

SENATE BILL No. 263

By Senator Kerschen

1-5

1 AN ACT concerning agriculture; enacting the alternative crop research act;
2 amending K.S.A. 2017 Supp. 21-5702 and repealing the existing
3 section.

4 *Be it enacted by the Legislature of the State of Kansas:*

5 New Section 1. (a) Sections 1 and 2, and amendments thereto, shall
6 be known and may be cited as the alternative crop research act.

7 (b) As used in the alternative crop research act:

8 (1) "Certified seed" means industrial hemp seed that has been
9 certified by a certifying agency, as defined by K.S.A. 2-1415, and
10 amendments thereto, as having a delta-9 tetrahydrocannabinol
11 concentration of no more than 0.3% on a dry weight basis.

12 (2) "Department" means the Kansas department of agriculture.

13 (3) "Hemp products" means all products made from industrial hemp,
14 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
15 particleboard, plastics, seed, seed metal and seed oil for consumption and
16 certified seed for cultivation, if the seeds originate from industrial hemp
17 varieties.

18 (4) "Industrial hemp" means all parts and varieties of the plant
19 cannabis sativa L., cultivated or possessed by a state educational
20 institution or the department, whether growing or not, that contain a delta-
21 9 tetrahydrocannabinol concentration of no more than 0.3% on a dry
22 weight basis.

23 (5) "Seed research" means research conducted to develop or recreate
24 better strains of industrial hemp, particularly for the purpose of seed
25 production.

26 (6) "State educational institution" means the university of Kansas,
27 Kansas state university, Wichita state university, Emporia state university,
28 Pittsburg state university and Fort Hays state university.

29 (7) "Tetrahydrocannabinol" or "THC" means the natural or synthetic
30 equivalents of the substances contained in the plant or in the resinous
31 extractives of cannabis or any synthetic substances, compounds, salts or
32 derivatives of the plant or chemicals and their isomers with similar
33 chemical structure and pharmacological activity.

34 New Sec. 2. (a) The department, alone or in coordination with a state
35 educational institution, may cultivate industrial hemp grown from certified
36

Proposed Amendment for SB 263
RE: KDA report on a waiver process
Senate Committee on Agriculture and Natural Resources
January 26, 2018
Tamera Lawrence
Office of Revisor of Statutes

1 seed and promote the research and development of industrial hemp. This
2 research may include:

3 (1) Oversight and analysis of growth of industrial hemp to conduct
4 agronomy research and analysis of required soils, growing conditions and
5 harvest methods relating to the production of various varieties of industrial
6 hemp that may be suitable for various commercial hemp products;

7 (2) seed research on various types of industrial hemp that are best
8 suited to be grown in Kansas, including seed availability, creation of
9 hybrid types, in-the-ground variety trials and seed production;

10 (3) analysis on the economic feasibility of developing an industrial
11 hemp market in various types of industrial hemp that can be grown in
12 Kansas;

13 (4) analysis on the estimated value-added benefits, including
14 environmental benefits, that Kansas businesses would reap by having an
15 industrial hemp market of Kansas-grown industrial hemp varieties;

16 (5) a study on the agronomy research conducted worldwide relating
17 to industrial hemp varieties, production and utilization; and

18 (6) a study on the feasibility of attracting federal and private funding
19 for industrial hemp research.

20 (b) The secretary of agriculture shall have the authority to promulgate
21 rules and regulations to carry out the provisions of the alternative crop
22 research act.

23 (c) ~~Nothing in the alternative crop research act shall be construed to~~
24 ~~authorize any person to violate any federal law.~~

25 Sec. 3. K.S.A. 2017 Supp. 21-5702 is hereby amended to read as
26 follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
27 2009, shall be governed by the law in effect at the time the crime was
28 committed. For purposes of this section, a crime was committed prior to
29 July 1, 2009, if any element of the crime occurred prior thereto.

30 (b) The prohibitions of this act shall apply unless the conduct
31 prohibited is authorized by the pharmacy act of the state of Kansas, the
32 uniform controlled substances act, *the alternative crop research act* or
33 otherwise authorized by law.

34 Sec. 4. K.S.A. 2017 Supp. 21-5702 is hereby repealed.

35 Sec. 5. This act shall take effect and be in force from and after its
36 publication in the statute book.

The department shall submit a report to the legislature outlining the procedure and timeline to implement a waiver process that would allow persons to grow and process industrial hemp in Kansas and to sell it in other states. Such report shall be presented to the senate standing committee on agriculture and natural resources on or before January 31, 2019.
(d)