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**Testimony to the House Corrections and Juvenile Justice Committee  
In Support of HB2398  
February 14, 2023**

Chairman Owens and Committee Members:

Our associations support HB2398. This bill addresses our nationwide fentanyl issue from the supply chain side. Fentanyl is a very dangerous drug that is most often not sold to end users in pure form, but mixed with other types of drugs. Often these fentanyl laced drugs are pressed into tablet form or placed in capsules to mimic real prescription drugs. And although many users do not have prescriptions for what they are taking, they are tricked into falsely believing they are consuming a prescription grade substance. The forensic laboratories in Kansas are seeing a significant percentage of illegal drugs laced with fentanyl and/or pressed into what looks like pharmaceutical grade drugs. And by now, we are all aware of the high death rates occurring because of the fentanyl problems we are facing.

This bill proposes addressing both of those issues: Pill pressing and lacing other drugs with fentanyl both in the crimes of drug manufacturing and drug distribution. It does not change any laws on the simple possession of illegal drugs.

The bill first addresses the pill pressing issue by amending the definition of manufacturing by including pressing controlled substances into a pill form or placing it in capsule form. By doing this, the law is clear that those actions are included in the crime of manufacturing illegal drugs. These changes are on page 4, lines 22-23. Associated with this is the insertion of the definition of “fentanyl-related controlled substance” as used in the new language on page 4, lines 22-23.

Second, continuing on the issue of pill pressing, the bill also amends the criminal statute on manufacturing controlled substances, KSA 21-5703 by proposing modifications to the penalties for manufacturing. It adds adding “or is a fentanyl-related controlled substance” to subsection (b)(3), on page 7, lines 3 and 4. This increases the penalty for the first offense of manufacturing a “fentanyl-related controlled substance” as a Drug SL1 felony. This is the same step that was taken years ago by adding a similar provision for the first offense of manufacturing methamphetamine. This was an effective aid in addressing the meth manufacturing problem. The first offense of manufacturing, including fentanyl, is currently a Drug SL 2 felony. This definition will apply throughout Chapter 21 Article 57.

The last change is to amend the law on illegal distribution of controlled substances, KSA 21-6805, by adding a special sentencing provision on page 11, lines 9-14. This would require a sentence for a conviction of distributing a controlled substance containing any “fentanyl-related

controlled substance” will be presumed imprisonment and double the sentence specified in the distribution of controlled substance statute.

Finally, the bill does not make any increases in sentencing or new violations relating to simple possession.

We believe these changes will make a meaningful difference in addressing the contribution of illegal manufacturing and distribution of fentanyl and fentanyl laced controlled drugs.

We encourage you to move this bill forward favorably.

Jeff Easter  
KSA Legislative Chair