

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 399

By Committee on Judiciary

1-20

10 AN ACT concerning crimes, punishment and criminal procedure; relat-
11 ing to aggravated endangering a child; controlled substances; amend-
12 ing K.S.A. 2009 Supp. 21-3608a, 21-36a01, 21-36a05, 21-36a10 and
13 21-36a13 and repealing the existing sections.

14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2009 Supp. 21-3608a is hereby amended to read
17 as follows: 21-3608a. (a) Aggravated endangering a child is:

18 (1) Intentionally causing or permitting a child under the age of 18
19 years to be placed in a situation in which the child's life, body or health
20 is injured or endangered;

21 (2) recklessly causing or permitting a child under the age of 18 years
22 to be placed in a situation in which the child's life, body or health is
23 injured or endangered;

24 ~~(3) causing or permitting a child under the age of 18 years to be in~~
25 ~~an environment where such child has access to: (A) Any illegally possessed~~
26 ~~controlled substance, as defined in this section, or (B) any hypodermic~~
27 ~~syringes, needles or other objects used or intended for use in parenterally~~
28 ~~injecting any illegally possessed controlled substance into the human body;~~

29 ~~(3) (4) (3)~~ causing or permitting such child to be in an environment
30 where a person is selling, offering for sale or having in such person's
31 possession with intent to sell, deliver, distribute, prescribe, administer,
32 dispense, *cultivate, attempt to cultivate*, manufacture or attempt to man-
33 ufacture any ~~methamphetamine as defined by subsection (d)(3) or (f)(1)~~
34 ~~of K.S.A. 65-4107~~ controlled substance in violation of K.S.A. 2009 Supp.
35 21-36a03 or subsection (a) of 21-36a05, and amendments thereto; or

36 ~~(4) (5) (4)~~ causing or permitting such child to be in an environment
37 where drug paraphernalia ~~or volatile, toxic or flammable chemicals, prod-~~
38 ~~ucts, chemicals, compounds, mixtures or preparations~~ are stored for the
39 purpose of manufacturing or attempting to manufacture any ~~metham-~~
40 ~~phetamine as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107~~
41 ~~controlled substance in violation of K.S.A. 2009 Supp. 21-36a09, and~~
42 amendments thereto.

43 (b) Aggravated endangering a child is a severity level 9, person felony.

1 *The sentence for a violation of this section shall be served consecutively*
2 *to any other term or terms of imprisonment imposed. Such sentence shall*
3 *not be considered a departure and shall not be subject to appeal.*

4 (c) As used in this section:

5 (1) “Manufacture” shall have the meaning ascribed to that term in
6 K.S.A. 2009 Supp. 21-36a01, and amendments thereto; ~~and~~

7 (2) “drug paraphernalia” shall have the meaning ascribed to that term
8 in K.S.A. 2009 Supp. 21-36a01, and amendments thereto; *and*

9 (3) “*controlled substance*” means: (A) *Any drug, substance, or im-*
10 *mediate precursor included in any of the schedules designated in K.S.A.*
11 *65-4105, 65-4107, 65-4109 and 65-4111, and amendments thereto; and*
12 *(B) any controlled substance analog, as defined in K.S.A. 2009 Supp. 21-*
13 *36a01, and amendments thereto.*

14 (d) This section shall be part of and supplemental to the Kansas crim-
15 inal code.

16 Sec. 2. K.S.A. 2009 Supp. 21-36a01 is hereby amended to read as
17 follows: 21-36a01. As used in K.S.A. 2009 Supp. 21-36a01 through 21-
18 36a17, and amendments thereto:

19 (a) “Controlled substance” means any drug, substance or immediate
20 precursor included in any of the schedules designated in K.S.A. 65-4105,
21 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

22 (b) (1) “Controlled substance analog” means a substance that is in-
23 tended for human consumption, and:

24 (A) The chemical structure of which is substantially similar to the
25 chemical structure of a controlled substance listed in or added to the
26 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
27 thereto;

28 (B) which has a stimulant, depressant or hallucinogenic effect on the
29 central nervous system substantially similar to the stimulant, depressant
30 or hallucinogenic effect on the central nervous system of a controlled
31 substance included in the schedules designated in K.S.A. 65-4105 or 65-
32 4107, and amendments thereto; or

33 (C) with respect to a particular individual, which the individual rep-
34 represents or intends to have a stimulant, depressant or hallucinogenic effect
35 on the central nervous system substantially similar to the stimulant, de-
36 pressant or hallucinogenic effect on the central nervous system of a con-
37 trolled substance included in the schedules designated in K.S.A. 65-4105
38 or 65-4107, and amendments thereto.

