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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 15, 2023

Subject: Bill Brief on HB 2328

HB 2328 excludes tests to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid in a substance from the definition of drug paraphernalia.

The bill amends K.S.A. 21-5701, the statute providing the definitions for the drug crimes article in the criminal code, to provide that any materials used or intended for use to test a substance for the presence of fentanyl, a fentanyl analog, ketamine or gamma hydroxybutyric are not considered drug paraphernalia. This change would exclude those tests from the criminal penalties provided in possession of drug paraphernalia and distribution of drug paraphernalia.