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**Testimony to the Senate Agriculture and Natural Resources Committee  
In Opposition to SB449**

February 21, 2020

Chairman Kerschen and Committee Members,

Our associations oppose SB449 as proposed. Altering the definition of marijuana to achieve the goal of this bill is fraught with potential unintended consequences. Law Enforcement is already being challenged with enforcing existing laws when substances cannot be sorted out easily by observation or preliminary testing. We are also aware of the testing problems and costs this can create for our crime labs and the potential for increasing delays in receiving test results.

Amending the definitions of “marijuana” or “cannabis” in the drug schedules or criminal code will affect every case involving those materials that we handle. It will require testing in the labs to quantify every sample of cannabis being processed in a criminal case, and likely in every case involving THC in a criminal case. This will require more laboratory resources, including the most valuable resource. . .time. In addition to the laboratory tests, the testing at field level would be near impossible as we are not aware of any field test that can indicate THC at the 0.3% level. This will affect our ability to develop probable cause and perhaps even reasonable suspicion in other criminal cases, possibly resulting in suppression of evidence in a wide variety of criminal cases.

We believe these risks can be mitigated by using a different approach that probably requires some time to work out with all the effected parties. Since this issue is in this committee because it is directly related to agricultural hemp, perhaps an approach can be considered to describe exemptions by reference to the drug schedules but in a statute in Chapter 2, Article 39. We do believe the list of prohibited products in KSA 2-3908 must be retained going forward.

It is also our goal that any action taken by this committee reflect nothing that exceeds what is allowed in federal law. We do not want to be in the position of having conflicting laws for our officers to enforce.

We urge the committee to not move this bill forward as presented. If the committee desires to move forward with a THC exception, we ask you to consider our concerns for unintended consequences and find an alternative approach to the issue.

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