

**Representative Brenda Landwehr, Chairman Kansas House Health & Human Services Committee & Members**

Marijuana won't be legalized just because every other American smokes or eats it in some form. Think brownies, cookies, candy or tinctures, & oils. Despite a record-high 50 percent of Americans saying they use marijuana and it should be made legal, it's still illegal.

The fact that an overwhelming majority of Americans are for legalization means absolutely nothing. The federal government, with its Orwellian logic, is unfazed by what Americans really want.

Many people assume that marijuana was made illegal through some kind of process involving scientific, medical and government hearings. Not even close. Banning pot was a political thing.

We can thank incompetent and/or corrupt legislators interested in personal career advancement and greed for the continued war on marijuana. Despite the medical findings associated with marijuana, it still hasn't been legalized nationwide. A google, or you tube search produces video where one can watch THC stop cancer cells.

Laws are passed based upon political contributions from corporations that profit from marijuana being illegal, all the Petrochemical, Pharmaceutical, Military, Industrial, Transnational, Corporate, Judicial, Fascist, Elite Bastards.

Well, guess what? Big Pharma has taken a new course (perhaps they planned it this way all along) and is seriously eyeing the profitability of the medical marijuana market. It's already using lobbyists and government connections to ensure control. That means legalization at some point. Last year the Obama Administration legalized THC, not the cannabis plant, just THC for the Pharma Industries.

Last April, two drug manufacturing giants, G.W. Pharmaceuticals (a Bayer corporation based in the U.K. with offices in the U.S.) and Novartis (a worldwide corporation headquartered in Basel, Switzerland, with offices in the U.S.), announced they had formed an alliance to license and market GW's Sativex, a liquid cannabis drug.

Cannabis Science Inc. CO, a U.S. biotech company developing pharmaceutical cannabis products, recently reported that two former U.S. attorneys and the former head of Seattle FBI are in favor of marijuana legalization.

Big Pharma won't be the only corporate giant cashing in on legal cannabis crops. The retail and food industry will probably step in with their deep pockets, providing unfair competition to small-time growers.

The dot-com industry was once the fastest way to get rich, but I suspect the future holds a new crop of instant millionaire CEOs when marijuana is legalized. It won't be because the American people have finally convinced legislators to do the right thing.

As It Stands, despite the real possibility of monopolies when marijuana becomes legal, there are at least two upsides. The Feds' expensive and losing war on marijuana will end, and it'll cripple the Mexican cartels' lucrative marijuana trade in the U.S.

Cannabis Hemp Economic Agri-business Stimulation denied farmers, also damages the environment for one cubic yard of hemp fiber construction board, sequesters 110 pounds of carbon for 100 years. Numerous Hemp Houses of Hemp Crete, & Hemp Fiber Board are viewable via google. U. S. Hemp fibers are imported.

Canada produces Kerstin, a hemp, electric automobile, growing new jobs for Canadian farmers, tradesmen, investors, and revenue for the treasury.

## Kansas Cannabis Crime Prevention Act of 2012

### The People of the State of Kansas do enact as follows:

The people of the State of Kansas declare that all species of the genus Cannabis, marihuana, marijuana, hemp plant and all its products, derivatives and paraphernalia shall be immediately removed from the Kansas Revised Statutes Title \_\_\_\_\_ and the Kansas Uniform Controlled Substances Act of 199 \_\_\_\_\_. Repealing any and all existing statutory laws that conflict with the provisions of this section. That Article \_\_\_\_\_ of the Constitution of the state of Kansas is amended by the addition of a new section to read:

New Section \_\_\_\_16. Equalization of Cannabis Laws for Crime Prevention.

