



Kansas Sheriffs' Association

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Senate Committee on Federal and State Affairs

Opposing SB 555

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Chairman Thompson and Committee Members,

The Kansas Sheriffs Association is opposed to the introduction of medical marijuana legalization proposed in SB555, even as a pilot project. Our association has long held if marijuana is to be 'prescribed' by physicians and used as a medication, it should be subject to the same rigorous approval process that other commercially available drugs undergo. Potentially therapeutic components of marijuana should be investigated, but they should only be made available to the public after adequate testing by the FDA. Like all other medicines, a doctor should prescribe it as a medicine and these compounds should be dispensed via standardized and FDA-regulated pharmacies to ensure purity and concentration.

KSA has opposed all bills in the last several years related to the growing of hemp, medicinal marijuana, and the legalization of marijuana. The main reason we were against the growing of hemp was due to marijuana invested grow operators wanting hemp to become legal so they could then take it a step further and introduce medicinal marijuana and then the final step of legalization. And as predicted, the farmers found the hemp industry to not be what they were told causing many to not continue growing it. Exactly what we predicted is now taking place with this bill.

Medicinal marijuana was passed in Oklahoma and has been a disaster. After passage, over 8,000 grow operations turned up in Oklahoma. Part of the Oklahoma bill was that a landowner had to be a citizen from Oklahoma before a grow operation could be granted a license. What law enforcement found after two years of investigating, was landowners were paid off by Chinese Nationalist and other shady characters. The landowner signed the proper paperwork and where just the front for the grow operation but did not have any type of say or ownership in the business.

The State of Oklahoma has been consumed by crime perpetrated by Chinese Nationalist and the Oklahoma Bureau of Narcotics have shut down over 5000 grow operations due to their illegal activities. They are still experiencing the black-market operations like all other states that have legalized medicinal marijuana. This bill proposes a pilot project to only allow a few to grow marijuana and distribute it, either by a hub or home delivery. KSA's question is after the pilot project, how many grow operations are going to be allowed and who will investigate any application to ensure what happened in Oklahoma does not happen in Kansas.

In 2017, the National Academics of Science, Engineering and Medicine panel concluded, "Cannabis use is likely to increase the risk of developing schizophrenia and other psychoses; the higher the use, the greater the risk." Another marijuana industry myth is that medicinal or legalized marijuana would decrease opioid use or death. This myth has been proven to be false. In an article from the American Journal of Psychiatry published in 2018, found that opioid use disorder has increased significantly over the past two decades. In response to this crisis, there has been interest in whether cannabis could help reduce opioid use disorder, fueled by some studies suggesting that states with medical marijuana laws have lower rates of opioid overdose deaths. However, research concludes that cannabis use appears to increase rather than decrease the risk of developing nonmedical prescription opioid use and opioid use disorder. This fact is very well documented in Colorado after they passed medicinal and legalization laws.

Another study that was conducted and published in 2019 in the National Academy of Sciences of the United States of America found that states that passed medical cannabis has seen a 22.7% increase in opioid related overdose deaths. This fact is very well documented by our next-door neighbor, Colorado, after they passed medicinal and legalization laws.

After states legalized medicinal marijuana the potency in marijuana products has increased tremendously. Marijuana traditionally quantified between 5% to 12% THC. In states that have legalized, THC levels are between 30% and 90%. The oils and extracts are not being controlled at a moderate level, thus, new studies on THC are finding that these types of levels are unprecedented and is causing addiction, psychotic events that have led to death. In these same states with high THC levels the major cities are seeing an increased homeless population as well.

Section 12 of SB 555 is very problematic. The bill states that medical cannabis shall not contain THC content more than 35%. Cannabis having more than such amount of THC shall be processed into medical cannabis product or destroyed. What does “Cannabis having more than such of amount of THC shall be processed into medical cannabis product mean?” Does this mean that they can take this product and insert high level extracts to reach the 90% THC threshold and sell it? Either way, KSA believes that the 35% threshold is too high and can cause societal issues as we have described above.

Jail Issues: A big concern we have is what happens when a person with their medical marijuana certification lands in jail? Will we be required to provide a federally controlled substance to them? Will we have to buy it for them? How the courts will rule on these issues is unknown. But calling it medicine will certainly lead them toward those conclusions. Nothing in the bill covers this. Jails and correctional facilities are not given an exemption from use of marijuana in the facility.

Enforcement Issues: Several enforcement issues are presented by legalizing medical marijuana:

Drug Canines: Any legalization of marijuana has resulted in the courts in many states saying the reaction of a drug dog trained to detect marijuana can no longer establish probable cause for any drug. We estimate that about 85-90% of the drug dogs used in Kansas are trained to detect marijuana. These dogs generally cost around \$20,000 each to be acquired and fully trained. This is an enormous expense to local law enforcement. If this bill is passed it needs to include some of the expected revenue to go into a grant program to replace those dogs. The total cost statewide will probably exceed \$1 million.

Issues with Identifying and Confirming A Person has a Medical Marijuana Card: The bill requires a patient/caregiver to promptly deliver verification of certificate when such certificate is in their immediate possession. What if they do not have it in their possession? Also, it is not a requirement to provide access to the registration or licensure databases in real time, 24/7, secured system such as KCJIS to verify a licensure or registration. This is especially important when the person says they have a card but don't have it with them.

THC Content Limits: There currently is no testing available for law enforcement to check the THC percentage content in the field. Our labs may not have that ability either. This will mean enforcement of THC level restrictions will be nearly impossible.

KSA only covered a few of the issues with this bill. It appears to KSA that this bill was written to intentionally create loopholes and will be very difficult to enforce. The Kansas Sheriff's Association is an opponent to any bill proposing making medical marijuana legal in the State of Kansas. We ask you to not move this bill forward favorably.

We thank you for your consideration and the opportunity to provide testimony to the Committee.

Sheriff Jeff Easter
KSA Legislative Chair