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INDUSTRIAL HEMP IN KANSAS
AN OPEN DIALOGUE and INFORMATION EXCHANGE

Taken on the 11th day of May, 2018,
at the Department of Agriculture, 1320 Research
Park Drive, Manhattan, Kansas, beginning at 9:00
a.m.

Before:
Debra L. Brightbill, CSR
P.O. BOX 1401
Salina, Kansas 67402-1401

a Certified Shorthand Reporter of Kansas.

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A P P E A R A N C E S

Chad Bontrager, KDA Agribusiness
Services Director

Jeff Vogel, KDA Plant Protection and
Weed Control Program Manager

Scott Marsh, KDA State Weeds Specialist

Brent Burchett, Director of the Plant
Division Kentucky Department of Agriculture

Mitch Yergert, Retired Director of the
Division of Plant Industry, Colorado State
Department of Agriculture

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1 MR. BONTRAGER: Good morning.
2 Welcome to the Kansas Department of Agriculture.
3 We're pleased to have a nice group here this
4 morning. Excited to have so many folks interested
5 in industrial hemp research.

6 This is actually the first of three
7 sessions we'll be doing today, so we're expecting
8 similar attendance in the next two. So, this one
9 is from 9:00 to 11:00. We've got one from 11:30
10 to 1:30. And then the last one is 2:30 to 4:30
11 today. So, we'll keep moving along here so we can
12 get through everything.

13 My name is Chad Bontrager, I'm the
14 Director of Agriculture Business Services here at
15 the Department. And on behalf of the Agency just
16 want to say welcome, and that we're glad to have
17 you. We appreciate the opportunity to have this
18 interaction today.

19 We're going to work through several
20 things. But, really, to set the stage for what
21 we're here to do today is all about sharing some
22 information that we know, as far as the passage of
23 Senate Bill 263, which is the Alternative Crop
24 Research Act, just passed the legislature this
25 2018 session. And then what that means for

1 Kansas, as we embark on the process of crafting
2 rules and regulations to allow that work to go
3 forward in the State, we've asked a couple of
4 folks to come in and tell us how it works in their
5 State. And then we want to take input from this
6 group on what you'd like to see in Kansas.

7 As we think about what the day looks
8 like, we are not here to debate positives or
9 negatives of industrial hemp. We're not here to
10 do an educational session on how to grow it, or
11 process it, or market it.

12 Today is really about setting up the
13 legal framework for how we're going to do this
14 business in Kansas. And a big part of our process
15 that we do with any regulation that we put forth
16 from this Agency is an opportunity for public
17 input, so that you can tell us what you'd like to
18 see. Things you want to make sure we're thinking
19 about as we're crafting that. So, we're excited
20 to have that opportunity today.

21 I don't want you to be disappointed if
22 you ask questions that we don't know the answers
23 to, because it's important to ask the question so
24 that we can make sure that we eventually come up
25 with the answer, or know how we will handle that

1 as we go forward.

2 But most of those, if you want a specific
3 answer for how this process will work in Kansas, a
4 lot of those things we don't have figured out,
5 that's what today is about. To start that process
6 and make sure that we think through those things
7 as we work on the regulation.

8 Certainly be welcome to ask our friends
9 from Kentucky and Colorado with their presentation
10 about certain pieces of the puzzle, if you've got
11 those. So, that's fine.

12 What the agenda looks like for today,
13 Jeff Vogel and Scott Marsh from our plant
14 protection and weed control program here in the
15 Agency, are going to give an overview of Senate
16 Bill 263, and what that law sets up for Kansas.

17 And then we're going to have Brent
18 Burchett from Kentucky, he is the director of the
19 Plant Division in the Kentucky Department of
20 Agriculture. He's going to go over how the
21 industrial hemp research program looks and
22 operates in Kentucky.

23 And then we've got Mitch Yergert, who is
24 the retired director of the Division of Plant
25 Industries from the Colorado Department of

1 Agriculture, retired for one month; right Mitch?

2 MR. YERGERT: Right.

3 MR. BONTRAGER: So it's still fresh
4 in his mind, I think.

5 So they're going to share some
6 information about how the programs work in their
7 State, and then we'll have an open discussion
8 after that.

9 We've got several things we would like to
10 have input on, but also open to whatever you would
11 like to share with us.

12 We've got, up here in the front, we've
13 got a stenographer taking notes for the day, so we
14 want to make sure we capture everything as we work
15 on this over the next period of time. We want to
16 make sure we have good notes for the day so that
17 we can go back to that and be sure that we've
18 covered everything. We are also video recording
19 the presentation part of the day. We won't be
20 recording the discussion piece, but we are going
21 to record the presentation so that those can be
22 put online for folks that couldn't make the
23 meeting today.

24 And with that, a couple of housekeeping
25 things. We've got restrooms outside this room,

1 out the back doors, next to the elevator, both
2 men's and women's are there. In case of a fire,
3 there's the entrance you came in, there's another
4 exit straight across the building from that
5 there's also a fire exit out this door and down
6 the hall, and we will meet in the next parking lot
7 over.

8 In case of a tornado, you're in the right
9 room. This is the tornado shelter for the
10 building, right here. We've got coffee, water and
11 tea back in the corner there behind Terry, so feel
12 free to help yourselves to that.

13 I'll see if we've got anything else here.
14 I think we'll get to the rest of it here after a
15 while. So, Jeff and Scott, it's all yours.

16 MR. MARSH: All right. My name is
17 Scott Marsh. I am the State noxious and invasive
18 weeds specialist for the Kansas Department of
19 Agriculture. I've been asked to come on and help
20 prepare the regulations and the program, and this
21 morning I'm going to go through that little part
22 of the hemp program that has been set in stone.
23 In other words, the statute.

24 It has passed both the house and Senate,
25 the Governor has signed it, and it became law, and

1 it was published in the Kansas Register, at which
2 time it took effect. That's all the good part.

3 The bad part, as Jeff will go into later,
4 we have not produced any regulations yet, and so
5 we cannot run the program without regulations.

6 The only thing left with the law is to
7 have it published in -- by the Reviser of
8 Statutes. And that pretty much all that does is
9 give it a law number and put numbers on the
10 individual sections, specific to that law.

11 So, that's kind of more of a
12 technicality, but it is an important part.

13 What's in the law, there are three basic
14 sections that have to do with the hemp law. The
15 first is definitions. You've got to define what
16 the various terms mean. And these are the terms
17 that are defined in the law. And so that when
18 it's mentioned later on in the statute, you
19 understand what it's referring to. Pretty basic.

20 The second section is pretty much the
21 meat of the statute itself. It says that the
22 Department, meaning the Department of Agriculture,
23 can grow or cultivate industrial hemp alone or in
24 coordination with a university or -- excuse me.
25 And grow it from certified seed, and grow it for

1 the purposes of research and development. Those
2 are the three main goals of the statute, what can
3 be done.

4 It also says that we have to develop an
5 Advisory Committee. Advisory Committee will help
6 us determine which applicants that wish to grow
7 industrial hemp for this research project will be
8 given a license to do that. So, it won't be our
9 decision alone. We'll get into who is and will be
10 on the Advisory Committee later.

11 But that they will be a large part of the
12 decision making process along those lines. It
13 also gives the Department the authority to oversee
14 and enforce the statute and the regulations to
15 create the regulations, and to just kind of
16 develop the program. Define what type of research
17 is to be done, and how it is to be done.

18 And so that's pretty much why we're here
19 today, is to have you help us determine how to put
20 the program together, and more importantly, the
21 regulations.

22 Also in section two, it will require
23 anybody applying to grow hemp to be fingerprinted
24 and to go through a background check with both the
25 KBI and the FBI. And what they're looking for in

1 dealing with restrictions is nobody with a felony
2 drug conviction in Kansas can grow hemp under this
3 program. So, it's pretty basic. Not really
4 restrictive.

5 And, again, the next part is that we can
6 develop regulations, and that we are in quite a
7 bit of a hurry to do that. We have until the end
8 of this year to get those regulations put
9 together.

10 And then next year in January, it
11 requires us to put together a report to present to
12 the legislature putting down our plans and our
13 estimate of a timeline for how long it will take
14 to turn this research program into a full out
15 commercial production program. And we'd rather do
16 that after we have the results of the research,
17 but unfortunately we have to do that before we
18 have those results, so it's going to be a guess on
19 our part.

20 It may be adopted -- or adapted, excuse
21 me, as we go along, because we're going to learn
22 as we go, as you guys will also. But it is our
23 goal, and the statute's goal, to turn this from a
24 research program into a full out commercial
25 program.

1 And then, of course, it says that nothing
2 in this law is an excuse to break any other law.
3 It's just because hemp is still a federally listed
4 prohibited substance, there is that we have to
5 work around and want to make sure that everybody
6 stays on board with all the other laws at the same
7 time.

8 And then the last section that we're
9 dealing with, the State Treasury is putting
10 together a fund that we will put our fees into
11 that we collect from growers, and that's what we
12 will use to pay for our enforcement of the
13 program. So it's just kind of money going in it,
14 money coming out, all within the hemp program.
15 And for the hemp program.

16 And then we have 12 pages of other stuff
17 in the statute, pretty much a rehashing or
18 adapting of the Prohibited Substance Act, pulling
19 industrial hemp out of that and leaving everything
20 else in.

21 And to continue on, we'll get into the
22 regulation section now and Jeff Vogel, our program
23 manager, will take that on and tell you about
24 those. Thank you.

25 MR. VOGEL: Well, good morning,

1 everyone. And Scott mentioned, I'm Jeff Vogel.
2 I'm with the Department of Ag. I'm the program
3 manager of plant protection and weed control. And
4 will help, I guess, reiterate kind of what Chad
5 and Scott said is, us being here is trying to get
6 some input from you guys on how to move this
7 program and move it forward.

8 So, as Scott went through the statute,
9 that's kind of the stage and the authority for us
10 today to promulgate rules and regulations. So
11 what now.

12 So we need to develop this, really for us
13 and for you guys. You don't want us to
14 arbitrarily be making decisions on how to work
15 this program, so we need that structured guideline
16 in regulations, which is essentially have the full
17 effect of the law on how we determine, I guess,
18 how to operate this program.

19 Since the -- kind of reiterate, too,
20 since the program requires -- since the law
21 requires us to implement these rules and regs, we
22 cannot really start that program without them.
23 This process of developing these regs on average
24 probably takes between 12 and 18 months.

25 What I mean there is, is from initial

1 discussion on what those should look like, to
2 development, to review, we'll cover this a little
3 bit later on what those steps are. And finally
4 when we have actually adopted them and published
5 them, and actually become effective.

6 So, how are regulations developed? I
7 understand this flow chart is quite busy, there's
8 a lot of information here. But this is it in a
9 nutshell.

10 We start by, first of all, having a
11 statute that allows us to create, gives us
12 authority to create those rules and regulations.

13 The box that's highlighted is essentially
14 where we're at right now, is where we're
15 discussing with the statute and the need for
16 regulations with stake holders, with you guys.

17 Some of these deadlines I do want to
18 first say are internal, these are some of our
19 internal processes. But it works really well in
20 coming up with regulations that are acceptable to
21 the public in general, so we don't have a lot of
22 questions or discussions later on in the process
23 that we'll talk about here.

24 We initially develop those regulations
25 and draft, share those with stakeholders. We

1 review what stakeholder input we have. We can
2 turn around and revise them, maybe do that
3 multiple times until we finally come up with an
4 acceptable version that's good for everyone.

5 We follow the regulatory adoption
6 process, that's that slide in the bottom left hand
7 corner. We'll cover that more in detail next.
8 That's actual formal process we have to go through
9 to promulgate and adopt.

10 Then finally those rules and regulations
11 are adopted in the court, and then we'll review
12 and revise if necessary.

13 As we start talking about this right now,
14 we're already in the plans of, of course,
15 reviewing what we adopt this year, next year,
16 already have that in our plan. And the idea is
17 that potentially things might need to be changed
18 and we're already in the process of planning
19 ahead, if necessary, that we can do that again
20 next year.

21 So, what is the regulatory adoption
22 process, really the legal part of this? Is first
23 we have to submit those regulations to the
24 Secretary of Administration for approval. Those
25 -- once the Secretary of Administration stamps off

1 on those and says it's okay, it's formatted right,
2 those go to the Attorney General for their review.

3 So we have to submit an economic impact
4 statement along with those, an environmental
5 statement to them for review.

6 I do want to keep in mind for everyone in
7 this room here, at any point any of these review
8 processes changes are requested, and significant
9 changes, we have to start this process over again,
10 go back to the at the Department of Administration
11 for their stamp and approval and go forward from
12 there.

13 That's why we're in so much of a hurry
14 here is, because this slide generally takes
15 minimally in optimal situations at least
16 six months, all right.

17 And so, if we don't have these drafted
18 and created by July 1st, which is our target
19 deadline, that gives us some reasonable
20 expectations we'll have these adopted by the end
21 of the year.

22 We submit that hearing packet and notice
23 to the Secretary of State for publishing. It's
24 published in the Kansas Register.

25 And so this timeline between publishing

1 and having the whole public hearing, minimally law
2 has to be 61 days.

3 So if we back this up from December 31st,
4 we really need to be publishing the notice in the
5 Register for the public hearing at some point in
6 October, to be reasonable here. Or before that.

7 On down to the bottom line. We obtain
8 approval for any -- let me jump back up to the
9 middle line. I forgot, the legislative rules and
10 regs, the joint committee on rules and
11 legislature, we have a hearing with them. They
12 have an opportunity to provide input and feedback
13 at that point, the legislature does.

14 We hold the public hearing, so people can
15 provide feedback, whether written or oral at that
16 point. And then on down, we obtain approval,
17 which basically means the Secretary signs those.
18 We publish in the Register again, and 15 days
19 after that they become effective.

20 So, backing that timeline up, we are very
21 rushed right now in trying to get these created,
22 and the process of adoption started so that we
23 have a legitimate chance of having those done
24 before December 31st of this year.

25 What are some of the regulations that are

1 required? Just right off the top, there are some
2 that are required just by the Act itself, as
3 discussed, the Advisory Board. The makeup of the
4 Advisory Board, the terms, the duties. All those
5 things need to be put in the rules and regs to
6 help the Governor know what that Advisory Board
7 does.

8 The fingerprinting background check.
9 Convictions, disqualifications, license and
10 possession. License and renewal fees is another
11 big thing that's in there. Exactly what, though,
12 do we charge for people who want to apply to grow
13 industrial hemp in the State to pay for the
14 program, essentially.

15 Other things to consider beyond that,
16 that would be necessary in implementing a program
17 like this, include the application licensing
18 requirements.

19 What does an application look like? What
20 are the -- what is the information that we want to
21 obtain from the applicant to receive a license?
22 Inspection background and enforcement. There's a
23 lot of issues there with how that might be.

24 Laboratory testing. What are the
25 laboratory standards that we follow with testing

1 for THC, production requirement. And of course,
2 forms and reporting.

3 You know, this is a research act, and so
4 what does that reporting look like on the back end
5 when people get approval to grow this, what kind
6 of research reports or results are being submitted
7 back to the Department to be published.

8 So, thinking of research, this slide is
9 brought up to kind of discuss what does research
10 mean, and this comes directly out of the statute.
11 And I won't go through this all in detail, you
12 guys can certainly review it yourself.

13 But it's fairly wide open. There can be
14 a lot of different ways research is conducted.
15 Seed research. Economic feasibility. Value added
16 benefits. You know, the agronomic research part
17 of this, too. And the feasibility of setting and
18 attracting funding for industrial hemp research.
19 And of course, at the bottom, it talks about pilot
20 programs, too.

21 So, the bottom line here is, it is a
22 Research Act, but the type of research is wide
23 open on what that might actually look like.

24 So with that, I'll close here and say
25 thank you. Our contact information is up on the

1 screen, and I'll turn it back over to Chad.

2 MR. BONTRAGER: Thank you, Jeff and
3 Scott, we appreciate that.

4 Next we're going to hear from Brent
5 Burchett, who has served as the Director of the
6 Plant Division, and the marketing division of the
7 Kentucky Department of Agriculture since 2015.
8 Previously served as the program director of the
9 Kentucky Soybean Association. And a proud
10 graduate of Southern University of Kentucky
11 College of Agriculture. And the Martin School for
12 public policy administration. Grew up on his
13 family corn, soybean and tobacco farm near the
14 western Kentucky town of Maysville.

15 Welcome, Brent, we appreciate you being
16 here.

17 MR. BURCHETT: Good morning everyone,
18 thank you so much for having me. Just a big thank
19 you to the Kansas Department of Agriculture staff.
20 We've had such great hospitality and good
21 conversations already.

22 Before we get into the slides, we don't
23 have very much time. I've got probably twice as
24 much information as we have time for. But all
25 this information will be available afterwards.

1 We'll have the website, so please feel free --

2 The stenographer said slow down. I'm
3 from the south, we talk real fast. We'll slow it
4 down. We can spell out any countryisms or
5 phrases.

6 But in all seriousness, you should --
7 what I would encourage you to do is have patience
8 in this process. Be kind. Be considerate. Be
9 thoughtful about the way you engage with your
10 Department of Agriculture staff.

11 I can just tell from meeting them, and
12 just the last day, they were very committed to
13 making this work for you.

14 But I manage ten different programs in
15 the Department of Agriculture. And I spend two
16 thirds of my time on this one. It is considerably
17 difficult, because it's new. Because it is still
18 a controlled substance. So everyone's excited.

19 We're so proud in Kentucky of what we've
20 accomplished. But it's taken a lot of resources.
21 A lot of stuff that we would devote towards other
22 crops and we've had to focus on hemp. So it's
23 great to have enthusiasm.

24 Be passionate, but remember this is a new
25 and difficult process. And certainly the time

1 frame the Department of Ag is working under is
2 going to really rely upon you to be a positive
3 partner in the process.

4 Here's what we're going to hit on today.
5 We're going to give a brief overview of what we've
6 been in Kentucky. Our three primary markets. And
7 some of this will be overlapped in Mitch's
8 presentation from Colorado.

9 But I just wanted to show you some
10 pictures so you could see some of this crop in
11 action, and show you how we really started small.

12 So don't try to shoot the moon and really
13 be more where Kentucky or Colorado is in 2019.
14 Try to set things up right. Try to learn from our
15 mistakes and successes and develop your program in
16 a way that it's really sustainable.

17 We're going to spend the bulk of our time
18 on industrial hemp laws and regulations. And it
19 us took a year to develop our regulations. And
20 I'm very -- feel for your pain in having to
21 develop these in such a short time. Hopefully we
22 can lend some expertise there.

23 We'll talk about our seeds. This program
24 is not self-sustained by the Department of Ag.
25 We're going to talk about seed and plant

1 acquisition. This is of interest to many of you
2 all.

3 We've got international seed that comes
4 from about 60 different countries. We also have
5 plants that come from other states that have
6 industrial hemp programs.

7 We'll talk a little bit about the
8 production economics. What we looked at in
9 Kentucky, and it's not necessarily what you'll
10 have here in Kansas, but just wanted to give you
11 some numbers to start with.

12 First, I want to bring greetings from our
13 Commissioner of Agriculture, Ryan Quarles, he's my
14 boss.

15 Really our objective is to position
16 Kentucky to be at the forefront of industrial hemp
17 if and when industrial hemp is removed from the
18 Controlled Substances Act.

19 Our three core directives are to empower
20 our expanding community of industrial hemp
21 processors. We want to ensure close cooperation
22 with law enforcement. And this is an agriculture
23 program. We don't want this to be a bureaucratic
24 process, so we try to remove as many steps and
25 procedures as possible.

1 This is where we started in 2015. The
2 Farm Bill was passed in 2014. We had about 30
3 acres. We'll look at these numbers in detail
4 later, but pretty considerable growth.

5 2016, those red dots are processors.
6 Those counties in green are ones that there is at
7 least one industrial hemp research pilot project.
8 You can see our university partners listed there.

9 Last year was a record year for us, and
10 2018 very similar. We've continued to expand
11 those acres. By the numbers -- draw your
12 attention down to the bottom April 2018, this is
13 kind of our latest production numbers.

14 Proved acres, and just to explain that,
15 we don't start out the year with any sort of cap
16 in acres in mind. We didn't want to set some
17 artificial number. That number is based on what
18 the applicants list. So, if they apply for a
19 hundred acres, they meet the requirement for a
20 hundred acres, that's what we allot for them.

21 You'll notice the next column, though,
22 planted acres. Just like a regular crop, the best
23 of intentions doesn't always pan out, so. We
24 register all those fields. We give all those GPS
25 coordinates to law enforcement, so we have to have

1 that information early on.

2 But what actually gets planted, depending
3 on the crop year, is the size what gets harvested.

4 We'll describe what these terms are a
5 little bit more later.

6 Kind of three components of the
7 industrial hemp crop. There is some overlap,
8 there is some dual purpose varieties. But in
9 general, we've had the largest growth and interest
10 in the floral material production model.

11 And if you're familiar with tobacco in
12 Kentucky, that is kind of a smaller acreage, more
13 labor intensive method of production. Our row
14 crop guys, our corn and soybean folks, are doing
15 that gray model. And also fiber, and each of
16 these has their challenges. Some are suited to
17 some types of production versus others.

18 When you think of industrial hemp, don't
19 think of one type of crop. This is really three
20 different crops, almost, with some overlapping.

21 Universities are such an important
22 partner for us. If you want to see some variety
23 trials we've done in Kentucky, one of the better
24 web sites you should look at is the University of
25 Kentucky. We've had all sorts of research by the

1 universities. We're looking at industrial
2 applications. We're looking at the harvesting
3 equipment, that is a challenge.