39 (2) “Controlled substance analog” does not include:

40 (A) A controlled substance;

41 (B) a substance for which there is an approved new drug application;
42 or

43 (C) a substance with respect to which an exemption is in effect for

- 1 investigational use by a particular person under section 505 of the federal
2 food, drug, and cosmetic act (21 U.S.C. 355) to the extent conduct with
3 respect to the substance is permitted by the exemption.
- 4 (c) “Cultivate” means the planting or promotion of growth of five or
5 more plants which contain or can produce controlled substances.
- 6 (d) “Distribute” means the actual, constructive or attempted transfer
7 from one person to another of some item whether or not there is an
8 agency relationship. “Distribute” includes, but is not limited to, sale, offer
9 for sale or any act that causes some item to be transferred from one person
10 to another. “Distribute” does not include acts of administering, dispens-
11 ing or prescribing a controlled substance as authorized by the pharmacy
12 act of the state of Kansas, the uniform controlled substances act, or oth-
13 erwise authorized by law.
- 14 (e) “Drug” means:
- 15 (1) Substances recognized as drugs in the official United States phar-
16 macopoeia, official homeopathic pharmacopoeia of the United States or
17 official national formulary or any supplement to any of them;
- 18 (2) substances intended for use in the diagnosis, cure, mitigation,
19 treatment or prevention of disease in man or animals;
- 20 (3) substances, other than food, intended to affect the structure or
21 any function of the body of man or animals; and
- 22 (4) substances intended for use as a component of any article speci-
23 fied in paragraph (1), (2) or (3). It does not include devices or their
24 components, parts or accessories.
- 25 (f) “Drug paraphernalia” means all equipment and materials of any
26 kind which are used, or primarily intended or designed for use in planting,
27 propagating, cultivating, growing, harvesting, manufacturing, compound-
28 ing, converting, producing, processing, preparing, testing, analyzing,
29 packaging, repackaging, storing, containing, concealing, injecting, ingest-
30 ing, inhaling or otherwise introducing into the human body a controlled
31 substance and in violation of this act. “Drug paraphernalia” shall include,
32 but is not limited to:
- 33 (1) Kits used or intended for use in planting, propagating, cultivating,
34 growing or harvesting any species of plant which is a controlled substance
35 or from which a controlled substance can be derived;
- 36 (2) kits used or intended for use in manufacturing, compounding,
37 converting, producing, processing or preparing controlled substances;
- 38 (3) isomerization devices used or intended for use in increasing the
39 potency of any species of plant which is a controlled substance;
- 40 (4) testing equipment used or intended for use in identifying or in
41 analyzing the strength, effectiveness or purity of controlled substances;
- 42 (5) scales and balances used or intended for use in weighing or meas-
43 uring controlled substances;

