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**Testimony to the Senate Judiciary Committee  
In Support of SB414  
February 6, 2024**

Chairperson Warren and Committee Members:

Our associations initiated SB414 to address the 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.

The focus of this bill is to address the distribution of controlled substances containing fentanyl. It does the same thing as the bill passed last year addressing the manufacturing of fentanyl-related substances, doubling the maximum sentence that can be imposed. It also makes any of those upper-level distribution crimes presumptive imprisonment. These increases would apply only for the highest three severity levels of distribution of controlled substances. It intentionally does not include the lowest severity level of distribution of controlled substances, drug severity level 4 crimes.

**Comparison to SB413**

SB414 has two provisions in section 1 substantively amending K.S.A. 21-5705, distribution of drugs. Those are found on page 2, line 23, adding “a fentanyl-related controlled substance” to the existing provision in place for heroin and methamphetamine. Also, page 3 lines 25-26 adding “material containing any quantity of a fentanyl-related controlled substance” to a provision currently in place for heroin and methamphetamine. Those changes are also included in section 1 of SB413, along with other amendments recommended by the KCDA. Those changes in SB414 can be found in SB413 on page 2, line 23-24; and on page 3, lines 37-40.

SB414 also differs from SB413 by adding an amendment to K.S.A. 21-6805 in section 2. The changes we propose in this section of the bill are found on page 8, lines 6 through 13. This amendment will impose the same sentencing enhancements placed on manufacturing fentanyl-related substances last year. That includes making all violations presumed imprisonment and the doubling of the maximum sentence when the distributed controlled substance contains a fentanyl-related substance.

This bill targets the distributors who are the supply chain providing access to these deadly drugs to Kansans, including our children. We believe these changes are necessary and will target those profiting from the sales and distribution of these fentanyl substances killing our Kansas children and adults.

We encourage you to move the bill forward favorably.

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