Session of 2026

HOUSE BILL No. 2752

By Committee on Health and Human Services

Requested by Representative Fairchild

2-6

AN ACT concerning health and healthcare; establishing the Kansas health freedom act; setting standards for patient and caregiver identification cards to ensure legal access to medical cannabis; requiring medical providers to certify patients for medical cannabis use; protecting patients' rights, including firearm ownership and non-disqualification from medical care; establishing the Kansas medical cannabis agency within the department of health and environment; creating a medical cannabis tax fund for research and public health initiatives; ensuring confidentiality of patient records; authorizing the expungement of certain cannabis-related convictions; sealing of records related to decriminalized offenses; removing cannabis from the Kansas uniform controlled substances act; amending K.S.A. 21-5706 and 21-5709 and K.S.A. 2025 Supp. 21-5701, 21-5705, 65-4101 and 65-4105 and repealing the existing sections.

WHEREAS, findings of the United States department of justice, drug enforcement administration, in the matter of docket no. 86-22, marijuana rescheduling petition, opinion and recommended ruling, finding of fact, conclusions of law and decision of administrative law Judge Francis L. Young stated, "Marijuana, in its natural form, is one of the safest therapeutically active substances known to man. By any measure of rational analysis marijuana can be safely used within a supervised routine of medical care."; and

WHEREAS, The United States drug enforcement administration proposed to change the status of cannabis under the controlled substances act by moving it from schedule I to the less restrictive schedule III; and

WHEREAS, Congress has enacted appropriations legislation prohibiting the United States department of justice from expending appropriated funds to prevent states from implementing their own medical cannabis law and issued guidance to United States attorneys indicating that enforcement of the controlled substances act is not a priority when individual patients and their medical care providers are in compliance with state law and that federal prosecutors should defer to state and local enforcement so long as a viable state regulatory scheme is in place; and

WHEREAS, Forty states, three territories and the district of Columbia

allow the medical use of cannabis products; and

WHEREAS, More than 30 years of state-level policies provide a guide related to the medical use of cannabis; and

WHEREAS, The American herbal pharmacopoeia and the American herbal products association have developed qualitative standards for the use of cannabis as a botanical medicine; and published a cannabis monograph providing standards for its identity, purity, quality and botanical properties; and

WHEREAS, The national institute of standards and technology and the United States department of commerce have developed an integrated measurement services program for forensic and cannabis testing laboratories to help ensure the quality of routine analysis throughout the cannabis industry; and

WHEREAS, Accredited educational curricula concerning the medical use of cannabis have been established, which meet continuing medical education requirements for practicing physicians; and

WHEREAS, President Donald J. Trump signed an executive order on December 18, 2025, urging the United States health and human services agency, department of justice and affiliated agencies to complete the rescheduling process of transitioning cannabis from schedule I to schedule III under the controlled substances act, acknowledging generations of evidence proving therapeutic benefits of plant constituents and citing burdens on industry businesses and investors and limitations against research and development.

Now, therefore:

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

New Section 1. (a) Sections 1 through 10, and amendments thereto, shall be known and may be cited as the Kansas health freedom act.

(b) The legislature of the state of Kansas declares that the Kansas health freedom act is enacted pursuant to the police power of the state to protect the health of Kansas citizens and that such police power is reserved to the state of Kansas and its people under the 10th amendment to the Constitution of the United States.

New Sec. 2. As used in this act, unless the context requires otherwise:

(a) "Agency" means the Kansas medical cannabis agency.

(b) "Batch number" means a unique numeric or alphanumeric identifier assigned prior to testing to allow inventory tracking and traceability.

(c) (1) "Cannabis" or "marijuana" means all parts of all varieties of the plant cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(2) "Cannabis" or "marijuana" does not include the mature stalks of

the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination.

(d) "Cannabinoid" means any of the chemical compounds that are active principles of cannabis.

(e) (1) "Caregiver" means the individual or entity, designated by a patient with an identification card, that is able to cultivate a patient's medical cannabis or purchase medical cannabis on the behalf of such patient, who has consistently assumed responsibility for the housing, health or safety of that patient or person and may include any of the following:

(A) A licensed clinic, a licensed state governmental institution clinic, a licensed health care facility, a licensed residential care facility for persons with chronic life-threatening illness, a hospice or a licensed home health agency, a licensed residential care facility for the elderly, the owner or operator and any trained staff of a licensed clinic, facility hospice or home health agency, group home, halfway house, if designated as a caregiver by a patient; or

(B) an individual who has been designated as a caregiver by one or more patients.

(2) A caregiver shall be at least 18 years of age, unless the caregiver is the parent of a minor child who is a patient or the caregiver is a person otherwise entitled to make medical decisions under state law, or it can be proven to the agency that no other viable option for a caregiver is available.

(f) "Certification" means a document given by a medical provider to a patient that states that the patient has a condition or illness that meets the guidelines of this act.

(g) "Department" means the department of health and environment.

(h) "Dispensary" means an entity that has been licensed by the department pursuant to this act to:

(1) Purchase medical cannabis or medical cannabis products from a licensed medical cannabis commercial grower or medical cannabis manufacturer;

(2) sell medical cannabis or medical cannabis products to patients and caregivers as defined under this act; or

(3) sell or transfer products to another dispensary.

(i) "Extract" is defined as the final product, derived by various methods, of separating plant material from chemical compounds.

(j) "Entity" means an individual, general partnership, limited partnership, limited liability company, trust, estate, association,

corporation, cooperative or any other legal or commercial entity.

(k) "Identification card" means a document issued by the department that identifies a person as a registered qualifying patient, registered designated primary caregiver or employee of a registered dispensary.

(l) "Kansas resident" means an individual who can provide proof of residency as required by this act.

(m) "Laboratory" means a public or private laboratory licensed pursuant to this act to conduct testing and research on medical cannabis and medical cannabis products.

(n) "Licensee" means any person or entity holding a license to operate a dispensary, testing laboratory, cultivation facility or manufacturing laboratory.

(o) "Licensed premises" means the premises specified in an application for a medical cannabis business license pursuant to this act that is owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, store, transport, test or research medical cannabis or medical cannabis products in accordance with the provisions of this act.

(p) "Manufacture" means the production, propagation, compounding or processing of a medical cannabis product, excluding cannabis plants, either directly or indirectly by extraction from substances of natural or synthetic origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis.

(q) "Material change" means any change that would require a substantive revision to the standard operating procedures of a licensee for the cultivation or production of medical cannabis or medical cannabis products.

(r) "Medical condition" means either a temporary disability or illness caused by an injury or surgery or a permanent disability or illness that:

(1) Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with disabilities act of 1990; or

(2) if not alleviated, may cause serious harm to the patient's safety, physical or mental health.

(s) "Medical provider" means a physician, physician's assistant or an advanced practice registered nurse who possesses a license in good standing to practice medicine or osteopathy issued by the Kansas board of healing arts or board of nursing and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's or advanced practice registered nurse's assessment of whether the patient has an illness or medical condition that meets the guidelines of this act.

(t) (1) "Medical cannabis product" or "product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a qualified patient including, but not limited to, oils, tinctures, edibles, pills, topical forms, gels, creams, vapors, patches, liquids and forms administered by a nebulizer.