- 1 (6) diluents and adulterants, including, but not limited to, quinine
- 2 hydrochloride, mannitol, mannite, dextrose and lactose, which are used
- 3 or intended for use in cutting controlled substances;
- 4 (7) separation gins and sifters used or intended for use in removing
- 5 twigs and seeds from or otherwise cleaning or refining marijuana;
- 6 (8) blenders, bowls, containers, spoons and mixing devices used or
- 7 intended for use in compounding controlled substances;
- 8 (9) capsules, balloons, envelopes, bags and other containers used or
- 9 intended for use in packaging small quantities of controlled substances;
- 10 (10) containers and other objects used or intended for use in storing
- 11 or concealing controlled substances;
- 12 (11) hypodermic syringes, needles and other objects used or intended
- 13 for use in parenterally injecting controlled substances into the human
- 14 body;
- 15 (12) objects used or primarily intended or designed for use in in-
- 16 gesting, inhaling or otherwise introducing marijuana, cocaine, hashish,
- 17 hashish oil, phencyclidine (PCP), methamphetamine or amphetamine
- 18 into the human body, such as:
- 19 (A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with
- 20 or without screens, permanent screens, hashish heads or punctured metal
- 21 bowls;
- 22 (B) water pipes, bongs or smoking pipes designed to draw smoke
- 23 through water or another cooling device;
- 24 (C) carburetion pipes, glass or other heat resistant tubes or any other
- 25 device used or intended to be used, designed to be used to cause vapor-
- 26 ization of a controlled substance for inhalation;
- 27 (D) smoking and carburetion masks;
- 28 (E) roach clips, objects used to hold burning material, such as a ma-
- 29 rijuana cigarette, that has become too small or too short to be held in the
- 30 hand;
- 31 (F) miniature cocaine spoons and cocaine vials;
- 32 (G) chamber smoking pipes;
- 33 (H) carburetor smoking pipes;
- 34 (I) electric smoking pipes;
- 35 (J) air-driven smoking pipes;
- 36 (K) chillums;
- 37 (L) bongs;
- 38 (M) ice pipes or chillers;
- 39 (N) any smoking pipe manufactured to disguise its intended purpose;
- 40 (O) wired cigarette papers; or
- 41 (P) cocaine freebase kits.
- 42 (g) "Immediate precursor" means a substance which the board of
- 43 pharmacy has found to be and by rules and regulations designates as being

- 1 the principal compound commonly used or produced primarily for use
2 and which is an immediate chemical intermediary used or likely to be
3 used in the manufacture of a controlled substance, the control of which
4 is necessary to prevent, curtail or limit manufacture.
- 5 (h) “Isomer” means all enantiomers and diastereomers.
- 6 (i) “Manufacture” means the production, preparation, propagation,
7 compounding, conversion or processing of a controlled substance either
8 directly or indirectly or by extraction from substances of natural origin or
9 independently by means of chemical synthesis or by a combination of
10 extraction and chemical synthesis and includes any packaging or repack-
11 aging of the substance or labeling or relabeling of its container. “Manu-
12 facture” does not include the preparation or compounding of a controlled
13 substance by an individual for the individual’s own lawful use or the prep-
14 aration, compounding, packaging or labeling of a controlled substance:
- 15 (1) By a practitioner or the practitioner’s agent pursuant to a lawful
16 order of a practitioner as an incident to the practitioner’s administering
17 or dispensing of a controlled substance in the course of the practitioner’s
18 professional practice; or
- 19 (2) by a practitioner or by the practitioner’s authorized agent under
20 such practitioner’s supervision for the purpose of or as an incident to
21 research, teaching or chemical analysis or by a pharmacist or medical care
22 facility as an incident to dispensing of a controlled substance.
- 23 (j) “Marijuana” means all parts of all varieties of the plant Cannabis
24 whether growing or not, the seeds thereof, the resin extracted from any
25 part of the plant and every compound, manufacture, salt, derivative, mix-
26 ture or preparation of the plant, its seeds or resin. “Marijuana” does not
27 include the mature stalks of the plant, fiber produced from the stalks, oil
28 or cake made from the seeds of the plant, any other compound, manu-
29 facture, salt, derivative, mixture or preparation of the mature stalks, ex-
30 cept the resin extracted therefrom, fiber, oil or cake or the sterilized seed
31 of the plant which is incapable of germination.
- 32 (k) “*Minor*” means a person under 18 years of age.
- 33 (l) “Narcotic drug” means any of the following whether produced
34 directly or indirectly by extraction from substances of vegetable origin or
35 independently by means of chemical synthesis or by a combination of
36 extraction and chemical synthesis:
- 37 (1) Opium and opiate and any salt, compound, derivative or prepa-
38 ration of opium or opiate;
- 39 (2) any salt, compound, isomer, derivative or preparation thereof
40 which is chemically equivalent or identical with any of the substances
41 referred to in paragraph (1) but not including the isoquinoline alkaloids
42 of opium;
- 43 (3) opium poppy and poppy straw;