#### 1. Purpose and Findings. The People of the State of Kansas hereby find and declare:

- A) Cannabis prohibition has failed and has resulted in an enormous unregulated market. Facilitating unrestricted use by minors, untaxed profits by criminal enterprises and the expansion of crime.
- B) Ending Cannabis prohibition will reduce illegal profits and fiscal burdens on State and local Governments.
- C) Regulating Cannabis in the same manner as tobacco is rational as cannabis is safer than alcohol, cultivated, processed, consumed much like tobacco, and tobacco regulations prohibit sales to and use by minors.
- D) The Cannabis industry will create new jobs and generate millions in tax revenue, which can help support safer communities in part by funding public schools, health care and drug rehabilitation programs.
- E) Providing all Kansans equal access to economic and employment opportunities in the cannabis industry benefits Kansas communities. As well as creates new agricultural hemp products for Kansas farmers.

#### 2. Definitions. As used in this section unless the context otherwise requires

A) **"Cannabis"** Means any species of naturally occurring and sustainable produced plants of the genus cannabis, marijuana, marihuana, hemp plant, including any derivative, concentrate, extract, flower, leaf, particle, preparation, resin, root, salt, seed, stalk, stem, or any product thereof.

B) **"Paraphernalia"** Means equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, harvesting, manufacturing, compounding, converting, processing, preparing, testing, analyzing, packaging, storing, concealing, containing, ingesting, inhaling, and or otherwise introducing into the human body cannabis products.

C) **"Cannabis Business"** Means the cannabis equivalent to pre-existing tobacco licenses and law. Cannabis Retailer, Cannabis Products Distributor, Cannabis Wholesaler Subcontractor. Cannabis Retailers shall be exempt from the Kansas clean indoor act.

D) **"Cannabis Products"** Means any product that contains 1% active THC or more or is derived from Cannabis and is intended to be ingested, inhaled, or applied to the skin of an adult 21 years of age or older, or any electronic device that can be used to deliver 1% active THC or more to an adult inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, Or pipe with the intention to cause euphoria.

E) **"Hemp Products"** Means any product that is derived from Hemp and is intended to be used as food or for industrial and commercial purposes such as seed, seed cake, oil, stalk, leaf, pulp, fiber, polymers, cell fluid, biofuels etc...But shall not include any products that can induce euphoria.

F) **"MSA"** Means the Master Settlement Agreement as signed by Major Tobacco companies.

G) **"Reasonable"** Means that no state or local government shall enact or enforce an ordinance, resolution or regulation that requires an investment of money, time, risk, or any other resource or assets or any violation of privacy that would deter an average Kansan from operating a cannabis business.

H) **"Medical Marijuana Business"** Means any Medical Marijuana business entity licensed by the State and local Authority to sell medical marijuana an or infused products pursuant the Kansas Medical Marijuana Code.

**3. Responsible Adult Use.** Limited personal use shall be a fundamental right and no Kansan 21 years of age or older shall be punished or have their privacy violated in any manner, be denied any right or privilege for the intrastate:

A) Possession, trading gifting, transportation, private consumption or untaxed cultivation of cannabis products in an enclosed or ristricted space of 8 plants, four vegetative, four floweing and 4 ounces of consumable product per month if there is only one adult residing in the household, or 16 plants; 8 vegetative, 8 flowering and 8 ounces of consumable product per month if there are two or more adults residing in the household.

B) Cannabis products may be removed from the premises where made for personal or family use including use at organized affairs, exhibitions or competitions such as cultivation contests, tastings or judging. Cannabis products removed under this section many not be offered for sale

C) Amounts exceeding these limits and the sale of any amount of cannabis products shall require the appropriate Cannabis Business licensing and remittance of retail sales tax to the Kansas Department of Revenue.

**4) Lawful Business Operation.** No cannabis business, corporate entity or it's agents shall be prosecuted, denied any right or privilege, nor be subject to any seizure, asset forfeiture, and/or any criminal or civil penalty or sanction for the lawful intrastate manufacture, possession, display, transportation, distribution, dispensing, purchase, sale or serving of cannabis products or paraphernalia.

