

HOUSE BILL No. 2706

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning industrial hemp; relating to hemp products;
2 specifying that final hemp products may contain a delta-9
3 tetrahydrocannabinol concentration of not more than 0.3%; allowing
4 certain hemp products to be manufactured, marketed, sold or
5 distributed; amending K.S.A. 2021 Supp. 2-3901 and 2-3908 and
6 repealing the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2021 Supp. 2-3901 is hereby amended to read as
10 follows: 2-3901. (a) K.S.A. 2021 Supp. 2-3901 et seq., and amendments
11 thereto, shall be known and may be cited as the commercial industrial
12 hemp act.

13 (b) As used in the commercial industrial hemp act:

14 (1) "Commercial" means the cultivation or production of industrial
15 hemp for purposes other than research as authorized under K.S.A. 2021
16 Supp. 2-3906, and amendments thereto.

17 (2) "Delta-9 tetrahydrocannabinol concentration" means the
18 ~~combined total~~ percentage of delta-9 tetrahydrocannabinol ~~and its optical~~
19 ~~isomers, their salts and acids, and salts of their acids, reported as free~~
20 ~~THC:~~

21 (A) On a dry weight basis, of any part of the plant *cannabis sativa* L.;

22 or
23 (B) on a percentage by weight basis in hemp products, waste or
24 substances resulting from the production or processing of industrial hemp.

25 (3) "Effective disposal" includes, but is not limited to:

26 (A) Destruction; or

27 (B) any other method of disposing of industrial hemp or hemp
28 products found to be in violation of this act that is permitted under the
29 provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations
30 adopted thereunder.

31 (4) "Hemp products" means all products made from industrial hemp,
32 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
33 particleboard, plastics, seed, seed meal and seed oil for consumption and
34 any extract from industrial hemp intended for further processing. Final
35 "hemp products" may contain a *delta-9* tetrahydrocannabinol
36 concentration of not more than 0.3%. ~~As used in this paragraph,~~

1 ~~"tetrahydrocannabinol concentration" means the same as in K.S.A. 65-~~
2 ~~6235(b)(3), and amendments thereto.~~

3 (5) "Hemp producer" means any individual, licensed or otherwise,
4 engaging in the cultivation or production of industrial hemp for
5 commercial purposes pursuant to K.S.A. 2021 Supp. 2-3906, and
6 amendments thereto.

7 (6) "Hemp processor" means a person registered under K.S.A. 2021
8 Supp. 2-3907, and amendments thereto, to process and manufacture
9 industrial hemp and hemp products.

10 (7) "Industrial hemp" means all parts and varieties of the plant
11 cannabis sativa L., whether growing or not, that contain a delta-9
12 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight
13 basis.

14 (8) "Person" means an individual, corporation, partnership,
15 association, joint stock company, trust, unincorporated organization or any
16 similar entity or any combination of the foregoing acting in concert.

17 (9) "Seed research" means research conducted to develop or recreate
18 better strains of industrial hemp, particularly for the purpose of seed
19 production.

20 (10) "State educational institution" means the university of Kansas,
21 Kansas state university, Wichita state university, Emporia state university,
22 Pittsburg state university and Fort Hays state university.

23 (11) "Authorized seed or clone plants" means a source of industrial
24 hemp seeds or clone plants that:

25 (A) Has been certified by a certifying agency, as defined by K.S.A. 2-
26 1415, and amendments thereto;

27 (B) has been produced from plants that were tested during the active
28 growing season and were found to produce industrial hemp having a *delta-*
29 *9* tetrahydrocannabinol concentration that does not exceed 0.3% on a dry
30 weight basis and has been certified in writing by the grower or distributor
31 of such seeds or clone plants to possess such qualities; or

32 (C) meets any other authorized standards approved by the Kansas
33 department of agriculture through rules and regulations, except that no
34 seed or clone plants shall be considered authorized seed or clone plants if
35 they do not meet any standard adopted by the United States department of
36 agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.

