

**HOUSE BILL No. 2604**

By Committee on Judiciary

2-3

1 AN ACT concerning industrial hemp; relating to final hemp products;  
2 prohibiting final hemp products that are intended for food, seed, seed  
3 meal and seed oil for consumption from containing any  
4 tetrahydrocannabinol; amending K.S.A. 2021 Supp. 2-3901 and 2-3908  
5 and repealing the existing sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2021 Supp. 2-3901 is hereby amended to read as  
9 follows: 2-3901. (a) K.S.A. 2021 Supp. 2-3901 et seq., and amendments  
10 thereto, shall be known and may be cited as the commercial industrial  
11 hemp act.

12 (b) As used in the commercial industrial hemp act:

13 (1) "Commercial" means the cultivation or production of industrial  
14 hemp for purposes other than research as authorized under K.S.A. 2021  
15 Supp. 2-3906, and amendments thereto.

16 (2) "Delta-9 tetrahydrocannabinol concentration" means the  
17 combined percentage of delta-9 tetrahydrocannabinol and its optical  
18 isomers, their salts and acids, and salts of their acids, reported as free  
19 THC:

20 (A) On a dry weight basis, of any part of the plant *cannabis sativa* L.;

21 or  
22 (B) on a percentage by weight basis in hemp products, waste or  
23 substances resulting from the production or processing of industrial hemp.

24 (3) "Effective disposal" includes, but is not limited to:

25 (A) Destruction; or

26 (B) any other method of disposing of industrial hemp or hemp  
27 products found to be in violation of this act that is permitted under the  
28 provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations  
29 adopted thereunder.

30 (4) "Hemp products" means all products made from industrial hemp,  
31 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,  
32 particleboard, plastics, seed, seed meal and seed oil for consumption and  
33 any extract from industrial hemp intended for further processing. Final  
34 "hemp products" may contain a tetrahydrocannabinol concentration of not  
35 more than 0.3%, *except as provided in K.S.A. 2021 Supp. 2-3908, and*  
36 *amendments thereto.* As used in this paragraph, "tetrahydrocannabinol

1 concentration" means the same as in K.S.A. 65-6235(b)(3), and  
2 amendments thereto.

3 (5) "Hemp producer" means any individual, licensed or otherwise,  
4 engaging in the cultivation or production of industrial hemp for  
5 commercial purposes pursuant to K.S.A. 2021 Supp. 2-3906, and  
6 amendments thereto.

7 (6) "Hemp processor" means a person registered under K.S.A. 2021  
8 Supp. 2-3907, and amendments thereto, to process and manufacture  
9 industrial hemp and hemp products.

10 (7) "Industrial hemp" means all parts and varieties of the plant  
11 cannabis sativa L., whether growing or not, that contain a delta-9  
12 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight  
13 basis.

14 (8) "Person" means an individual, corporation, partnership,  
15 association, joint stock company, trust, unincorporated organization or any  
16 similar entity or any combination of the foregoing acting in concert.

17 (9) "Seed research" means research conducted to develop or recreate  
18 better strains of industrial hemp, particularly for the purpose of seed  
19 production.

20 (10) "State educational institution" means the university of Kansas,  
21 Kansas state university, Wichita state university, Emporia state university,  
22 Pittsburg state university and Fort Hays state university.

23 (11) "Authorized seed or clone plants" means a source of industrial  
24 hemp seeds or clone plants that:

25 (A) Has been certified by a certifying agency, as defined by K.S.A. 2-  
26 1415, and amendments thereto;

27 (B) has been produced from plants that were tested during the active  
28 growing season and were found to produce industrial hemp having a  
29 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry  
30 weight basis and has been certified in writing by the grower or distributor  
31 of such seeds or clone plants to possess such qualities; or

32 (C) meets any other authorized standards approved by the Kansas  
33 department of agriculture through rules and regulations, except that no  
34 seed or clone plants shall be considered authorized seed or clone plants if  
35 they do not meet any standard adopted by the United States department of  
36 agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.

37 Sec. 2. K.S.A. 2021 Supp. 2-3908 is hereby amended to read as  
38 follows: 2-3908. (a) (1) It shall be unlawful for any of the following hemp  
39 products to be manufactured, marketed, sold or distributed by any person  
40 in the state of Kansas:

41 (A) Cigarettes containing industrial hemp;

42 (B) cigars containing industrial hemp;

43 (C) chew, dip or other smokeless material containing industrial hemp;

- 1 (D) teas containing industrial hemp;
- 2 (E) liquids, solids or gases containing industrial hemp for use in
- 3 vaporizing devices; ~~and~~
- 4 (F) *any final hemp product that:*
- 5 (i) *Is intended for food, seed, seed meal and seed oil for*
- 6 *consumption; and*
- 7 (ii) *contains any tetrahydrocannabinol; and*
- 8 (G) any other hemp product intended for human or animal
- 9 consumption containing any ingredient derived from industrial hemp that
- 10 is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A.
- 11 65-636 et seq., and amendments thereto, and the commercial feeding stuffs
- 12 act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph
- 13 shall not otherwise prohibit the use of any such ingredient, including
- 14 cannabidiol oil, in such hemp products.

15 (2) As used in this subsection:

- 16 (A) "Human or animal consumption" means:
- 17 (i) Ingested orally; or
- 18 (ii) applied by any means such that an ingredient derived from
- 19 industrial hemp enters the human or animal body.
- 20 (B) "Intended for human or animal consumption" means:
- 21 (i) Designed by the manufacturer for human or animal consumption;
- 22 (ii) marketed for human or animal consumption; or
- 23 (iii) distributed with the intent that it be used for human or animal
- 24 consumption.

25 (b) (1) It shall be unlawful for any of the following hemp products to

26 be marketed, sold or distributed to any person in Kansas who is not

27 registered as a hemp processor pursuant to K.S.A. 2021 Supp. 2-3907, and

28 amendments thereto, or who does not possess a license by the Kansas

29 department of agriculture under any commercial plan established pursuant

30 to K.S.A. 2021 Supp. 2-3906, and amendments thereto, or the research

31 program established pursuant to K.S.A. 2021 Supp. 2-3902, and

32 amendments thereto:

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

39 (2) No license or registration shall be required for the transport of

40 hemp products described in paragraph (1) if such products are transported

41 between hemp producers and hemp processors or between more than one

42 hemp processor. Any such transportation of hemp products shall be subject

43 to rules and regulations promulgated by the state fire marshal pursuant to

1 this act.

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

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

6 (d) Nothing in this section shall prohibit:

7 (1) The use of any hemp product for research purposes by a state  
8 educational institution or affiliated entity; or

9 (2) the production, use or sale of any hemp product that is otherwise  
10 not prohibited by state or federal law.

11 (e) This section shall be a part of and supplemental to the commercial  
12 industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and amendments  
13 thereto.

14 Sec. 3. K.S.A. 2021 Supp. 2-3901 and 2-3908 are hereby repealed.

15 Sec. 4. This act shall take effect and be in force from and after its  
16 publication in the statute book.