4 My granddaddy grew hemp during World War
5 II. A lot of your all's fathers and granddaddies
6 grew industrial hemp, but we've forgotten a lot of
7 that agronomic expertise. We're having to go back
8 and relearn how grow this stuff.

9 Again, here's our three primary markets.
10 And I'll use the term seed and grains
11 interchangeably. But really we're talking about
12 the same things. Seeds, we just have the
13 intention of being replanted. Grain we'd be
14 crushing.

15 Don't forget it's a great oil seed crop.
16 And if any of you are dove hunters, and you want
17 to get the doves to your field, put out some
18 industrial hemp. They go nuts for it. It's
19 really a sight.

20 Our fiber applications are the smallest
21 part of our program, but still growing, and really
22 tied to the specific end use. So a processor has
23 to know what their customers want, and then turn
24 around and pass that back to the farmers. They
25 say what varieties are best suited for their

1 applications.

2 And the last one is the
3 phytocannabinoids. So these are the chemical
4 compounds found primarily in the female flower of
5 the industrial hemp plant.

6 Just wanted you to be able to see these
7 up close and personal, seeds and grain. I know
8 that's hard to tell how tall -- that's about three
9 and a half, four feet tall, some of those
10 varieties do get taller.

11 Here, as you can see, the plant is chock
12 full of seeds. So we've got some at the top that
13 are very green and immature. Some at the bottom
14 are very shallow. That's a very big challenge for
15 us trying to find that sweet spot of when to
16 harvest, so...

17 You can see the seeds are primarily
18 brown. And generally when you're harvesting when
19 you have 50 percent of seeds resistant to
20 compression is a rule they use in Canada. We've
21 had some success following that.

22 Here's a Ford Explorer, you can see how
23 tall it is. Some of it is 15, 20 feet tall, which
24 obviously creates challenges for harvesting.

25 The last one, the floral materials.

1 Looks kind of like Christmas trees, what I think
2 of. These can be big bushy plants. As Mitch will
3 show in his presentation there's a lot of physical
4 differences amongst this floral material
5 production. But that's the one we see most
6 commonly in Kentucky.

7 Here again is the -- in general these
8 don't have seeds in them, but we do have some dual
9 harvest crops where they harvest both the grain
10 and the floral material.

11 So, here's a piece of equipment, and this
12 was from one of our more successful farmers in
13 Kentucky, and he wanted me to make sure and
14 emphasize that this piece of equipment did not
15 work well. He used it, and it looks pretty
16 impressive. But I'll draw your attention to the
17 bottom harvest, equipment needs to be specialized.
18 There are some machines that can harvest two or
19 three components at once, but really depends on
20 the field conditions. If that stalk gets too big,
21 you're going to have issues. If it's too small,
22 it's not worth as much and the grain may be
23 immature.

24 As you see, we're still learning about
25 harvesting, a word of caution.

1 All right. 2014 Farm Bill. You all will
2 be familiar with it. So that's of interest.
3 Going to be this fall when the Farm Bill expires.
4 We're watching it carefully.

5 Industrial hemp is not set by us in
6 Kentucky. The definition is set by Congress.
7 That's pretty much an internationally recognized
8 norm of 0.3 percent. So, not 3 percent, but three
9 thousand parts per million is kind of a good way
10 to think about it.

11 The term industrial hemp means Cannabis
12 sativa, it's the exact same plant as marijuana.
13 It is only the amount of THC that separates the
14 difference.

15 Some of you may be following the Federal
16 legislation closely. We're excited about what
17 Senator McConnell has done recently. He came to
18 our office about a month ago and announced a new
19 piece of legislation that really could change the
20 game for industrial hemp. And we're super excited
21 about what the potential future is for this crop.

22 If you get a chance, please review our
23 Kentucky revised statute. And this one in
24 particular is our definition of marijuana. So you
25 will see that the term marijuana includes all

1 these things and at the last, the term marijuana
2 does not include A through F.

3 So, what's important for Kentucky farmers
4 has been the specific exemption for cannabidiol,
5 which is one of the compounds found in industrial
6 hemp.

7 As long as industrial hemp products do
8 not exceed that 0.3 percent limit, they are legal
9 under Kentucky law.

10 And we'll share this presentation, that
11 way you can access these points.

12 But long story short. In Kentucky you
13 have to have a license through the Kentucky
14 Department of Agriculture to possess any sort of
15 hemp seed, viable seed plants. Once that product
16 is extracted, if there's a cannabidiol extract
17 that is outside the program. As long as it's a
18 green raw material, or seeds or plants, you have
19 to have a license.

20 We have an annual application process.
21 Really our criteria is not up to us, that's set by
22 our administrative regulations. But the gist of
23 it is, you have to have a marketing plan. The
24 only incorrect marketing plan would be, I'm going
25 to sell this to the Department of Agriculture.

1 We're not buying hemp. So that would be an
2 incorrect statement.

3 You have to list your seed and material
4 source. You have to indicate where you're going
5 to find that seed, and that's on the application.
6 We don't go out and find your seed for you. We do
7 facilitate the importation of seed, as we'll talk
8 later. And we do issue separate licenses for
9 growers, processors, and universities.

10 So, we have three full-time hemp staff,
11 that does not include me. And really we could
12 probably double that. So when the Department of
13 Ag here is thinking about, and if you see fees and
14 you say, why are they charging us so much, just
15 know this is a very logistical challenging program
16 to administer. Our program fees do not really
17 cover our costs. But they certainly help offset
18 it.

19 A lot of these fees are dictated to drive
20 the acres. So, there's a site modification fee.
21 We have tried to encourage the hemp to be in
22 smaller locations, instead of the, you know,
23 one acre here, and another acre a county over. We
24 try to encourage, through those fees, to put all
25 the hemp together.

1 Close cooperation with law enforcement is
2 key. If you're not interested in interacting
3 positively with law enforcement, this program will
4 not be for you. Our success in Kentucky has
5 really been because we have an ongoing, really
6 every week or every other week, we interact with
7 law enforcement. And it's a partnership. Not the
8 folks that are antagonistic toward law
9 enforcement, they're not going to succeed in this
10 program.

11 We do inspect every growing and
12 processing site. And this will be explained. You
13 may have noticed this from the pictures. Hemp and
14 marijuana are visually identical, in some cases.
15 There's some grain and fiber varieties that are
16 visually distinct. But the form of production is
17 identical. Only the THC test can tell you the
18 difference.

19 And of course we have incidents with hemp
20 being used to hide illicit marijuana cultivation.

21 There's a lot of ways to approach
22 enforcement. Colorado does it different than
23 Kentucky. And other states also do different
24 approaches. What we've found is the top 20
25 centimeters of the plant is the portion we take.

1 So we kind of do a risk based targeting approach.
2 Every field is sampled, but not every one of those
3 plots is tested.

4 So we focus our efforts on varieties of
5 concerns. Ones that are uncertified seed, ones
6 we've had problems with in the past. We try to
7 harvest -- take a sample as close to harvest as
8 possible. We also will take samples of products
9 during our process or inspections.

10 Our THC analysis is delta-9 THC
11 concentration after decarboxylation. I'll let
12 Mitch talk a little bit about that later.

13 We don't -- we do not remove the stems or
14 seed. Could not figure out a logistical,
15 consistent way to do that.

16 If there's a test that's above the limit,
17 we do offer an optional retest. If that crop is
18 still above .3 percent, we will destroy it.

19 A long term goal is to have proven hemp
20 varieties with stable genetics. I know that's a
21 lot to take in. But we said this earlier, end
22 program materials will be things you have to have
23 a license for. Out of the program materials are
24 things that could be sold to the general public
25 under Kentucky law. Not every state has the same

1 law, no.

2 Seed and plant acquisition. Before
3 someone brings in seeds or a plant propagules to
4 the Kentucky program. They first have to have
5 paperwork on those plants or seeds, showing that
6 they performed consistently with the THC limit
7 wherever they came from. So, we have to have a
8 piece of paper from a laboratory that says this
9 variety was compliant with the THC limit.

10 We do allow international seed imports.
11 I believe we've had 80,000 pounds of seed come
12 through this past year, and to date it's a little
13 bit wet in Kentucky right now, so our planting is
14 a little bit behind schedule.

15 So, really this is a logistical challenge
16 for Department of Ag, other states don't do it
17 this way. When we took DEA to court, this was
18 part of the agreement, that all the seed would
19 come through the Department of Ag first.

20 That second middle bullet point,
21 transporting across state lines is at your own
22 risk. You know, this Interstate transfer is legal
23 in Kentucky, but other states could seize in
24 transit and charge with trafficking. And I think
25 we've had issues coming through this State before.

1 So, it's important to know the laws of the states
2 you're passing through.

3 The positive thing is, thanks to some of
4 the leadership by Senator McConnell and others in
5 Congress, the movement across state lines is
6 supported by the Federal Consolidated
7 Appropriations Act of 2018.

8 And of course, all the varieties and
9 strains are current -- I'm running out of time.

10 So our varieties list is online, if you
11 care to take a look at it. Our certified process
12 is the same as any other crop. In Kentucky that
13 is the Kentucky Seed Improvement Association.

14 So, just a word of warning, next year
15 when you're looking for seeds and plants, don't
16 call our Department of Ag asking for seed and
17 plants. We do have a list that's available for
18 you. And I'll say that be careful when you're
19 looking at seed and plants, just because they
20 perform compliant in one state or latitude, and
21 they come to your state, they may not be
22 consistent.

23 Something we're really proud of, and the
24 question everyone asks, is this worth fooling
25 with. I think the answer is yes. So, we don't

1 have a whole lot of new crops coming online.

2 And this is just in 2017. \$7.5 million
3 paid to Kentucky growers. \$25 million in capital
4 investments made. Eighty-one full-time jobs
5 created. And 16 million in gross product sales.

6 Some of these you're familiar with.
7 These are primarily fiber components. Some of
8 these are from the grains. So we've got a seed
9 oil that you can get. It's important to make the
10 distinction between seed oil and the oil that's
11 extracted from the resin of the floral material.
12 So, two completely separate things.

13 Seed oil has Omega-3, it could be a good
14 supplement market for us, but primarily it's a
15 cooking oil today.

16 I just wanted to give you a few numbers
17 as we close here. In 2017 we had 20 farmers
18 raising it for grain. Fourteen raising it for
19 fiber. And 128 raising it for floral material.

20 You can see the acres planted versus the
21 acres harvested. And I've got an average on here.
22 And you know the challenges of using averages. So
23 it's very deceiving sometimes using average. And
24 particularly a lot of you guys are grain farmers,
25 that average price per pound at \$1.70, that

1 includes seed that's going to be replanted. Some
2 of that's certified seed, so that is not the same
3 as seed that's going to be crushed. Seed that's
4 going to be crushed may be in the 50 to 70 cent
5 range. So you're talking about a lot of certified
6 seed that may be \$2.00 a pound.

7 Your fiber crop is looking at about
8 2500 pounds per acre. Thirty cents a pound is
9 kind of a good average on that. Really, it's got
10 to be tied into your final use.

11 We do have some dual purpose crops where
12 they're harvesting both the grain and floral
13 material. And hemp is still a new crop. So we
14 have gotten a lot of this. If you want to look at
15 what diseases and issues we've had in Kentucky,
16 we've got a website by University of Kentucky
17 Researcher. KY hemp disease dot com.

18 I will note that planting with
19 transplanted clones, we've got folks that are
20 selling transplanted individual plant propagules
21 for \$2.00 apiece. It's very difficult for large
22 scale field productions, and a lot of folks are
23 going to.

24 So, this is really a crop, it's very
25 finicky on seed depth. So it's important, we have

1 not had much luck on no till.

2 I can't believe I got done on time. With
3 that, we appreciate your focus and we'll have time
4 for questions later.

5 MR. BONTRAGER: Thank you, Brent, we
6 appreciate that. Like Brent said we will have the
7 opportunity to ask questions of both Brent and
8 Mitch after Mitch's presentation is over here.

9 So, Mitch Yergert retired in March of
10 2018 as Director of the Division of Plant Industry
11 from the Colorado State Department of Agriculture.
12 Mitch worked for the Colorado Department of Ag for
13 31 years. The last 13 as Director of the Division
14 of Plant Industry.

15 Mitch spent the last five years working
16 extensively on a cannabis program implementation
17 and developing the DEA hemp program. He has a
18 bachelor of science degree in agronomy from
19 Colorado State University. He grew up on a farm
20 in southeastern Colorado.

21 Mitch, it's all yours.

22 MR. YERGERT: Thank you for allowing
23 me to come over to our neighbors to the east.
24 It's always good to come over and see some of our
25 friends.

1 Most people ask me did I retire because
2 of hemp and marijuana. It wasn't the total
3 reason, a lot of other things went into that.

4 But it is a difficult and trying industry
5 to be a part of. I wish your Agency the best of
6 luck. I hope you all look to the many states that
7 have gone before you and use our examples of how
8 to do things wrong to benefit you. Because this
9 can be a very humbling program from a manager's
10 standpoint.

11 When we moved into this in 2013 our
12 legislature passed legislation based on a
13 constitutional amendment. You know, they told me
14 at the legislature, they said there's no seed and
15 no market. Man, I could manage that program,
16 there will be nothing out there.

17 And we were in a little bit of a place
18 like Kansas was. The bill was passed in May, we
19 had to have a program in place so farmers could
20 plant the next spring.

21 And at that point, no state had done it.
22 And so we had several meetings during that summer
23 where we pulled things out of the air. We just
24 sat down and said, what do you think? Well, maybe
25 we'll try this. Maybe we'll try that.

1 And, you know, typically in an ag
2 program, I think we can get about 90 percent of it
3 right. When we started, I'm not sure we got
4 50 percent of it right when we started. So every
5 year we've gone back and changed our regulations.

6 I will caution you a little bit. Every
7 state has a different statute. And ours is quite
8 a bit different than some of the other states,
9 because ours was put in place before the Farm
10 Bill.

11 You know, we implemented marijuana and
12 hemp at the same time. Some of the pieces in the
13 hemp bill were to separate it from marijuana, for
14 some very specific reasons, and so ours may be a
15 little different than you see in other states.
16 We're probably maybe a little closer to Washington
17 and Oregon.

18 So, you know, there are a lot of states.
19 I think you guys are in the mid 30th, things
20 change so fast, you can't keep track. There is a
21 lot of information out there now. A lot of people
22 growing it have a lot of information now that we
23 didn't have just five years ago.

24 But it is unique. As Brent said, you
25 know, it's different than any other crop. This

1 idea that something that is federally illegal,
2 that's schedule one drug, and all this stuff,
3 brings in a lot of different people into the
4 program. It brings in a lot of concerns.
5 Everybody always asks, what do you think about
6 this, and what do you think about that. Well, my
7 crystal ball is really, really fuzzy.

8 It's pretty hard to determine, you know,
9 what's going to happen and how it's all going to
10 work. But I do think you can be successful, if
11 you're patient, as Brent said. You move through
12 this strategically. You're willing to make
13 changes, I think your program can be successful.

14 Is it going to take over the wheat market
15 here pretty quick? Probably not. But I do think
16 that it does provide some options in the future.

17 So, this is just a map, kind of from
18 August, and there's already been at least three
19 more states, I think, that are in the hemp game.
20 If not more, I didn't go back and look at all
21 these. It's changing quickly, but much of the
22 U.S. now is allowing hemp under the Farm Bill.

23 Here's the acres for Colorado over the
24 last few years. And, again, these are
25 registrations. So, if you look there in 2014,

1 that was our first year, we had 18 hundred
2 registered acres. And that was when they told me
3 there wouldn't be any. Only about two hundred of
4 that was planted.

5 So, you know, you look at some of those
6 numbers. Last year, 2017, yeah, we registered 12
7 thousand, we only planted about nine thousand.

8 So, there is a way to be optimistic,
9 where people register to make sure they can go
10 into that game. And we had about 386 people in
11 the program last year.

12 Again, just like Kentucky, ours is
13 growing as well. This year we'll have more. Just
14 about all the counties in the state that can grow
15 hemp, are growing hemp. We have some out in the
16 counties that can't grow any agricultural crop.
17 So those are most of the 14 that don't have hemp.

18 But you look at those numbers, you think,
19 wow, 9,000 acres, that's a lot of acres. But
20 primarily, it's very small acres. You know,
21 everybody looks, is this a big farmer that's got
22 20,000 acres and he's devoting a little bit of
23 that. You know, 76 percent of our acres are
24 10 acres or less. So we're dealing with people
25 who are working at a very small level, or are

1 trying things and going along that line.

2 We have a few fields that have, you know,
3 200 acres in them, but that's the exception. So
4 don't think just because you're starting at the
5 beginning and you're going to have low numbers of
6 people growing two acres, one acre. We've had
7 people that grow about 40-foot by 40-foot plats.
8 That's kind of normal.

9 Here's a look at the seed again. Some of
10 these will be similar to what Brent showed.
11 That's the head. This was a field in eastern
12 Colorado, you can see the center pivot in the
13 background. This is grain and fiber, so you can
14 see the scope of the field. This does look like
15 agriculture.

16 This is a big field, again under center
17 pivot. This is CBD production. So this is, like
18 we call them, the Christmas trees. It's a
19 different type of production, different
20 phenotypes. The plants produce differently.

21 We do have quite a bit of greenhouse
22 production. We see people who can plant two or
23 three crops a year, so that gives them an
24 advantage.

25 Some of the CBD production they put in

1 here as well, to protect it. And some of the
2 research goes into greenhouses.

3 But here's some pictures, you know, our
4 goal in Colorado was that this was an agricultural
5 commodity, our legislature has passed a bill that
6 says it's an agricultural commodity. And this is
7 kind of what we think of agriculture. And where
8 we're hoping this to be, with a combine and with
9 grain and bagged up there, and then the fiber left
10 in the bales.

11 We do do some research for certified
12 seed. This is one of our plots over on the
13 western slope near Grand Junction. You can see,
14 you know, over there in Colorado it's all
15 irrigated. I don't know that anybody is growing
16 dryland hemp at this point. So this is some
17 furrow irrigation, early in the year with the corn
18 and here you see it, this is the first couple
19 weeks of September. You know, it outgrew the
20 corn, and it grows fast. Some of these varieties
21 are big.

22 We've only done certified seed production
23 on grain and fiber varieties, we have not done any
24 on seed and wheat production. The universities
25 haven't wanted to do that.

1 We do see these different hemp
2 phenotypes. If you look at the legislature
3 there's -- almost all the hemp laws say cannabis
4 sativa. You know, you hear about cannabis indica,
5 cannabis ruderalis. Somebody needs to research
6 all that, I'm not even sure it's different. I'm
7 not sure it's a different species.

8 If you get into the marijuana industry,
9 they all say, oh, yeah, I can tell when I smoke
10 indica versus sativa. I don't know if that's true
11 or not.

12 So we see these different varieties.
13 Some people used to call the kind of wick you
14 wanted was ruderalis. Some people would say the
15 one that's more of a bushy type that compact with
16 sativa.

17 I don't think from a scientific
18 standpoint, or a botanical standpoint, people know
19 that. But you see it in the law. It's all listed
20 as cannabis sativa. And so we do see different
21 varieties grow differently.

22 We do have an Advisory Committee, and I
23 commend your legislature for looking at this.
24 This is -- I'm a huge fan of advisory committees
25 for any ag program, but for this one it is

1 particularly effective.

2 These are the different categories, you
3 know, the Attorney General is on there. A
4 representative for them. Some of these people
5 five years ago when we started, we want somebody
6 with industrial hemp regulations. We didn't have
7 anybody. We had a DEA who had done a lot of
8 marijuana convictions, so he came on the board.
9 So this has kind of changed over time. But the
10 industry is changing so fast, there's so many
11 different components that we don't know about,
12 that our Advisory Committee is extremely
13 beneficial to our program.

14 One of the things Brent talked a little
15 bit, you know, the application process is lengthy
16 and detailed, and it changes every year in our
17 state, because we figure we wanted this
18 information, and that didn't quite pan out. The
19 growers took it some ways differently.

20 You know, if you're thinking you're going
21 to do like you do a nursery registration and you
22 fill out your name and address and sign it and
23 mail us a hundred bucks, this is not the program
24 for you. You've got to provide a lot of
25 information, maybe not as bad as an organic

1 certification, if you've ever been through those,
2 but it's a lot.

3 We require that you have that submitted
4 and approved 30 days prior to planting. We
5 require demographic information. We want to know
6 contact of who can provide information to DEA.
7 This is something that we don't get in other
8 programs.

9 We don't have somebody call up and say,
10 I'm Bob, I'm with this nursery, we're going to
11 change our registration. People just don't -- we
12 were getting that with hemp. We were getting
13 people calling up saying, you know, I'm affiliated
14 with this company, we're changing our location,
15 and we're like, well, how do we know if you are
16 that person. And so we put in, you know, some
17 requirements there, that we will only talk to
18 these few people that you list, and we'll take
19 information.

20 We've also gotten to the point where we
21 require anybody who has 10 percent or more
22 interest in the company to be listed. The reason
23 for that was we were getting people who would fail
24 one year, and maybe they were trying to go on the
25 marijuana side. It would just change the company

1 name and come back the next year. Or maybe that
2 same year, they would change their company name.
3 And so we said, no, we need to know who is behind
4 all of these. Which is something we don't do in
5 other industries. And I know that big government
6 people don't like that, you know, providing all
7 that information. But what we found that we
8 needed to make sure that there was good compliance
9 and a transparency in the program.

10 We made sure to identify the land area
11 very specifically. We want to know exactly where
12 that hemp is going to be grown, within that
13 registered land area. We do require a detailed
14 map. That registration is good for 365 days.

15 If you want to change any application,
16 any information about that, if you want to move it
17 to a different place, if you're going to harvest
18 differently, you have to let us know.

