



PRESS RELEASE JOINT STATEMENT

For Immediate Release

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January 5th, 2022

The Kansas Cannabis Chamber of Commerce (KCCC), The Kansas Cannabis Coalition, Planted Association of Kansas and Kansans for Hemp stand in opposition to the County Attorney Robert Anderson's recent classification of delta-8-tetrahydrocannabinol as a Schedule 1 Controlled Substance. The attorney's opinion is in direct conflict with the [United States Drug Enforcement Agency](#) and federal laws governing industrial hemp. We strongly believe the resulting persecution of Kansas citizens, retailers, distributors and ancillary business owners is detrimental to our state and its people.

On Wednesday December 29, 2021, Ellis County business owners received a letter from County Attorney Robert Anderson threatening them with prosecution. He demanded delta-8 products be pulled from shelves or retailers would risk charges of Schedule 1 possession for hemp derived delta-8 products.

Kansas law clearly states ([KSA 2-3901 et al](#)), hemp based products that contain *more* than 0.3% delta-9 THC, by law, are considered a Schedule 1 Controlled Substance. Kansas law follows all recommendations of the federal law with regards to controlled substances. Attorney General Derek Schmidt released an opinion statement on December 2, 2021 regarding delta-8-tetrahydrocannabinol per the KBI's request. This statement is summed up in the following

AGOP 2021-4 Synopsis:

"Delta-8 tetrahydrocannabinol (delta-8 THC) comes within the definition of a Schedule I controlled substance and is unlawful to possess or sell in Kansas unless it is made from industrial hemp and is contained in a lawful hemp product having no more than 0.3% total tetrahydrocannabinols (THC)."

The law currently states, hemp products derived from industrial hemp cannot exceed a total THC percentage of .3%. If the THC detected in a product is greater than .3% in delta-8 THC (or varying forms of THC other than delta-9 THC), that product by definition is not a controlled substance but rather an unlawful substance. This is due to the explicit differentiation of delta-9 tetrahydrocannabinol which is defined as being a controlled substance. Other isomers of tetrahydrocannabinol (including but not limited to delta-8) are not defined explicitly in the controlled substance classification. Therefore, those found in possession of products containing delta-9 THC over .3% by weight in the final product are considered a controlled substance and can be charged as such. Delta-8 products, however, that contain more than .3% THC (excluding

delta-9), while unlawful, are not a controlled substance and should not be prosecuted as a Schedule 1 Controlled Substance.

As advocates and leaders for the cannabis industry we are pushing for responsible and comprehensive regulatory efforts from legislators when creating evidence-based policy for the cannabis industry. It is imperative to public health and those operating within legal parameters that regulations be put in place to alleviate the burden pressed upon entities and to eliminate the unfortunate issues facing Ellis County businesses today.

To this end, we encourage retailers across the state currently selling delta-8 products to ensure that their products are within the legal bounds of .3% total THC, by weight, in the final product. We also strongly encourage businesses to keep their paperwork validating the origin of their delta-8 products back to lawful industrial hemp crops. Regulations vary state by state and it is important to ensure your business is in compliance with Kansas law.

Kansas has the chance to create comprehensive, responsible and sustainable hemp and medical cannabis programs in the state, and we look forward to working hand in hand with lawmakers and officials to implement a highly regulated program for all Kansans. Business owners interested in getting involved and supporting this position, should contact the Kansas Cannabis Chamber of Commerce.

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