(2) "Medical cannabis product" or "product" does not include cannabis in the form of a live plant.

(u) "Medical use" means the acquisition, possession, use, delivery, transfer or transportation of medical cannabis, medical cannabis products, medical cannabis devices or paraphernalia relating to the administration of medical cannabis to treat a licensed patient.

(v) "Owner" means a direct beneficial owner including, but not limited to, all persons or entities as follows:

(1) All shareholders owning an interest of a corporate entity and all officers of a corporate entity;

(2) all partners of a general partnership;

(3) all general partners and all limited partners that own an interest in a limited partnership;

(4) all members that own an interest in a limited liability company;

(5) all beneficiaries that hold a beneficial interest in a trust and all trustees of a trust;

(6) all persons or entities that own interest in a joint venture;

(7) all persons or entities that own an interest in an association;

(8) the owners of any other type of legal entity; and

(9) any other person holding an interest or convertible note in any entity that owns, operates or manages a licensed facility.

(w) "Patient" means a person who has been diagnosed by a medical provider as having a debilitating medical condition and as such is qualified for coverage under the Kansas health freedom act, whether a temporary disability or illness, due to injury or surgery or a permanent disability or illness that substantially limits the ability of the person to conduct one or more major life activities, as defined in the Americans with disabilities act of 1990 or, if not alleviated, may cause serious harm to the patient's safety or physical or mental health.

(x) "Package" or "packaging" means any container or wrapper that may be used by a medical cannabis business to enclose or contain medical cannabis.

(y) (1) "Person" means a natural person, partnership, association, business trust, company, corporation, estate, limited liability company, trust or any other legal entity or organization or a manager, agent, owner, director, servant, officer or employee thereof.

(2) "Person" does not include any governmental organization.

(z) "Private business information" means information that, if disclosed, would give advantage to competitors or bidders including, but not limited to, information related to the planning, site location, operations, strategy or product development and marketing of an applicant, unless approval for release of those records is granted by the business.

(aa) (1) "Research laboratory" means a person or entity approved pursuant to this act to conduct medical cannabis research.

(2) "Research laboratory" does not include a medical cannabis business.

(bb) "Revocation" means the final decision by the department that any license issued pursuant to this act is rescinded because the individual or entity does not comply with the applicable requirements set forth in this act.

(cc) (1) "School" means a public or private preschool or a public or private elementary or secondary school that is used for school classes and instruction.

(2) "School" does not include a home school, daycare or child care facility.

(dd) "Seed-to-sale tracking system" means a system that is used to track the production, transportation, destruction and sales of legal medical cannabis and medical cannabis products in a system, allowing regulatory agencies to view reports in real time.

(ee) "Seedling" means a nonflowering plant grown from a seed or cut or that was cloned from a mother plant and has shown no signs of flowering.

(ff) "Testing laboratory" or "laboratory" means a public or private laboratory licensed pursuant to this act, to conduct testing and research on medical cannabis and medical cannabis products.

(gg) "Universal symbol" means the image established by the department or Kansas medical cannabis compliance agency and made available to licensees through the department's or agency's website indicating that the medical cannabis or the medical cannabis product contains tetrahydrocannabinol.

New Sec. 3. (a) The purpose of this section is to set forth general standards and requirements for the issuance of patient and caregiver identification cards. It is the intent of the legislature for this section to provide unimpeded and legal access to patients and to prevent the diversion of medical cannabis to the illicit market.

(b) The agency shall develop such forms, certificates, licenses, identification cards and applications as necessary for the administration of this section, including, but not limited to:

(1) An application fee and a renewal fee in an amount of not to exceed $25. Such fees shall be waived for patients on disability or state

insurance. The agency shall not issue an identification card to a patient who is younger than 18 years of age unless such issuance is recommended by two medical providers; and

(2) requiring the custodial parent or legal guardian with responsibility for health care decisions for the minor patient to be the minor patient's licensed caregiver.

(c) An identification card or the equivalent thereof that is issued under the laws of another state, district, territory, commonwealth or insular possession of the United States that allows, verifiable by the jurisdiction of issuance, a visiting patient to possess medical cannabis for medical purposes, shall have the same force and effect as an identification card issued by the agency.

(d) Applicants may appeal rejections to the agency for review. The agency's rejection of an application or renewal shall be considered a final department action, subject to judicial review. All administrative proceedings shall be subject to the Kansas administrative procedure act.

(e) Failure to comply with any rules and regulations adopted pursuant to this act may result in administrative penalties and revocation of license.

(f) The agency shall not have the authority to apply or enforce any rule or regulation that would impose an undue burden on any one or more licensees or certificate holders, any qualifying patients or act to undermine the purposes of this section.

New Sec. 4. (a) The purpose of this section is to set forth general standards and requirements and prohibit any medical provider from being punished or denied any right or privilege for having recommended medical cannabis to a patient for medical therapeutic use. The legislature intends the guidelines in this section to help maintain the integrity of Kansas medical providers recommending medical cannabis.

(b) The agency shall adopt rules and regulations to establish standards for licensed medical providers, including, but not limited to:

(1) Certifying that medical providers do not have an ownership level with a licensed medical cannabis dispensary; and

(2) requiring medical providers to certify that a patient has an illness or medical condition.

(c) A medical provider shall not be subject to arrest, prosecution or penalty in any manner or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by the state board of healing arts or by any other occupational or professional licensing board or bureau, solely for providing written certifications or otherwise stating that, in the medical provider's professional opinion, a patient is likely to receive therapeutic benefit from the medical use of medical cannabis to treat or alleviate the patient's medical condition or conditions or symptoms associated with the medical condition.

(d) Nothing in the Kansas health freedom act shall prevent a professional licensing board from sanctioning a medical provider for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

New Sec. 5. (a) There is hereby established within the department of health and environment the Kansas medical cannabis agency. The department shall provide support staff to perform designated duties of the agency.

(b) The department shall also provide office space for meetings of the agency.

(c) The agency shall hold quarterly public meetings to gather public feedback. The agency shall adopt rules and regulations and guidelines relating to how such quarterly public meetings shall be conducted.

(d) The agency shall:

(1) Establish all guidelines regarding:

(A) Licensing, applications, security, testing, transportation, research;

(B) the receipt, storage, packaging, labeling, handling, manufacturing, tracking and dispensing of products containing medical cannabis;

(C) public health policy and public safety policy;

(D) agronomic, horticultural, sustainable energy and water usage best practices; and

(E) medical and pharmacopoeia best practices;

(2) contract with third-party vendors and other governmental entities in order to carry out the respective duties and functions as specified in this act;

(3) upon complaint or upon the agency's own motion and upon a completed investigation, levy fines as prescribed in this act and suspend or revoke licenses pursuant to this act;

(4) issue subpoenas for the appearance or production of persons, records and things in connection with disciplinary or contested cases considered by the department;

(5) apply for injunctive or declaratory relief to enforce the provisions of this act and any rules and regulations adopted pursuant to this section;

(6) inspect and examine, with notice provided in accordance with this act, all licensed premises;

(7) work with the Kansas state banking commissioner, department of commerce and the state treasurer to develop good practices and standards for banking and finance for medical cannabis businesses;

(8) establish internal control procedures for licenses including accounting procedures, reporting procedures and personnel policies;

(9) establish a fee schedule and collect fees for performing criminal history record checks required under this act in an amount of not to exceed

the actual cost incurred for each background check;

(10) require verification for sources of finance for licensees; and

(11) establish procedures and guidelines for:

(A) Adverse event reporting and tracking;

(B) product recall reporting and tracking; and

(C) complaints reporting and tracking.

