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MEMORANDUM

To: House Committee on Agriculture and Natural Resources

From: The Office of Revisor of Statutes

Date: 03/15/2023

Re: H.B. 2168; Allowing hemp fiber, grain and seeds to be used as food for livestock, poultry and pets; adding hemp grain to the definition of grain; authorizing the secretary to utilize performance-based sampling when inspecting industrial hemp; lowering license and registration fees; extending license and registration periods to two years; and exempting certain hemp processors from fingerprinting and background check requirements.

Under current law, the Kansas commercial feeding stuffs law regulates the sale and distribution of commercial feed in Kansas for livestock, poultry and pets. New Section 1 would expressly allow the manufacture, transportation, importation, sale and storage of any commercial feeding stuffs that include hemp fiber, grain or seed except when such hemp materials are determined by the secretary to: (1) Be misbranded or adulterated; (2) contain or possibly contain any substance injurious to public health or the health of livestock, poultry or pets; or (3) be sold, offered or exposed for sale in violation of any of the statutes contained in the Kansas commercial feeding stuffs law.

Section 2 would amend the definitions section of the Kansas commercial industrial hemp act to create a definition for “hemp fiber, grain or seeds” (pg. 2, line 11). Current federal and state laws exempt certain parts of the cannabis plant from the definition of “marijuana”.¹ The bill’s new definition of “hemp fiber, grain or seeds” was based on such existing federal and state exemption language.

Section 3 amends the requirements of Kansas’ commercial industrial hemp program. Section 3 (pg. 4, line 1) would allow the use of performance-based sampling when inspections are

¹ 21 U.S.C.A. § 802(16)(B)(ii); K.S.A. 65-4101(aa)(1); 21-5701(j)(1)

conducted, which does not require each lot to be sampled and tested. Additionally, Section 3 (pg. 5, line 28) would set the act’s licensing period to at least two years and cap the licensing fee for such period at \$500.²

Section 4 (pg. 6, line 1) would make similar changes to individuals who are registered as hemp processors by the state fire marshal by setting registration periods of two years at a fee not to exceed \$500. Under current law, a hemp processor who engages in the extraction of cannabinoids from industrial hemp must be fingerprinted and subject to a state and national criminal history record check. Section 4 (pg. 8, line 24) would require the state fire marshal to grant an exemption from such requirement for processors who only manufacture hemp products that are derived from hemp fiber, grain or seeds.

Section 5 amends the current list of prohibited hemp products to remove references to products intended for animal consumption. Under New Section 1, commercial feeding stuffs would be allowed to contain hemp fiber, grain or seed.

Section 6 would amend the definition of “grain” to include hemp grain (pg. 10, line 10). Such amendment would allow hemp grain to be inspected, sampled, stored, weighed and graded the same as other grains in Kansas.

H.B. 2168 would become effective upon publication in the statute book.

² The Kansas department of agriculture licenses and regulated hemp producers (K.S.A. 2-3906(e)(1)). The state fire marshal registers and regulates hemp processors (K.S.A. 2-3907(d)). The transportation of industrial hemp and hemp products is regulated by the state fire marshal (K.S.A. 2-3907(i)(1)(I)) and a license or registration is required to transport certain hemp products unless such products are transported between hemp producers and hemp processors or between more than one hemp processor (K.S.A. 2-3908(b)).