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Testimony to the Committee on Public Health and Welfare
Neutral Testimony Regarding Senate Bill 113
March 14 & March 15, 2019
Written Testimony Only

Chairman Suellentrop and Members of the Committee:

The Kansas Commission on Peace Officers' Standards and training (KSCPOST) is responsible for regulating the law enforcement profession in Kansas. KSCPOST adopts and enforces rules and regulations that are necessary to ensure that law enforcement officers are adequately certified, trained, and de-certified when appropriate. KSCPOST conducts administrative investigations related to law enforcement officer qualifications and misconduct.

Under current law, KSCPOST may take certification action on a law enforcement officer who cultivates, distributes, or possesses marijuana or marijuana paraphernalia in violation of K.S.A. 21-5705, 21-5706, 21-5709, and 21-5710. Current administrative regulations also define unprofessional conduct, which is grounds for a certification action, as performing the duties as an officer while using or under the influence of alcohol; using any prescription-only drug, as defined by K.S.A. 65-1626, that impairs the officer's skill or judgment in performance of the duties as an officer; or using any controlled substance that is unlawful to possess, as defined by K.S.A. 21-5706.

SB 113 would allow law enforcement officers to use medical cannabis products in accordance with the veterans first medical cannabis act. If so used, KSCPOST would not have the authority to take certification action on the officer, which is a change from current practice.

If SB 113 is adopted, KSCPOST will continue to take certification action on law enforcement officers who engage in their law enforcement duties under the influence of alcohol or those whose skill or judgment as an officer is impaired by taking a prescription-only drug. However, KSCPOST would no longer be authorized to take certification action on a law enforcement officer using medical cannabis, even if the officer's skill or judgment in the performance of their duties is impaired. Finally, SB 113 conflicts with current federal law. KSCPOST would therefore be required to take certification action on a law enforcement officer convicted of a cannabis-related felony in federal court. A law enforcement officer using medical cannabis under this act may also be prohibited from possessing a firearm under federal law.

Respectfully submitted,
Michelle R. Meier, Commission Counsel
Kansas Commission on Peace Officers' Standards and Training