(e) The agency, in conjunction with the department, shall employ an executive director and other personnel as necessary to assist the compliance agency in carrying out its duties.

(f) The agency shall not employ an individual if any of the following circumstances exist:

(1) The individual has a direct or indirect interest in a licensed medical cannabis business; or

(2) the individual or the individual's spouse, parent, child, spouse of a child, sibling or spouse of a sibling has an application for a medical cannabis business license pending before the department or is a member of the board of directors of a medical cannabis business or is an individual financially interested in any licensee or medical cannabis business.

(g) All officers and employees of the agency shall be in the exempt unclassified service as provided for in K.S.A. 75-2935, and amendments thereto.

(h) The director may delegate to any officer or employee of the department any of the powers of the executive director and may designate any officer or employee of the department to perform any of the duties of the executive director.

(i) The department shall create employment positions necessary for the implementation of its obligations pursuant to this act, including, but not limited to, agency investigators and a senior agency director. The department and the agency, the senior director, the executive director and Kansas department of health and environment investigators shall have all the powers of any peace officer to:

(1) Investigate violations or suspected violations of this act and any rules promulgated pursuant thereto;

(2) serve all warrants, summonses, subpoenas, administrative citations, notices or other processes relating to the enforcement of laws regulating medical cannabis and medical cannabis product;

(3) assist or aid any law enforcement officer in the performance of such law enforcement officer's duties upon such law enforcement officer's request or the request of other local officials having jurisdiction;

(4) require any licensee, upon 24 hours' notice to permit an inspection of licensed premises during business hours or at any time of apparent operation, cannabis equipment and cannabis accessories or books and records and to permit the testing of or examination of medical cannabis or

medical cannabis product; and

(5) require applicants to submit complete and current applications, information required by this act and fees and approve material changes made by the applicant or licensee.

(j) The department shall address issues related to the medical cannabis program in Kansas including, but not limited to, monitoring and disciplinary actions as they relate to the medical cannabis program.

(1) The department or the department's designee may perform on-site assessments of a licensee or applicant for any medical cannabis business license issued pursuant to this act to determine compliance with this act or submissions made pursuant to this section. The department may enter the licensed premises of a medical cannabis business licensee or applicant to assess or monitor compliance.

(2) Inspections shall be limited to twice per calendar year and 24 hours' of notice shall be provided to a medical cannabis business applicant or licensee prior to an on-site assessment. Additional inspections may occur when the department shows that an additional inspection is necessary due to a violation of this act. Such inspection may be without notice if the department believes that such notice will result in the destruction of evidence.

(3) The department may review relevant records of a licensee and may require and conduct interviews with such persons or entities affiliated with such entities, for the purpose of determining compliance with department requirements and applicable laws. However, prior to conducting any interviews with the licensee, such licensee shall be afforded sufficient time to secure legal representation during such questioning if requested by such licensee or any of its agents or employees or contractors.

(4) The department shall refer complaints alleging criminal activity that are made against a licensee to appropriate Kansas state or local law enforcement authorities.

(A) Disciplinary action may be taken against an applicant or licensee under this act for not adhering to the law pursuant to the terms, conditions and guidelines set forth in this act.

(B) Disciplinary actions may include revocation, suspension or denial of an application, license or final authorization and other action deemed appropriate by the department.

(C) Disciplinary actions may be imposed upon a licensee for:

(i) Failure to comply with or satisfy any provision of this section;

(ii) falsification or misrepresentation of any material or information submitted to the department;

(iii) failing to allow or impeding a monitoring visit by authorized representatives of the department;

(iv) failure to adhere to any acknowledgement, verification or other representation made to the department;

(v) failure to submit or disclose information required by this section or otherwise requested by the department;

(vi) failure to correct any violation of this section cited as a result of a review or audit of financial records or other materials;

(vii) failure to comply with requested access by the department to the licensed premises or materials;

(viii) failure to pay a required monetary penalty;

(ix) diversion of medical cannabis or any medical cannabis product, as determined by the department; or

(x) threatening or harming a patient, a medical practitioner or an employee of the department.

(k) Disciplinary actions against a licensee may include the imposition of monetary penalties, which may be assessed by the department.

(l) (1) Penalties for sales by dispensary to persons other than those allowed by law occurring within any two year time period may include an initial fine of $1,000.00 for a first violation and a fine of $5,000.00 for any subsequent violation. The dispensary may be subject to a revocation of any license granted pursuant to this act upon a showing that the violation was willful or grossly negligent.

(2) First offense for intentional and impermissible diversion of medical cannabis or medical cannabis products by a patient or caregiver to an unauthorized person shall not be punished under a criminal statute but may be subject to a fine of $2,000.00.

(3) The second offense for intentional and impermissible diversion of medical cannabis or medical cannabis products by a patient or caregiver to an unauthorized person shall not be punished under a criminal statute but may be subject to a fine of not to exceed $5,000.00 and may result in revocation of the license upon a showing that the violation was willful or grossly negligent.

(m) A licensee whose license has been summarily suspended or who has received a notice of contemplated action to suspend or revoke a license or take other disciplinary action may request a hearing in accordance with the Kansas administrative procedure act.

(n) It shall be a class B misdemeanor for any person, including an employee or official of the agency or another state agency or local government, to breach the confidentiality of information obtained pursuant to this act.

(o) (1) The agency shall maintain pages on the department website:

(A) To house information for the public on the act; and

(B) to facilitate implementation of the act.

(2) Information to be included, either by text or link, may include, but

shall not be limited to:

(A) Medical provider search;

(B) caregiver search;

(C) dispensary search;

(D) customer service phone number and email;

(E) information and contacts for the appeals process;

(F) electronic application forms; and

(G) electronic crop damage report form including a portal to upload documents and pictures.

(p) All electronic forms for licensees and any other forms as required by the agency.

(q) The agency shall adopt rules and regulations concerning the storage of, warehouses for and transportation of medical cannabis and medical cannabis products.

(r) The agency shall develop a universal symbol indicating the package contains medical cannabis.

(s) The agency shall establish a seed to sale tracking system to be utilized by licensees.

(t) The inventory tracking system licensees use shall allow for integration of other seed-to-sale systems and, at a minimum, shall include the following:

(1) Notification of when medical cannabis seeds are planted;

(2) notification of when medical cannabis plants are harvested and or destroyed;

(3) notification of when medical cannabis is transported, sold, stolen, diverted or lost;

(4) a complete inventory of all medical cannabis, seeds, plant tissue, seedlings, plants, usable medical cannabis or trim, leaves and other plant matter, batches of extract and medical cannabis concentrates and medical cannabis products; and

(5) all samples sent to a testing laboratory, an unused portion of a sample returned to a licensee, all samples utilized by licensee for purposes of negotiating a sale and all samples used for quality testing by a licensee.

(u) Each licensee shall use a seed-to-sale tracking system enacted by the Kansas medical cannabis agency.

