizen, shared his difficulties as a Kansas CBD business operator and stressed the value of smoking and vaping CBD products for some consumers. ([Attachment 21](#))

Wendy Turner, private citizen, provided testimony on how cannabis provided relief to her son who suffers from Crohn's disease. ([Attachment 22](#))

Jim Ricketts, private citizen, shared his need to smoke cannabis in order to allow him to work; due to the current barriers in Kansas, he is considering relocating to another state. ([Attachment 23](#))

John Hennessy, Gatsby's Cannabis Company, appealed to the Committee to keep Kansans in mind when defining opportunities for licenses, applications, fees, and background checks to ensure Kansas businesses are able to compete with larger multi-state operators. ([Attachment 24](#))

Committee questions and comments ensued on topics including license limitations by either setting high fees or using a lottery process; the population differences between Oklahoma and Kansas; and establishing enforcement and grow time before allowing sales to begin.

The Chairperson concluded proponent testimony and referenced the 20 written-only testimonies included in committee packets:

Adam Hirsh, private citizen ([Attachment 25](#))

Samuel Jones, Kansas Natural Remedies ([Attachment 26](#))

Stacey Knoell, Executive Director, Kansas African American Affairs Commission ([Attachment 27](#))

Chris Brunin, Planted Association of Kansas ([Attachment 28](#))

Cheryl Kumberg, RN ([Attachment 29](#))

Clay Bullard, private citizen ([Attachment 30](#))

Dallas Grimes, private citizen ([Attachment 31](#))

Kacie Kruger, private citizen ([Attachment 32](#))

Secretary Bonita Gooch, Kansas Black Leadership Council ([Attachment 33](#))

Secretary Janet Stanek, Kansas Department of Health and Environment (KDHE) ([Attachment 34](#))

Keshia Justice, private citizen ([Attachment 35](#))

Kimberly Krueger, private citizen ([Attachment 36](#))

Laura Cunningham, private citizen ([Attachment 37](#))

Retired Sheriff Currie Meyers ([Attachment 38](#))

Jax James, National Organization for the Reform of Marijuana Laws ([Attachment 39](#))

Paul Tadlock, private citizen ([Attachment 40](#))

Tiffany Gobble, private citizen ([Attachment 41](#))

Troy Flagler, SugarLeaf Distribution, LLC ([Attachment 42](#))

Willie Dove, private citizen ([Attachment 43](#))

Kasey McClurg, private citizen ([Attachment 44](#))

Opponent Testimony

The Chairperson called upon opponent conferees wishing to provide testimony.

Rachelle Colombo, Kansas Medical Society (KMS), requested the Committee not recommend legislation allowing for the legalization of medical marijuana with the supporting comments:

- KMS has a long-standing policy opposing the prescribing and use of any drug or substance - including marijuana - for “medical” purposes if the substance lacks U.S. Food and Drug Administration (FDA) approval;
- Legalizing the use of marijuana for medicinal use would put doctors in the position of policing a federally prohibited drug that lacks sufficient rigor of standards of clinical testing and medical efficacy;
- Medical doctors who are trained and licensed to practice in the healing arts, not legislators, should determine appropriate medical treatments. KMS would request, should marijuana be legalized for medicinal use, medical terms not be associated with the substance; and
- Should the Committee decide to proceed with legislation, KMS urges consideration of language addressing serious flaws in previous proposals, including limitations on prescribing until other approved modalities have been tried; the percentage of allowable THC content; advisory committee composition; physician liability and right of professional and patient recourse; and the advertising of medical marijuana.

Ms. Colombo concluded by recognizing the extensive medical research provided by Dr. Eric Voth. ([Attachment 45](#))

Dr. Voth stated several general opinions on marijuana to precede his prepared testimony, including:

- The end goal of those in the marijuana industry is to make the recreational use of marijuana legal, after first legalizing it for medicinal purposes;
- The primary reason for this legislation is to bypass federal regulators whose responsibility it is to protect citizens’ health and safety; and
- Dosage ranges and THC potency should be specified in statute for every allowed condition, and any legislation should require a documented diagnosis for pain and specified dosage recommended by a licensed medical professional.

