

Chairman Barker and Committee Members,

I first want to thank you for your dedication to serving our great state. I also wish to commend you for the ongoing support of our industrial hemp program you made possible by enacting SB263 in 2018.¹ Thank you for holding a hearing on this important piece of legislation. As a lifelong Topekan and appointed member of the Kansas Department of Agriculture's Industrial Hemp Advisory Board since the program's inception, I am truly honored to be assisting in the emerging hemp industry. The proposed legislation before you, HB2706, is a result of identifying fundamental changes industry leaders would like to be considered in the spirit of accomplishing established intent of the legislature. The updates are not new, but rather a few years in the making and are necessary for the following reasons.

It is important to acknowledge from a scientific standpoint that genetically speaking, hemp is not marijuana nor can it "turn into marijuana" by "going hot," or above the federal limit of 0.3% delta-9 tetrahydrocannabinol (THC.) Agencies in other states have adapted to differentiate and treat cannabis this way and the good news is, we are almost there too. At the same time, I often hear from farmers that what is preventing hemp from taking off in Kansas the most is, "Hemp needs to be treated like soybeans, wheat or corn...just like any other crop." I was fortunate to have a zoom conversation in January with USDA Hemp Program Director, Bill Richmond. It was exciting to learn more about hemp at the national level and potential upcoming changes in the 2023 Farm Bill. I can confidently say USDA agrees with the reality that hemp needs to (and thanks to the 2018 Farm Bill now can) become like other commodities. This means at the state level, we ask our legislature to pass HB2706 ensuring agencies and industry partners can achieve this in practice through marketability. Hemp is here to stay and, especially between our struggling farmers and erratic climate, it cannot happen fast enough.

Despite what some would like you to believe, HB2706 is not specifically about delta-8 products, which are made by synthesizing and converting cannabidiol (CBD) from large amounts of hemp flower biomass. These updates to the program are about empowering our agriculture and manufacturing communities by helping set up this newly-reintroduced industry for success. The updates will also help entities and programs become attractive and stable from a financial development perspective. Just for the sake alone of regenerating ecosystems and economic prosperity, we need to be embracing all that hemp is made into, including some 50,000+ products spanning 10 different sectors. To help this along you may recall in 2021 the legislature enacted HB2244 moving us forward into a commercial hemp framework. The bill also clarified that full spectrum hemp products are legal to sell in Kansas. As the author of that amendment, I genuinely thank you for taking such action. While important, the change however, did not align with a definition matching federal regulations nor did it provide for the sale of all products made from industrial hemp grown in Kansas. I am happy to provide further details upon request about how and why this happened.

You may be well aware, but at this moment Kansas citizens can purchase a myriad of hemp products in stores from topical lotions and bath salts to hemp hearts and protein powder. Few items are made in the state yet and most are imported from other states and countries. You can also find at retail stores gummies and capsules advertised as containing delta-8, delta-9, delta-10, HHC and new variations that are being created all the time.² Right now in many counties, adults can buy packaged hemp flower, cigarettes, vape cartridges and synthesized concentrates in multiple forms...and again, these are predominantly originating from unregulated, out-of-state merchants. And as Kansas law states today, many of these products are technically unlawful to sell.

A consequence has been numerous producers and businesses statewide are operating in legal grey area, while others are foregoing revenue simply by choosing to not engage for fear of prosecution or losing their hemp license. To say this has caused issues is a drastic understatement.

Over the legislative break and recently, multiple counties have witnessed confusion about the legality of delta-8 products to the point where business owners receive threats from enforcement officials. Some agents and prosecutors maintain they do not have a clear answer on whether delta-8 was in fact made illegal, even though the concern was addressed in a DEA letter dated September 15, 2021 stating delta-8 must originate from industrial hemp.³ In addition, the massive influx of untested, unregulated products is ultimately a direct consequence of Kansas still not having an established cannabis program by which quality assurance protocols can protect consumer health and safety. Instead we have been left with ineffective, zero tolerance drug laws resulting in decades of corrupt, reactive approaches causing devastating impacts on people's lives and future generations. It is our stance that it is beyond time we stop criminalizing individuals for choosing to put certain compounds in their bodies, and instead address drug policy with regulations and evidence-based best practices as the complex social discipline it truly is.

In response to a Kansas Bureau of Investigation inquiry, an opinion came out in December from Attorney General Derek Schmidt's office about delta-8 products.⁴ However, to this day it continues to not receive the proper interpretation from agencies.^{5,6} As Attorney General Schmidt stated in his opinion, the only way forward is for the legislature to clarify in statute their true stance on the matter, which up until now has been that products made from legal industrial hemp are lawful. The legislature finally has an opportunity to spell out once and for all that goods made from hemp are in fact legal in the state of Kansas. At a time of recovery, this is a necessary step in order for farmers, producers and fledgling opportunities to continue progressing. These proposed changes make the language scientifically accurate with regards to the tetrahydrocannabinol molecule and its nuanced variants, and overall the bill acts as full acceptance of the already-enacted commercial hemp program.

I would like to recommend a next step be the passing of House Bill 2708 to ensure there are robust testing protocols in place for cannabis-based products, and regulated labeling requirements to protect public health, as the legislature moves forward addressing medical cannabis.⁷ I sincerely thank you again for your focus on these crucial areas for our state. I am happy to provide further information anytime so please feel free to reach out, and I look forward to continuing to serve Kansans as we navigate the waters of cannabis policy.

- Kelly Rippel
Co-Founder, Kansans for Hemp
Founding President, Planted Association of Kansas

References

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