

## 2023 Kansas Statutes

**2-3908. Unlawful hemp products; penalties; exceptions.** (a) (1) It shall be unlawful for any of the following hemp products to be manufactured, marketed, sold or distributed by any person in the state of Kansas:

- (A) Cigarettes containing industrial hemp;
- (B) cigars containing industrial hemp;
- (C) chew, dip or other smokeless material containing industrial hemp;
- (D) teas containing industrial hemp;
- (E) liquids, solids or gases containing industrial hemp for use in vaporizing devices; and
- (F) any other hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. 65-636 et seq., and amendments thereto, and the commercial feeding stuffs act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products.

(2) As used in this subsection:

(A) "Human or animal consumption" means:

- (i) Ingested orally; or
- (ii) applied by any means such that an ingredient derived from industrial hemp enters the human or animal body.

(B) "Intended for human or animal consumption" means:

- (i) Designed by the manufacturer for human or animal consumption;
- (ii) marketed for human or animal consumption; or
- (iii) distributed with the intent that it be used for human or animal consumption.

(b) (1) It shall be unlawful for any of the following hemp products to be marketed, sold or distributed to any person in Kansas who is not registered as a hemp processor pursuant to K.S.A. 2-3907, and amendments thereto, or who does not possess a license by the Kansas department of agriculture under any commercial plan established pursuant to K.S.A. 2-3906, and amendments thereto, or the research program established pursuant to K.S.A. 2-3902, and amendments thereto:

- (A) Industrial hemp buds;
- (B) ground industrial hemp floral material;
- (C) ground industrial hemp leaf material; or
- (D) any extract from industrial hemp with a delta-9 tetrahydrocannabinol concentration greater than 0.3% that will be further processed.

(2) No license or registration shall be required for the transport of hemp products described in paragraph (1) if such products are transported between hemp producers and hemp processors or between more than one hemp processor. Any such transportation of hemp products shall be subject to rules and regulations promulgated by the state fire marshal pursuant to this act.

(c) (1) Upon a first conviction for a violation of this section, a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony.

(d) Nothing in this section shall prohibit:

- (1) The use of any hemp product for research purposes by a state educational institution or affiliated entity; or
- (2) the production, use or sale of any hemp product that is otherwise not prohibited by state or federal law.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto.

**History:** L. 2019, ch. 37, § 5; L. 2021, ch. 76, § 6; April 29.