19 It's a \$500 application fee. Five bucks
20 an acre, 33 cents per thousand square feet, which
21 if you planted that three times a year, is
22 actually the same amount as the \$5.00 per acre.

23 You know, this is based on it being self
24 funded. We also have three full time FTE. We use
25 a half of an inspector's time, several inspectors

1 that add up to half amount of time. We use tons
2 of administrative time.

3 I spent the last five years of my career
4 working about 80 percent on either marijuana or
5 hemp. So there's this trickle effect of all these
6 different programs that are being affected.

7 Is \$500 enough? Probably not. We get
8 some marijuana money to make our ends meet. It's
9 just a very time consuming, expensive program, to
10 go through.

11 If you meet all the requirements, we give
12 you a registration, and you can proceed to plant.
13 Just one note. We don't do a background check or
14 do the fingerprinting thing, that was not written
15 into our statutes.

16 We require a preplanting report. This
17 can come in with your application. But basically,
18 this is a directive that states, you are going to
19 plant a product that you believe will be less than
20 .3 percent THC. You can list the varieties, if
21 you know them at that time. And you need to
22 declare what your intended use, not that you have
23 to stick to that the entire time, but we do that.

24 Then once you plant, within ten days of
25 planting or emergence, you must provide a planting

1 report, what exactly did you plant, how many
2 acres, where is that.

3 And volunteers, people don't think about
4 that. But once a volunteer comes up, now you have
5 hemp again, or maybe you have marijuana, depending
6 on the THC.

7 And so, you know, if you get corn comes
8 up in your wheat field, or in your soybean field,
9 nobody cares. But under a program like this, that
10 is a concern. Are you going to go out there and
11 take out those volunteers? Are you going to let
12 them grow and try to make another crop out of
13 that?

14 A harvest report, much like Kentucky, we
15 require that within 30 days of harvest they
16 provide a date they are going to harvest. They
17 have to harvest within ten days of that, five days
18 before or five days after. And then if for some
19 reason, the weather changes, whatever happens
20 you're not going to meet that, you have to submit
21 a separate harvest report. And the purpose of
22 that is to make sure we can sample as close to
23 harvest as possible, when there is the highest
24 amount of THC in that plant.

25 We don't require certified seed in our

1 program. If you do use it, use a certified seed,
2 we will do less sampling. Our goal is kind of
3 like Kentucky. It would be great if everybody
4 planted certified seed that we knew in Colorado
5 was going to meet the .3 percent THC, we wouldn't
6 have to sample as much. You wouldn't have to pay
7 for the sampling. So it benefits everybody, but
8 we're a long, long ways from there.

9 We don't verify what the seed source is.
10 If you're planting it and you're going to make the
11 claim that it will be .3 percent, we hope you're
12 right, and we're going to test you to verify that.

13 We do have a DEA registration. That's a
14 fun process to go through. Something we don't
15 typically do. We will bring in seed, and we have
16 from a number of countries for higher ed to
17 conduct research. Higher ed, if you're in the
18 room, you need to get started on this quick. The
19 Agency needs to know the fall before, by January 1
20 or something, get all this in place, by the time
21 we get import permits from DEA, by the time all
22 this goes through international commerce, and it
23 gets okayed in whatever country you're dealing
24 with, it takes a long time.

25 We had some last year that showed up at

1 the end of June. We had a big amount that showed
2 up at the end of June. That doesn't do you much
3 good in Colorado, you can't plant at the end of
4 June. So, it sat for all year.

5 The inspection program, this is critical.
6 This is where we get to the compliance and the
7 credibility of the program. So we have the right
8 to inspect at any time during the process, and
9 typical government regulation that gives that. We
10 are a risk and random process.

11 Going through that, if you haven't
12 followed rules up to now, if you haven't submitted
13 your planning report, if you are late, your
14 paperwork's bad, you're going to be on the risk
15 side.

16 We're also going to do the random people
17 -- also people who register, but then say they
18 don't plant, we go out and check. Because that
19 would be a great way to get around the program,
20 just say, well, I didn't plant, so don't come test
21 me. But you could.

22 Sampling is based on the harvest report.
23 We do it. And we sample the female flower a
24 little bit differently. The upper two inches of
25 the plant as close to harvest as we can get.

1 The inspector has discretion of which
2 plants to sample. We shoot for an amount based on
3 the amount of crop that's out there. A half ounce
4 for individual plants. Small plots with less than
5 a hundred plants, three ounces. And then big
6 fields, we get about eight ounces. It doesn't
7 take much to get a THC analysis.

8 Here's one of our inspectors doing some
9 greenhouse inspections. Pretty simple, a pair of
10 shears, a paper bag, and some gloves so you don't
11 contaminate anything.

12 Sampled material goes to our lab. Our
13 lab analyzes it for total THC. So the THC, the
14 decarboxylation is converted. We want to know
15 what is all there. The material is dried in the
16 lab. We do separate the stems and seeds.

17 We don't look for other cannabinoids in
18 that process. We're only looking for delta-9 THC.

19 Results are provided to the grower for
20 all of those. If the results are above
21 .3 percent, they have to destroy it on site, in a
22 method approved by the commissioner.

23 This can be disc it up. They can burn
24 it. They can do whatever, but it has to be
25 approved. They can chop it, whatever works. And

1 we require verification. We watch, sometimes we
2 ask the sheriff to go watch. If it's eight or ten
3 plants that somebody raised, we may ask they
4 submit a video.

5 If there's not a high risk. If the
6 sample falls below one percent THC, so you failed,
7 but you're at one percent or below, we won't take
8 enforcement action against you. It's still
9 marijuana. The law enforcement can have whatever
10 action they want. DEA will not take law
11 enforcement action.

12 We haven't really seen a lot of this
13 being used as a marijuana cover. Of course we
14 have all the marijuana you want in Colorado. You
15 can go to the store and buy it legally. But we
16 don't see that.

17 We have had a few fields come back that
18 were in the one to two percent range. In Colorado
19 that is the most pathetic marijuana, you wouldn't
20 even bother with.

21 So, we don't really see that, and that's
22 only been a couple of instances, so we don't think
23 people are using this as a cover. They messed up
24 a few times. They bought some seed they shouldn't
25 have, and they get rid of that.

1 We will verify with law enforcement. We
2 try to work closely with law enforcement. We put
3 on our website everybody who is a registered hemp
4 producer.

5 We encourage signs like this out in the
6 field, because people in Colorado could mistake it
7 for marijuana, if you do want to put it out there.
8 Here's a fancy one that Adams State University
9 did. Here's one that somebody went and bought,
10 you know, a brush at Home Depot and did it.

11 We try to say be transparent. If you're
12 a hemp registrant, talk to your local sheriff.
13 The last thing you want is a local sheriff to call
14 somebody at KDA and say, we're at this corner and
15 we're looking at a field that we think is a hemp
16 field that he says it's registered. And KDA
17 person on the other end says, I don't know, we
18 don't have something at that corner. Or we
19 thought it was a quarter mile away. That's going
20 to cause problems for everybody. So try to be as
21 transparent as you can.

22 Pest management, as Brent mentioned, is a
23 problem. Weeds are everywhere, and they're in
24 hemp. We don't see so many of these other issues,
25 insect diseases, nematodes, viruses. We've had a

1 little grasshopper problem. Of course, we're even
2 dryer than you guys over there, so these issues
3 aren't that big.

4 But here is a hemp field that looks like
5 a weed field. Maybe it would be better described
6 as a weed field. Pigweed, puncture vine, and all
7 that. And you think, how are we going to do that?
8 There's no pesticides that are going to be allowed
9 legally to use on that. You want to hoe it?
10 Well, that is a big field of hemp. So you might
11 disc that one up.

12 So, you got to be -- field preparation is
13 big in this, if you're going to make this work.
14 You can't end up in this situation very often and
15 hope it's going to be a successful crop.

16 Other things, as I said, herbicides is
17 the most limited. There is a list on our website
18 that says cannabis products that are allowed. A
19 lot of those are allowed on hemp. We've gone
20 through and looked at them for both marijuana and
21 hemp. Washington and Oregon have the same thing.
22 I think there's only one herbicide on there.

23 We don't license processors, so we have
24 no information about that. Our statute says we
25 are responsible for it until harvest. After that,

1 it moves into normal commerce. Any other state
2 law that applies goes forward with that.

3 So we don't have a lot of information,
4 like Kentucky does, on the demand for hemp
5 products. Is there a market? Economics? I think
6 it must be okay. It's growing. It's primarily
7 the CBD market that's driving it by far. We do
8 see some good grain sales for human food. But we
9 don't have a lot of details on that.

10 Research is needed on everything in this.
11 People get frustrated, and they come up and they
12 say, well, tell me about this, and tell me about
13 this. Well, you know, we knew about grain sorghum
14 and wheat. But we studied those like 80 years.
15 Every university in the United States has studied
16 them. Private companies have studied them. We're
17 like starting from scratch. And most of the
18 people who grew it in the 30's and the 40's aren't
19 around. They grew it much differently.

20 Everything, I think, is open in terms of
21 research for finding more information about it.

22 So, with that, we can answer some
23 questions later on. But that's a quick overview.
24 Thank you for your time this morning.

25 MR. BONTRAGER: Thank you, Mitch, we

1 appreciate that.

2 So you can kind of see what we tried to
3 do here is set the stage for the decisions that
4 have to be made in Kansas and give an overview of
5 what Kentucky and Colorado are doing, to give you
6 some idea.

7 You know, when we think about regulation
8 and what does this look like in Kansas, these are
9 two of the states that we're going to be looking
10 at and say, well, how do they do this, and does
11 that make sense for us.

12 So we wanted to have them share with you
13 some of that information, and if you've got
14 questions for these guys about, you know,
15 licensing a farm in Kentucky, or whatever, feel
16 free to ask that.

17 This next block of time is really about
18 asking questions, or making comments, to give some
19 guidance on what you want to see in Kansas. We
20 would ask that you come up and use the microphone.
21 Dana, sitting right here on the front row, has a
22 microphone. Don't hesitate to form a line and
23 come up. We don't want to run out of time for
24 anybody that wants to ask a question or make a
25 comment.

1 And we're really ready to get started on
2 that, I think.

3 I want to go back to this other slide.
4 These are some of the things that Scott and Jeff
5 alluded to in terms of what do we have to figure
6 out for Kansas. So I'll just run through those
7 and we'll come back to this one.

8 But what does the Advisory Committee look
9 like? Who is on it? What is the structure? What
10 are their specific duties? How long do the terms
11 last? What is, you know, the meeting requirement?
12 Do they have to meet four times a year? Once a
13 year, what does that look like.

14 Licensing for the grower. You know, what
15 is the appropriate fee level. What are the
16 requirements on the license. Inspections and
17 samplings.

18 You know, what does access to the growing
19 area look like? Do we need to make appointments
20 to do inspections? How about storage locations
21 for seed that you're going to plant, or seed that
22 you've harvested, or fiber, or whatever.

23 How many inspections are appropriate.
24 What does preharvest sample collection look like.
25 Laboratory testing. If there's a problem, then

1 what happens?

2 Seed, do we use certified seed? Can you
3 use whatever seed you want?

4 Research and reporting? So research has
5 been approved in Kansas. You know, your research
6 plan that you submit to the Department for
7 approval to grow the crop, what needs to be
8 included in that.

9 What do you have to do with the results?
10 Do you have to report that out? What does that
11 look like? What kind of record keeping is
12 necessary? Processing and transportation? When
13 does hemp become deregulated? When does it get to
14 the point that as the state agency we're no longer
15 concerned about what happens to that.

16 Certified seed, we talked a little bit
17 about that already.

18 Is that the end, or is there another?
19 Okay. So those are some of the things that we
20 would like some input on.

21 Like I said a couple of times, we're open
22 to hearing whatever you would like us to hear.
23 But those are some of the things we're
24 specifically interested in, because we know we've
25 got to figure out some of those in the

1 regulations. To.

2 So, really, at this point, the floor is
3 yours to ask questions or make comments. Like I
4 said, just please come up here, and we would like
5 to have your name and where you're from, so that
6 if we need to follow-up on anything, we can do
7 that.

8 So, if you would just announce that when
9 you start, that would be great. So, here we go,
10 we're ready when you're ready.

11 JOEL SANDOVAL: Hello, my name is
12 Joel Sandoval. I'm from Hutchinson, Kansas,
13 that's where I reside. I am from -- grew up in
14 Stafford County, but my parents live in Pratt
15 County, that's where I would like to have the
16 opportunity to be a part of this program.

17 One of my concerns is with infra-
18 structure. And I guess I want to ask you guys,
19 Brent mainly, probably. Mitch, what lessons
20 learned would you have, or what challenges did you
21 face when building this program?

22 MR. YERGERT: The question was what
23 kind of challenge?

24 MR. BURCHETT: I think you were
25 asking more from the farmers side, what challenges

1 and problems did we have?

2 MR. SANDOVAL: Yeah.

3 MR. BURCHETT: Okay. Number one is
4 it's not a commodity market. So everybody knows
5 what a bushel of corn is worth, generally. You've
6 got a local price. You've got a Board of Trade
7 price.

8 A lot of folks would have a isolated sale
9 of floral material, grain, they would consider
10 that the standard. So, the next time when they
11 didn't get that amount, they were up in arms. So,
12 I would say the lack of a formal marketplace. And
13 as each year passes, we get closer to having that.

14 We saw some numbers today -- really, the
15 fact that extension is, you know, only two or
16 three years of research in this. So we didn't
17 figure out how to grow 80 bushel beans in 1950.
18 It took us, you know, 30, 40 years to do that.

19 I know in Kentucky everybody's ready to
20 make money now and today. And there's hurting on
21 the farm. And cattle price is bad, beef price is
22 bad, across the board that's frustrating for our
23 people.

24 The fact that seed and plant can't just
25 be purchased like a normal seed and plant, and

1 have the flexibility to get what you like wherever
2 you like it. You have the paperwork. I know my
3 dad farms full-time still, he doesn't like filling
4 out his census. So the paperwork for this is a
5 challenge.

6 And really the equipment that was
7 mentioned earlier. But that's also the exciting
8 part of it, getting -- our extension folks are
9 excited to have to basically invent a new crop,
10 invent a new harvesting method and techniques.

11 Really, the instability of prices, and
12 even though we've got 57 processors in Kentucky.
13 And we allow our Kentucky growers to sell to other
14 licensed participants in other hemp states, it's
15 still a challenge for them to find a consistent
16 market. But many of them are having successes.

17 If you ask the growers, they would say
18 the fact that we don't have a herbicide is what
19 drives us nuts. Because I go to the field, we saw
20 a picture from Colorado. Sometimes when I go and
21 inspect, I can't find the hemp. It's just covered
22 up with and pigweed and Johnson grass.

23 Best advice would be have a real clean
24 soybean field, or -- we really don't have tobacco.
25 But we recommend following a clean tobacco field,

1 something that's got years of herbicide control,
2 that's been very helpful.

3 MR. YERGERT: I think the only thing
4 I could add to that is, it seems in Colorado that
5 it requires a lot of collaboration between the
6 growers. We do see that quite a bit. People are
7 working together.

8 There's a trade show conference every
9 year held the first week in April, called NoCo,
10 that's strictly about hemp. People getting
11 together, sharing what works for them, what
12 doesn't work for them. Where they get their seed.
13 Who they believe in.

14 You know, a lot of the seed, you know,
15 and you guys could call it pioneering. You could
16 say I want this variety, and you would know every
17 single thing about that.

18 And that's alot of it. You call up Bob,
19 you know, who grew some hemp. He says, it's like
20 this, it's kind of like that. There's just a lot
21 of interaction between the people, because that
22 basis isn't there, and so you've got to work a lot
23 with the people who are in the industry.

24 You've got to be able to trust the people
25 who are selling the seed, who are working with

1 you. That your processor is going to buy it to
2 process.

3 It's at its very infancy, and it requires
4 a great amount of interaction, by all components.

5 MR. VOGEL: Any question or comment?

6 PJ SNEED: I'm PJ Sneed, S-N-E-E-D,
7 from Nickerson. My question would be, for the
8 pilot program, will there be private farmers
9 allowed into the pilot program? Nothing being
10 said. Nothing being talked about.

11 Also, will we be able to store seed?
12 Initially we'll be able to keep it in -- for
13 future harvest? And in Kansas, where I know some
14 are not able to keep the seed for next year.

15 Obviously there's no infrastructure.
16 And the last question would be is -- or is the
17 Kansas Department of Agriculture, are we taking
18 any progressive to attract investors into building
19 infrastructure? Investors for the many avenues
20 that hemp can take us?

21 MR. BONTRAGER: If I might answer the
22 second question first, and then address the other
23 ones. In terms of the Economic Development Act,
24 certainly we are paying attention to that from our
25 marketing division here within the Agency,

1 interested in working with folks that want to do
2 that from an economic development standpoint.
3 Some of that work has already been done in
4 different parts of the state.

5 We also know that there's folks that are
6 interested in that, but they have a lot of
7 questions about what is going to be workable in
8 Kansas.

9 So we really don't see that starting in
10 earnest until we have this regulation package done
11 and people have -- they can feel comfortable with
12 how the program is going to look in Kansas. So,
13 we hope that there's processing. I mean, what's
14 the point of growing it if you can't do anything
15 with it; right? But I think that would come, you
16 know, eventually.

17 The second question was, are individual
18 farmers going to be allowed to grow hemp.

19 PJ SNEED: In the pilot program.

20 MR. BONTRAGER: In the pilot program.
21 So, that's something we have to figure out. You
22 know, if you're doing the research, certainly
23 you've got to grow for research, right.

24 So what are the research requirements
25 going to be for the individual farmer. But we

1 don't, as the Agency, intend to go and own
2 property or equipment to grow the crop. So
3 there's going to be some sort of licensing
4 arrangement with an experienced farmer to actually
5 do the growing, and that's part of what we need to
6 figure out.

7 What does that look like exactly? But
8 any growing that's done in Kansas, will be done by
9 individual farmers. Next.

10 KYLE SCHULTZ: Kyle Schultz, St.
11 Francis, Kansas.

12 How many acres do you think you will
13 allow next year; and would you be willing to put
14 any studies out this year to let people get
15 started? Because I don't know if you'll learn
16 everything you want to know by next year. And
17 then when we do farm it, think about separating it
18 between dryland and irrigation. Dryland farmer
19 gets the rain, or the lack of rain at the wrong
20 time, it's going to affect their THC levels. And
21 there's nothing they can do about it. So I think
22 you need to keep that in mind down the road, they
23 might need some variances on the dryland. Thank
24 you.

25 MR. VOGEL: To answer your question

1 about planting this year. The Governor determined
2 that we wouldn't issue any sort of licenses until
3 these rules and regulations are in place. So that
4 means our first season for planting, 2019 would be
5 the first season licenses would be issued, and
6 we'll certainly keep that in mind.

7 We've heard that several times, that
8 depending on the weather condition, the conditions
9 in the field, that can create some variance in the
10 THC levels in the plant, even proven varieties.
11 So we'll keep that in mind.

12 MR. BONTRAGER: So the question that
13 I might pose back to the group, and we would be
14 interested in input on. So through no fault of
15 the grower you've got high THC content plant in
16 the field. It's dry, whatever has caused that.
17 We test it, we determine that it's illegal. So
18 now what? It wasn't your fault. You've got a lot
19 of money tied up in the crop, law says it can't be
20 over 0.3 percent. We tested it, we've done a
21 retest even, it's still too high, now what do we
22 do?

23 KYLE SCHULTZ: Will you guys
24 consider, you can process that THC out? Will you
25 consider, like in a dryland scenario, it's out of

1 their hands. Would you consider letting a
2 processor process the THC out?

3 MR. BONTRAGER: I mean, that's
4 something we'll have to think about. But you're
5 saying there is a way where you can remove that
6 problematic part?

7 KYLE SCHULTZ: Yes.

8 MR. BONTRAGER: And still have a
9 usable product there.

10 KYLE SCHULTZ: Yes.

11 MR. BONTRAGER: We did not set a cap
12 on potential acres.

13 Kentucky and Colorado, when you started
14 the first year, what did you see for acreage?

15 MR. BURCHETT: The very, very first
16 year was probably abnormal. It was 33 acres.
17 Then we didn't see, during the very first year, I
18 think we had 900 acres actually approved, and I'm
19 not -- I can't remember from that slide how many
20 were harvested. But it's a challenge.

21 Some folks think they can grow a lot more
22 acres than they actually can, when they get there.

23 Back to the question about THC. We do
24 destroy some crop that is above the limit. Then
25 after it's been tested the second time, in our

1 program it's not a criminal act on behalf of the
2 grower. If something comes back 2 percent THC,
3 we're not going to have latitude on that, we're
4 going to turn it in to law enforcement. It
5 happens a lot. It's out of control, as this
6 gentleman mentioned, it's light sensitive, weather
7 sensitive. But we find that when you start doing
8 variances on stuff, you get into a lot of issues.
9 We have stuck with that 0.3 percent limit.

10 MR. BONTRAGER: No cap on how many
11 acres can be grown; is that correct?

12 MR. BURCHETT: Correct.

13 MR. YERGERT: That's the same with
14 Colorado, we don't have a cap. That first year we
15 believe there were about 200 acres planted.

16 Now we're in a lot different climate.
17 And then at that point, basically, all the seed
18 was smuggled in, I guess as you would say. You
19 know, now there's a lot of seed from a lot of
20 programs that have been growing under the Farm
21 Bill. So I think that the availability of seed is
22 much, much more beneficial.

23 And I would agree with Brent, the idea of
24 the .3 percent is tough and it's rigid. But we
25 haven't really seen a way to get around that to

1 allow it to be done with anything else. It's in
2 our statute. It's in our Constitution, what is
3 hemp versus what is marijuana. It would take a
4 lot of thought as to how you work around that
5 process.

