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**Attorney General Kris W. Kobach
Written Only Opponent Testimony on SB 555
Senate Committee on Federal and State Affairs
March 28, 2024**

Chairman Thompson and Members of the Committee,

Thank you for the opportunity to provide testimony opposing Senate Bill 555. The debate surrounding the legalization of medical marijuana is multifaceted, with proponents touting its potential therapeutic benefits and opponents expressing concerns about its societal ramifications. While some advocate for legalization under strict regulations, it's crucial to examine the broader implications, particularly from the perspective of law enforcement.

As Kansas' chief law enforcement office, we wish to highlight our apprehensions regarding how the legalization of medical marijuana could impact public safety. One significant concern is the issue of driving under the influence (DUI) of marijuana, which poses a substantial risk associated with the legalization of medical marijuana and related cannabis products. Research indicates that cannabis use significantly impairs driving ability, increasing the likelihood of accidents and fatalities. States that have legalized marijuana for medical purposes have experienced problems with impaired driving.

Unlike alcohol, which has well-established methods for detecting impairment through breathalyzer tests, identifying marijuana impairment presents significant challenges. Tetrahydrocannabinol (THC), the psychoactive component of cannabis, can remain detectable in bodily fluids long after its impairing effects have dissipated, complicating the accurate assessment of impairment levels. This disparity between impairment and detectability hampers law enforcement efforts to identify and prosecute individuals driving under the influence of marijuana.

Additionally, law enforcement agencies face hurdles in enforcing cannabis laws due to conflicts between state and federal statutes. If Senate Bill 555 passes, Kansas would have a law conflicting with federal agencies like the Drug Enforcement Administration (DEA), the agency responsible for enforcing federal drug laws. Divergent legal frameworks for medical marijuana would cause confusion among businesses, patients, and healthcare providers, potentially exposing businesses to federal prosecution and asset seizure.

Furthermore, patients and healthcare providers may grapple with uncertainty regarding the legality of medical marijuana under federal rules. For instance, pharmacists lack authorization to prescribe medical marijuana under federal law in the United States. The federal government classifies marijuana as a Schedule I controlled substance, signifying a high potential for abuse and no accepted medical use, rendering the bill's proposal to utilize pharmacies as medical marijuana distribution hubs problematic.

Moreover, there is a worry that this bill might indirectly pave the way for recreational marijuana to effectively become legal in Kansas. Although purported to be a "pilot program" for medical marijuana, the bill's expansive list of qualifying medical conditions raises concerns. Weak regulations could facilitate widespread access to medical marijuana, blurring the line between medical and recreational use, thus undermining the program's intended purpose.

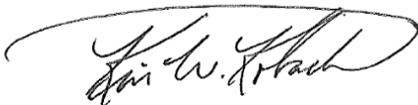
Furthermore, without robust oversight, the state risks an excessive proliferation of dispensaries, or "distribution hubs," as they are called in the bill. Some of these hubs may prioritize profit over patient care, fostering an environment conducive to recreational use. Unchecked dispensary expansion blurs the differentiation between medical and recreational cannabis markets, contributing to de facto legalization and sending the message that cannabis consumption is socially acceptable, irrespective of medical necessity.

Additionally, there is no imperative for a "pilot program" when neighboring states have already ventured down that path. Kansas can observe the outcomes of these marijuana laws without bearing the consequences firsthand. Oklahoma's medical marijuana program, characterized by numerous dispensaries and lenient regulations, has witnessed abuse, with individuals obtaining medical marijuana cards for recreational purposes rather than genuine medical needs. This de facto recreational system raises concerns about impaired driving, underage use, and overconsumption.

In conclusion, legalizing medical marijuana, even with stringent regulations, presents risks, particularly for law enforcement. For that reason, I strongly urge you to oppose Senate Bill 555.

Thank you for your consideration of this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris W. Kobach". The signature is written in a cursive style with a large, sweeping flourish at the beginning.

Kris W. Kobach
Kansas Attorney General