

**Testimony in Support of Senate Bill 345  
to the Senate Committee on Agriculture and Natural Resources  
by Kenneth Titus, Chief Counsel  
Kansas Department of Agriculture  
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Good morning Chairman Kerschen and members of the committee. I am Kenneth Titus and I serve as the Chief Counsel for the Kansas Department of Agriculture (KDA). Thank you for the opportunity to provide testimony in support of Senate Bill 345.

SB 345 would amend the laws regulating the commercial production of hemp in Kansas to allow KDA to assist in the disposal of non-compliant hemp crops. The 2018 Farm Bill provided the opportunity for states to develop plans for the commercial production of industrial hemp, which the Kansas Legislature authorized in the 2019 session. K.S.A. 2-3905 and K.S.A. 2-3906 directed KDA to develop a commercial production plan. In order to comply with federal requirements for industrial hemp production, KDA was required to wait for the U.S. Department of Agriculture (USDA) to adopt regulations, which resulted in an Interim Final Rule (IFR) for the Establishment of a Domestic Hemp Production Program, released on October 29, 2019.

It was KDA's hope that the USDA rules would allow for the establishment of less restrictive program than the research program that was established in 2018 in Kansas. However, USDA's regulation required a more restrictive program than KDA and many other states anticipated. Although KDA is disappointed in the high level of regulation required by the IFR, KDA's existing research program and the small number of active growers should generally allow for a smooth transition. KDA's primary concern with the federal requirements relates to the destruction or disposal of non-compliant hemp.

The IFR at 7 CFR § 990.27 requires that "Cannabis plants exceeding the acceptable hemp THC level constitute marijuana, a schedule I controlled substance under the Controlled Substances Act...and must be disposed of in accordance with the CSA and [Drug Enforcement Administration] regulations." In effect, this requires that either state or local law enforcement officers take possession of and dispose of any non-compliant hemp. This may also be done by any officer or employee of a state, political subdivision, or agency thereof who is duly authorized to possess controlled substances in the course of official duties. KDA worked closely with law enforcement stakeholders in developing a commercial production plan, in which local law enforcement was concerned with the potentially large burden that could be placed upon their limited resources in manpower and the cost if all non-compliant hemp had to be collected and disposed of by law enforcement.

In order to prevent a potential strain on local resources, KDA worked with the Kansas Sheriff's Association to develop SB 345. Under limited circumstances, KDA employees will be duly authorized to take the lead in ensuring non-compliant hemp is properly disposed of in coordination with local law enforcement. The bill ensures that local law enforcement officials are involved in any disposal operation as they must be notified of the non-compliant field and they must approve any disposal plan. Further, any KDA employees involved are required to undergo a background check and KDA's authority only applies to licensees of the commercial hemp program.

This bill will allow KDA to operate a commercial hemp plan and to assist local law enforcement in limited circumstances in order to avoid an undue burden being placed on local law enforcement resources while at the same time ensuring the proper level of involvement and oversight of controlled substances. Thank you for the opportunity to provide testimony on SB 345, and we urge you to support this bill.