6 MR. BONTRAGER: All right. Next.

7 JEFF CALDWELL: My name is Jeff
8 Caldwell, I'm running for Governor of Kansas for
9 2018. I fully support legalizing industrial hemp.
10 One of the major concerns that I had was actually
11 addressed by that gentleman over there.

12 But in the cold it actually generates a
13 lot of THC in comparison to normal conditions. So
14 because it uses it as a protective barrier to
15 preserve itself. And so in Kansas we have all
16 four seasons. Colorado also has colder seasons,
17 as well, but I'm not sure if Kentucky is going to
18 have too much of a variance there.

19 Getting back to the THC extraction. In
20 Kansas we currently have the zero percent THC
21 level authorization for CBD products. And, so,
22 for those CBD products that have zero percent THC,
23 there is a THC extraction process that occurs in
24 order to make that happen. And so there is a way
25 to get the THC out of the product itself.

1 But I want to reiterate that we need to
2 go into this without having an overburdening
3 governmental regulation systems. Because Forbes
4 has reported that it is potentially a product that
5 produces over 25 thousand different products.

6 Also, you have the Henry Ford hemp car
7 that was made out of plastic, that he took a
8 sledge hammer to, and it was 25 times more durable
9 than steel. The Lotus of the east actually has a
10 car that uses hemp fiber along with oil as well.

11 But, you also have the gasoline product.
12 In 2001 there's a Mercedes that traveled across
13 the entire United States on gasoline made from
14 hemp product. And that's a biodegradable
15 gasoline.

16 And we need to make sure that we allow
17 for hemp to be viable and competitive within the
18 market, that we actually have alternatives in our
19 industry supplies. And we also need to make sure
20 that the farmers are not overregulated as well.
21 Thank you.

22 MR. BONTRAGER: Thank you. Next
23 comment or question?

24 DWANE ROTH: I'm Dwane Roth, Garden
25 City, Kansas. On your spider mites. You know, if

1 you can't do use any pesticide on it, does the
2 plant -- I mean, are you done? I mean, we've got
3 two spotted spider mites. You know, he'll kill
4 everything if you don't get him under control.

5 MR. YERGERT: I haven't heard of
6 spider mites being an issue. And we have some
7 fields down in La Junta, Lamar area, which is not
8 a whole long ways from Garden City. But we
9 haven't really seen insect issues being a big
10 problem in Colorado, other than a few
11 grasshoppers. And I don't know whether that's
12 because the spider mite isn't drawn to the hemp,
13 or what the issue is. But I haven't seen any
14 research on it.

15 DWANE ROTH: But there's not an
16 insecticide you can use on it?

17 MR. YERGERT: Well, there's like 250
18 pesticides on that list of what we have approved,
19 they are primarily biological type things. Some
20 of those may have spider mites on them.

21 MR. BURCHETT: I'll just add, in
22 Kentucky our regulations say the label's still the
23 law and EPA's position is that nothing can be
24 applied, no pesticide whatsoever. So any sort of
25 cannabis. They're not even differentiating

1 between hemp and marijuana.

2 There could be changes at the federal
3 level that would allow that. Specifically, your
4 spider mites, we only see that in greenhouse
5 production. And it can be an issue. It think
6 some people are spraying it with water in an
7 attempt to control. There are a handful of
8 products that have been labeled that have floral
9 material production. They are primarily for grain
10 and fiber, and not for floral material production.

11 So, in Kentucky we still have a lot of
12 tools that we need to control pests, but
13 unfortunately they're not --

14 DWAYNE ROTH: Do you have drift from
15 2,4-d from neighboring fields?

16 MR. BURCHETT: We've not had that
17 specific issue in Kentucky on industrial hemp. In
18 the far western part of the state I know we've had
19 some issues with traditional crops.

20 DWAYNE ROTH: Are you saying the best
21 production is irrigated by center pivot, or is it
22 flood; how are you finding?

23 MR. BURCHETT: So, we don't have a
24 whole lot of irrigated ground in Kentucky, we're
25 blessed with pretty good rainfall. There is some

1 irrigation for the CBC production model. No one
2 that I can think of is using center pivot for
3 grain or fiber. But that's just because we don't
4 use that a lot for our corn and beans, either.

5 BRET HENDERSON: Bret Henderson, from
6 Frontier Farm Credit, right here in Manhattan.

7 Just concerning the flow of capital side.
8 I just want to get comments from Mitch and Brent
9 on what you have seen on this side.

10 MR. YERGERT: Yeah, there's a lot of
11 tangential issues related to cannabis and what
12 happens. In Colorado, of course, we're not
13 involved in that, but we just hear about it. We
14 haven't really heard people have trouble with
15 capital and hemp. That there are certain banks or
16 credit unions or something that are providing
17 that. I don't know whether that is totally in
18 compliance with all the banking laws or whatever.

19 But when we go to meetings and hear
20 people talk, capitol is not the issue that we see
21 being raised as a problem.

22 MR. BURCHETT: I'll just add, we do
23 have a lot of investment being made by traditional
24 ag institutions. We've got private investors that
25 have come to Kentucky. I know some of that appeal

1 coming to Kentucky as opposed to another state is
2 that we don't have medical or recreational
3 marijuana.

4 We do struggle because we don't have
5 federal crop insurance. Something we're excited
6 about in Senator McConnell's bill, is getting
7 industrial hemp crop insurance eligibility.

8 We were fortunate to have our Kentucky,
9 basically our banking association state group send
10 out a memorandum to educate all their members
11 about what is legal under these pilot programs,
12 what is happening in Kentucky. And, really, we've
13 had a lot of folks take that to their bank.

14 When they've gone in to the community,
15 there is still a lot of hesitancy, as it is a new
16 crop. But we do see folks securing investment.
17 We've had a little bit of investment from our
18 State Ag development of industrial hemp projects.
19 But it's still a lot of wait and see how this
20 market matures.

21 MR. BONTRAGER: Next.

22 MR. YERGERT: While he's coming up.
23 There's a lot of these issues. That crop
24 insurance is a big one. The banking is a big one.

25 The gentleman brought up irrigation.

1 What kind of -- irrigation is an issue as well,
2 depending on where your irrigation water comes
3 from. If it comes through a federal water
4 project, you're probably going to be told you
5 can't use that water on hemp, which in Colorado is
6 a big mess. Because we have so many where states
7 and federal water is co-mingled, and you really
8 can't tell the color of the water. So keep that
9 in mind.

10 I know where my dad farms, they're on a
11 canal and every year he gets a letter that says if
12 you're going to plant hemp, you got to let us
13 know, because you will not use this water for
14 that.

15 AARON CRAMER: My name is Aaron
16 Cromer, I'm a farmer from southwest Kansas, a
17 little town called Elkhart, about nine miles from
18 Colorado.

19 My main question at this point, and I may
20 end up with many more, is due to our lack of
21 processing and refinement infrastructure in
22 Kansas, will the door possibly open -- be opened
23 to interstate commerce with Colorado, who has more
24 availability of this processing and refinement?

25 Is that going to be our first shot out

1 the gate with somewhere to go with our product?
2 We're going to get kind of soured if we go out
3 there and grow this in any quantity at all and we
4 have no marketplace whatsoever.

5 Also, my second question is how could we
6 intend to incorporate the use of our upper level
7 educational institutions and include all of them
8 in this process?

9 And you know, I've given a lot of thought
10 to this over the last two years in following
11 multiple bills that have been presented to our
12 legislature, and ultimately one that's passed.
13 And my question in that is, you know, a lot of by
14 the farmer producing this crop, that's going to
15 take -- a lot of the cost will be absorbed in the
16 private sector. But the research and data
17 gathering from the higher institutions, I kind of
18 envision a system where each producer is assigned
19 an upper level institution to collect their data
20 and document that. I was just wondering what that
21 thought process is, to some degree.

22 MR. BONTRAGER: Jeff and Scott, you
23 guys want to talk a little bit about just some of
24 the thoughts that we've had there. We haven't
25 really committed to anything on either one of

1 those.

2 MR. MARSH: As far as the lack of
3 processing in Kansas and selling to other states.
4 One thing in this statute, it says that the report
5 that is due in January will include the process of
6 getting to the point of being able to move a
7 product across state line. Does that restrict us
8 during the research from doing that? We haven't
9 figured that out yet. That's something we have to
10 look into.

11 But as far as what type of research and
12 how the research is being conducted, that's a wide
13 open question. You know, you saw the big list of
14 potential research projects that are out there. I
15 don't know that we would find anything that would
16 not be research at this point.

17 Just, I think the way we're looking at it
18 is, will it benefit our learning how to produce
19 hemp commercially in the future. That's what we
20 need to know, and that's why we're going through
21 this research process.

22 As far as getting the universities
23 involved in the research, we certainly can broach
24 the subject with them. We have not done that yet.
25 We don't know how they're feeling on the subject.

1 And if they have the interest, the manpower, the
2 time, that type of thing, to get involved with
3 that. But it's definitely something that we would
4 look into as we move along.

5 MR. VOGEL: Down that same line, I
6 guess I just want to reiterate the part of the
7 statute that talks about who is able to do the
8 research. And that is not word for word refers to
9 the department alone, or in coordination with the
10 university. So they're clearly identified in the
11 statute, able to do research under this bill.

12 MR. BONTRAGER: And we haven't --
13 this hasn't been determined, but one of the things
14 we talked a lot about is in that initial
15 application to be approved to grow, should we ask
16 you to identify which institution you're going to
17 work with and what that research report out looks
18 like. So that's about as far as we've gotten in
19 that thought process.

20 And then in terms of transportation, you
21 know, our intention would be that you're licensed
22 in some way to do transportation, whether that's
23 part of the initial growing license or that's
24 separate, we haven't figured that out yet. But
25 once you harvest it, you're going to have to move

1 it, even if it's just to on farm storage down the
2 road or something like that. And law enforcement
3 is going to want to know that you're moving a
4 legal product. So how do we communicate all that?
5 Probably the best way is through some sort of
6 license that you can just provide and say, hey,
7 everything is legitimate here.

8 Now in terms of if you're close to
9 Colorado and you want to, you can legally haul
10 product. Or you've got storage in Colorado, you
11 want to take it to processing or whatever, more
12 than likely we don't care. I mean, if you're
13 legal to move it in Kansas and you went into
14 Colorado and they're fine with it, that's cool.
15 You take it into Nebraska and they're not cool
16 with it, again, we really don't care, that's
17 Nebraska's problem and yours now. I don't say
18 that to be flippant. But it's just the truth.
19 We'll probably hear from Nebraska later this
20 afternoon.

21 Anyway, I hope that addresses a couple of
22 those things. Certainly things we need to think
23 about. We appreciate those comments.

24 MR. YERGERT: One comment on the
25 transportation side, that we're seeing a little

1 bit more of an issue with it. You know, initially
2 in the first few years, it seems like people were
3 producing their own, and then they were using the
4 grain or whatever. Taking that part of it or
5 making their CBD oil or whatever.

6 But we're starting to see more movement
7 across the industry, where somebody sells this
8 product to that. And then we do get into this
9 issue of how do you show that that was hemp when
10 it was grown. You know, you ask for somebody's
11 registration. Well, maybe you just got that guy's
12 registration. Maybe the product you bought from
13 somebody else, or you raised it illegal, but you
14 got a copy of that. That's some of the things we
15 haven't worked out yet. Maybe you guys can figure
16 it out.

17 As the industry gets more complex and
18 you're selling to a processor who is selling to
19 another processor, how do you track that product
20 legitimately to show where its origin was, and
21 that it was, in fact, hemp.

22 MR. BONTRAGER: Mitch, when do you
23 stop caring about it, stop regulating?

24 MR. YERGERT: We at the Department of
25 Ag stop at harvest. So after that we do have the

1 ability to issue a document to allow, facilitate
2 transport, to say this was produced by this
3 person, but that's as far as we have gone. Maybe
4 Kentucky has more.

5 MR. BURCHETT: The first thing that
6 is important to mention, in the last Omnibus
7 budget bill consolidated appropriations in 2018.
8 And this was an extension of the previous budget
9 bills. There is a specific protection that bars
10 expenditures of federal funds interfering with the
11 movement of industrial hemp research between
12 states. As long as it's hemp, it's got federal
13 protection.

14 As someone alluded to, it's the states in
15 between that can cause issues. Because the
16 federal government doesn't preempt what a local
17 state rule is. As far as regulating the products.
18 As long as it's -- there is that chart I showed
19 you, the in program, the out program. If it's a
20 bag of green floral material, if it's viable seeds
21 or plants, a license has to be attached to that.

22 So if my hired hand is driving grain to
23 be crushed, a physical copy of that license has to
24 be there. If he gets pulled over by Kentucky
25 State Police, they can call our office, ask for

1 that license number. We can say, yes, this entity
2 is registered. Yes, they have grain. And that's
3 the way we worked these things out. It's
4 communication that is a challenge.

5 Once those products are no longer viable
6 seeds or plants, once the cannabinoids have been
7 extracted, as long as those products are below the
8 0.3 THC limit, we don't regulate those.

9 So your normal food safety branch permits
10 would be applicable in Kentucky as it goes through
11 that process.

12 MR. MARSH: And the statute does list
13 processing in the statute itself, as far as our
14 responsibilities to oversee. How far we take
15 that, we haven't decided yet. We're not really
16 interested whether you may grow for shirts or
17 lotions out of the product. It's -- I think most
18 of what we would be involved in is just knowing
19 where it goes and what's being used with it,
20 rather than trying to oversee it in any way, just
21 so we can provide that information back out to
22 those interested.

23 MR. BONTRAGER: Next question or
24 comment.

25 JAMES: I'm James, we have a small

1 farm out there in Pratt County.

2 How limited is this, for KDA guys, how
3 limited to Russell County is your pilot program
4 going to be? Are you going to expand into other
5 counties, you know; what are the options here?

6 MR. BONTRAGER: There's no limit. So
7 the statute actually says to work with Russell
8 County, and any other counties, or something to
9 that effect. So we have no intention of targeting
10 to a specific geographic.

11 JAMES: Also, do you guys know if
12 during the hemp pilot program will there be any
13 CBD oil extraction from that? The reason I ask, I
14 read an article last night where Wisconsin just
15 was having some problems with this, trying to
16 figure it out, and they had to go back in and
17 change it.

18 MR. BONTRAGER: We have heard from
19 potential processors that they would be interested
20 in CBD oil extraction. I am not aware of anyone
21 in Kansas that has that capability set up today.

22 JAMES: I know there's people
23 interested in that.

24 MR. BONTRAGER: So I'm sure there's a
25 decent amount of interest. But I don't know if

1 your question is are we going to do that?

2 JAMES: Yeah, is it going to be
3 available to do that during the pilot program?

4 MR. BONTRAGER: We would certainly
5 look at licensing someone that's interested in
6 doing that process, yes.

7 KYLE SCHULTZ: When will that license
8 be available, on the 31st of December?

9 MR. BONTRAGER: That is the goal.
10 But everything is set to go. We actually are
11 hopeful that we will take applications for license
12 in the fall. So that as soon as everything is in
13 place at the end of the year, approved, those
14 folks that have applied and met all the
15 requirements.

16 (WHEREUPON, a side conversation was
17 had between Mr. Bontrager and Mr.
18 Vogel, after which the following:)

19 MR. BONTRAGER: Right. So we did do
20 a little bit of that at the beginning, if you
21 recall. So our goal is to turn in our rules and
22 regulations by the first of July, and let the
23 Department of Administration and the Attorney
24 General's office go through their process. We do
25 the public hearing. We do the rules and regs

1 committee review. And all of that with the hope
2 that that's approved by the end of the year.
3 That's certainly our goal.

4 As soon as that is finalized, we want to
5 be ready to say, here's the people that have
6 applied and are approved. So, we are targeting
7 December 31st of 2018, for that, because that's
8 what the law says. But like the Secretary
9 mentioned, at some point we lose a little bit of
10 control of that process.

11 UNIDENTIFIED SPEAKER: What would be
12 a date for your applications?

13 MR. BONTRAGER: If I had to tell you
14 right now, I'm hopeful that we are taking
15 applications in October. But I can't promise that
16 today.

17 Next. Yes, sir.

18 UNIDENTIFIED SPEAKER: The processing
19 side of this \$2 million doesn't take you anywhere.
20 Will the laws -- will we be able to at least
21 process for five years? Or do you believe the
22 pilot program will end after 2019, 2020?

23 MR. BONTRAGER: It's currently not
24 spelled out, as far as an end to the pilot
25 program; right? I'm correct? So that could go on

1 indefinitely, or we could at some point transition
2 into commercialization.

3 It will, I believe, require an act of the
4 legislature to make that transition. But we don't
5 know when that will be.

6 MR. VOGEL: To clarify that,
7 July 2022 the legislature is supposed to review
8 the provisions. So it is in the law.

9 AARON CROMER: Elkhart, Kansas,
10 farmer.

11 What do you guys know about mobile hemp
12 processing, machinery that shows up to the field
13 and processes fiber, seed, what not, by that
14 method? My understanding is that there are going
15 to be many of those rolling across the agriculture
16 sectors of the country, doing this process.

17 MR. BURCHETT: So, the question was,
18 what kind of mobile processing? We've had
19 different aspects of that. So, there's initial
20 cropping, or drying, or initial -- I guess, post
21 harvest handling that sometimes comes to the
22 field.

23 There were some folks that were trying to
24 do mobile CBD extraction. Got some issues with
25 that. But we have had people attempt that. I

1 can't speak to their success or failure. But
2 there's been a lot of innovation in this industry.
3 So, what happened last year is not necessarily
4 predictive of what will happen this year.

5 In general, most of the processing is
6 happening at a physical facility, as opposed to a
7 mobile trailer being pulled, though.

8 ANDREW OCHAMPAUGH: Andrew Ochampaugh
9 from Russell.

10 I had a question on your guys' testing of
11 the THC level. Is that all done through your
12 guys' Department of Ag? Or have you looked at
13 working with private sector in terms of in
14 conjunction, and letting some of the private
15 sector take over that burden of testing THC
16 levels?

17 MR. YERGERT: In Colorado, it's all
18 done through our CDA lab. And that's kind of,
19 typically, any regulatory testing that we do, we
20 do through our lab. There's a lot of experience
21 in Colorado by using private labs, because that's
22 what marijuana has done. That the Department of
23 Revenue, who oversees marijuana production. And
24 the Colorado Department of Public Health and
25 Environment have certified labs to do residual

1 solvents, microbials, pesticides, all that for
2 those labs.

3 We haven't gone down that road, just
4 because we feel more comfortable taking an
5 administrative action on a lab that we control.

6 Also, if it's a private lab that's doing
7 private work for that company, how do you know
8 that they don't have a relationship with that
9 company already? So we do it all through our lab,
10 using our processing.

11 MR. BURCHETT: Very similar, except
12 for the laboratories, not the Kentucky Department
13 of Agriculture, it is our University of Kentucky
14 Division of Regulatory Services. So, they do your
15 germination test. They test all of our dog food,
16 livestock feed products. That's set in statute,
17 they do the THC quantification.

18 There has been a number of private labs
19 that have done private testing for farmers. So, a
20 lot of folks want testing to see how their crop,
21 that THC profile performs, you know, a month out
22 before harvest, two weeks before harvest.

23 THC is hard to predict. You can
24 literally double THC in a week. We've seen based
25 on weather. So it is important to track these

1 varieties. It's important to understand what
2 risks you're getting into, especially if you're
3 looking at the CBD varieties. We have less issues
4 with grain and fiber varieties than we do with
5 these uncertified floral material varieties.

6 MR. BONTRAGER: And our laboratory,
7 KDA laboratories, is in the process of researching
8 looking at other states in terms of setting up our
9 own ability to test here in Kansas. And we'll
10 certainly be sharing that information as far as
11 the process we use, and that sort of thing, so
12 that if there are private labs that want to
13 standardize or follow the same process, that that
14 information will be available.

15 We have about 15 minutes to go here.

16 COLIN CUDNEY: My name's Colin
17 Cudney, and my family farms in Greenleaf, Kansas.

18 And I had a couple questions about the
19 seed, because both from Colorado and Kentucky, it
20 seems like there's a lot of issues concerning the
21 different types that are coming in, testing, and
22 it's expensive to do that. It just makes sense if
23 there is a certified type that is just one type
24 that is allowed to grow, and soybeans and things
25 like that there are certain lines that you can't

1 even replant. Because it's just set that way.
2 And it seems like it would make sense to do
3 something similar to that with hemp. So that
4 there aren't nearly as many issues with
5 regulations and things like that and variances.
6 And so I was curious if there was going to be
7 verified seed for Kansas, when this is all done.
8 And if there is, where do you go to purchase that.
9 And is there separate, like being able to store
10 that and regrow it. And if you are going to do
11 that, are there certain, like, parameters for
12 storing it. And how does that all work?

13 Is there inspections and things like
14 that, or how is the whole process going to work?

15 MR. VOGEL: Well, certainly a lot of
16 what you're questioning, we'll have to figure that
17 out there, the process.

18 To help answer some of your questions
19 about certified seed. The Act does refer to and
20 defines certified seed. And that definition
21 refers to a statute, the Kansas Seed Law. And
22 within that the responsibility of certifying the
23 seed. Similar to what Kentucky follows, is the
24 Kansas Crop Association. But beyond that you
25 would still have to be licensed through the hemp

1 program, as certified in terms. But the
2 certification process would be governed by the
3 standards that KCA outlines.

4 MR. MARSH: The reason soybeans and
5 corn you can't replant a lot of the varieties, is
6 there's federal protection for those varieties.
7 And because hemp and the Feds don't get along
8 right now, they're not protecting any of those
9 varieties. So there is -- there would be no
10 restrictions on replanting.