**5) Licensing and Regulation.** The legislature shall authorize the Department of Revenue Alcohol and Tobacco division as the sole agency to enact licensing and regulation for Cannabis Businesses no later than the first legislative session after this amendment is adopted. Cannabis Businesses and products are to be regulated and licensed in the same manner an no more restrictive or cost prohibitive than the equivalent Kansas cigar and pipe tobacco products laws as existed prior to January 1, 2012, allowing for **reasonable** licenses fee adjustments over time. With the following caveats,

A) With the exception of cannabis product sales being restricted to Kansans 21 years of age or older, sales of cannabis products shall be governed by the same rules as \_\_\_\_\_

B) Cannabis products sales to authorized medical marijuana patients shall be tax exempt.

C) All cannabis and help licensees, shareholders and investors shall be US citizens and primary residents of Kansas for at least two years.

D) In the interest of safer communities, cannabis products shall not be sold, consumed or advertised in establishments that sell alcohol, serve adults under 21, allow children or in gas stations.

E) Local municipalities can enact **reasonable** zoning laws and per capita cap on Cannabis businesses.

F) With respect to licensing and zoning cannabis businesses and Medical Marijuana businesses shall not affect each other. Cannabis retailers shall not be within 1000 ft of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, seminary, gambling establishment, or a child care facility.

G) State and local Governments may present the voters with the option to enact a excise tax on

cannabis products but the tax shall not exceed 20% of manufactures list price and are exempt from the USA.

H) 10% of all tax revenue collected from cannabis products sales shall be used for k-12 public school infrastructure; another 10% for state run health care programs, and additional 5% for state run substance abuse and treatment programs. The remainder shall be allocated to the general fund.

I) Regulations and zoning for industrial hemp farming, manufacturing, processing and distribution shall be the same as and no more restrictive or cash prohibitive than any other agricultural crop. Hemp products shall be taxed no more than other agricultural/retail products and shall be authorized for normal retail sales.

**6. ENFORCEMENT OF THE LAW.** No State or county employees or funds shall be used to assist or aid and abet in the enforcement of Federal marijuana laws against Kansans in compliance with this act.

A) Any person who interferes with these provisions is guilty of a class 1 misdemeanor and shall be charged and fined. The resulting fine shall be structured the same as \_\_\_\_\_

B) The General Assembly shall no later than the first legislative session after this amendment is adopted enact laws regarding penalties for unlicensed commercial manufacture, distribution, sale, serving and possession of cannabis products by those under 21 years of age. The penalties shall be the same as the existing equivalent tobacco or alcohol laws. Interstate trafficking of cannabis products shall remain a felony.

C) Driving while THC impaired shall be subject to State DWI and DUI laws and shall require a burden of proof beyond a reasonable doubt with considerations being made for medical marijuana a use.

D) The General Assembly shall have the authority to change the legal age of adult users from 21 to 18.

E) If the General Assembly fails to enact licensing and regulations for cannabis businesses, the pre-existing State level tobacco licensing and regulation and this amendment shall be used for the implementation of commerce no later than the end of the next legislative session after this amendment is adopted.

**7. SEVERABILITY.** If any of these provisions be held invalid by any court, the remainder to the extent it can be given effect, shall not be affected thereby, and to this end the provisions of this amendment are severable.

A) No provision in this amendment shall affect, repeal, modify, or change any right granted to medical marijuana patients or their caregivers under section \_\_\_ of Article \_\_\_ of the Kansas Constitution.

B) If and when the Federal Status regarding cannabis products changes as to allow interstate commerce of cannabis products the intrastate restrictions, residency requirement for licensees, the Kansas ID requirement and the cannabis products interstate trafficking felony laws shall be repealed.

**8. CONFLICTING MEASURES.** If this Amendment is approved by the voters but superseded by state law or by any other conflicting ballot measure approved by the voters at the same or another election, and the conflicting measures are later held invalid, this amendment shall be self-executing and given the full force of law.

**9. REDUCED CRIME & SAFER COMMUNITIES.** The People of Kansas hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health and safety.