



Kansas County & District Attorneys Association

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Re: Opposition to House Bill 2706

Chairman Barker and members of the House Federal and State Affairs Committee:

Thank you for the opportunity to offer opponent testimony on House Bill 2706 (HB2706) on behalf of the Kansas County and District Attorneys Association (KCDA). Through HB2706, proponents seek to narrow the definition of Delta-9 THC and legalize Delta-8 THC.

HB2706 narrows the definition of Delta 9

Proponents of HB2706 seek to narrow the definition of tetrahydrocannabinol by removing the language of, “optical isomers, their salts, and acids, and salts of their acids, reported as free THC.” Sec. 1. K.S.A. 2-3901(b)(2) (lines 17-20 on page 1). See also Section 1. K.S.A. 2-3901(b)(4) (page 2 line 36 & page 3 lines 1 and 2) (removal of application of K.S.A. 65-6235(b)(3), which states that, “ ‘[t]etrahydrocannabinol concentration’ means the combined percentage of tetrahydrocannabinol and its optical isomers, their salts and acids and salts of their acids, reported as free tetrahydrocannabinol on a percent by weight basis.”).

In the raw hemp or marijuana plant, THC is found mostly in its acid form. By drying or heating the plant, an act called decarboxylation, the THC acid is converted into THC.

When testing, the Johnson County and Kansas Bureau of Investigation crime labs heat the hemp or marijuana vegetation to convert the THC acid into THC (which can then be tested for quantity). By removing this portion of the definition, HB2706 thwarts the ability of our crime labs to properly quantify the Delta-9 THC amount in any given vegetation.

HB2706 legalizes Delta-8

Proponents of HB2706 also seek to legalize Delta-8 THC. In Sec. 1. K.S.A. 2-3901(b)(4) (line 35 on page 1), HB2706 changes the definition of “hemp products” from “tetrahydrocannabinol,” which would include all forms of Delta, to only “[D]elta-9.” By doing so, it makes Delta-8 (and any other Delta variant) legal.

HB2706 allows the use of any percentage of Delta-8, or up to .3% of Delta-9, in cigarettes, cigars, smokeless products, teas, vaporizing liquors, and other products. Sec. 2. K.S.A. 2-3908(a)(1)-(2) (lines 38-43 on page 2 & lines 1-19 on page 3).

HB2706 also legalizes hemp products with any percentage of Delta-8 (and up to .3% of Delta-9 THC) to be marketed, sold, or distributed as: (1) industrial hemp buds; (2) ground industrial hemp floral material; (3) ground industrial hemp leaf material; and (4) any extract from industrial hemp with a delta-9 concentration of greater than .3% that will be further processed. Section 2. K.S.A. 2-3908(b)(1) (lines 21-36 of page 3).

Delta-8 as an intoxicant

The Food and Drug Administration has found that, “Delta-8 THC has psychoactive and intoxicating effects, similar to delta-9 THC (i.e., the component responsible for the ‘high’ people may experience from using cannabis).” [5 Things to Know about Delta-8 Tetrahydrocannabinol – Delta-8 THC | FDA.](#)

The FDA has received reports of medical issues involving individuals consuming products quantities of Delta-8, including, “vomiting, hallucinations, trouble standing, and loss of consciousness.” [5 Things to Know about Delta-8 Tetrahydrocannabinol – Delta-8 THC | FDA.](#) Even the chemicals used to extract and concentrate Delta-8 involved are potentially harmful. [5 Things to Know about Delta-8 Tetrahydrocannabinol – Delta-8 THC | FDA.](#)

HB2076 would further complicate the law

Under current law THC levels higher than .3 % is illegal. This was done because of the adverse effects it has on the human body. HB2076 would further complicate the law for consumers, businesses, law enforcement and prosecutors. This bill only creates greater issues for Kansans. Given the attack on the definition of Delta-9 and given the similarities in psychoactivity between Delta-8 and Delta-9, this committee should reject HB2706.

Sincerely,

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