11 But as far as restricting the numbers or
12 types of varieties that are allowed to be grown,
13 that's one way to look at it. But also, we need
14 to keep in mind we don't know what kind of hemp
15 grows well in Kansas. What kind produces the
16 lower THC, irrigated or not. And, so, that's part
17 of the research we need to know to do, to find out
18 which varieties work best in Kansas.

19 And so we would probably open it up, and
20 then narrow it down as time went on, and we figure
21 things out. By the time it became a commercial
22 program, we could have seed producers within
23 Kansas producing the seed.

24 And if the federal restrictions are
25 lifted, we could get into the protected varieties,

1 and who knows what the future holds.

2 But that's what we're going to be
3 learning in the next few years.

4 MR. BURCHETT: I'll just add, if you
5 get your Smartphone out, and you can go to our
6 website. It's www.KYAGR.com/hemppurchase Google,
7 that would be the Kentucky Department of
8 Agriculture, industrial hemp.

9 So we have six varieties have gone
10 through our program since 2014. There's several
11 of those have had no THC. We have had some
12 certified seed. Colorado has had certified seed.

13 I believe a component of that is
14 compliant THC testing that our protected seed
15 improvement association looks at. It's not all
16 risk. Some varieties are more stable, especially
17 the grain and fiber varieties.

18 MR. YERGERT: Yeah, we have seven
19 varieties in Colorado that we consider CDA
20 certified seed. We test them in five different
21 areas of the state. So, the east, the west, San
22 Luis Valley, the Tie, (ph), and high at attitude,
23 to make sure that it passes all of those areas.
24 We don't want to get into an area where we say
25 you can plant this variety in the southeastern

1 part of the state, but you can't plant it in the
2 San Luis Valley. You can't plant it in the north.
3 So, we do have some varieties there.

4 So what we have found through our testing
5 program, it's genetics, and genetics, and
6 genetics, but whether you pass. You know, the
7 weather will change that some. If you stress it
8 because you don't give it enough fertilizer, those
9 things change some. But if you've got bad
10 genetics, you're going to fail.

11 And this past year we had about 800 acres
12 fail. Like 97 percent of that was in two
13 varieties. So, and the year before we had more
14 fail. But, again, it was about three varieties
15 that made up the bulk of that.

16 So, there are certain varieties that are
17 just not going to make it, no matter what you do.
18 And so, really, look at those genetics.

19 And I realize that it's tough right now
20 in the hemp industry, because there aren't actual
21 varieties. It's just like somebody calls
22 something, it's not all that tracking. But we see
23 that if people would avoid a few varieties in our
24 state, we would have a phenomenal passing rate
25 than what we have.

1 MIKE MENSE: How is the volunteer
2 issue going to be handled -- Mike Mense from
3 Hoxie.

4 How is the volunteer issue going to be
5 handled the year after you grow it? If you have a
6 stray plant or two in your corn crop or your bean
7 crop the next year, are we going to condemn that
8 when you harvest it, or what are we going to do
9 that with that volunteer?

10 MR. BURCHETT: I'll share Kentucky's
11 experience. It has been a challenge for us.
12 You're required, as a licensed owner, to scout for
13 volunteer hemp plants in the three years following
14 your crop. So that's on the producer to go out
15 there and inspect. If there is any volunteer
16 plants, you're supposed to destroy those. So we
17 have had issues where we've had some seed chat or
18 something. Maybe your auto shut off on your
19 planter and left it to grow, it got some good
20 sunlight. And the police look out there and
21 there's, you know, some cannabis looking stuff in
22 the middle of the corn field. So they call us.
23 We go back and verify that there was hemp that
24 year before. So it's just something you have to
25 work through.

1 It's definitely a challenge, though, to
2 keep scouting those fields and making sure that
3 we're improving those varieties over time.

4 MR. VOGEL: I think in regards to
5 Kansas, that's still something we need to
6 determine and hearing input from you guys and what
7 the other states do, that will help us figure out
8 what the solution is for following year volunteer
9 control.

10 MARK CUDNEY: Mark Cudney, Greenleaf,
11 Kansas.

12 Okay, you said soybeans would be the best
13 place to grow. Okay, you're out there, you put a
14 strip down for your hemp, plant soybeans on each
15 side. Or just designate a field. Okay, well,
16 when you go to the Farm Service Agency to certify
17 what you planted, how is that going to interfere
18 with your base acres, and all this stuff? Within
19 the farm program, I know we got a new one coming
20 out.

21 MR. BURCHETT: So, the question is
22 how would this impact your farm certification for
23 eligibility for all your other crops. So we have
24 gotten letters from FSA saying, as long as you're
25 a valid licensed holder in the State's industrial

1 hemp program, it is not going to mess up your
2 other crops.

3 I will note that in Kentucky we do not
4 allow interplanting of hemp between rows. We had
5 some folks that had a strawberry patch and they
6 put a little bitty row of hemp in between, it
7 looked very suspicious to law enforcement.

8 There's nothing intrinsic about soybeans.
9 It's just any field that you've had good weed
10 control in. So it could be a corn field. It
11 could be a no-till field in the past.

12 But we've -- we've not had good luck
13 planting in to no-till. Kentucky tobacco is a lot
14 of weed control out there beforehand. We do get
15 that residual effect.

16 We do allow burndown preplant. And as
17 long as you recognize the residual requirement for
18 preplant. That's helped a lot of people. But
19 still, depending on the canopy and the planting
20 date, it can be a challenge to beat those weeds.

21 MARK CUDNEY: All right. And then
22 beans that I plant now, I've had a disaster last
23 year with the chemical drift and everything. So I
24 designate a field off over here for my hemp field,
25 then I plant soybeans here. I mean, I'm hoping

1 Monsanto, or whoever, maybe technology will work
2 for me. So, I guess you answered my question.
3 Thank you.

4 MR. BONTRAGER: We only have time for
5 one more question or comment.

6 JEFF CALDWELL: Jeff Caldwell.

7 I think it's very important to make sure
8 that we don't prosecute people who accidentally
9 have hemp show up on their land.

10 Because I read an article last night
11 about this event today that was reported in the
12 newspaper, where there was a farmer that was just
13 mowing weeds, and they had no idea that they were
14 mowing hemp. And now it's growing on land that
15 doesn't grow anything else but hemp right now.

16 So, if you have some sort of accidental
17 growth, I don't think those people should be
18 prosecuted.

19 MR. BONTRAGER: All right, Ernie,
20 we're ready for you.

21 ERNIE MINTON: Ernie Minton from
22 Kansas State University, I'm here in Manhattan,
23 obviously.

24 This would be directed primarily to
25 Kentucky and Colorado guests.

1 Brent, you had in your slide a number of
2 state universities, obviously. And you probably
3 had interaction with Colorado State, I guess, as
4 well. I'm curious if your statute specifies what
5 research really is; is it well controlled;
6 replicated studies that have sound statistical
7 basis, et cetera, et cetera, so that firm
8 conclusions can be made.

9 And then, also, of course, as land
10 grants, we receive federal funds. Any issues with
11 regard to source of -- and I'm curious, too, the
12 source of funding for research.

13 MR. BURCHETT: To answer your last
14 question, sir. Yes, there has been issues, and
15 we've had really good traditional university
16 faculty attempt to get federal funding, and that
17 has been not been awarded to date.

18 We're very optimistic, there's a specific
19 provision that's in McConnell's bill, that would
20 open that up. So, I think that is likely to
21 change in the future. But to date, there has been
22 -- I don't know if hesitation is the right word,
23 but the money has not come for those projects.

24 Back up to your other comment. Under the
25 Farm Bill, universities and departments of ag are

1 independent in this. There is a small provision
2 that says universities must register site
3 locations with the Department of Ag.

4 Outside of that, their research is
5 independent. They can conduct their own testing
6 regimen. They can structure things how they wish.
7 In our state it's worked best that the
8 universities have asked us to do surprise
9 inspections. They have asked us to work closely
10 with -- I believe we've got eleven university
11 projects this year.

12 So, it's worked out well in our state
13 where they come to us, and we go to them.

14 For instance, if someone wants to grow a
15 feral variety that they found out on their
16 granddaddy's farm. Before they can enter the
17 Program, they have to get a university faculty
18 member to add that out as a research crop for a
19 year. If the university doesn't want to fool with
20 it, they don't have to.

21 So we have developed a real close
22 partnership with -- Dr. David Williams is kind of
23 a guru of industrial hemp in Kentucky, and really
24 the nation. Some of the most innovative stuff has
25 happened over the last couple years in Kentucky.

1 We've got, I think, eight universities
2 participating this year. So they all register
3 with us, and under state law they're required to
4 have a license. That's not required under federal
5 legislation.

6 MR. YERGERT: With Colorado we don't
7 define what research is. But when we give a
8 registration to a university, we won't give that
9 to a professor or somebody, we require somebody to
10 sign off. Most of the time it's the president of
11 the university. And we say, if you're going to
12 sign off on this, we're assuming you are verifying
13 that your people are doing credible work. We
14 don't really have the ability for you to send in
15 this triple replicated study of this and that. We
16 may not even understand the study.

17 And so we're kind of putting that back on
18 the university in saying, you know, if you're
19 willing to write on the dotted line and get a
20 registration, we're assuming you're taking
21 responsibility that it's legitimate research.

22 The question about the money, yeah,
23 that's been a big concern. And I don't know how
24 it all falls out. Colorado State University in
25 Fort Collins has been fairly reluctant to get

1 involved. We do have some test sites on their
2 property. But like with their seed lab, we barely
3 about a year ago got them to do seed analysis.

4 So that they'll do germination and
5 purity, and all that kind of stuff on hemp seed.

6 They're concerned about their federal
7 dollars. The only way they'll do that is if the
8 seed comes to us and then it goes up as a
9 Department of Ag sample. And then as soon as it's
10 done, it comes back to us. They're not going to
11 hold it.

12 You've got Colorado State University in
13 Pueblo who now is the cannabis institute of the
14 world.

15 There's Adams State University over in
16 Alamosa has no problem with it. So, I'm not sure
17 how the politics fall out. But there is a concern
18 about those hundreds of millions of federal
19 dollars that are coming.

20 ERNIE MINTON: And if I could, just a
21 quick follow-up. And I don't know, has the State
22 of Kentucky, the State of Colorado appropriated
23 public funds for research?

24 MR. BURCHETT: Not general fund
25 dollars. We have in Kentucky a really neat thing

1 called the Kentucky Agriculture Development Fund.
2 We take 50 percent of our master settlement
3 agreement dollars from the cigarette companies,
4 invested those specifically to agriculture
5 research. There have been three projects that I
6 can recall, industrial hemp has received money,
7 but no general fund taxpayer dollars.

8 MR. YERGERT: We do have a fund
9 that's there. It has never had any money
10 appropriated to it, from general funding only.

11 MR. BONTRAGER: We're out of time for
12 questions and comments. We do appreciate
13 everything we heard today. We appreciate all of
14 you coming and taking the time to be here with us
15 today.

16 As far as what next steps look like.
17 Like I mentioned earlier this morning, we've got
18 two more of these sessions today. And then we are
19 really going to begin putting words on paper in
20 terms of crafting regulations and get that process
21 started.

22 As part of that, I want to share with you
23 here. So Secretary McClaskey decided to go ahead
24 and appoint an Advisory Committee to serve through
25 the end of the year, to help guide us through this

1 process and serve as kind of a sounding board and
2 so forth, to help with crafting the regulations.
3 And this is the group of folks here. The writing
4 is kind of small, so I'll read the names.

5 We've got Willie Dove, who is the
6 representative of the 38th Kansas House District,
7 he's actually here with us this morning.

8 Carrie Ebert, the Extension Assistant at
9 Kansas State University Kansas Center for
10 Sustainable Agriculture and Alternative Crops.

11 Steven Johnson is Representative of the
12 108th Kansas House District.

13 Jeff Ochampaugh from Agrilead in the
14 Russell area.

15 Kelly Rippel, Vice-President of Kansans
16 for Hemp.

17 Steve Schuler, Executive Director of the
18 Kansas Crop Improvement Association.

19 Dr. Andrew Tucker is Assistant Agronomy
20 Professor at Fort Hays State University.

21 Katie Whisman, is the Executive Officer
22 of the Kansas Bureau of Investigation.

23 Troy Waymaster is the representative of
24 the 109th Kansas House District.

25 And Jeff Vogel will serve as an ex

1 officio member of the committee representing KDA
2 and the Secretary.

3 So that's what that group looks like.
4 They will serve, the Secretary's appointed them to
5 serve through the end of the year.

6 And as we outlined today, part of this
7 regulation development process is going to be set
8 up -- going to be setting up what that committee
9 looks like for the long term. But we wanted to go
10 ahead and get a group put together to help us out
11 as we're doing that. And then that process will
12 get more fully developed through the regulations.

13 So, appreciate everyone coming. We do
14 have another meeting in here at 11:30, and we need
15 to reset the room. I hate to be a bad host, but
16 if you could move out of the room.

17 (Whereupon the proceedings were
18 adjourned).

19

20 SECOND SESSION

21 (Whereupon Chad Bontrager made
22 opening statements and presentations were made by
23 Scott Marsh with KDA and Jeff Vogel, with KDA.
24 Brent Burchett, of Kentucky, and Mitch Yergert, of
25 Colorado).

1 MR. BONTRAGER: We'll have our panel
2 formed here and the rest of the our time between
3 now and 1:30 is designed to take questions and
4 input from the audience.

5 So, Dana will have a microphone here.
6 Dana is right in the front row. Just come up, and
7 we would ask you to say your name and where you're
8 from, and that way we can follow up if there's
9 anything we need to do.

10 And then the way it worked in the first
11 session, I think it went pretty well. The panel
12 answered the question if they know. I jumped in
13 on a few of those, and we're also not afraid to
14 say that we don't know.

15 But like I said earlier, those are the
16 questions that we need, too, because those are
17 things we have to figure out the answers to at
18 some point. So please don't hesitate to ask or
19 provide any comments that you have.

20 With that, the floor is open. Just make
21 your way up here and grab the microphone and we'll
22 be off and going.

23 KENT ROWE: I'm Kent Rowe, Wichita
24 State University, thank you for being here.

25 If we at WSU wish to grow a number of

1 varieties, whether it's for T-shirts or aircraft
2 components, do we have to have separate licenses
3 for each variety?

4 MR. VOGEL: Well, just to kind of
5 point out here, too. That statute refers to the
6 department alone or university in coordination
7 with universities to do research.

8 So I think exactly how universities
9 conduct research is a little bit outside, I guess,
10 the thought of licensing individual growers, too,
11 under a department license issues, too.

12 But I think for purposes of your
13 question, as far as for each different variety, I
14 think we're looking at a similar model or
15 approach, we're looking at different locations,
16 not necessarily individual varieties.

17 MR. MARSH: Of course, we haven't set
18 anything in stone yet, but yeah, we're looking at
19 trying to keep it one variety per field. But the
20 possibility of multiple fields per license within
21 a certain area, just so we can get to those to
22 inspect them. And then anything outside that
23 restricted area that you wanted to grow would just
24 be under a different license. So, we're not going
25 to restrict your acreage or your number of

1 varieties or anything like that at the time, or
2 we're not planning on it.

3 MR. BONTRAGER: All right, next
4 question.

5 STEVE SCHULER: I'm Steve Schuler,
6 I'm with Kansas Crop Improvements. So, if I'm
7 involved, I'd be involved in the certified seed
8 aspect of it.

9 But there's also, since there is a State
10 component for inspections, will you be setting
11 guidelines as to plant density in a field so that
12 it can be properly inspected? Thank you.

13 MR. MARSH: We would probably set
14 those the second year, after finding out just what
15 those would be. I have seen some pictures where
16 an inspector seems to disappear after walking
17 about six feet into a field. We'd like to make
18 sure that the inspector can get into and through
19 the field to inspect without damaging the crop at
20 all. But still allowing as much production as
21 possible.

22 So, we'd have to work within varieties
23 and stuff like that.

24 MR. BURCHETT: In Kentucky -- I know
25 I probably went through this really quickly on my

1 power point slide. But not a whole lot of people
2 are doing certified seeds within our program.

3 So our Department of Agriculture
4 regulations don't dictate the things you mentioned
5 earlier. But the Kentucky Seed Improvement
6 Association does. So the same rules would apply
7 to purity standards, consistency of phenotype,
8 that does apply.

9 AOSCA, there is some information, I
10 believe they've got some rulings they've made on
11 that, yes.

12 MR. BONTRAGER: While we're waiting
13 on our next question to come up, you'll see on the
14 screen just some of the things that we know we
15 would like to have feedback on. So, certainly not
16 a directive to talk about those at all, but just
17 those are points that we're going to have to cover
18 in the regulation. So if you have thoughts about
19 those, please share as we go along here. Next
20 question.

21 SAM LINCOLN: I'm Sam Lincoln, I'm
22 the district director for K-State for -- I work in
23 Russell County. So we're obviously getting a lot
24 of questions about this stuff.

25 Specifically regarding feeding it to

1 animals. Will there be a differentiation between
2 the seeding or the fiber? In other words, is it
3 going to be a kind of all together thing, or will
4 there be some differentiation there, as far as...

5 MR. VOGEL: To answer your question,
6 we have somebody from our dairy feed safety
7 program.

8 ANDY NICKERSON: I'm Andy Anderson,
9 dairy and feed safety. As of right now hemp, in
10 general, is not an approved animal feed
11 ingredient. There are three avenues, I know some
12 of the other states get a lot of questions about
13 that, too. But right now it is not an approved
14 animal feed ingredient, either as hemp fiber
15 itself, CBD, any of that in animal or pet food.

16 But if you have any questions, you can
17 contact me, I'll be in the back. I've got cards,
18 and we can talk about it.

19 MR. YERGERT: Our State is pushing to
20 get to be an approved feed ingredient.

21 On our CDA website there's an animal feed
22 study that has been put up there. We spent a lot
23 of time over the last probably four to six months
24 with an Advisory Committee, in putting a lot
25 information and how the best way is to go forward

1 to try to make this as an approved product. But
2 you can look on our website and see that.

3 ANDREW KAMES: Hi, I'm Andrew Kames,
4 with GFA, I'm here from Colorado as well. A few
5 questions.

6 Number one, are you guys going to require
7 a Kansas residency to be able to obtain a
8 commercial license?

9 MR. BONTRAGER: It's not required in
10 the statute.

11 ANDREW KAMES: Okay.

12 MR. MARSH: Whether we put it in
13 regulations or not, we haven't decided.

14 ANDREW KAMES: It's still up in the
15 air, okay.

16 Also, do you guys plan on giving licenses
17 for extraction and -- extraction facilities or?

18 MR. VOGEL: So, part of the
19 authority, as far as oversight that was provided
20 in the statute versus processing. Defining what
21 processing means and what products are regulated
22 under this Act, and when does it become something
23 we're not interested in, is still something we
24 have to determine in the regulation.

25 ANDREW KAMES: Okay, cool.

1 And then taxes, is that anything that,
2 maybe for Kentucky and Colorado, what is the taxes
3 behind the industrial hemp versus marijuana?

4 MR. BURCHETT: So, Kentucky does not
5 have medical or recreational marijuana. Any goods
6 that you sold would be just like another
7 agricultural crop, so it would be on your schedule
8 F.

9 MR. YERGERT: Colorado is the same
10 for hemp, there are no special taxes.

11 ANDREW KAMES: Cool, all right.
12 Thank you.

13 CHRISTINA HETT: Christina Hett from
14 Marion County, and we're farmers. I do have a
15 couple questions.

16 Colorado, Kentucky, do they use hemp as a
17 rotation crop; and how does that work out with the
18 weed problem?

19 MR. BURCHETT: We're still, of course
20 we're only four years into it, five years in
21 Colorado. So we haven't had a whole lot of
22 opportunity, but we have had soybean fields that
23 became hemp fields, and now they're in corn
24 fields. But I'm not aware of the close
25 relationship with corn and soybeans with the

1 legumes taking nitrogen. But it's something
2 they're looking at for sure.

3 CHRISTINA HETT: I noticed that
4 there's a pretty big disparity between the planted
5 acres and harvested acres, and do you have any
6 explanation for that?

7 MR. BURCHETT: Pig weed, Johnson
8 grass, Marestail.

9 CHRISTINA HETT: Okay. And the THC
10 level, is that federally mandated? Do you have
11 any -- because that's pretty low. I mean, I heard
12 something in Colorado that's a big issue for hemp
13 producers, but maybe it's because they have
14 recreational as well.

15 MR. YERGERT: Yeah, it does come out
16 of the Farm Bill, but it's also in our State
17 statute and our State Constitution. And that 0.3,
18 I think, is kind of a universal number,
19 international number for international agreements
20 and that. Whether it changes or not, I don't
21 know. But that's where we are.

22 I think if you've got good genetics, I
23 don't think it's a high number, I think it's very
24 doable to me.

25 CHRISTINA HETT: Okay.

1 MR. VOGEL: Just to clarify, by State
2 statute is that, for it to be defined as
3 industrial hemp, it has to have a THC level below
4 0.3.

5 CHRISTINA HETT: I was just curious
6 because I heard Colorado was having issues with
7 that level.

8 And then, lastly for the Advisory Board,
9 how many actual farmers are you going to have on
10 it?

11 MR. VOGEL: Well, I think as far as
12 the Advisory Board goes, that is something that
13 has to be determined, what is the makeup of that,
14 as far as researchers, farmers, industry,
15 stakeholders, et cetera.

16 So that's still something we're not sure.

17 CHRISTINA HETT: And that will come
18 out later?

19 MR. VOGEL: Yes.

20 SCOTT ELLIOTT: My name is Scott
21 Elliott from Overland Park, Kansas.

22 Two big issues I'd like for you to
23 address. The first one is research questions in
24 terms of biofuels, biodiesel from the seed, and
25 then bio -- general bio fuels from the biomass.