(v) The agency shall require that each licensee keep records for every transaction with another licensee, patient or caregiver. Inventory shall be tracked and updated after each individual sale and reported to the agency. These records shall include, but not be limited to, the following:

(1) The name and license number of the medical cannabis business that cultivated, manufactured or sold the medical cannabis or medical cannabis product;

(2) the address and phone number of the medical cannabis business

that cultivated, manufactured or sold the medical cannabis or medical cannabis product;

(3) the type of product received during the transaction;

(4) the batch number of the medical cannabis plant used;

(5) the date of the transaction;

(6) the total spent in dollars;

(7) all point-of-sale records;

(8) tax records; and

(9) any additional information as may be required by the agency.

(w) All inventory tracking records containing patient information shall comply with all relevant state and federal laws including this act and shall not be retained by any business for more than sixty days.

(x) The agency shall establish a medical cannabis patient and caregiver registry.

(1) The medical cannabis patient and caregiver registry shall be accessible to Kansas-licensed medical cannabis dispensaries to verify the license of a patient or caregiver by the 20-digit alphanumeric identification.

(2) All records regarding a medical cannabis patient and caregiver licensee shall be maintained by the compliance agency and shall be deemed confidential. Such records shall be marked as confidential, shall not be made available to the public and shall only be made available to the licensee, designee of the licensee, any medical provider of the licensee or the caregiver of the licensee. No personally identifiable information, as defined under HIPAA, shall be stored at the department.

(3) A log shall be kept with the file of the patient and caregiver licensee to record any event in which the records of the licensee were made available and to whom the records were provided.

(4) The department shall ensure that all application records and information are sealed to protect the privacy of medical cannabis patient and caregiver license applicants.

(5) (A) (i) An application or renewal and supporting information submitted by a patient and caregiver under the provisions of this act including, without limitation, information regarding the medical provider of the qualifying patient shall be considered confidential medical records that are exempt from the Kansas open records act.

(ii) The dispensary records with patient and caregiver information shall be treated as confidential records that are exempt from the Kansas open records act.

(iii) All financial information provided by an applicant in the applicant's application to the agency shall be treated as confidential records that are exempt from the Kansas open records act.

(iv) All information provided by an applicant that constitutes private

business information shall be treated as confidential records that are exempt from the Kansas open records act.

(B) The provisions of this subsection shall expire on July 1, 2031, unless the legislature reviews and acts to continue such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

(6) Kansas medical cannabis agency staffers shall not be excluded from employment due to any offense consisting of conduct for which this act would have prevented a conviction, but the conduct either occurred prior to the enactment of this act or was prosecuted by an authority other than the state of Kansas, whether as a patient or caregiver.

New Sec. 6. The agency shall adopt rules and regulations for all aspects of the licensing, application, security, testing, transportation, research and procedures related to the receipt, storage, packaging, labeling, handling, manufacturing, tracking and dispensing of products containing medical cannabis. The agency shall not license any facility that is not owned by two-thirds Kansas residents. Nothing in this act shall prevent municipalities from enacting zoning regulations to limit the location of medical cannabis facilities.

New Sec. 7. (a) Notwithstanding any other law to the contrary, it shall be unlawful to subject a person to the seizure and forfeiture of such person's property on the basis that a patient uses medical cannabis as a medical treatment or such person is a family member living with such patient, is the patient's caregiver, is the patient's medical provider, is the individual who provided medical cannabis to the patient or otherwise lawfully participated in the medical cannabis program

(b) The presence of cannabinoid metabolites in a person's bodily fluids, nor conduct related to the use of medical cannabis by a custodial or noncustodial parent, grandparent or legal guardian shall not form the sole or primary basis for any action or proceeding by a child welfare agency, family or juvenile court.

(c) Patients protected under this act shall not be disqualified from any medical care, including organ transplants. A patient's medical care pursuant to this act shall not be restricted and shall be available in any environment where other medications are allowed.

(d) A patient's medical use of medical cannabis shall not constitute the use of an illicit substance and shall not constitute a violation of a patient's probation or parole.

(e) This act shall in no way impede the rights of indigenous peoples.

(f) A patient or caregiver shall not be denied the right to own, purchase or possess a firearm, ammunition or firearm accessories based solely on his or her status as a patient or caregiver. No state or local agency, municipal or county governing authority shall restrict, revoke, suspend or otherwise infringe upon the right of a person to own, purchase

or possess a firearm, ammunition or firearm accessories or any related firearms license or certification based solely on such person's status as a patient or caregiver

(g) Medical cannabis patients shall be protected from warrantless medical record searches. This protection shall extend to entities working in ancillary capacities, such as training and education, professional development, public relations, packaging and related fields.

(h) When a state or locally law enforcement agency encounters a patient in the course of an investigation, such law enforcement agency shall not provide any identifying information to any federal or out-of-state law enforcement authority that does not recognize the protection of the Kansas health freedom act.

(i) Card holding, non-resident, patients from other states shall be allowed, pursuant to this act, to purchase, possess and use medical cannabis while in the state of Kansas.

(j) If the department fails to adopt temporary or permanent rules and regulations on or before December 31, 2026, a patient, patient caregiver or entity may commence an action in a court of competent jurisdiction to compel the department to perform the actions mandated pursuant to the provisions of this act.

(k) If the agency fails to issue a valid identification card in response to a valid application or renewal submitted pursuant to this act within 30 business days of submission, a copy of the patient's application or renewal application, coupled with the receipt, shall be deemed a valid identification card.

(l) If at any time after the 180 business days following the effective date of the Kansas health freedom act, the department is not accepting patient applications, including if it has not created rules and regulations allowing patients to submit applications, a certification letter from their medical provider shall be deemed a valid identification card.

(m) A medical cannabis patient or caregiver shall not be denied eligibility in public assistance programs including, but not limited to, medicaid, the supplemental nutrition assistance program, the women, infants and children nutrition program, temporary assistance for needy families or other such public assistance programs based solely on his or her status as a medical cannabis patient or caregiver, unless required by federal law.

(n) A government medical assistance program shall not be required to reimburse a person for costs associated with the medical use of cannabis unless federal law requires reimbursement.

(o) (1) Impaired drivers shall not be protected by this act while operating, navigating or being in actual physical control of any motor vehicle, school bus, public transport, aircraft or motorboat. However, the

presence of metabolites shall not automatically denote impairment.

(2) Educational outreach materials to prevent driving while impaired shall be posted on the agency website and made available to dispensaries, including printable information, instructional videos and educational materials.

(p) No registered patient may smoke medical cannabis on the grounds of any school.

(1) Juvenile registered patients receiving medication from the school nurse, a parent or a caregiver may receive medication on school grounds.

(2) Post secondary patients shall not be impeded from medicating either individually or by the facilitation of such patient's caregiver on school grounds as long as the delivery method does not violate this act.

(3) Juvenile and post secondary patients shall not be impeded from participation in any extracurricular activities or regular school activities solely because such persons are patients. School personnel may administer cannabis that is obtained for medical use pursuant to this act by a student who is a qualified patient.

(q) No patient may smoke medical cannabis in any and all places where tobacco smoking is prohibited.

New Sec. 8. The agency shall adopt rules and regulations for all aspects of patient possession and acquisition. The agency may set a limit on the amount of marijuana that may be possessed or purchased by or on behalf of a single qualifying patient in a thirty-day period, provided that limit is not less than four ounces of dried, unprocessed cannabis or its equivalent. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons why the qualifying patient needs a greater amount than the limit established by the agency.