37 Sec. 2. K.S.A. 2021 Supp. 2-3908 is hereby amended to read as
38 follows: 2-3908. (a) (1) ~~It shall be unlawful for any of the following hemp~~
39 ~~products to be manufactured, marketed, sold or distributed by any person~~
40 ~~in the state of Kansas:~~

41 ~~(A) Cigarettes containing industrial hemp;~~

42 ~~(B) cigars containing industrial hemp;~~

43 ~~(C) chew, dip or other smokeless material containing industrial hemp;~~

1 ~~(D) teas containing industrial hemp;~~

2 ~~(E) liquids, solids or gases containing industrial hemp for use in~~
3 ~~vaporizing devices; and~~

4 ~~(F) any other hemp product intended for human or animal~~
5 ~~consumption containing any ingredient derived from industrial hemp that~~
6 ~~is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A.~~
7 ~~65-636 et seq., and amendments thereto, and the commercial feeding stuffs~~
8 ~~act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph~~
9 ~~shall not otherwise prohibit the use of any such ingredient, including~~
10 ~~cannabidiol oil, in such hemp products.~~

11 ~~(2) As used in this subsection:~~

12 ~~(A) "Human or animal consumption" means:~~

13 ~~(i) Ingested orally; or~~

14 ~~(ii) applied by any means such that an ingredient derived from~~
15 ~~industrial hemp enters the human or animal body.~~

16 ~~(B) "Intended for human or animal consumption" means:~~

17 ~~(i) Designed by the manufacturer for human or animal consumption;~~

18 ~~(ii) marketed for human or animal consumption; or~~

19 ~~(iii) distributed with the intent that it be used for human or animal~~
20 ~~consumption.~~

21 ~~(b)(1) It shall be unlawful for any of the following hemp products~~
22 ~~any extract from industrial hemp with a delta-9 tetrahydrocannabinol~~
23 ~~concentration greater than 0.3% that will be further processed to be~~
24 ~~marketed, sold or distributed to any person in Kansas who is not registered~~
25 ~~as a hemp processor pursuant to K.S.A. 2021 Supp. 2-3907, and~~
26 ~~amendments thereto, or who does not possess a license by the Kansas~~
27 ~~department of agriculture under any commercial plan established pursuant~~
28 ~~to K.S.A. 2021 Supp. 2-3906, and amendments thereto, or the research~~
29 ~~program established pursuant to K.S.A. 2021 Supp. 2-3902, and~~
30 ~~amendments thereto:~~

31 ~~(A) Industrial hemp buds;~~

32 ~~(B) ground industrial hemp floral material;~~

33 ~~(C) ground industrial hemp leaf material; or~~

34 ~~(D) any extract from industrial hemp with a delta-9~~
35 ~~tetrahydrocannabinol concentration greater than 0.3% that will be further~~
36 ~~processed.~~

37 ~~(2) No license or registration shall be required for the transport of~~
38 ~~hemp products described in paragraph (1) if such products are transported~~
39 ~~between hemp producers and hemp processors or between more than one~~
40 ~~hemp processor. Any such transportation of hemp products shall be subject~~
41 ~~to rules and regulations promulgated by the state fire marshal pursuant to~~
42 ~~this act.~~

43 ~~(e)(b) (1) Upon a first conviction for a violation of this section, a~~

1 person shall be guilty of a class A nonperson misdemeanor.

2 (2) On a second or subsequent conviction for a violation of this
3 section, a person shall be guilty of a severity level 9, nonperson felony.

4 ~~(d)~~(c) Nothing in this section shall prohibit:

5 (1) The use of any hemp product for research purposes by a state
6 educational institution or affiliated entity; or

7 (2) the production, use or sale of any hemp product that is otherwise
8 not prohibited by state or federal law.

9 ~~(e)~~(d) This section shall be a part of and supplemental to the
10 commercial industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and
11 amendments thereto.

12 Sec. 3. K.S.A. 2021 Supp. 2-3901 and 2-3908 are hereby repealed.

13 Sec. 4. This act shall take effect and be in force from and after its
14 publication in the statute book.