1 Is that going to be covered through this type of
2 research permitted?

3 MR. MARSH: Again, we are mostly
4 interested in it from planting to harvesting.

5 SCOTT ELLIOTT: Right.

6 MR. MARSH: What we may look at, what
7 is being produced, as part of our oversight, but I
8 don't see us at this time restricting any products
9 as long as, of course, they're under the THC
10 level.

11 MR. VOGEL: And to add to that, the
12 statute, if you read through the main research
13 section, is what I call it. There's a lot of
14 topics there that we didn't cover. So to add on
15 to what Scott said.

16 SCOTT ELLIOTT: Well, just real
17 quick. It seems to me that the CBD, the market is
18 going to get saturated with everybody producing
19 it. You can only take so many tablespoons of it,
20 kind of like cod liver oil.

21 So, like on an industrial scale, biofuel
22 is a big area. And so that's just something that
23 I think needs to be raised, I've sat in on the
24 question and answer sessions of two of these
25 meetings and nobody's raised that issue. It

1 appears we're going to have a huge production
2 capacity. It seems to me this is an issue that
3 needs to be looked at and researched.

4 The professors that are here from Fort
5 Hays, K-State, Wichita State, that's something I
6 think the research project they definitely need to
7 be looking into.

8 MR. BURCHETT: And, Scott, we were
9 definitely researching that in Kentucky University
10 of Louisville. You may want to connect with some
11 of them, they've done biofuel research.

12 I will say that today that oil is worth
13 too much to be used for biodiesel. You know,
14 think of your grocery store shelves from cheap to
15 expensive. Canola, soybean oil, grape seed oil,
16 to those premium oils. Hemp seed oil is on the
17 expensive side. So you're right, as we get to
18 bigger scales, maybe it does become a biofuel
19 option.

20 For burning it, for combustion, for
21 energy purposes. I recall we had two or three
22 projects that attempted that, and the utility
23 company said, all right, we'll bring in some and
24 as long as it matches the BTU that coal produces,
25 we'll use it, and it did not. But that doesn't

1 mean it eventually won't. But that's how the
2 State of Kentucky has done it.

3 UNIDENTIFIED SPEAKER: I want
4 industrial hemp to be in Kansas, so I'm going to
5 preface that before I ask this question, because I
6 think this question is a pretty touchy one.

7 We have a water usage problem in Kansas,
8 all right. And we're becoming a water poor state.
9 Are we going to be really delving into the
10 research in terms of the comparison between hemp
11 production versus the industrial corn production
12 and whether or not there's going to be a net
13 benefit in terms of water usage by switching over,
14 converting over to industrial hemp production? I
15 think that's a major research area that needs to
16 be addressed.

17 MR. BONTRAGER: I think you're
18 absolutely right about, we would like to see the
19 research numbers on that. See someone come
20 forward with the project and desired growing of
21 it, whether that's in a dryland environment, or
22 under irrigation and have us be able to compare.

23 We probably -- I mean, we're not equipped
24 to do the true research comparison here, but
25 certainly work with universities to do that, and

1 understand what's the value per inch of water
2 irrigated, or whatever you want to look at. I
3 think that makes a lot of sense.

4 KAY LEHNERT: I'm just wondering -- oh,
5 Kay Lehnert, from Overland Park.

6 And just curious in terms of maybe what
7 growers are doing now, or opportunities in the
8 future for insurance, and maybe not against crop
9 loss, but the legislation is being developed right
10 now and things could change in the future. And I
11 think farmers are going to have to invest in
12 different kinds of equipment. The seed is
13 expensive, that sort of thing. So I'm just
14 wondering what your thoughts are on that.

15 MR. BURCHETT: So, the big problem
16 with crop insurance would be the volatility of the
17 prices right now. So, whether you insure that,
18 what rate. There are several companies, a lot of
19 them have come out of Colorado, they are insuring
20 for property loss, greenhouse damage, equipment
21 damage. But as far as crop insurance, that's
22 going to change, you probably already know this,
23 at the Farm Bill level, to add that to the federal
24 crop insurance power.

25 KAY LEHNERT: Right. But what about

1 with the legislation?

2 MR. BONTRAGER: If it were federal
3 legislation?

4 KAY LEHNERT: Yeah, if it were to
5 become illegal again in the future, do you see
6 that as a risk at all?

7 MR. BURCHETT: So, the legislation I
8 was speaking of would be Senator McConnell's
9 Farming Act 2018, which is for the first time
10 making it eligible for federal crop insurance. So
11 that's a positive step. But I don't envision that
12 where we've come on industrial hemp and then
13 turning around saying, you can't have it at all,
14 would be my prediction.

15 KAY LEHNERT: On the opposite side,
16 would you ever see it being classified as a
17 commodity?

18 MR. BURCHETT: That's in the
19 McConnell bill, is to remove it from the list of
20 controlled substances. So, basically, marijuana
21 would still be on a Controlled Substances Schedule
22 I list. There would be a differentiation, in that
23 you would say the Controlled Substances Act. So
24 for hemp, will basically pulling hemp out of that
25 but still would require a licensing program, an

1 inspection program, somebody to determine whether
2 it's hemp or marijuana, unless all cannabis was
3 legalized.

4 MR. BONTRAGER: Jeff, you want to
5 mention the review that happens in 2022?

6 MR. VOGEL: Sure. And so as we think
7 about the State statute here in Kansas, the bill
8 itself has the requirement the legislature reviews
9 the Act, the provisions of the Act by 2022. So
10 that if there are changes in the federal law that
11 potentially according changes could happen that at
12 least by that time moving forward as necessary
13 with how that was written.

14 MR. BONTRAGER: Yes, sir.

15 TONY BAKKER: My name is Tony Bakker,
16 I'm from Bonner Springs, Kansas.

17 I've got a couple questions. The first
18 one is for Mitch and Brent. In the presentation
19 that you made, I figured out that the average
20 grower plants about 50 to 20 acres, according to
21 the numbers you presented. And the average yield
22 is about a thousand dollars an acre. Are those
23 numbers correct? The reason I'm asking is, that
24 the revenue would be in the average \$20,000, and
25 you have to make all these investments for

1 equipment. Is it really economically feasible?

2 MR. BURCHETT: So, I know my
3 presentation I had it broken down by different
4 commodity types, or different marketing types, so
5 the average price per acre for grain and fiber is
6 dramatically different than what it would be for
7 floral general production. So, the input costs,
8 the labor costs would be different for a vegetable
9 production model versus a grain crop model, versus
10 a fiber model, which would be closer to like if
11 you were cutting hay, that's more of the price per
12 acre return we see.

13 If you're growing it up for CBD, you're
14 going to (inaudible) and a much greater per acre
15 return. Grain, you're going to have the up front
16 investment, just like with corn and beans with
17 harvesting equipment, but you're going to be able
18 to harvest a lot more acres at a smaller cost.
19 And fiber is kind of in between those two.

20 MR. YERGERT: We don't have specific
21 numbers. But the CBD right now is small acres.
22 They can manage that manually, they don't have to
23 have a lot of equipment. The extraction process
24 isn't that difficult. That's where they're making
25 the money right now.

1 TONY BAKKER: The last question I
2 have is directed to you guys. What if a grower
3 here is interested to be part of your program, how
4 do we do that; do we sign up? Or what's the
5 process going to be?

6 MR. VOGEL: Sure. And to -- I'll
7 explain it at a fairly high level here, because
8 still a lot has to be determined through this
9 regulatory development process. But what we have
10 to do here very quickly is get those regulations
11 proposed and what that program is going to look
12 like in 2019. Our expectation is to have some
13 sort of application packet with a deadline
14 established for people who are interested in
15 growing industrial hemp. Potentially opening that
16 up, I guess we talked a little about it, maybe in
17 the October time frame.

18 But the idea is, is once those
19 regulations are adopted and become law, that the
20 beginning of next year, in January, we'd be able
21 to turn around and issue those licenses, for
22 people who apply and approve and meet the
23 requirements of the application.

24 TONY BAKER: The point is, we don't
25 have to wait till March or April, because then it

1 would be too late. You know, you need to prepare
2 and plant these things ahead of time.

3 MR. VOGEL: Correct. And that's our
4 idea behind those, at least tentative time lines.
5 And not to mention, probably, why the legislature
6 put in a December 31st deadline for us to get
7 these regulations adopted for people to be able to
8 plant in 2019.

9 TONY BAKKER: Thank you.

10 JAMI LOECKER: I'm Jami Loecker, I
11 live in Manhattan, Kansas.

12 And obviously I'll talk about the
13 difficulties of weed control with industrial hemp.
14 I'm curious on what your thoughts are on expanding
15 the herbicide opportunities with that to make
16 growers more successful. And if there are
17 thoughts there, what is the process forward.

18 MR. BURCHETT: So, unless there is a
19 change at the federal level, industrial hemp is
20 still considered marijuana, it's still classified
21 as a Schedule I drug. No seed company is going to
22 start doing herbicide trials and make that
23 investment until there is a change in the federal
24 level.

25 I'll let Mitch chime in, he may have more

1 than I do.

2 MR. YERGERT: Yeah, we worked quite a
3 bit with EPA on this, and some of the other states
4 that have recreational marijuana, on trying to put
5 pesticide in as a 24(c), a special local need in
6 that State.

7 Prior to the current Presidential
8 administration change, we worked quite a while,
9 the EPA at that point said, yeah, that could be
10 done. You could make it a special local need in
11 that State.

12 California, Washington, Nevada, maybe one
13 other state, worked with a company, because a
14 company actually has to submit the 24(c) to the
15 State, and they came up with some products that
16 are already approved in some of our states. But
17 they put that forward, believing that could
18 possibly be a way to make it work.

19 In the meantime, the administration
20 changed, EPA's view changed, and they said
21 absolutely not, we will not approve that under the
22 federal government. So right now, I don't think
23 there is any avenues to bring that about.

24 We did hear a little bit from EPA, and
25 this is not at the top of EPA, that maybe they

1 would consider for hemp, if it wasn't for
2 marijuana. But I don't know how many pesticide
3 companies you're going to get to put in that kind
4 of investment in a product that hemp doesn't have
5 a lot of acres. Marijuana has lots and lots of
6 money right now, and so they were willing to do
7 that.

8 JENNIFER CONLEY: Hi, I'm Jennifer
9 Conley from Wichita, Kansas. And I wanted to know
10 mostly about the fiber, of the challenges you have
11 with that. Maybe putting up to scale because of
12 it not being a federal law. And the other thing,
13 is whether the university had proprietary laws on
14 fiber products at all.

15 MR. BURCHETT: So just a note on the
16 Controlled Substances Act, specifically exempts
17 fiber as long as it's free of leaf and seed
18 material. So, right now you could legally go
19 online and import as much industrial hemp fiber as
20 you want. As long as it didn't have seeds or
21 plant material, or that floral material.

22 So, really we're going to have to compete
23 on the global market. There's other countries
24 that have been growing it for hundreds, maybe
25 thousands of years, you can get all you want. But

1 not all fiber stalks are created equally.

2 So in Kentucky I remember the very first
3 year everybody and their brother was going to open
4 a fiber mill. They were going to make shirts and
5 rope and paper, and that didn't pan out.

6 So, with fiber, we've seen it truly --
7 there's a company called Sunstrand (sp), it's in
8 Louisville, Kentucky. They're working with about
9 20 farmers now. They've been one of the few
10 that's able to scale up, they're not a hemp
11 company, they are a natural fibers company. So
12 they do kenaf, they do bamboo, jute. Industrial
13 hemp is just one of their feed stalks. So it just
14 has to compete on performance.

15 They're not going to buy hemp fiber and
16 go out and try to sell it. They're trying to get
17 orders for kind of two different markets. You've
18 got the outer bass material. It's a lot of non
19 woven applications. Think of the foam in your
20 headrest. I believe in the Subaru it's got
21 industrial hemp fiber in there.

22 The inner part of the fiber is the bass
23 material. The outer soft material is the bass
24 material. The herd is the inner. It's more like
25 a wood product. So, almost two separate

1 application lines that have to have different R
2 and D, different bleaching preparation technique,
3 chopping.

4 So, we've seen, the short answer is it's
5 a lot harder than it seems to set up for fiber.

6 MR. VOGEL: To your second question
7 about the universities, I don't know that at this
8 point.

9 MR. BONTRAGER: Question?

10 TODD ROTH: Todd Roth, Holcomb,
11 Kansas.

12 If you're accepted into the pilot
13 program, what would that do in relation to the
14 other farm programs, CPS, PRC. And if Senator
15 McConnell's bill passes, does that supersede this
16 type of program?

17 MR. VOGEL: In regards to your
18 question about the farm programs. Between
19 sessions, Carrie back there, did some checking
20 with the FSA state office, and they said that it
21 does not affect your other programs, it's a
22 reportable crop, so that you can report it by the
23 July 15th deadline, I believe that's correct.

24 MR. BONTRAGER: And as far as
25 superseding, that's part of the reason for the

1 July 2022 review. So, the legislature set Kansas
2 up with this pilot program for the time being, but
3 if something happens with the McConnell bill, or
4 another piece of legislation that would change the
5 rules at the federal level, then the legislature,
6 basically, forcing themselves to come back and
7 look at the state law again and adjust it
8 accordingly.

9 So it would not supersede, necessarily,
10 the current bill. We would still operate under
11 that until the legislature took action. But it
12 would free them up to do that.

13 KENT ROWE: I'm Kent Rowe again,
14 Wichita State University.

15 In Colorado and Kentucky, have any
16 studies been completed on energy use for these
17 processes and such? For instance, the rural
18 electric cooperatives in Kansas differ with their
19 policy to utilize and back feed on grids strictly
20 generation.

21 This gives a farmer an advantage to
22 processing at the time the wind is blowing, the
23 sun is shining. So the kilowatt hours are less of
24 an impact economically for a relatively low value,
25 low volume process that could be economically

1 determined by the kilowatt hour usage.

2 MR. BURCHETT: I believe someone
3 asked earlier, I know we have at least one pilot
4 project that was looking at using it as a
5 electricity generating source. And utility
6 companies were open to that, but it just didn't
7 meet the requirements for the amount of BTU's, I
8 guess, square foot or whatever the volume
9 measurement is. Something to be looked at, not
10 the end of the research, for sure.

11 CHRISTINA HETT: Christina, in Marion
12 County.

13 Would you -- would there be any
14 consideration for waiving application fees and
15 licensing, and those sorts of things? I'm sitting
16 here thinking that there's a lot of risk on the
17 farmers' part, you know, to even go into a pilot.

18 When my husband and I talk about it, how
19 many acres do you want to give up. And then, you
20 know, it seems, you know, herbicide, there's a lot
21 of constraints on it. So, kind of the risk level
22 keeps, you know, rising.

23 And the application, I mean those fees
24 are high, if you ask me. So, is that something
25 that you have thought about? I understand that it

1 has to be self-supporting. But, that to me, would
2 be, at least for the pilot program, an issue, or a
3 barrier to enter, or something that a farmer might
4 say, oh, I don't know if it's even worth it to
5 try.

6 MR. BONTRAGER: I think that's a
7 great question. And we've talked a little bit
8 about that. And don't yet know what our cost
9 associated with running the program will be.
10 We're certainly going to have to start figuring
11 that part out.

12 I think you're absolutely correct in
13 identifying that there's a lot of risk associated
14 there, probably for the farmers, anybody that
15 wants to process it, et cetera. So we certainly
16 recognize that and want to be aware of it.

17 At the same time, I think we have to
18 figure out, you know, like we saw in Kentucky and
19 Colorado, it's going to be slow to ramp up, and
20 probably not for the faint of heart, and probably
21 not for the faint of pocketbook, to begin with.

22 And the last thing we want is a hemp crop
23 standing in the field that can't be dealt with by
24 the person that started down that road.

25 So, I think a robust application and

1 licensing process is certainly going to be an
2 important piece of that. Now what does that
3 translate into, in terms of the actual cost, we
4 don't know yet. But I appreciate the feedback,
5 and we'll certainly keep that in mind as we go
6 forward.

7 ANDREW KAMES: Hey, again, Andrew
8 from Colorado.

9 If we know of some experts, or someone
10 from Colorado or Kentucky who is experienced in
11 soil and experienced in going through this
12 process, could we prep land while this pilot
13 program is going on? Is it possible to get soil
14 ready and kind of just prepare yourself to go in
15 2019?

16 MR. BONTRAGER: I certainly don't
17 think there's anything wrong with that. What you
18 do with your own property is up to you, basically.
19 The risk is if you don't get approved to grow, for
20 whatever reason, then you've maybe done quite a
21 bit of work, and for no potential benefit. But,
22 yeah, if you want to start the weed control
23 program, or something of that nature, that's fine
24 from our perspective.

25 MR. BURCHETT: I'll just add this.

1 We had so much excitement in Kentucky, and this
2 should not be your first crop. If you have not
3 planted tomatoes before, you should, you know,
4 make sure that you know what you're getting into.
5 And a lot of people thought this was going to be
6 an easy to grow crop. And it's not specific to
7 your question, sir. But just know if you're
8 thinking this is an exciting thing, maybe try
9 growing some sweet corn. Maybe try growing
10 potatoes. Farming is hard, and industrial hemp is
11 even harder.

12 MR. BONTRAGER: Yes.

13 SCOTT ELLIOTT: Scott Elliott from
14 Overland Park.

15 I just wanted to go back to the issue of
16 the fees involved. And this is just a brain
17 storming idea that you might want to think about.
18 Maybe having some type of incentive where the
19 people that are the first to get actually go in,
20 get first priority, if things ramp up. Because
21 you don't want a free rider situation where people
22 just sit back. Someone like me, I take all the
23 risk, and then a big company comes in and they're
24 the first ones, and they take over. They get all
25 the benefits, and they've paid none of the costs

1 and none of the risks.

2 TROY TRECEK: My name is Troy Trecek
3 from Alton, Kansas.

4 And my question has to do with both the
5 transportation of the end product, both within the
6 state and outside of the state. And then the
7 second part has to do with the sale, the bill --
8 the Act seems to address only the sale of the end
9 product outside of the State of Kansas.

10 I don't know if that -- just thinking
11 from an end product. You know, once you grow the
12 product, where do you go with it. What are the
13 restrictions on where it can be sold and what can
14 be sold?

15 MR. MARSH: The statute talks about
16 eventually developing a program in which the
17 product can be sold out of state. That's not
18 restricting any in state sales at all.

19 You know, the risk of transporting
20 anything across state lines would fall to the
21 person transporting it. But once -- we would have
22 oversight in the transportation statute allowing
23 that. But we are mostly concerned in the
24 production, more than the transportation or
25 processing of it.

1 So, if you have a need to transport the
2 product to a processor, we would do our best to
3 make sure that happened for you.

4 MR. BONTRAGER: And at some point it
5 becomes a product that we're no longer interested
6 in from a regulatory standpoint, and the
7 presentations hinted at that a little bit in
8 Kentucky and Colorado.

9 So, you grow industrial hemp and it meets
10 the THC requirement, and it's, you know, you get
11 it transported to that first processing point.
12 More than likely at some, you know, that's about
13 the time we are no longer interested from a
14 regulatory standpoint, because you're transforming
15 that through the process into something that's no
16 longer a regulated entity, so to speak. Or it
17 falls into something that we've already got
18 outlined, either in feed or food, or whatever the
19 case may be, a different set of already existing
20 law.

21 So, for the purposes of regulating
22 industrial hemp, it will get to a point where we
23 are no longer concerned, and that's likely at that
24 first point of processing.

25 So, in terms of what does transportation,

1 for example look like, you know, we talked a
2 little bit about that this morning. You get a
3 license. Does the same license cover production
4 and transportation? Maybe, that hasn't been
5 figured out yet, or maybe it's a separate thing.
6 And then do you have to have that with you all the
7 time, you know, if it's in a bag, or one of those
8 2000 pound totes, or whatever, does the license
9 pound have to be included on that? None of that's
10 been figured out yet. We'll certainly be looking
11 to other states to see how they manage all of
12 that.

13 MR. VOGEL: And while Christina is
14 coming up here, I wanted to bounce back to a
15 couple of the discussions. About fees, and just
16 to reiterate what the statute refers to, although
17 it does not have necessarily define exactly what
18 the fees are or how they're administered. It
19 talks about covering the costs of administrating
20 the program. So that, essentially, just for
21 practical purposes here, we're talking about
22 people travel, vehicles, things of that nature,
23 not necessarily the act of doing research itself.

24 I just want to make sure I clarified
25 that, that we're covering the cost of

1 administrating the program with the fees
2 associated with licensing, et cetera.

3 And the laboratory, I don't want to leave
4 those folks out back there.

5 CHRISTINA HETT: Christina Hett,
6 Marion. And, yeah, I mean, obviously all that has
7 to be paid for, so I appreciate what you're
8 saying, absolutely.

9 But with the licensing and covering
10 transportation and production, I guess just
11 thinking to myself, I would say it would almost
12 have to be, because I know we haul our grain, not
13 just to our co-op or our marketer, I mean, we'll
14 take it to Wichita, Emporia, wherever, so we
15 actually carry our own product to a different
16 facility. So, I'm assuming you can take it from
17 the field to the co-op under that license. But
18 what if you don't always do that, and so where is
19 the transportation and production, it would make
20 sense that you would kind of have to do that.

21 And the other thing is, where do you see
22 the local co-ops, you know -- I know short term,
23 and I'm thinking laboratory testing. I mean, if
24 it, as it grows, you know, would that -- some of
25 that testing come down to the county level?

1 MR. VOGEL: Well, I certainly agree
2 with the idea of being a grower, and being able to
3 transport your own product, and then having
4 somehow indicating that not multiple licenses, but
5 having one sort of overarching license being
6 approved at that point.