- 1 (4) coca leaves and any salt, compound, derivative or preparation of
 2 coca leaves and any salt, compound, isomer, derivative or preparation
 3 thereof which is chemically equivalent or identical with any of these sub-
 4 stances, but not including decocainized coca leaves or extractions of coca
 5 leaves which do not contain cocaine or ecgonine.
- 6 ~~(m)~~ (m) “Opiate” means any substance having an addiction-forming or
 7 addiction-sustaining liability similar to morphine or being capable of con-
 8 version into a drug having addiction-forming or addiction-sustaining li-
 9 bility. “Opiate” does not include, unless specifically designated as con-
 10 trolled under K.S.A. 65-4102, and amendments thereto, the
 11 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
 12 (dextromethorphan). “Opiate” does include its racemic and levorotatory
 13 forms.
- 14 ~~(n)~~ (n) “Opium poppy” means the plant of the species *Papaver som-*
 15 *niferum* L. except its seeds.
- 16 ~~(o)~~ (o) *“Park property” means any publicly owned playground, swim-*
 17 *ming pool or community center and any other publicly owned property*
 18 *set aside for any recreational use. If the property meets the above defi-*
 19 *nition at the time of any alleged criminal act, the actual use of that prop-*
 20 *erty at the time alleged shall not be a defense to the crime charged or the*
 21 *sentence imposed.*
- 22 (p) “Person” means individual, corporation, government or govern-
 23 mental subdivision or agency, business trust, estate, trust, partnership,
 24 association or any other legal entity.
- 25 ~~(q)~~ (q) “Poppy straw” means all parts, except the seeds, of the opium
 26 poppy, after mowing.
- 27 ~~(r)~~ (r) “Possession” means having joint or exclusive control over an
 28 item with knowledge of and intent to have such control or knowingly
 29 keeping some item in a place where the person has some measure of
 30 access and right of control.
- 31 ~~(s)~~ (s) *“Presence of a minor” means:*
 32 ~~(1) A minor is within close proximity to the illegal activity;~~
 33 ~~(2) the illegal activity is conducted in a place where minors can rea-~~
 34 ~~sonably be expected to be present; or~~
 35 ~~(3) in the minor’s dwelling.~~
 36 ~~This definition shall not be construed as requiring that a defendant~~
 37 ~~actually be aware of the presence of a minor or a minor actually be aware~~
 38 ~~of the illegal activity.~~
- 39 ~~(t)~~ (s) “School property” means property upon which is located a
 40 structure used by a unified school district or an accredited nonpublic
 41 school for student instruction or attendance or extracurricular activities
 42 of pupils enrolled in kindergarten or any of the grades one through 12.
 43 This definition shall not be construed as requiring that school be in session

1 or that classes are actually being held at the time of the offense or that
 2 children must be present within the structure or on the property during
 3 the time of any alleged criminal act. If the structure or property meets
 4 the above definition, the actual use of that structure or property at the
 5 time alleged shall not be a defense to the crime charged or the sentence
 6 imposed.

7 ~~(+)(+)~~ **(t)** “Simulated controlled substance” means any product which
 8 identifies itself by a common name or slang term associated with a con-
 9 trolled substance and which indicates on its label or accompanying pro-
 10 motional material that the product simulates the effect of a controlled
 11 substance.

12 Sec. 3. K.S.A. 2009 Supp. 21-36a05 is hereby amended to read as
 13 follows: 21-36a05. (a) It shall be unlawful for any person to cultivate,
 14 distribute or possess with the intent to distribute any of the following
 15 controlled substances or controlled substance analogs thereof:

16 (1) Opiates, opium or narcotic drugs, or any stimulant designated in
 17 subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments
 18 thereto;

19 (2) any depressant designated in subsection (e) of K.S.A. 65-4105,
 20 subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109
 21 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

22 (3) any stimulant designated in subsection (f) of K.S.A. 65-4105, sub-
 23 section (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A.
 24 65-4109, and amendments thereto;

25 (4) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-
 26 4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-
 27 4109, and amendments thereto;

28 (5) any substance designated in subsection (g) of K.S.A. 65-4105 and
 29 subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments
 30 thereto; or

31 (6) any anabolic steroids as defined in subsection (f) of K.S.A. 65-
 32 4109, and amendments thereto.