New Sec. 9. (a) There is hereby established in the state treasury the medical cannabis tax fund. All moneys credited to the medical cannabis tax fund shall be expended or transferred only for the purposes and in the manner provided by this section. All expenditures from the medical cannabis tax fund shall be made in accordance with appropriation acts for the financing of the administration of this act and the remaining unencumbered balance shall be allocated for medical cannabis research, public health, mental health, telehealth initiatives, substance abuse, K-12 school health, substance abuse prevention and mental health programs, broadband or high speed internet connectivity initiatives and property tax relief for those 60 years of age and older.

(b) The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all monies received by the department from fees and fines collected pursuant to this act and all monies received by the Kansas department of revenue from tax proceeds collected per this act. All

monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the department for the purposes set forth in this act. Expenditures from the fund shall be made upon warrants issued by the state treasurer against claims filed as prescribed by law with the director of the department of administration for approval and payment.

New Sec. 10. (a) There is hereby levied a tax at the rate of 4% on the gross receipts from the sale of medical cannabis and medical cannabis products by any dispensary.

(b) The tax imposed by this section shall be paid by the patient to the dispensary. It shall be the duty of each licensee subject to this section to collect from the patient the full amount of such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each dispensary collecting the tax imposed hereunder shall be responsible for paying over the same to the department of revenue in the manner prescribed by this section and the department of revenue shall administer and enforce the collection of such tax.

(c) The taxes levied and collected pursuant to this section shall become due and payable monthly, or on or before the 25th day of the month immediately succeeding the month in which such tax is collected, except that any cannabis business filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this section on the same basis and at the same time the dispensary pays such retailers' sales tax. Each dispensary shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross receipts derived from the sale of medical cannabis and medical cannabis products for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross receipts derived from the sale of medical cannabis and medical cannabis products shall be kept separate and apart from the records of other retail sales made by a dispensary in order to facilitate the examination of books and records.

(d) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a dispensary as may be necessary to determine the accuracy of such reports required by this section.

(e) The secretary of revenue is hereby authorized to administer and collect the tax imposed under this section and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any

dispensary liable to pay the tax imposed by this section refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto.

(f) The secretary of revenue shall remit all revenue collected under the provisions of this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit such amount in the state treasury to the credit of the medical cannabis tax fund established pursuant to section 8, and amendments thereto.

(g) Whenever, in the judgment of the secretary of revenue, it is necessary, in order to secure the collection of any tax, penalties or interest due, or to become due, under the provisions of this section the secretary may require any person subject to such tax to file a bond with the director of taxation under conditions established by and in such form and amount as prescribed by rules and regulations adopted by the secretary.

(h) The amount of tax imposed by this section shall be assessed within three years after the return is filed, and no proceedings in court for the collection of such taxes shall be initiated after the expiration of such period except in the cases of fraud. In the case of a false or fraudulent return with intent to evade tax, the tax may be assessed or a proceeding in court for collection of such tax may be initiated at any time, within two years from the discovery of such fraud. No refund or credit shall be allowed by the director after three years from the date of payment of the tax as provided in this section unless before the expiration of such period a claim therefor is filed by the taxpayer. No suit or action to recover on any claim for refund shall be commenced until after the expiration of six months from the date of filing a claim therefor with the director. Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for refund, the director is hereby authorized to enter into an agreement in writing with the taxpayer consenting to the extension of the periods of limitations for the assessment of tax or for the filing of a claim for refund, at any time prior to the expiration of the periods of limitations. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(i) On or before the 25th day of each calendar month, every dispensary subject to the provisions of this section shall make a return to the director of taxation upon forms prescribed and furnished by the director, stating:

(1) The name and address of the dispensary;

(2) the total amount of gross sales subject to the tax imposed by this section during the preceding calendar month; and

(3) any other pertinent information the director requires.

(j) At the time of making the return, the person making the return shall pay to the director of taxation the amount of tax levied by this section as applicable to the person submitting the return. The director of taxation may extend the time for submitting returns and paying the tax for any period not to exceed 60 days, under rules and regulations adopted by the secretary of revenue.

(k) If any taxpayer fails to pay the tax levied by this section at the time required by or under the provisions of this section there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by K.S.A. 79-2968(a), and amendments thereto, from the date the tax was due until paid.

(l) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of this section there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(m) If any person fails to make a return, or to pay any tax, within six months from the date the return or tax was due, except in the case of an extension of time granted by the secretary of revenue or the secretary's designee, there shall be added to the tax due a penalty equal to 25% of the unpaid balance of such tax due.

(n) If any taxpayer fails to file a return or pay the tax that is due at the time required by or under the provisions of this section there shall be added to the tax an additional amount equal to 1% of the unpaid balance of the tax due for each month or fraction thereof during which such failure continues, not exceeding 24% in the aggregate, plus interest at the rate prescribed by K.S.A. 79-2968(a), and amendments thereto, from the date the tax was due until paid. Notwithstanding the foregoing, in the event an assessment is issued following a field audit for any period for which a return was filed by the taxpayer and all of the tax was paid pursuant to such return, a penalty shall be imposed for the period included in the assessment in an amount of 1% per month not exceeding 10% of the unpaid balance of tax due shown in the notice of assessment. If, after review of a return for any period included in the assessment, the secretary or secretary's designee determines that the underpayment of tax was due to the failure of the taxpayer to make a reasonable attempt to comply with the provisions of this section such penalty shall be imposed for the period included in the assessment in the amount of 25% of the unpaid balance of tax due.

(o) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of this section there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(p) Penalty or interest applied under the provisions of subsections (k) and (n) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (l) and (m) shall be mutually exclusive of each other.

(q) Whenever the secretary of revenue or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsections (l) and (m) was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 2026, upon making a record of the reasons therefor.

(r) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax levied by this section who makes a false or fraudulent return, fails to keep any books or records necessary to determine the accuracy of the person's reports, who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of this section, who aids and abets another in attempting to evade the payment of any tax levied by this section or who violates any other provision of this section, shall, upon conviction thereof, be fined not less than $100 nor more than $1,000, be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

(s) The director of taxation or the secretary of health and environment may enjoin any person from engaging in business as a dispensary when the dispensary is in violation of any of the provisions of this section and shall be entitled in any proceeding brought for that purpose to have an order restraining the person from engaging in business as a cannabis business. No bond shall be required for any such restraining order or for any temporary or permanent injunction issued in that proceeding.

(t) If a dispensary violates any of the provisions of this section, the secretary of health and environment may suspend or revoke the license of such dispensary or may impose a civil fine on such dispensary.

(u) The provisions of K.S.A. 75-5133, 79-3605, 79-3609, 79-3610, 79-3611, 79-3612, 79-3613, 79-3615, 79-3617 and 79-3619, and amendments thereto, relating to enforcement, collection and administration, insofar as practicable, shall have full force and effect with respect to taxes levied by this section. As used in such statutes and applied to this section, "director" means the director of taxation. The provisions of K.S.A. 74-2422, 74-2425, 74-2426 and 74-2427, and amendments thereto, relating to the approval of rules and regulations, and the adoption of uniform rules and regulations for such hearings and for appeals from orders of the director of taxation and prescribing the duties of county

attorneys with respect to such appeals, insofar as practicable, shall have full force and effect with respect to taxes levied by, and proceedings under, the provisions of this section.