7 As far as separate laboratories go, and
8 certainly Mitch and Brent could weigh in here.
9 But I think traditionally regulatory type samples
10 we don't -- we use our ag labs for those types of
11 things.

12 I think previously you guys have chimed
13 in on that.

14 MR. YERGERT: Yeah, we only use our
15 lab in terms of a regulatory sample. We have set
16 up a process where people can monitor their crops
17 with private labs.

18 But at this point, where we are, anyway,
19 is we do use our private lab. If we use the
20 certified seed, then we don't have to do lab
21 testing. We can just verify through the paperwork
22 that certified seed was planted. And that saves
23 everybody money, and that's probably one option to
24 get to at that point.

25 But, at this point, I guess from what I

1 see from different states, different law
2 enforcement, there's still a lot of questions out
3 there about what's going on. Are we doing this
4 well? And they need that confidence to know that
5 for sure it is under the 0.3 percent.

6 MR. BONTRAGER: I don't want to
7 belabor the transportation point too much. But
8 it's not -- the reason we bring that up and have
9 to think about it, is it's not as simple I grew it
10 and now I have to haul it. We understand that.

11 But what if you didn't grow it and you
12 want to haul it? If you think about our dairy
13 program, for example. You're licensed to milk
14 cows and have a dairy, and milk haulers are a
15 separate license, because that's a different group
16 of people. And then you say, well, what should
17 the fee be? Well, the milk hauler says I'm just
18 hauling it, I don't want to pay that fee that the
19 dairy farmer has to pay. So, then do you have
20 separate licenses, and is it all one, and it's a
21 thousand dollars, and now you can't get a trucker
22 because no trucker is going to pay a thousand
23 dollars, and now you have a separate license with
24 a separate fee.

25 So, I'm the first one to say government

1 is too complicated, but I also know that every
2 time we put something out, there's a whole lot of
3 folks in the public that say that doesn't work for
4 me. And we want to be respectful of that, and
5 figure out something that does, and then that
6 leads to complication.

7 So, as we think about how this goes,
8 those are things that we have to think about there
9 in terms of, you know, what does a license look
10 like. Because when you get pulled over by the
11 highway patrol and you're overweight and, oh, by
12 the way I'm hauling hemp, that's going to be
13 problematic if you don't have some way to say this
14 is completely legitimate and here is my proof.

15 MR. BURCHETT: I'll add that in
16 Kentucky we had the same issues. So within that
17 process or license category there are several
18 separate tiers of fees. If you're processing
19 grain, I believe it's \$500. If you're doing
20 fiber, it's \$500. If it's CBD floral material,
21 it's considerably more, several thousand dollars.

22 The cheapest category within that is a
23 transporter, a broker, a handler that would be
24 capturing that same processing license, or a seed
25 cleaner or laboratory, but it's a much lower fee.

1 CLARK KELMAN: My name is Clark
2 Kelman, I'm from Sublette.

3 I was kind of curious if you could offer
4 any advice on how to approach our counties to
5 maybe be into this pilot program. I'm really
6 interested to be accepted, but I know our county's
7 probably one of the last to accept it. If you
8 could offer advice, or ways to get in. Because I
9 think that will be our hardest part in Southwest
10 Kansas and being able to do it with law
11 enforcement.

12 MR. BONTRAGER: So the statute that
13 we have in Kansas basically says that, you know,
14 counties can do it collectively, people can do it
15 individually in cooperation with the Department of
16 Agriculture, or whatever. We certainly have no
17 plans on any sort of geographic limitation.

18 So once the process is outlined and the
19 application is set up, if you apply and you meet
20 all the requirements based on what you want to do,
21 it won't matter what part of Kansas you're in.

22 CLARK KELMAN: I just saw the Russell
23 County part. I didn't know if it going to be kind
24 of -- and I heard that out there, too. People
25 said, oh, it's Russell County.

1 MR. BONTRAGER: Russell County was
2 specifically called out in the legislation. But
3 it does go on to say: And any other county.

4 CLARK KELMAN: Okay.

5 MR. BONTRAGER: So that's just part
6 of that political process and how things get
7 amended, and then amended again, and eventually
8 you get what you get. But there is no geographic
9 limitation.

10 MR. MARSH: And you may want to talk
11 to the people in Russell County and see what they
12 did to get organized that way.

13 CLARK KELMAN: Okay.

14 BOB REIN: My name is Bob Rein, I'm
15 from Pawnee County.

16 And that was kind of one of the things I
17 was wondering. You know, I know that I think some
18 legislators from Russell County were kind of
19 involved in this and that probably got them maybe
20 ahead of the game. But as a county that is
21 interested, which is maybe the flip side of what
22 you're asking. Is there anything we can do on the
23 county level to help get in front of it, I guess?

24 And I just had some comments on the
25 Advisory Committee. I think that's a great idea,

1 I really do. Do you have any structure outlined
2 for that yet at all?

3 MR. BONTRAGER: What we have, and
4 we'll announce it here in just a few minutes, is
5 the Secretary is going to appoint kind of an
6 interim committee to work while we're developing
7 the regulations. But the regulations themselves
8 will spell out that specific structure that we'll
9 use going forward, so that's all that we have
10 today.

11 BOB REIN: Okay. And Pawnee County
12 would certainly be willing to jump into that,
13 because we've got plenty of smart people that
14 could get into that. There's a lot of interest
15 out there in both the production, and I think in
16 the processing, the vertical integration, if you
17 will, of it. So, that's really kind of where my
18 interest lies.

19 Also on the Advisory Committee, I think
20 make sure that stays an Advisory Committee and
21 doesn't turn -- try to turn into a regulatory
22 Agency, unless it's mandated to do so, because I
23 think that's a very slippery slope. While I think
24 Advisory Committee is a very good idea, try to
25 maintain an Advisory Committee as it goes forward.

1 MR. BONTRAGER: Okay.

2 MR. MARSH: The statute does say that
3 the only duty it gives to the Advisory Committee
4 is to recommend -- to make recommendations to the
5 Department. So, their authority is pretty limited
6 already.

7 BOB REIN: What's fresh in my mind is
8 the 911 Advisory Committee, that that was their
9 mandate, too, and tried to overstretch that and
10 had to be reined back. And I think it's a natural
11 progression, something to be aware of.

12 MR. BONTRAGER: I only have time for
13 one more question or comment, if we've got one.

14 CHARMA CRAVEN: Charma Craven, from
15 Russell County.

16 And I had actually three things I wanted
17 to ask about. Okay, one thing, I'm a teacher, so
18 I'm already fingerprinted, and my husband works at
19 the prison in Ellsworth, so he's already gone
20 through a background check. With this would we
21 have to go through backgrounds, like every so
22 often; or does one background check just work for
23 our lifetime? So, that is one of my questions.

24 Another question was, the inspectors,
25 could they be stationed around the State? Like

1 one at Fort Hays, one at Pittsburg, down at
2 Wichita, K-State, whatever, to help cut down on
3 drive time, and maybe cut down on costs? You
4 know, I don't know, that was another question I
5 had.

6 And I guess I don't remember what the
7 other one was.

8 MR. BURCHETT: I won't speak for
9 Kansas about background checks. But in Kentucky
10 we had that same issue. I've already gone through
11 this, I don't want to pay for the fee again. That
12 we've had people that have been arrested in
13 between years. So we require that annually and we
14 require it can't be more than a month old when you
15 apply in October.

16 MR. MARSH: So certainly that would
17 be part of the decision that we'll be making the
18 application packet and what's required. You know,
19 as much as I want to make it simple, I think
20 there's going to be quite a bit that will be asked
21 for on the application packet, and one of the
22 things is background checks.

23 MR. BONTRAGER: And the annual
24 fingerprinting. I mean, unless we come up with a
25 really good way around that, that really seems

1 like that's going to be part of the deal.

2 MR. MARSH: The statute itself said
3 all individuals seeking a license or license
4 renewal under this Act will need to go through
5 background and fingerprinting.

6 MR. VOGEL: You know, as far as your
7 question about personnel and located around the
8 State, I think that's something that we have to
9 figure out, as a Department, what does the FDE
10 need, a full-time employee need for this program
11 to conduct it.

12 Can we do it internally with what we
13 currently have? What we currently have by
14 protection. Of course, we have staff here in
15 Manhattan, but we also have staff scattered
16 throughout the State to conduct inspections, like
17 a lot of our regulatory programs do have.

18 But as with Kentucky and Colorado, they
19 have more than just their regulatory plans, staff
20 doing work, they have dedicated staff. So it just
21 is a matter of figuring out what that demand is
22 and how that organization is going to look like.

23 MR. YERGERT: Just for the inspector
24 side. So we have that issue as well, with hemp
25 growing all throughout the state. Our lab is in

1 Denver. We do have inspectors scattered
2 throughout the state, so that helps do some of
3 that. But what we've run into a little bit is we
4 don't mail samples, because hemp is federally
5 illegal and we're not sure the U.S. Post Office
6 would carry it. Which is what we typically do
7 with some samples. You can also Fed Ex or UPS
8 samples. Those, of course, all go out of state
9 before they come into the state again to be
10 distributed. So is that illegal, going across
11 state lines? So we have hand carried all the
12 samples.

13 But we looked at that and we say, well
14 somebody, in Cortez, who is way in the southwest,
15 350 miles from Denver. There's people 15 miles
16 out of Denver that get a sample, should they only
17 pay this little bit? And so we tried -- they pay
18 how much it costs the inspector to go out and do
19 the sampling. So that's whatever size field you
20 have, and you pay that.

21 We've tried to wrap some of that other
22 cost into the application fee so that it was more
23 spread out. And so everybody who lives on the
24 edge of the state doesn't pay a whole lot more
25 than people who live around Denver for sampling.

1 That's something you may even consider.
2 I don't know that it's the best approach, but
3 we've tried to spread that out. Because we had a
4 lot of that concern that said, well, if I'm
5 200 miles from Denver I pay \$200 more a year in
6 sampling costs.

7 MR. BONTRAGER: So, now we'll talk
8 about the Advisory Committee.

9 (WHEREUPON Chad Bontrager made closing
10 comments, and the meeting was adjourned).

11

12 THIRD SESSION

13 (Whereupon Chad Bontrager made an opening
14 statement and presentations were made by Scott
15 Marsh and Jeff Vogel, with KDA. Brent Burchett,
16 of Kentucky, and Mitch Yergert, of Colorado).

17 MR. BONTRAGER: As we transition
18 here, we're going to have Mitch and Brent and Jeff
19 and Scott come up to the front and we'll take
20 questions. And we're also, like I said at the
21 beginning, interested in comments and feedback on
22 things that you want to make sure that we're
23 thinking about.

24 Jeff talked a little bit about this in
25 his presentation, but we've identified some things

1 that we know we're going to have to put together
2 regulations on. So we've got a couple of slides
3 on that, that I'll leave up just for reference
4 here as we're having the conversation.

5 We need to figure out the Advisory
6 Committee, the licensing for the growers,
7 inspection, sampling, and enforcement. What does
8 the research and reporting look like in terms of
9 what public information comes back. And how is it
10 reported, et cetera. Processing and
11 transportation, when does it become deregulated.
12 And then the certified seed program.

13 So those are all topics that we know we
14 have to work on, but would be interested in
15 feedback on what you would like to see us
16 incorporate into that. And then, of course, these
17 guys are prepared to answer any questions you
18 might have.

19 So, Dana, up here at the front, has a
20 microphone. Just come up, and if you would state
21 your name and where you're from and make your
22 comment or ask your question. We'll go from
23 there. We've got about 50 minutes or so, I think,
24 it's 3:45. And we're done at 4:30, so the rest of
25 the time is yours. Come on up, if you would like.

1 PEGGY MILLER: Peggy Miller from
2 Harveyville, Kansas, Wabaunsee County.

3 I was just wanting to know, who are the
4 inspectors? Who comes and who is qualified to
5 inspect your hemp products? I mean, do they have
6 somebody that goes to school, to be a hemp
7 inspector? I don't know.

8 MR. YERGERT: So the question was,
9 who do we use as inspectors. At the CDA we use
10 our what we call multiple inspectors. They're
11 inspectors that do nursery inspections, organic
12 inspections, seed inspections, pesticide
13 inspections.

14 They're in a geographic area, typically,
15 so they cover most things in that area, makes it
16 cheaper. We train them. When we got into this,
17 we took them out to a hemp field. Tried to figure
18 out how was the best way to do this. Provided
19 them with equipment, the scales and all that. So
20 we just use CDA staff that do other inspections
21 around the State.

22 MR. BURCHETT: Similar in Kentucky,
23 we use existing staff. We also do six part-time
24 inspectors. This past year they were retired --
25 not retired, but off-duty firefighters. They had

1 a schedule that worked out. They were two days
2 on, two days off.

3 We do in-house training. There's not an
4 official training course or a national. We take
5 them out, let them look at the fields, meet
6 farmers, go through some mock inspections. But
7 that's something you have to develop in-house.

8 MR. VOGEL: So, for Kansas, just to
9 kind of give you a little bit of background. Our
10 weed protection program already has similar to
11 what Mitch referred to in Colorado. We have
12 program staff around the state already who conduct
13 inspections of various commodities, of plants, et
14 cetera.

15 But the actual operation of this program
16 and the personnel needed to run it, is still
17 something that has to be determined. Whether is
18 that something we can do with existing staff, or a
19 fact that we have to expand and hire people to be
20 able to address that demand for licensing in
21 growing industrial hemp in Kansas.

22 STEVEN JOHNSON: Steven Johnson,
23 central Kansas, near Assaria. Thanks to everybody
24 for being here.

25 I'm excited about the possibilities and

1 looking forward to that. I have wondered in
2 Kansas, of course, we tried to eradicate related
3 plants for a while. And as birds carry seeds
4 different places, can it be a challenge in
5 grassland, or places we don't want it, or is that
6 pretty easily addressed?

7 MR. BURCHETT: No, it is challenging.
8 It's not in my power point, but Kentucky is the
9 number two state for outdoor illegal marijuana in
10 the nation, so we have quite a bit of illegal
11 marijuana grown.

12 Now that California has legalized, I
13 believe marijuana, we'll probably be number one in
14 the nation in outdoor illegal marijuana. So it's
15 a challenge for our law enforcement.

16 They have a aerial surveillance team that
17 goes across the state, eradicates illegal
18 marijuana grows, that's why we give them all the
19 GPS coordinates for our hemp fields. So pretty
20 challenging to eliminate that crop completely, for
21 sure.

22 STEVEN JOHNSON: Thank you. Not just
23 the illegal crop that we may not want, but below 3
24 point THC, can those seeds travel, and are they an
25 issue or not in other places?

1 MR. BURCHETT: They can travel.
2 Generally when a bird eats them, they're going to
3 break that outer seed hull, so it's not going to
4 be a viable seed.

5 I believe someone has tried to research
6 if it will pass through a cow, for instance, and
7 still be viable. I believe the answer is no. But
8 certainly can be spread, just other wildlife
9 coming in contact with it.

10 But in general, we're tracking where
11 those seeds and plants are. We're able to tell if
12 someone has volunteers the next year, law
13 enforcement calls, says, this corn field's got
14 some cannabis looking plants, we can go back and
15 look and see if that was a registered hemp field.
16 But it will always require THC test to be
17 confirmed.

18 MR. MARSH: And of course, in Kansas
19 we have ditch weed growing everywhere we don't
20 want it. And the issue with that, I think, will
21 turn kind of into a self-regulatory issue, in that
22 do you want to spend all this money on certified
23 seed and then to have it cross pollinated with
24 ditch weed messing up the genetics of your end
25 product.

1 So I think a lot of people will take care
2 to remove any of the weedy hemp that's growing out
3 there left over from World War II. And then if
4 not, we'd have to look at if that's something
5 we'll have to put in the regulations, where before
6 you plant, you have to kill what's out there
7 already.

8 It just mostly, I think it will be end up
9 being a self-regulatory issue just to preserve the
10 genetics of your expensive seed.

11 MR. BONTRAGER: Other comments or
12 questions?

13 JANA HEISER: Jana Heiser, I live in
14 Manhattan, but I have farm land in Clay County.
15 So my question's more around leasing that land.

16 So what sort of, I guess, for you in
17 Kentucky, what sort of background checks or
18 established program, do you have around leased
19 versus owning land?

20 MR. BURCHETT: It has been a big
21 challenge. And what we didn't want to do, the
22 easiest thing would have been to be say the
23 licensed owner has to own the land. But that's
24 not true of farming. My parents, we rent most of
25 our farm ground. So the rule in Kentucky, and

1 please don't take me for word here, this is all in
2 our regs and statutes. But you're unable to lease
3 land from anyone who can otherwise not be eligible
4 to grow.

5 So, if there is someone who has a
6 background of drug cultivation, you can't just use
7 your license and rent their ground. That would be
8 a work around from the whole process. And we had
9 several people try that the first year.

10 So we have a check box on our
11 application. And if you list all your fields, if
12 you lease this ground, do you have permission from
13 the landowner to grow industrial hemp? Are they
14 aware it's a Schedule I drug? Would this person
15 otherwise qualify for licensing? And that's been
16 our best solution.

17 But it's a challenge. It's a challenge
18 for out of state people. We have a rule, I don't
19 know if I mentioned this today, but the easiest
20 thing would be to say, you have to have a Kansas
21 driver's license.

22 But we have a lot of folks that really
23 are in state most of the year, that they may have
24 an out of state driver's license. They're
25 snowbirds and they go to Florida in the winter.

1 So we require during the growing season, which I
2 believe is six or seven months out of the year,
3 you have to be physically located in Kentucky.

4 BRIAN OCHSNER: Brian Ochsner, farm
5 near St. Francis.

6 How is the certified seed program going
7 to come together? What sources are you going to
8 get it from, and where can we buy it, once it's
9 certified?

10 MR. MARSH: Kansas Crop Improvement
11 Association is currently the official seed
12 certifier organization in Kansas for our
13 agricultural seed. We are going to work with them
14 to develop the same with the hemp, on hemp seed.
15 And there are national standards set up already to
16 certify those.

17 And as far as the source of seed, we have
18 not quite developed how we are going to be
19 involved in the seed coming into the State. But
20 we're thinking that we are going to let you guys
21 handle that, find the seed sources, bring it in,
22 just making sure that it has been certified, or
23 can be certified here in Kansas. And will fall
24 within THC levels.

25 KATIE WHISMAN: My name is Katie

1 Whisman, I'm with the Kansas Bureau of
2 Investigation, and have been involved in visiting
3 with the Department of Ag and the legislature over
4 the last four years about some of the law
5 enforcement concerns that you guys mentioned. And
6 also some that were not mentioned. And we're
7 thankful to KDA to be here and participate going
8 forward.

9 But I have three questions, kind of from
10 a law enforcement perspective, that I'm hoping
11 Colorado or Kentucky can answer.

12 So, Colorado, I think you had talked
13 about the inspection where everybody has to be
14 willing, as part of their registration or license,
15 to be open to inspection. So I was wondering if
16 for the greenhouse grows if you guys had to amend
17 your search and seizure law at all to get around
18 those inspections occurring in indoor facilities?

19 MR. YERGERT: Well, I believe we did
20 that. I think the way we get around that is we
21 just say by producing this application and
22 agreeing to have this registration, you allow us
23 to come in. So, basically, you're waiving your
24 right to require a search warrant.

25 MR. BURCHETT: It would be similar to

1 Kentucky. We didn't specifically change that
2 statute, whatever that provision is.

3 You expressly waive the right to privacy
4 for any facility. Of course you can't have
5 industrial hemp in your house, so it's never an
6 issue where someone has waived their private house
7 to provide access without a search warrant.

8 But anything that's registered with the
9 Department of Agriculture, that physical boundary,
10 that greenhouse, that grain bin, is able to be
11 inspected by any law enforcement with or without
12 cause, with or without notification. And we use
13 that quite a bit.

14 KATIE WHISMAN: And nobody has
15 challenged that?

16 MR. BURCHETT: Nobody has challenged
17 that to date. I don't know how -- we did discuss
18 that in our general assembly. But there's certain
19 things that you're able to be inspected for any
20 time, like in you're holding Schedule I drugs.

21 So, since we have a Schedule I import
22 permit, these licensees are an extension of our
23 DEA import permit. It kind of follows on down the
24 line, with our logic. But, no, it has not been
25 challenged.

1 MR. BONTRAGER: And we have the
2 ability to go into greenhouses today for plant
3 inspection. So that would not be too much of a
4 stretch, based on what we're already doing.

5 MR. YERGERT: We did have a person
6 challenge us. We called up to say we were coming
7 to inspect, and they said, you won't inspect it,
8 because it will be trespassing. And we
9 immediately did a summary suspension of their
10 registration and said, well, now it's illegal
11 marijuana and you can deal with the law
12 enforcement.

13 MR. BONTRAGER: Quite tough in
14 Colorado.

15 KATIE WHISMAN: The second question I
16 had is, there was another bill that passed the
17 legislature this year that exempted pure CBD from
18 the definition of marijuana from Schedule I.

19 So, you had talked about the floral
20 production. And if this bill also gets signed by
21 the Governor, I imagine that would be something
22 that will be considered under the Act here in
23 Kansas. So the question is, if you're growing
24 plants that have 0.3 percent THC, the extraction
25 method, how do you guys control the destruction of

1 the extracted THC to ensure that it's not a
2 criminal violation, and to make sure that the CBD
3 would be THC free, as our law would require?

4 MR. BURCHETT: So, in Kentucky's law,
5 it doesn't have to be THC free. It has to be
6 below 0.3. But it is a significant risk. So we
7 do process their inspections. We look and see
8 what is your process for destroying THC.