33 (b) It shall be unlawful for any person to distribute or possess with
 34 the intent to distribute a controlled substance or a controlled substance
 35 analog designated in K.S.A. 65-4113, and amendments thereto.

36 (c) (1) Violation of subsection (a) is a drug severity level 3 felony,
 37 except that:

38 (A) ~~Violation of subsection (a) on or within 1,000 feet of any school~~
 39 ~~property is a drug severity level 2 felony; Violation of subsection (a) is a~~
 40 ~~drug severity level 1 felony if 2 felony if the trier of fact makes a~~
 41 **finding that the offender is 18 or more years of age and the substance**
 42 ~~was distributed to or possessed with intent to distribute to a child under~~
 43 ~~18 years of age minor or to a person whom the offender knew or reason-~~

1 *ably should have known to be pregnant;*

2 ~~(B)~~ violation of subsection (a) is a drug severity level 2 felony if ~~that~~
 3 ~~person~~ **the trier of fact makes a finding that the offender** is 18 or more
 4 years of age and the violation ~~occurs in the presence of a minor~~, **occurred**
 5 **on any park property or on or within 1,000 feet of any school property;**
 6

7 ~~(B)~~ (C) violation of subsection (a)(1) is a drug severity level 2 felony
 8 if that person has one prior conviction under subsection (a)(1), under
 9 K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense
 10 from another jurisdiction; and

11 ~~(C)~~ (D) violation of subsection (a)(1) is a drug severity level 1 felony
 12 if that person has two prior convictions under subsection (a)(1), under
 13 K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense
 14 from another jurisdiction.

15 (2) Violation of subsection (b) is a class A nonperson misdemeanor,
 16 except that, violation of subsection (b) is a drug severity level 4 felony if
 17 the substance was distributed to or possessed with the intent to distribute
 18 to a child under 18 years of age.

19 (d) It shall not be a defense to charges arising under this section that
 20 the defendant was acting in an agency relationship on behalf of any other
 21 party in a transaction involving a controlled substance.

22 Sec. 4. K.S.A. 2009 Supp. 21-36a10 is hereby amended to read as
 23 follows: 21-36a10. (a) It shall be unlawful for any person to advertise,
 24 market, label, distribute or possess with the intent to distribute:

25 (1) Any product containing ephedrine, pseudoephedrine, red phos-
 26 phorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pres-
 27 surized ammonia or phenylpropanolamine or their salts, isomers or salts
 28 of isomers if the person knows or reasonably should know that the pur-
 29 chaser will use the product to manufacture a controlled substance; or

30 (2) any product containing ephedrine, pseudoephedrine or phenyl-
 31 propanolamine, or their salts, isomers or salts of isomers for indication of
 32 stimulation, mental alertness, weight loss, appetite control, energy or
 33 other indications not approved pursuant to the pertinent federal over-
 34 the-counter drug final monograph or tentative final monograph or ap-
 35 proved new drug application.

36 (b) It shall be unlawful for any person to market, distribute or man-
 37 ufacture with intent to distribute any drug paraphernalia, knowing or
 38 under circumstances where one reasonably should know that it will be
 39 used to manufacture or distribute a controlled substance in violation of
 40 K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto.

41 (c) It shall be unlawful for any person to distribute, possess with in-
 42 tent to distribute or manufacture with intent to distribute any drug par-
 43 aphernalia, knowing or under circumstances where one reasonably should

1 know, that it will be used as such in violation of K.S.A. 2009 Supp. 21-
 2 36a01 through 21-36a17, and amendments thereto, except subsection (b)
 3 of K.S.A. 2009 Supp. 21-36a06, and amendments thereto.

4 (d) It shall be unlawful for any person to distribute, possess with
 5 intent to distribute or manufacture with intent to distribute any drug
 6 paraphernalia, knowing, or under circumstances where one reasonably
 7 should know, that it will be used as such in violation of subsection (b) of
 8 K.S.A. 2009 Supp. 21-36a06, and amendments thereto.

