House Committee on Health and Human Services
Proposed Amendment to HB 2218 - Year Update
January 26, 2026
Prepared by the Office of Revisor of Statutes

Session of 2025

HOUSE BILL No. 2218

By Committee on Health and Human Services

Requested by Steve Kearney on behalf of Compass Pathways

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AN ACT concerning the uniform controlled substances act; defining psilocybin to exclude the pharmaceutical composition of crystalline polymorph psilocybin; adding crystalline polymorph psilocybin to schedule IV; amending K.S.A. ~~2024~~ Supp. 65-4101 and 65-4111 and repealing the existing sections. 2025

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

Section 1. On and after the date of publication in the Kansas register of the certification prescribed in section 3, K.S.A. ~~2024~~ Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: 2025

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of ~~the~~ *a* practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. "Agent" does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs~~,~~ *of the* United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption~~,~~ and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the

accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States that is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) *"Psilocybin" does not include the pharmaceutical composition of crystalline polymorph psilocybin, known as COMP 360 or any such trade name approved by the United States food and drug administration.*

(pp) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

~~(pp)~~*(qq)* "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 2. On and after the date of publication in the Kansas register of the notice prescribed in section 3, K.S.A. ~~2024~~ 2025 Supp. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any material, compound, mixture or preparation that contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(13) Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate (ester))....1650
(14) Mondafinil....1680

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following, including salts thereof:

(1) Pentazocine....9709
(2) Butorphanol (including its optical isomers)....9720
(3) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers. .9725

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit....9167
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propion-oxybutane)....9278
(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol)....9752

(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(h) *Any pharmaceutical composition of crystalline polymorph psilocybin approved by the United States food and drug administration.*

(i) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

New Sec. 3. When the pharmaceutical composition of crystalline polymorph psilocybin is approved as a drug product by the United States food and drug administration, the attorney general shall certify such drug product's approval to the secretary of state within seven days after its approval. Upon receipt of such certification, the secretary of state shall publish such certification in the Kansas register.

Sec. 4. On and after the date of publication in the Kansas register of the certification prescribed in section 3, K.S.A. ~~2024~~ 2025 Supp. 65-4101 and K.S.A. 65-4111 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.