9 A lot of them have chosen to -- in their
10 facility, imagine all these jars where it's coming
11 through and being separating their cannabinoids,
12 they don't label one as THC. You know, that would
13 be a big draw for people to come in and break in.

14 Everything that leaves their facility has
15 to have testing, like it's a lot, it has to have
16 batch test to see what the THC level is.

17 But it is a significant concern. And
18 just because you have a very big field of
19 compliant hemp that has below 0.3 THC. You very
20 much can aggregate THC in a higher amount.

21 What's required under our rules, is that
22 product has to be diluted to be compliant with the
23 0.3 THC level. So some of them are still using
24 that THC level, but they are diluting it with hemp
25 seed oil or coconut oil. But it is certainly a

1 risk.

2 KATIE WHISMAN: Yeah, obviously my
3 question is around the lines of trying to make
4 sure that we, through rules and regs, can create a
5 system that allows people to comply with the CBD
6 requirements and the industrial hemp act. So is
7 that something Colorado has dealt with?

8 MR. YERGERT: No, we don't have a
9 provision like that. We don't -- at CDA we don't
10 regulate once it's through the harvest process.
11 But I don't believe we have a rule, either, that
12 says you can have 0 percent THC.

13 MR. BURCHETT: I was going to say,
14 it's something we wrestled with a lot, the best
15 way to inspect that. If we had three more staff,
16 we could probably inspect more frequently and have
17 a better level of risk management. But right now
18 we're going there, we visiting those people.
19 Discussing their protocols. There is not a
20 specific regulation that says you have to destroy
21 it, you know, every Monday at 2:00. We've kind of
22 left that to the processor to show what is the
23 best method. It may be included in a future
24 regulation.

25 KATIE WHISMAN: And my last question

1 is, our statute, and I think like yours, defines
2 it on a dry weight basis. From a criminal justice
3 perspective, and with dealing with accredited
4 laboratories, we see the lack of defining dry
5 weight basis as maybe a challenge that we'll
6 encounter in the future. So I'm wondering if
7 either of you, either in statute revision or
8 through rules and regs, have defined how dry
9 weight basis is measured.

10 MR. BURCHETT: I am not certain. I
11 know we have our regulations defer, or refer, to a
12 SOP, standard operating procedure, for the
13 laboratory. And I don't think it's a specific
14 percentage, I think it is a range. It may be,
15 don't quote me, seven to 12 percent moisture. If
16 you have too much moisture, you're going to have
17 immediate mold.

18 So, you remember that slide Mitch had
19 earlier about the brown paper bags. Originally we
20 talked about putting them in plastic evidence bags
21 and having a chain of custody. But all we had is
22 a big pile of mold.

23 MR. YERGERT: There isn't anything
24 defined, I don't think, what a dry weight basis
25 is. We shoot for about 7 percent in our lab.

1 If I remember right, I think the chemists
2 said that anything below 15 percent is considered
3 there's enough water removed that it's not a
4 factor in diluting down the product. I think
5 that's what it is.

6 MR. BURCHETT: And I presume that
7 that counts for the water weight in any sample
8 we're running. So if it's seven or 12 percent, it
9 doesn't matter, that's factored into their
10 calculation, I understand, but I'm not a chemist,
11 for sure.

12 KATIE WHISMAN: I do have one more
13 question. Colorado, you had talked about using
14 GCMS, I think, or was it Kentucky?

15 MR. BURCHETT: Both of us did.

16 KATIE WHISMAN: Both. So that you
17 process out the THC acid to get the total THC
18 concentration.

19 We had done an analysis to see if we
20 could do a consistent and at the level of
21 quantization required to consistently measure
22 0.3 percent, and we found that we could not
23 consistently do that with a GCMS machine, but an
24 LCMS was required. So I am wondering how you guys
25 have dealt with a GCMS at the concentration of

1 that 0.3 because it's pretty low.

2 MR. BURCHETT: That's a fair
3 question. And so I mentioned we had the two
4 incidences where we figured it was, it tested true
5 that it was actually marijuana 8.8 percent. And
6 they noted that this could very much be higher.
7 We're all calibrated to tell the difference
8 between a .2 and .4.

9 We were lucky in Kentucky, we've got a
10 Kentucky Tobacco Research Development Center that
11 has now gotten into hemp analysis, and we've got
12 some excerpts that have developed a pretty good
13 protocol. And I think several states have
14 adopted. So, we would be happy to share that
15 protocol with you.

16 The challenge for the laboratory was not
17 on the GC testing, as I recall, I'm sure it was
18 challenging. But the choke point was grinding
19 samples consistently to get all that residue
20 material. How do you clean it out informally.

21 But we'd be happy to share that protocol
22 with you. And there is a group, Mitch, of all the
23 laboratories that have been working together, be
24 happy to plug Kansas into that for sure.

25 MR. YERGERT: Yeah, our lab is ISO

1 accredited 17025. And under that process they
2 were able to show that because they, like Brent
3 said, they're calculating at such a low level.
4 There is a little bit of variance in that, I think
5 it's seven hundredths -- point 37ths, there is
6 that amount of variance within any lab sample.
7 But within that, they feel they can meet that
8 requirement and take action against it.

9 You know, I've got a whole set of slides
10 of what you sample, when you sample, how you
11 sample, and how you analyze. There is a huge
12 stake in this game, because we had an Advisory
13 Committee member bring in a sample, not the
14 sample, but the analysis, and he showed that the
15 THC amount was .28, if that's all you measured.
16 The THCA level was 22 percent. If you calculate
17 that out, that's marijuana like 19 or 20 percent.
18 But if you're only testing for THC, you would skip
19 it through and say it passed the program. So
20 there's a lot of factors that go into sampling, in
21 general.

22 MR. BURCHETT: So, HPLC is
23 acceptable, it just requires a calculation.

24 Minnesota, for instance, is doing that.
25 We use GC because we had a GC unit to start with,

1 it just worked out, that it was going to burn,
2 decarboxylate that correctly.

3 MR. BONTRAGER: Sarah, what is our
4 machine?

5 SARAH: We'll be using a UPLC.

6 MR. YERGERT: Is that a GC or HPLC?

7 SARAH: It's still chromatography,
8 but it's not gas chromatography.

9 MR. YERGERT: So does it heat the
10 sample going in or not?

11 SARAH: I'm not sure, but I will let
12 you know when I find out. Because we're still in
13 the very, very early stages of determining exactly
14 how we're going to be testing and to what degree
15 we're going to be doing that. So we're open to
16 any advice you guys have, as far as that.

17 MR. BONTRAGER: Okay.

18 LUKE BRANDENBURG: My name's Luke
19 Brandenburg, I'm from Russell.

20 A couple questions I have is, once that
21 product is harvested, is Kansas going to follow
22 where the drop off site's going to be, and are we
23 going to have certification processes for the drop
24 off sites?

25 MR. BONTRAGER: What do you mean by

1 drop off site?

2 LUKE BRANDENBURG: Like, where do we
3 take it? Are you going to follow where we take
4 that product, and then are you going to also -- is
5 that site going to be certified with Kansas, also?

6 MR. BONTRAGER: Okay.

7 MR. VOGEL: To kind of answer your
8 question generally. The statute provides for us
9 oversight on growing, transportation, processing
10 is a part of that, would potentially also include
11 the drop off site, storage site, those types of
12 things. Depending on who's in control of that,
13 would be included in the oversight of that.

14 With that being said, exactly what that's
15 going to look like in Kansas is still something we
16 have to determine, and that's what we're in the
17 process right now on exactly figuring out where do
18 we stop caring about this being a regulated
19 industrial hemp product. And when does it become
20 -- industrial hemp and when does it become a hemp
21 product, so to speak, and that's kind of more
22 things we have to figure out.

23 MR. BONTRAGER: But likely the
24 grower, the transportation, and that first
25 processing point will all be under some sort of

1 license. So that will be tracked. And likely you
2 will say on your application, I intend to deliver
3 my harvested product to this location.

4 LUKE BRANDENBURG: And that site will
5 have to be certified; right?

6 MR. BONTRAGER: More than likely
7 processors will be licensed in some way. Now what
8 we actually do there, I don't know that we have
9 that all figured out. But we want to know where
10 the processing is happening.

11 MURRAY MCGEE: You kind of touched --
12 Murray McGee, I am with the City of Moundridge.
13 I'm their economic development director.

14 You kind of touched on what my question
15 is. As this bill was started through the
16 legislature, we already started getting contact
17 from processors. So, they are already looking at
18 Kansas. So, I didn't know what -- if this bill
19 addressed the regulations that you're going to
20 have for the processors.

21 MR. BONTRAGER: One of the things
22 we've talked about in previous sessions, that I'll
23 mention here, is that eventually that hemp product
24 will become something that is regulated elsewhere,
25 it won't be regulated by the plant protection

1 program at the Department of Agriculture. It will
2 become either an unregulated product, or it will
3 become a feed product that's regulated through
4 feed statutes. Or it will become a food product,
5 or whatever it turns into, that responsibility of
6 what it is will shift a little bit. We haven't
7 exactly figured out where that is.

8 We've had similar inquiries from
9 processors, that they want to know what's going on
10 in Kansas. There's going to be geographic
11 limitations, where do you think this will be
12 grown, what is the most logical place for a
13 processing plant. All those sorts of things that
14 would go along with an economic development type
15 question.

16 I appreciate the question, and that's
17 what we know today. What else do you have?

18 TROY LEITH: I have a couple. Troy
19 Leith, from Abilene, Kansas.

20 I've got a question on the growing. You
21 stated your research was, apply to grow. If
22 you're not a criminal, you could grow and go sell
23 it wherever you want. How is Kansas going to
24 address that? I mean, will we have a limited
25 amount of people who can grow, and a limited

1 amount of people that can process, in the
2 beginning? Or what will be the connection there?

3 MR. BURCHETT: And just I'll clarify
4 a little bit. There are certain products that we
5 do allow to be sold anywhere. But the seed and
6 the floral material, anything that looks like a
7 bag of marijuana can't be sold to the general
8 public. So you can't grow hemp and put up a
9 farmers market stand.

10 I know we specifically prohibited a whole
11 number of products. Hemp cigarettes, hemp tea.
12 They want to do a bag of tea, which was just a bag
13 of marijuana. We've got people that had sold --
14 Kentucky farmers that have sold their products,
15 very much legally, and THC compliant, to another
16 state hemp program, and that state hemp program
17 did not expressly prohibit the manufacture of
18 little dime bags of hemp flower. It won't get you
19 high. But every middle schooler is thinking it
20 does.

21 And I should have mentioned earlier,
22 we've had folks that have taken hemp, and we have
23 a lot of hemp theft. We thought, why are they
24 stealing this hemp? And they were spraying it
25 with oven cleaner and bug spray. And some folks

1 were smoking it and getting high, but it wasn't
2 with the hemp.

3 I got off the subject, I'll pass.

4 MR. MARSH: We have not determined
5 numbers, or anything. But if we did, it would be
6 during the first year while we are trying to
7 figure out the program, and figuring out what kind
8 of manpower we need, and that type of thing.

9 But overall, and as time goes by, I don't
10 think we would restrict the numbers, just getting
11 through the application process.

12 MR. VOGEL: Yeah, to add to that. I
13 guess Scott just mentioned the application
14 process. So, clearly as we talked about those
15 examples from the other states, there is going to
16 be an application process, there is going to be a
17 research component to every one of these licenses
18 that we issue, because that's what the Act calls
19 for.

20 And so if you think about that, and of
21 course, the role of the Advisory Committee, those
22 are going to be some of the determinations that
23 decide whether we issue the license or not.
24 That's kind of how we foresee it.

25 But strict, I guess, numbers, talking

1 about so many numbers, that's not something we
2 have determined yet.

3 MR. BONTRAGER: Do you have a
4 feedback one way or the other for a restricted
5 amount of acres or not?

6 TROY LEITH: Well, I would imagine in
7 the research stage you would have to have some
8 relationship to production acres to how much
9 you're going to be able to research, the product
10 side.

11 So, you know if you had an overwhelming
12 amount of people that said I want to grow it under
13 the research stage, but only one place that said I
14 want to process it, you have a way -- you have a
15 balance problem.

16 And so my next question is on the
17 processing, the gentleman from Moundridge had
18 stated he'd already had inquiries. And has the
19 State had anybody inquire yet about, I want to
20 bring a plant?

21 MR. BONTRAGER: They want to start
22 today. You can't, you have to wait.

23 We have had some inquiries. And then our
24 agri business development group here within the
25 Department will be addressing those from the State

1 perspective, certainly, and working with
2 communities.

3 You know, if you got an inquiry in your
4 community, and if you want some State assistance,
5 we definitely want to sync up there. And if we
6 have somebody come to us and they say I really
7 want to be in this part of the State, we're going
8 to go out and connect with local communities in
9 regard to that.

10 That goes on pretty regularly here for a
11 lot of different things, but we have had
12 inquiries.

13 TROY LEITH: So for now the
14 Department of Agriculture would be the place that
15 I would inquire?

16 MR. BONTRAGER: We would hope if
17 they're talking to the State, they would let us
18 know what they're thinking about. Especially in
19 this early stage here, where if you've got
20 something specific you want to do. We talked to a
21 gentleman the other day that wanted to put CBD oil
22 in cookies. So, okay, good to know.

23 So, as we're working on the regulations,
24 we'll make sure there's a process by which that
25 can happen, if it's at all possible. And it may

1 be we don't care at that point, you know, that may
2 be beyond regulation. But those are the types of
3 things that we want to know that people are
4 interested in, so that we don't inadvertently get
5 in the way of that.

6 STEVEN JOHNSON: Steven from Assaria,
7 again.

8 I might ask you to look at your crystal
9 balls as we put a number of things together. So,
10 in Colorado the acres have grown. Have they grown
11 in Kentucky a little bit? It's slowed more
12 recently. Do you see this continuing to grow, and
13 what are limiting factors?

14 Is it the markets? The markets tend to
15 find this product? Or do the producers need to
16 find the market? Is it the weed control issues
17 that we've had? I would have never thought of bug
18 spray and whatever else.

19 But the other related problems, what are
20 kind of our hold-ups that we might run into?

21 MR. BURCHETT: Right. The number one
22 thing, you have to think of these as separate
23 markets. So the hindrances in grain production is
24 different than a floral material production, bio
25 production, or CBD production.

1 It is the very middle of the market. It
2 is some of those issues, transporting across state
3 lines. But I'm bullish on that aspect. It seems
4 like federal law is changing. You've got a
5 Republican Senator from the south pushing a
6 national decriminalization of industrial hemp, or
7 removal from the controlled substances list, I
8 should say. For grain, it is the herbicide.

9 Of course, hemp is being grown in Canada.
10 And every year they don't plant a hundred percent
11 of their acres in hemp. It's just another crop in
12 the commodity.

13 The fiber has really been a challenge,
14 because it needs an end user dictating to the
15 processor what they want, and then will sell a
16 farmer a contract like that.

17 So, if you don't attempt to recruit
18 processors. And I would encourage you to not
19 limit your farmers to sell only in Kansas, but you
20 know, let them sell to other states. That helped
21 our farmers a lot. We didn't want to create this
22 artificial closed environment in Kentucky. That
23 was not good marketing research. And we know it's
24 not going to be a true free market until it's
25 removed from the Schedule I Controlled Substance

1 list. I would say those three things.

2 And there's always the people doing dumb
3 stuff with bug spray and the oven cleaner. Those
4 things will pass with time, we think, because it's
5 just so new.

6 It's very shocking in Kentucky and drive
7 down the road and see a field of cannabis. We
8 have dry counties in Kentucky where you can't buy
9 alcohol.

10 So with each passing year that we don't
11 mess it up, we get law enforcement more
12 comfortable with it. We work through logistical
13 challenges. It just takes time. And everybody
14 wants to grow it yesterday, and I certainly feel
15 for your staff, but it just takes time to get set
16 up.

17 MR. YERGERT: Yeah, the crystal ball
18 on cannabis is really fuzzy. It seems like it's
19 never really quite what we think it is.

20 I guess from a Colorado perspective. I
21 think at some point the CBD becomes maxed out. I
22 don't know how much of that you can grow, with all
23 the states getting into hemp now. A lot of states
24 getting into recreational and medical marijuana,
25 it seems like at some point there has to be a cap

1 to that. And that's really where the money is
2 right now.

3 For a state like Colorado, I think once
4 all the midwest states, if they get into this, I
5 don't see how we compete with them. And I don't
6 think in the thirties and forties we really did.
7 They can grow this stuff without irrigation. They
8 have less input. I think they will, just on a
9 competitive basis, will take over from that stand
10 point.

11 The fiber and all that, I really struggle
12 with. When we were passing our law, a guy came in
13 and he said, if I could get the amount of material
14 that I needed, I would have to build a 25 million
15 dollar plant to make it work. And he said that is
16 a huge investment. Right now he's doing it all
17 through China.

18 And then I had somebody else tell me on
19 the fiber thing, they said, well, we don't produce
20 all the T-shirts in the U.S. now, anyway. We grow
21 cotton, we ship it to the Far East, they produce
22 all the stuff, and send it back.

23 So is that the mold, the way it always
24 works? Do we never produce those products here?
25 We produce the fiber and ship it over there?

1 So, I think there's just a lot of
2 different paradigms out there, and things people
3 need to look at. From a money standpoint, how
4 does this actually work.

5 You know, Canada, as Brent mentioned, I
6 think they only grow 50 or 60,000 acres a year.
7 They're smart farmers. They want to make a lot of
8 money. If it was unlimited, they would be
9 planting hundreds of thousand of acres a year, but
10 something's keeping that from happening.

11 So, I think there's got to be a lot of
12 factors built into that, otherwise places where it
13 is legal would have consumed this market.

14 MR. BONTRAGER: We have time for one
15 or two more comments, or questions, if you've got
16 them.

17 UNIDENTIFIED SPEAKER: Can I answer
18 the question on where's the market going to come
19 from? I live in Colorado part time during the
20 year, farming in the spring and summer. And I was
21 in northern Colorado until last month. There was
22 over 130 exhibitors there, maxed out. I had to
23 wait a half hour in line to get into the building
24 on Saturday. I mean, this is for real.

25 I mean, after a while you learn to

1 separate hype from the real deal. And this is, as
2 far as I can see, it's the real deal.

3 Hemp journal had a projection that the
4 CBD market would be a billion by 2021 or 2022, so
5 I think there's plenty of room to grow here.

6 Starting out it's not going to be as easy
7 as going to the elevator and harvest your crop
8 with the elevator, and dump it off. You're going
9 to have to negotiate with companies on your own,
10 you know, for maybe the first year or two to find
11 a processor.

12 But I think, yeah, you know, there's no
13 such thing as a no risk crop. It's not a panacea.
14 It's not going to be a magic pill or magic bullet.
15 You have to be a good farmer and market well.

16 But I think just by connecting with other
17 farmers, and other people in Kansas. There's a
18 group called Kansas for Hemp, the Kansas Hemp
19 Industry Association, starting up pretty soon. I
20 think Kelly Ripple, (sp) is the guy in Topeka who
21 is the contact for that.

22 That's the best advice I can give you.
23 Just look at different markets. It's going to
24 change over the years. It's not static, like
25 grains have been traditionally.

1 So, that's my two cents, and then some,
2 on what the future holds.

3 UNIDENTIFIED SPEAKER: What is the
4 insurance side going to look like for this? You
5 know, are we going to be able to insure, like crop
6 insurance? Because Kansas is pretty well known
7 for their hail storms, tornadoes, and what happens
8 with that crop?

9 MR. BURCHETT: So, in the bill we
10 talked about earlier, Senator McDonnell's
11 Industrial Hemp farming, there is a provision to
12 add industrial hemp as one of the covered
13 commodities by the federal crop insurance program.
14 It is not today. So that's a definite added risk
15 and a hindrance today. It does not impact your
16 eligibility for other crop insurance, and other
17 commodity programs, as long as you have a license.

18 Another challenge is there's not a set
19 market. We talked about some prices today. But
20 how do you value your hemp, CBD crop; how do you
21 value your hemp certified seed crop. The market
22 is so volatile right now, or parts of it are so
23 volatile, that it makes insuring that crop
24 difficult. You have to have a payment schedule.
25 It's easy for corn and beans, you know, the

1 Chicago Board of Trade, but that's going to be a
2 challenge. But you're right, we're going to have
3 some sort of crop insurance.

4 MR. BONTRAGER: One more. We
5 wouldn't want to quit early on Friday.

6 UNIDENTIFIED SPEAKER: How many
7 pounds per acre can you grow, of the seed or the
8 flower?

9 MR. BURCHETT: My brain's about shot
10 right now, we've been talking so much. I'm not
11 going to give you a number, it would be wrong. If
12 you Google that, you can find it. But it's still
13 being experimented with.

14 There's people that have tried that
15 different the last two years, and they had the
16 opposite effect, and they thought they had it
17 figured out. It came back, so we're still
18 learning that.

19 And I'm sure there's going to be a great
20 K-State or other university project that does just
21 that, unless Mitch knows about that.

22 MR. YERGERT: I don't know.

23 MR. BONTRAGER: Well, we appreciate
24 everyone coming today and the comments and
25 questions.

1 (WHEREUPON Chad Bontrager made closing
2 comments, and the meeting was adjourned).
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C E R T I F I C A T E

STATE OF KANSAS)
) ss:
SALINE COUNTY)

I, Debra L. Brightbill, a Certified Shorthand Reporter within and for the State of Kansas, certify that the foregoing is a full and correct transcript of all of the oral evidence and oral proceedings had in this matter at the aforementioned time and place.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Salina, Saline County, Kansas this _____ day of _____, 2018.

Debra L. Brightbill, CSR
P.O. BOX 1401
Salina, Kansas 67402-1401

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