



# Kansas Bureau of Investigation

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Before the House Committee on Agriculture and Natural Resources  
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Representative Rahjes and Members of the Committee:

My name is Robert Jacobs and I serve as the Executive Officer of the Kansas Bureau of Investigation (KBI). Thank you for the opportunity to provide opposition testimony on HB 2168 today. This bill proposes changes to the Commercial Industrial Hemp Act under K.S.A. 2-3901 through K.S.A. 2-3908. This testimony will be specific to the public safety concern related to Commercial Industrial Hemp.

Since the passage of the Commercial Industrial Hemp Act in 2018, the KBI has worked cooperatively with all stakeholders to ensure the safe cultivation, transportation, and processing of hemp in Kansas, while simultaneously supporting the growth of the Kansas agricultural hemp industry. It is out of concern for public safety that we offer this testimony.

Although there are provisions of HB 2168 that are concerning for other conferees, the KBI is focused on the provisions outlined under Section 4(k). This section states:

*“The state fire marshal shall grant an exemption from the fingerprinting and criminal history record check requirements of subsection (h) for processors who only manufacture hemp products that are derived from hemp fiber, grain or seeds”.*

The KBI is opposed to this provision because "Industrial hemp" means all parts and varieties of the plant *cannabis sativa* L., whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis<sup>1</sup>.

According to the United States Drug Enforcement Agency (DEA) *Cannabis sativa* L is a schedule I drug under the Uniform Controlled Substance Act. Schedule I drugs have no currently accepted medical use and a **high potential for abuse**<sup>2</sup>.

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<sup>1</sup>[http://www.kslegislature.org/li/b2023\\_24/statute/002\\_000\\_0000\\_chapter/002\\_039\\_0000\\_article/002\\_039\\_0001\\_section/002\\_039\\_0001\\_k/](http://www.kslegislature.org/li/b2023_24/statute/002_000_0000_chapter/002_039_0000_article/002_039_0001_section/002_039_0001_k/)

<sup>2</sup> [Drug Scheduling \(dea.gov\)](https://www.dea.gov/drug-scheduling)

While the KBI accepts that hemp derived from fiber, grain, or seed may have a lower tetrahydrocannabinol (THC) level than hemp derived from the flowering parts of the cannabis sativa plant, there is still concern for the diversion of concentrated THC with Industrial Hemp.

As such, the KBI would offer the following compromise to the proposed provision regarding fingerprint background checks for processors of fiber, grain, and or seed under HB 2168.

Rather than remove the required fingerprint background check in its entirety, the KBI recommends *the processors, who only manufacture hemp products derived from hemp fiber, grain, or seed*, complete a fingerprint background check only once upon the initial application for licensure through the Kansas State Fire Marshal Office. This will help identify individual(s) who have an existing criminal history record, who may be disqualified from participating in the Commercial Industrial Hemp program, through the initial application process and prior to licensing.

Furthermore, the KBI would recommend that following the initial fingerprint background check, the Kansas State Fire Marshal's Office enroll all applicants in the Federal RAPBACK program, which is free of charge and managed by the KBI.

RAPBACK is a program that continuously monitors the criminal history records of individuals who are enrolled in the RAPBACK program. If a ***change to an individual's criminal history record occurs through arrest or conviction***, the authorized entity (State Fire Marshal Office) is notified of the change in status and can determine whether the change in status was a result of a disqualifying offense to the licensing requirement for the Commercial Industrial Hemp Act.

**Enrollment in RAPBACK eliminates the need for the yearly fingerprint background check associated with the licensing process, and the cost related to the background check.**

RAPBACK operates based on the individual's fingerprints in the Automated Fingerprint Identification System (AFIS). The KBI currently has the Kansas RAPBACK program that will identify any arrests or convictions occurring within the State of Kansas. The cost of this program is \$3.00 per person.

However, the KBI is currently in the process of implementing the new Automated Biometric Identification System (ABIS) to replace the outdated AFIS. Once the KBI begins utilizing ABIS, Kansas will be able to participate in the federal RAPBACK program, which is operated and maintained by the Federal Bureau of Investigation (FBI). The federal RAPBACK will notify the authorize entity when an individual's criminal history record has changed, based on an arrest or conviction, that occurs anywhere within the United States. *The federal RAPBACK program is free of charge.* Once the federal RAPBACK program is initiated with Kansas, the KBI will discontinue the use of Kansas RAPBACK, as well as the fee associated with the program.

The implementation of ABIS is scheduled to be completed in the spring of 2024 and RAPBACK will be available at that time. The KBI would recommend the Kansas State Fire Marshal's Office continue to use yearly fingerprint background checks until the KBI ABIS system is operational and the federal RAPBACK program has been activated in Kansas.

This proposed alternative to eliminating the fingerprint background checks for hemp fiber, grain, or seed processors altogether, is a good compromise to ensure the integrity of the Commercial

Industrial Hemp program, by identifying individuals who are prohibited from participating and should not have access to cannabis and THC, while also providing for ongoing public safety concerns regarding the possible diversion of THC from commercial industrial hemp.

Thank you again for the opportunity to present testimony today. We hope the committee will consider the concerns for public safety when deliberating this bill and that the committee will choose to not pass this bill favorably out of committee.

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