

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 155**

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

Sub. for SB 155 would amend law concerning non-intoxicating cannabinoid medicine (referred to in this document as NICM).

Under the bill, no person could be arrested, prosecuted, or penalized in any manner for possessing, utilizing, dispensing, or distributing any NICM or any apparatus or paraphernalia used to administer the medicine.

The bill would specify the physicians issuing recommendation orders for NICM and pharmacists dispensing or distributing NICM could not be subject to arrest, prosecution, or any penalty, including professional discipline.

Background

The bill was introduced by Senator Haley. In the Senate Committee on Federal and State Affairs hearing, Senator Haley and three private citizens testified in support of the bill. Written-only proponent testimony was provided by the American Civil Liberties Union, the Epilepsy Foundation of Missouri and Kansas, and four private citizens.

Representatives of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs' Association, Kansas Bureau of Investigation (KBI), Kansas

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Family Partnerships, Kansas Narcotics Officers Association, the Institute of Global Drug Policy, and two private citizens appeared in opposition to the bill. Written-only opponent testimony was provided by BioTrack THC, Smart Approaches to Marijuana, and a private citizen.

Neutral testimony was provided by a representative of the Kansas Health Institute.

The Senate Committee created a substitute bill by deleting the original contents of the bill and inserting the contents of SB 151. The bill, as introduced, would have created the Cannabis Compassion and Care Act.

According to the fiscal note prepared by the Division of the Budget on SB 151, the Office of Judicial Administration (Office) indicates the bill's provisions decriminalizing actions charged as crimes under current law could result in fewer criminal charges being filed. The Office states a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the provisions of the bill.

The KBI indicates the agency does not have enough data to estimate a fiscal effect. The Attorney General states there could be additional litigation from defendants who could use the provisions of the bill as a defense because the term "non-intoxicating cannabinoid medicine" is not defined. In addition, the agency indicated there could be civil rights litigation from a defendant who believes that he or she has been wrongfully arrested, charged, or convicted. Because the agency does not know how many cases may be filed, a fiscal effect cannot be estimated.

The Kansas Sentencing Commission estimates enactment of SB 151 would have no effect on prison admissions or bed space.

The Kansas Board of Healing Arts indicates enactment of SB 151 could be implemented within existing resources. The Kansas Board of Pharmacy states additional positions

would be needed to answer questions, respond to compliance inquiries, and investigate complaints. The Board does not estimate any additional revenue, so the Board indicates current fees would have to be increased and additional expenditure authority would be requested from the Legislature.

Both the Kansas Association of Counties and the League of Kansas Municipalities state any fiscal effect to local governments would be negligible. Any fiscal effect associated with SB 151 is not reflected in *The FY 2018 Governor's Budget Report*.