

CALVIN H. HAYDEN
SHERIFF



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**Testimony for the Senate Federal and State Affairs Committee in Opposition to SB135 Creating the medical cannabis regulation act to regulate the cultivation, processing, distribution, sale, and use of medical cannabis.
March 16, 2023**

Chairman Thompson, Vice Chairman Senator Kloos, Ranking Minority Senator Faust-Goudeau, and Committee Members,

The Johnson County Sheriff's Office appreciates the opportunity to present written testimony on the topic of "medical" marijuana. As the largest law enforcement agency in the state of Kansas we feel we have an obligation to weigh in on this issue.

We are in opposition to this legislation for the reasons outlined below:

1. Our first concern is the terminology used. There is no such thing as "medical" marijuana. It is classified, at the federal and state level as a drug with no currently accepted medical use and a high potential for abuse.

Despite legislation other states have passed, should federal government law enforcement agencies, such as the Drug Enforcement Agency, begin making cases against individuals in those states they would be facing federal charges.

Kansans, should this legislation become law, could find themselves facing federal charges – like the weapons silencer issue that occurred not so long ago in Kansas.

Any movement toward "medical" marijuana is premature unless the federal government changes the classification of the drug.

We do not oppose the continued research of marijuana, nor extracts of marijuana, for medical uses. We welcome the research. If the research supports a move to use marijuana or derivatives of marijuana in a medical context, we will support that. The fact is, due to the drug's classification, research is hard to conduct and there is little credible evidence that supports claims the marijuana has any therapeutic effect.

2. "Medical" marijuana would make the vast majority of drug K-9 operations moot. Our drug dogs are trained to detect marijuana, and several other drugs. The official term is "imprinted." While you can teach an old dog new tricks, you cannot unimprint a dog once imprinted for a drug type.

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Case law in other states, due to legal challenges, have invalidated searches where a dog detected drugs, but marijuana was one of those drugs. Since marijuana would be a “medicine” the probable cause for the search could be challenged and any other drugs found could not be admitted as evidence in court. We agree with the testimony of the Kansas Sheriff’s Association, other associations from the October 12th hearing in the Special Committee on Medical Marijuana, that all the costs of replacing law enforcement K-9’s are borne by the state and included in the fiscal note.

3. We adamantly oppose the use of “medical” marijuana in our jail. This should not be allowed as sheriffs would be violating federal law, and their oath of office, by introducing a controlled substance into our jails. There is also the highly likely potential that “medical” marijuana would be used as a jail house bartering currency between inmates. We strongly recommend language be added to the bill prohibiting the use of any “medical” marijuana or derivative in jails.
4. States that have relaxed laws on marijuana have experienced increases in traffic accidents. According to the Insurance Information Institute:
 - o Marijuana impairment degrades cognition and motor skills
 - o Smoking often causes almost immediate intoxication, with impairment typically lasting 2 to 4 hours. Intoxication onset is more delayed for other methods, sometimes up to two hours for edibles – and impairment may last much longer.¹
 - o Marijuana impairment increases the risk of accidents²
 - o Mixing marijuana and alcohol produces additive effects
 - o Researchers at the Insurance Institute for Highway Safety (IIHS) and the Highway Loss Data Institute (HLDI) since 2014 have been examining how legalization has affected crash rates and insurance claims, and evidence is emerging that crash rates go up when states legalize recreational use and retail sales of marijuana. The most recent study (June 2021) shows that injury and fatal crash rates in California, Colorado, Nevada, Oregon, and Washington jumped in the months following relaxation of marijuana laws in each state.³
 - o Fatal crashes involving drivers who tested positive for THC have increased
 - o Collision claim frequency appears to have increased.

¹ Background on: Marijuana and Impaired Driving, <https://www.iii.org/article/background-on-marijuana-and-impaired-driving> Insurance Information Institute, June 24, 2021

² The effects of cannabis intoxication on motor vehicle collision revisited and revised, Rogeberg, Elvik, Addiction, Society for the Study of Addiction, Volume 111, Issue 8, pages 1348-1359, 16 February 2016.

³ Crash rates jump in wake of marijuana legalization, new studies show, <https://www.iihs.org/news/detail/crash-rates-jump-in-wake-of-marijuana-legalization-new-studies-show> Insurance Institute for Highway Safety (IIHS), June 17, 2021.

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5. “Medical” marijuana and/or states that have fully relaxed marijuana laws for recreational use are seeing an increase in illegal market sales of marijuana. Quite frankly, it is cheaper to buy the drug in the underground economy and not have to pay fees and taxes imposed by the state.⁴

6. While the proposed legislation does not move to full “legalization” of marijuana, it is clear from testimony in the 2022 session that allowing possession of marijuana vegetation will result in smoking and vaping of the material which is still illegal under the “medical” marijuana proposal as well as current state and federal law. Cannabis advocates, like Rob Kambia, the co-founder of the Marijuana Policy Project, acknowledge that they have always viewed “medical” marijuana laws primarily to protect recreational users.⁵

7. Finally, “Medical” marijuana will significantly increase the cost of law enforcement operations, K-9 operations were already mentioned but training and testing equipment will also figure into the cost. Failure of the bill to include these costs in the fiscal note would be an unfunded mandate on county and municipal agencies. These costs must be covered by the state.

We appreciate the opportunity to make our concerns known and would ask the committee to not advance the bill for further consideration.

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⁴ Cannabis Black Market Thrives Despite Legalization, Detrano, Joseph, Rutgers, Center of Alcohol & Substance Use Studies, 2022.
⁵ “Marijuana, Mental Illness, and Violence,” Berenson, Alex, Imprimis, Volume 48, Issue 1, <https://imprimis.hillsdale.edu/marijuana-mental-illness-violence/> January 2019.