9 (e) (1) Violation of subsection (a) is a drug severity level 2 felony;

10 (2) violation of subsection (b) is a drug severity level 4 felony;

11 (3) violation of subsection (c) is a *severity* level 9, nonperson felony,
 12 except that violation of subsection (c) is a drug severity level 4 felony if
 13 ~~that person~~ **the trier of fact makes a finding that the offender is 18**
 14 **or more years of age and that the offender:**

15 (A) ~~Distributes or causes~~ **Distributed or caused** drug paraphernalia
 16 to be distributed to a ~~person child~~ under 18 years of age ~~minor~~ or within
 17 ~~1,000 feet~~ or to a person whom the offender knew or reasonably should
 18 have known to be pregnant; or

19 (B) ~~is 18 or more years of age and distributes or causes~~ **distributed**
 20 **or caused** drug paraphernalia to be distributed ~~in the presence of a mi-~~
 21 ~~nor,~~ on any park property or on or within 1,000 feet of any school
 22 property;

23 (4) violation of subsection (d) is a class A nonperson misdemeanor,
 24 except that violation of subsection (d) is a ~~nondrug~~ severity level 9, non-
 25 person felony if ~~that person~~ **the trier of fact makes a finding that the**
 26 **offender is 18 or more years of age and that the offender:**

27 (A) ~~Distributes or causes~~ **Distributed or caused** drug paraphernalia
 28 to be distributed to a ~~person child~~ under 18 years of age ~~minor~~ or within
 29 ~~1,000 feet~~ or to a person whom the offender knew or reasonably should
 30 have known to be pregnant; or

31 (B) ~~is 18 or more years of age and distributes or causes~~ **distributed**
 32 **or caused** drug paraphernalia to be distributed ~~in the presence of a mi-~~
 33 ~~nor,~~ on any park property or on or within 1,000 feet of any school
 34 property.

35 (f) For persons arrested and charged under subsection (a), bail shall
 36 be at least \$50,000 cash or surety, unless the court determines, on the
 37 record, that the defendant is not likely to re-offend, the court imposes
 38 pretrial supervision or the defendant agrees to participate in a licensed
 39 or certified drug treatment program.

40 (g) As used in this section, “or under circumstances where one rea-
 41 sonably should know” that an item will be used in violation of this section,
 42 shall include, but not be limited to, the following:

43 (1) Actual knowledge from prior experience or statements by

1 customers;

2 (2) inappropriate or impractical design for alleged legitimate use;

3 (3) receipt of packaging material, advertising information or other
4 manufacturer supplied information regarding the item's use as drug par-
5 aphernalia; or

6 (4) receipt of a written warning from a law enforcement or prose-
7 cutorial agency having jurisdiction that the item has been previously de-
8 termined to have been designed specifically for use as drug paraphernalia.

9 Sec. 5. K.S.A. 2009 Supp. 21-36a13 is hereby amended to read as
10 follows: 21-36a13. (a) It shall be unlawful for any person to distribute,
11 possess with the intent to distribute, or manufacture with the intent to
12 distribute any simulated controlled substance.

13 (b) It shall be unlawful for any person to use or possess with intent
14 to use any simulated controlled substance.

15 (c) (1) Violation of subsection (a) is a nondrug severity level 9, non-
16 person felony, except that violation of subsection (a) is a nondrug severity
17 level 7, nonperson felony if ~~that person~~ **the trier of fact makes a finding**
18 **that the offender** is 18 or more years of age and the violation ~~occurs in~~
19 ~~the presence of a minor,~~ **occurred** on any park property or on or within
20 1,000 feet of any school property;

21 (2) violation of subsection (b) is a class A nonperson misdemeanor.

22 Sec. 6. K.S.A. 2009 Supp. 21-3608a, 21-36a01, 21-36a05, 21-36a10
23 and 21-36a13 are hereby repealed.

24 Sec. 7. This act shall take effect and be in force from and after its
25 publication in the statute book.