

January 7, 2019

REPORT

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

Re: Report on the January 7, 2019, Meeting of the Joint Committee on Administrative Rules and Regulations

At its meeting on January 7, 2019, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning the following.

Kansas Department of Agriculture

KAR 4-34-1, definitions; **KAR 4-34-2**, certified seed; **KAR 4-34-3**, license approval process; **KAR 4-34-4**, research license applications; **KAR 4-34-5**, licenses issued by the department, general requirements for licensees; **KAR 4-34-6**, research grower license; **KAR 4-34-7**, research distributor license; **KAR 4-34-8**, research processor license; **KAR 4-34-9**, state educational institution research license; **KAR 4-34-10**, administrative license; **KAR 4-34-11**, state advisory board; **KAR 4-34-12**, fees; **KAR 4-34-13**, modification of license; **KAR 4-34-14**, land-use restrictions; **KAR 4-34-15**, movement of industrial hemp, restrictions on sale or transfer of industrial hemp, compliance with applicable law; **KAR 4-34-16**, voluntary withdrawal, voluntary partial destruction; **KAR 4-34-17**, pre-harvest and harvest requirements, harvest certificates; **KAR 4-34-18**, pre-harvest inspection, sample collection, testing and post-testing actions; **KAR 4-34-19**, postharvest inspection, sample collection, testing and post-testing actions; **KAR 4-34-20**, reports; **KAR 4-34-21**, violations, disciplinary sanctions.

After discussion, the Committee reported the following comments:

KAR 4-34-7. The Committee suggests the term “primary residence” be a defined term for purposes of this set of rules and regulations.

Request. The Committee asks whether the agency considered a review period of less than 60 days for the first draft rules and regulations to increase the likelihood these rules and regulations would have met the December 31, 2018, deadline for promulgation.

Request. The Committee is concerned these rules and regulations may become intertwined with issues of medicinal or recreational marijuana if they do not remain agriculturally oriented. To that end, the Committee requests the agency provide whatever documentation is available with respect to research in other states that indicates the varieties approved by the State of Kansas remain in the 0.3 to 2.0 percent THC range regardless of the conditions under which industrial hemp is grown.

Suggestion. The Committee suggests the agency consider the introduction of legislation or promulgation of additional rules and regulations to specifically outline the make-up of the advisory committee. The Committee suggests the advisory committee's legislative membership be balanced particularly with respect to party affiliation and with respect to legislative chamber balance. In addition, the Committee suggests there be geographic balance if possible. The Committee would further suggest all state institutions of higher education with a potential interest in industrial hemp research be contacted or urged to participate in the advisory committee.

Board of Indigents' Defense Services

KAR 105-5-2, rates of compensation; **KAR 105-5-3**, appellate courts, compensation; **KAR 105-5-6**, reasonable compensation, non-tried cases; **KAR 105-5-7**, reasonable compensation, tried cases; **KAR 105-5-8**, compensation, exceptional cases; **KAR 105-11-1**, revocation.

Request. The Committee recognizes the reimbursement for assigned counsel is inadequate. The Committee requests the agency conduct a survey to determine the proper and adequate rate and forward that information to the Senate Ways and Means Committee, the House Appropriations Committee, the House Judiciary Committee and the Senate Judiciary Committee.

Kansas Department of Labor, Division of Workers Compensation

KAR 51-9-7, fees for medical and hospital services.

After discussion, the Committee reported no comments on this proposed rule and regulation.

Behavioral Sciences Regulatory Board

KAR 102-1-18, designation of referral source for use in the diagnosis and treatment of mental disorders; **KAR 102-2-14**, designation of referral source for use in the diagnosis and treatment of mental disorders; **KAR 102-3-15**, designation of referral source for use in the diagnosis and treatment of mental disorders; **KAR 102-4-15**, designation of referral source for use in the diagnosis and treatment of mental disorders; **KAR 102-5-14**, designation of referral source for use in the diagnosis and treatment of mental disorders; **KAR 102-7-12**, designation of referral source for use in the diagnosis and treatment of substance use disorders.

After discussion, the Committee reported no comments on these proposed rules and regulations.

Behavioral Sciences Regulatory Board

KAR 102-1-13, fees; **KAR 102-2-3**, fees; **KAR 102-3-2**, fees; **KAR 102-4-2**, fees; **KAR 102-5-2**, fees; **KAR 102-7-2**, fees.

After discussion, the Committee reported no comments on these proposed rules and regulations.

State Board of Technical Professions

KAR 66-9-7, education standard acceptable to the board for reciprocity applicants; **KAR 66-10-1**, architectural experience satisfactory to the board; **KAR 66-10-3** architectural experience required of a reciprocity applicant.

After discussion, the Committee reported no comments on these proposed rules and regulations.

State Board of Healing Arts

KAR 100-77-1, definitions; **KAR 100-77-2**, telemedicine deemed rendered at location of patient; **KAR 100-77-3**, prescribing drugs by means of telemedicine.

KAR 100-77-2. The Committee suggests the Legislature monitor payment parity as this rule and regulation is implemented.