

SENATE BILL No. 276

By Committee on Federal and State Affairs

2-22

1 AN ACT concerning industrial hemp; relating to hemp products;
2 specifying the delta-9 tetrahydrocannabinol concentration for final
3 hemp products; allowing certain hemp products to be manufactured,
4 marketed, sold or distributed; amending K.S.A. 2-3901 and 2-3908 and
5 repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

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

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

12 (1) "Commercial" means the cultivation or production of industrial
13 hemp for any purpose authorized under K.S.A. 2-3906, and amendments
14 thereto.

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

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

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

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

24 (A) Destruction; or

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

29 (4) "Hemp products" means all products made from industrial hemp,
30 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
31 particleboard, plastics, seed, seed meal and seed oil for consumption and
32 any extract from industrial hemp intended for further processing. Final
33 "hemp products" may contain a *delta-9* tetrahydrocannabinol
34 concentration of not more than 0.3%. ~~As used in this paragraph,~~
35 ~~"tetrahydrocannabinol concentration" means the same as in K.S.A. 65-~~
36 ~~6235(b)(3), and amendments thereto.~~

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

4 (6) "Hemp processor" means a person registered under K.S.A. 2-
5 3907, and amendments thereto, to process and manufacture industrial
6 hemp and hemp products.

7 (7) "Industrial hemp" means all parts and varieties of the plant
8 *cannabis sativa L.*, *including the seeds thereof and all derivatives,*
9 *extracts, cannabinoids, isomers, acids, salts and salts of isomers,* whether
10 growing or not, that contain a delta-9 tetrahydrocannabinol concentration
11 of not more than 0.3% on a dry weight basis.

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

15 (9) "State educational institution" means the university of Kansas,
16 Kansas state university, Wichita state university, Emporia state university,
17 Pittsburg state university, Fort Hays state university, or any other
18 accredited college, university, technical college or community college
19 within Kansas.

20 (10) "Authorized seed or clone plants" means a source of industrial
21 hemp seeds or clone plants that:

22 (A) Has been certified by a certifying agency, as defined by K.S.A. 2-
23 1415, and amendments thereto;

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

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

34 Sec. 2. K.S.A. 2-3908 is hereby amended to read as follows: 2-3908.

35 (a) ~~(1) It shall be unlawful for any of the following hemp products to be~~
36 ~~manufactured, marketed, sold or distributed by any person in the state of~~
37 ~~Kansas:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~(e)(b)~~ (1) Upon a first conviction for a violation of this section, a
40 person shall be guilty of a class A nonperson misdemeanor.

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

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

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

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

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

8 Sec. 3. K.S.A. 2-3901 and 2-3908 are hereby repealed.

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