(v) Whenever the secretary issues a dispensary license, the secretary shall promptly notify the director of taxation of such issuance. The notice shall include the name of the licensee and the address of the licensed premises. Whenever the secretary revokes or suspends any such license or whenever any such license expires, the secretary shall likewise notify the director of taxation.

(w) The director of taxation shall administer the provisions of this section and the secretary of revenue shall adopt rules and regulations necessary to carry out the provisions and intent of this section. The director of taxation shall appoint such agents and employees as the secretary may deem necessary for the proper enforcement and administration of such sections. When, in the judgment of the director of taxation, it is necessary in order to secure the collection of any such tax, penalties or interest due thereon, or to become due under such sections, the director may require any person subject to such tax to file a bond with the director in such form and amount as the director may prescribe.

New Sec. 11. (a) The agency, with the aid of the Kansas department of administration, shall develop a website for license applications.

(b) All applicants for a dispensary license, laboratory license or other license that is authorized by this act shall undergo a state criminal record history background check pursuant to K.S.A. 2025 Supp. 22-4714, and amendments thereto, within thirty days prior to the application for the license, including:

(1) Individual applicants applying on their own behalf;

(2) individuals applying on behalf of an entity;

(3) all principal officers of an entity; and

(4) all owners of an entity.

(c) All applicable fees charged by Kansas bureau of investigation are the responsibility of the applicant and shall not be higher than fees charged to any other person or industry for such background checks.

(d) In order to be considered a Kansas resident for purposes of a medical cannabis business application, all applicants shall provide proof of Kansas residency for at least two years.

(e) Approved applicants shall be issued a medical cannabis business license for the specific category applied under which shall act as proof of their approved status.

New Sec. 12. (a) A person arrested for, charged with or convicted of a criminal offense pursuant to Kansas statute or district or municipal code that was decriminalized or legalized after the date of the arrest, charge or conviction may file a motion of expungement to seal the record of the

arrest, charge, conviction, supervision and related proceedings at any time with no fee.

(b) The convicting court shall grant a motion of expungement and seal the cannabis-related charge and not any other non-cannabis or non-cannabis use related state, municipal or federal charges or convictions against the person.

(c) In a motion filed under subparagraph (a), the burden shall be on the prosecutor to establish by a preponderance of the evidence that the record is not eligible for sealing pursuant to this section because the conduct was not decriminalized or legalized.

(d) In cases that do not meet the requirements of this section, the court of charge may grant a motion to seal if it is in the interest of justice to do so. In making this determination, the court shall weigh:

(1) The interests of the petitioner in sealing the publicly available records of such petitioner's arrest, charge, conviction, supervision and related proceedings;

(2) the community's interest in retaining access to those records;

(3) the community's interest in furthering the petitioner's rehabilitation and enhancing the petitioner's employability; and

(4) any other information such court considers relevant.

(e) If the court grants a motion to seal under this section:

(1) The court shall order the prosecutor, any law enforcement agency and any pretrial, corrections or community supervision agency to remove from publicly available records all references that identify the petitioner as having been arrested, prosecuted or convicted.

(2) The prosecutor's office, any law enforcement agency and any pretrial, corrections or community supervision agency shall be entitled to retain records related to the petitioner's arrest, prosecution, conviction or related court proceedings in a nonpublic file.

(3) The prosecutor, any law enforcement agency and any pretrial, corrections or community supervision agency shall file a certification with the court within 90 days after the court issues an order under this section that, to the best of such court's knowledge and belief, all references that identify the petitioner as having been arrested, prosecuted or convicted have been removed from such court's publicly available records.

(4) The court shall order the clerk to remove or eliminate all publicly available court records that identify the petitioner as having been arrested, prosecuted or convicted.

(5) The clerk shall be entitled to retain any records related to the petitioner's arrest, prosecution, conviction or related court proceedings in a nonpublic file.

(f) In a case involving codefendants in which the court orders the petitioner's records sealed, the court may order that only those records or

portions thereof related solely to the petitioner be redacted.

(g) The court need not order the redaction of references to the petitioner that appear in a transcript of court proceedings involving codefendants.

(h) The court shall not order the redaction of the petitioner's name from any published opinion of the trial or appellate courts that refer to the petitioner.

(i) Unless otherwise ordered by the court, the clerk and any other agency shall reply in response to inquiries from the public concerning the existence of records that have been sealed pursuant to this section that no records are available.

(j) No person as to whom relief pursuant to this section has been granted shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge such person's own arrest, charge, trial or conviction in response to any inquiry made of such person for any purpose.

(k) A person imprisoned solely as a result of one or more convictions for offenses that are expunged under this act shall be released from incarceration upon the issuance of an order under this subsection.

(1) The department of corrections shall allow a person to use the established access and review process for verifying such person's own records related to eligibility.

(2) No conviction vacated pursuant to this section shall serve as the basis for damages for time unjustly served.

(l) A person's right to expunge an expungeable offense shall not be limited under this section. The effect of an order of expungement shall be to restore the person to the status such person occupied before the arrest, charge or conviction.

(m) The department of corrections shall post general information on its website about the expungement process described in this section.

(n) If a person is arrested and the person's case is still pending but a sentence has not been imposed, the person may petition the court in which the charges are pending for an order to summarily dismiss those charges against him or her and expunge all official records of his or her arrest, plea, trial, conviction, incarceration, supervision or expungement.

(o) In the public interest, the state's attorney of a county has standing to file motions to vacate and expunge in the court with jurisdiction over the underlying conviction pursuant to this section.

(p) Any individual may file a motion to vacate and expunge a conviction.

(q) (1) Upon the effective date of this act, the department of corrections shall review all criminal history record information and identify all records showing persons with one or more convictions for

offenses covered under this act and not associated with a conviction for any crime prohibited for expungement under K.S.A. 21-6614(e) and (f), and amendments thereto.

(2) Within 180 days after the effective date of this act, the department of corrections shall notify the prisoner review board of all such records that meet the criteria established in this subsection.

(3) The prisoner review board shall notify the convicting court of each record identified by the department of corrections. The convicting court may provide a written objection to the prisoner review board on the sole basis that the record identified does not meet the criteria in this section. Such an objection must be filed within 60 days or by a later date set by the prisoner review board after the convicting court received notice from the prisoner review board.

(A) In response to a written objection from a convicting court, the prisoner review board is authorized to conduct a hearing to evaluate the information provided in the objection.

(B) The prisoner review board shall make a confidential and privileged recommendation to the governor as to whether to grant a pardon authorizing expungement for each of the records identified by the department of corrections.

(r) The following records may be sealed:

(1) All arrests resulting in a release and without a charge;

(2) arrests or charges not initiated by arrest resulting in acquittal, dismissal or conviction when the conviction was reversed or vacated;

(3) arrests or charges not initiated by arrest resulting in orders of supervision, including orders of supervision for municipal ordinance violations, successfully completed by the petitioner;

(4) arrests or charges not initiated by arrest resulting in convictions, including convictions on municipal ordinance violations;

(5) arrests or charges not initiated by arrest resulting in orders of first offender probation; and

(6) arrests or charges not initiated by arrest resulting in felony convictions, unless otherwise excluded by this section.