Dr. Voth made several recommendations for potential legislation, including requiring detailed medical examinations and documentation for every participating patient; limit dosage specifically THC content; any physicians deviation from the “standard of care” should be recorded and investigated with any necessary civil, criminal, and disciplinary actions; require cannabis be labeled with detailed warnings; and require regular drug testing of patients for other illegal or unapproved substances. ([Attachment 46](#))

Phil Cosby, American Family Action of Kansas and Missouri, called for a pause in the attempt to legalize medical marijuana due to reported mistakes and corruption that has occurred in other states that have legalized marijuana and stated several issues remain in the most recent bill language. ([Attachment 47](#))

Special Deputy Greg Smith, Johnson County Sheriff’s Office, stated his the Office’s opposition to legislation, but considering the likelihood that a bill will pass in the upcoming Legislative Session, the Office would like to work with Office of the Revisor Statutes staff to develop language to mitigate the undue hardship the legislation may create for county law enforcement operations. Among his concerns were the following:

- The legislation should clearly state the prohibition of cannabis in county jails;
- The Legislature should consider the impact the legislation may have on canine operations within law enforcement agencies, and efforts should be made to mitigate those impacts;
- Auto accidents may increase considering a cannabis edible may take two hours for impact and the difficulty to determine usage timing; and
- Legalization will result in added costs in man hours and tools for more complex roadside testing.

Special Deputy Smith concluded by thanking the Committee for its willingness to listen and help mitigate additional costs to local law enforcement operations. ([Attachment 48](#))

Donna Lippoldt, Culture Shield Network, listed a series of objections to the legalization of medical marijuana in Kansas, including states that have expanded to recreational use; marijuana-influenced automobile deaths are on the rise in California; and the legalization should provide access to those suffering from illnesses marijuana has proven to help, such as seizures and complications of chemotherapy.

Ms. Lippoldt questioned the ethics of using the suffering of Kansans for an additional government revenue stream and made a plea for Kansas to take a stand for reasonable opportunities to help those in need, while protecting youth from possible addiction and needless deaths on the highways. ([Attachment 49](#))

The Chairperson concluded opponent testimony.

Neutral Testimony

The Chairperson called upon conferees wishing to provide neutral testimony.

Eric Stafford, Kansas Chamber of Commerce, requested the Committee adopt a position on drug testing policies in the workplace if legalization were to occur to give clear guidance to employers and employees, and provided draft language to accomplish this action. ([Attachment 50](#))

Tony Andersen, Kansas Self-Insurers Association, requested the Committee make sure the language is clear regarding workplace expectations and prohibitions, and stressed that impaired workers who are injured on the job should not benefit under the Workers Compensation Act. ([Attachment 51](#))

Tom Palace, Lamar Outdoor Advertising, expressed concern with previous language in 2022 SB 158, which called for advertisers to submit advertisements to the regulatory body for pre-approval and instead requested requirements for billboard advertising of marijuana products to be clearly defined in statute. ([Attachment 52](#))

Chrissy Mayer, DCCCA, Inc., stressed the marijuana industry should be as closely regulated as Kansas regulates the alcohol and tobacco industries and encouraged additional Committee attention toward the following: dispensary density regulations; employment restrictions; funding to support prevention, education, and treatment of marijuana abuse; restrictions on advertising; and a strong policy to protect youth. ([Attachment 53](#))

Nick Reinecker, private citizen, addressed concerns regarding constitutional protections, federal and state regulatory conflicts, and other regulatory inconsistencies. ([Attachment 54](#))

The Chairperson concluded neutral testimony and referenced the following two written-only testimonies:

Doug Jorgensen, State Fire Marshal ([Attachment 55](#))

Jaida Sims, private citizen ([Attachment 56](#))

Adjourn

The Chairperson adjourned the meeting at 4:00 p.m and announced the next Committee meeting is scheduled for November 16, 2022.

Prepared by Michael Welton

Edited by Natalie Nelson and Kate Smeltzer

Approved by the Committee on:

January 4, 2023

(Date)