(s) Records identified as eligible under this section may be sealed at any time.

(t) Upon becoming eligible to petition for the expungement or sealing of records under this section, the petitioner shall file a petition requesting the expungement or sealing of records with the clerk of the court where the arrests occurred or the charges were brought, or both. If arrests occurred or charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction.

(u) The petition shall be verified and shall contain the petitioner's name, date of birth, current address and, for each arrest or charge not

initiated by arrest sought to be sealed or expunged, the case number, the date of arrest, if any, the identity of the arresting authority and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the convicting court of any change of such petitioner's address. If the petitioner has received a certificate of eligibility for sealing from the prisoner review board, the certificate shall be attached to the petition.

(v) The convicting court shall promptly serve a copy of the petition and documentation to support the petition on the state's attorney or prosecutor charged with the duty of prosecuting the offense.

(w) Any party entitled to notice of the petition may file an objection to the petition. All objections shall be in writing, filed with the convicting court and shall state with specificity the basis of the objection. Whenever a person who has been convicted of an offense is granted a pardon by the governor that specifically authorizes expungement, an objection to the petition may not be filed.

(1) Objections to a petition to expunge or seal must be filed within 60 days of the date of service of the petition.

(2) Notwithstanding any other provision of law, the court shall not deny a petition for sealing under this section because the petitioner has not satisfied an outstanding legal financial obligation established, imposed or originated by a court, law enforcement agency or a municipal, state, county or other unit of local government, including, but not limited to, any cost, assessment, fine or fee. An outstanding legal financial obligation does not include any court ordered restitution to a victim unless the restitution has been converted to a civil judgment. Nothing in this section waives, rescinds or abrogates a legal financial obligation or otherwise eliminates or affects the right of the holder of any financial obligation to pursue collection under applicable federal, state or local law.

(x) If an objection is filed, the court shall set a date for a hearing and notify the petitioner and all parties entitled to notice of the petition of the hearing date at least 30 days prior to the hearing. At the hearing, the court shall hear evidence on whether the petition should or should not be granted and shall grant or deny the petition to expunge or seal the records based on the evidence presented at the hearing. The court may consider the following:

(1) The strength of the evidence supporting the defendant's conviction;

(2) the reasons for retention of the conviction records by the state;

(3) the petitioner's age, criminal record history and employment history;

(4) the period of time between the petitioner's arrest on the charge resulting in the conviction and the filing of the petition under this section;

and

(5) the specific adverse consequences the petitioner may be subject to if the petition is denied.

(y) After entering an order to expunge or seal records, the court shall provide copies of the order to the petitioner, the state's attorney or prosecutor charged with the duty of prosecuting the offense, the arresting agency, the chief legal officer of the unit of local government effecting the arrest and such other criminal justice agencies as may be ordered by the court.

(1) No court order issued under the expungement or sealing provisions of this section shall become final for purposes of appeal until 30 days after service of the order on the petitioner and all parties entitled to notice of the petition.

(2) Unless a court has entered a stay of an order granting a petition to seal, all parties entitled to notice of the petition must fully comply with the terms of the order within 60 days of service of the order, even if a party is seeking relief from the order through a motion filed or is appealing the order.

(3) While a party is seeking relief from the order granting the petition to expunge through a motion filed under this section or is appealing the order and, unless a court has entered a stay of that order, the parties entitled to notice of the petition must seal but need not expunge the records until there is a final order on the motion for relief or, in the case of an appeal, the issuance of that court's mandate.

(z) If a person who has been convicted of an offense is granted a pardon by the governor that specifically authorizes expungement, such person may, upon verified petition to the court where the person was convicted, have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the court clerk be sealed until further order of the court upon good cause shown or as otherwise provided in subsection (y) and that the name of the defendant be removed from the official index.

Sec. 13. K.S.A. 2025 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 21-5701 through 21-5717, and amendments thereto:

(a) "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.

(b) (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 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments

thereto;

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

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

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

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants that contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) (1) "Drug" means:

(A) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(B) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(C) substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(D) substances intended for use as a component of any article specified in subparagraph (A), (B) or (C).

(2) "Drug" does not include devices or their components, parts or accessories.

(f) (1) "Drug paraphernalia" means all equipment and materials of

any kind that are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act.

(2) "Drug paraphernalia" includes, but is not limited to:

(A) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived;

(B) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(C) isomerization devices used or intended for use in increasing the potency of any species of plant that is a controlled substance;

(D) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(E) scales and balances used or intended for use in weighing or measuring controlled substances;

(F) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose that are used or intended for use in cutting controlled substances;

(G) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining ~~marijuana~~ *controlled substances*;

(H) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(I) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(J) containers and other objects used or intended for use in storing or concealing controlled substances;

(K) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(L) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing ~~marijuana,~~ cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(ii) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(iii) carburetion pipes, glass or other heat-resistant tubes or any other

device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(iv) smoking and carburetion masks;

(v) roach clips, objects used to hold burning material~~, such as a marijuana cigarette,~~ that has become too small or too short to be held in the hand;

(vi) miniature cocaine spoons and cocaine vials;

(vii) chamber smoking pipes;

(viii) carburetor smoking pipes;

(ix) electric smoking pipes;

(x) air-driven smoking pipes;

(xi) chillums;

(xii) bongs;

(xiii) ice pipes or chillers;

(xiv) any smoking pipe manufactured to disguise its intended purpose;

(xv) wired cigarette papers; or

(xvi) cocaine freebase kits.

(3) "Drug paraphernalia" does not include:

(A) Any products, chemicals or materials described in K.S.A. 21-5709(a), and amendments thereto; or

(B) any materials used or intended for use to test a substance for the presence of fentanyl, a fentanyl analog, ketamine or gamma hydroxybutyric acid.

(g) "Fentanyl-related controlled substance" means any substance designated in K.S.A. 65-4105(b)(1), (b)(2), (b)(4), (b)(10), (b)(11), (b)(12), (b)(15), (b)(16), (b)(17), (b)(20), (b)(21), (b)(24), (b)(26), (b)(27), (b)(28), (b)(35), (b)(42), (b)(43), (b)(44), (b)(45), (b)(48), (b)(50), (b)(54), (b)(55), (b)(56), (b)(57), (b)(58), (b)(59), (b)(68), (b)(70), (b)(71), (b)(72), (b)(73), (b)(74), (b)(75), (b)(76), (b)(77), (b)(78), (b)(79), (b)(80), (b)(81), (b)(82), (b)(83), (b)(84), (b)(85), (b)(91), (b)(97), (b)(98), (b)(99), (b)(103), (b)(104), (g)(1) or (g)(2) or 65-4107(c)(1), (c)(6), (c)(9), (c)(26), (c)(28), (c)(30), (f)(3)(A) or (f)(3)(B), and amendments thereto, or any analog thereof.

(h) "Immediate precursor" means a substance that the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(i) "Isomer" means all enantiomers and diastereomers.

(j) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of or placing into pill or capsule

form a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(B) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose that are intended for use in cutting a controlled substance.

~~(k) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include:~~

~~(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination;~~

~~(2) any substance listed in schedules II through V of the uniform controlled substances act;~~

~~(3) drug products approved by the United States food and drug administration as of the effective date of this act;~~

~~(4) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or~~

~~(5) industrial hemp as defined in K.S.A. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.~~

~~(l)~~ "Minor" means a person under 18 years of age.

~~(m)~~*(l)* "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or

preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.

~~(n)~~*(m)* "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.

~~(o)~~*(n)* "Opium poppy" means the plant of the species Papaver somniferum l. except its seeds.

~~(p)~~*(o)* "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

~~(q)~~*(p)* "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

~~(r)~~*(q)* "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

~~(s)~~*(r)* "Simulated controlled substance" means any product that identifies itself by a common name or slang term associated with a controlled substance and that indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 14. K.S.A. 2025 Supp. 21-5705 is hereby amended to read as follows: 21-5705. (a) It shall be unlawful for any person to distribute or

possess with the intent to distribute any of the following controlled substances or controlled substance analogs thereof:

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

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

(3) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)(4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;

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

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

(6) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto; or

(7) any substance designated in K.S.A. 65-4105(h), and amendments thereto.

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

(c) It shall be unlawful for any person to cultivate any controlled substance or controlled substance analog listed in subsection (a).

(d) (1) Except as provided further, violation of subsection (a) is a:

(A) Drug severity level 4 felony if the quantity of the material was less than 3.5 grams;

(B) drug severity level 3 felony if the quantity of the material was at least 3.5 grams but less than 100 grams;

(C) drug severity level 2 felony if the quantity of the material was at least 100 grams but less than 1 kilogram; and

(D) drug severity level 1 felony if the quantity of the material was 1 kilogram or more.

~~(2) Except as provided further, violation of subsection (a) with respect to material containing any quantity of marijuana, or an analog thereof, is a:~~

~~(A) Drug severity level 4 felony if the quantity of the material was less than 25 grams;~~

~~(B) drug severity level 3 felony if the quantity of the material was at least 25 grams but less than 450 grams;~~

~~(C) drug severity level 2 felony if the quantity of the material was at least 450 grams but less than 30 kilograms; and~~

~~(D) drug severity level 1 felony if the quantity of the material was 30 kilograms or more.~~

~~(3)~~ Except as provided further, violation of subsection (a) with respect to material containing any quantity of a fentanyl-related controlled

substance, heroin as defined by K.S.A. 65-4105(c)(12), and amendments thereto, or methamphetamine as defined by K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, is a:

(A) Drug severity level 4 felony if the quantity of the material was less than 1 gram;

(B) drug severity level 3 felony if the quantity of the material was at least 1 gram but less than 3.5 grams;

(C) drug severity level 2 felony if the quantity of the material was at least 3.5 grams but less than 100 grams; and

(D) drug severity level 1 felony if the quantity of the material was 100 grams or more.

~~(4)~~*(3)* Except as provided further, violation of subsection (a) with respect to material containing any quantity of a controlled substance designated in K.S.A. 65-4105, 65-4107, 65-4109 or 65-4111, and amendments thereto, or an analog thereof, distributed by dosage unit, is a:

(A) Drug severity level 4 felony if the number of dosage units was fewer than 10;

(B) drug severity level 3 felony if the number of dosage units was at least 10 but fewer than 100;

(C) drug severity level 2 felony if the number of dosage units was at least 100 but fewer than 1,000; and

(D) drug severity level 1 felony if the number of dosage units was 1,000 or more.

~~(5)~~*(4)* Violation of subsection (a) with respect to material containing any quantity of a fentanyl-related controlled substance, distributed by dosage unit, is a:

(A) Drug severity level 4 felony if the number of dosage units was fewer than 10;

(B) drug severity level 3 felony if the number of dosage units was at least 10 but fewer than 50;

(C) drug severity level 2 felony if the number of dosage units was at least 50 but fewer than 250; and

(D) drug severity level 1 felony if the number of dosage units was 250 or more.

~~(6)~~*(5)* For any violation of subsection (a), the severity level of the offense shall be increased one level if the controlled substance or controlled substance analog was distributed or possessed with the intent to distribute on or within 1,000 feet of any school property.

~~(7)~~*(6)* Violation of subsection (b) is a:

(A) Class A person misdemeanor, except as provided in subsection (d)(7)(B); and

(B) nondrug severity level 7, person felony if the substance was distributed to or possessed with the intent to distribute to a minor.

~~(8)~~*(7)* Violation of subsection (c) is a:

(A) Drug severity level 3 felony if the number of plants cultivated was more than 4 but fewer than 50;

(B) drug severity level 2 felony if the number of plants cultivated was at least 50 but fewer than 100; and

(C) drug severity level 1 felony if the number of plants cultivated was 100 or more.

(e) In any prosecution under this section, there shall be an inference of an intent to distribute if such an inference is supported by the facts and such person possesses the following quantities of controlled substances or analogs thereof:

(1) ~~450 grams or more of marijuana;~~

~~(2)~~ 3.5 grams or more of a fentanyl-related controlled substance, heroin or methamphetamine;

~~(3)~~*(2)* 50 dosage units or more containing any quantity of a fentanyl-related controlled substance;

~~(4)~~*(3)* 100 dosage units or more containing any other controlled substance; or

~~(5)~~*(4)* 100 grams or more of any other controlled substance.

(f) It shall not be a defense to charges arising under this section that the defendant:

(1) Was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog;

(2) did not know the quantity of the controlled substance or controlled substance analog; or

(3) did not know the specific controlled substance or controlled substance analog contained in the material that was distributed or possessed with the intent to distribute.

(g) As used in this section:

(1) "Material" means the total amount of any substance, including a compound or a mixture, which contains any quantity of a controlled substance or controlled substance analog.

(2) "Dosage unit" means a controlled substance or controlled substance analog distributed or possessed with the intent to distribute as a discrete unit, including, but not limited to, one pill, one capsule or one microdot, and not distributed by weight.

(A) For steroids, or controlled substances in liquid solution legally manufactured for prescription use, or an analog thereof, "dosage unit" means the smallest medically approved dosage unit, as determined by the label, materials provided by the manufacturer, a prescribing authority, licensed health care professional or other qualified health authority.

(B) For illegally manufactured controlled substances in liquid

solution, or controlled substances in liquid products not intended for ingestion by human beings, or an analog thereof, "dosage unit" means 10 milligrams, including the liquid carrier medium, except as provided in subsection (g)(2)(C).

(C) For lysergic acid diethylamide (LSD) in liquid form, or an analog thereof, a dosage unit is defined as 0.4 milligrams, including the liquid medium.

Sec. 15. K.S.A. 21-5706 is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

(1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-4109(b) or (c) or 65-4111(b), and amendments thereto;

(2) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)(4), (d)(5) or (f)(2) or 65-4109(e), and amendments thereto;

(3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-4107(g) or 65-4109(g), and amendments thereto;

(4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c), (d), (e), (f) or (g), and amendments thereto;

(5) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto;

(6) any substance designated in K.S.A. 65-4113, and amendments thereto; or

(7) any substance designated in K.S.A. 65-4105(h), and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 5 felony.

(2) ~~Except as provided in subsection (e)(3):~~

(A) Violation of subsection (b) is a class A nonperson misdemeanor, except as provided in subparagraph (B); and

(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA)~~, marijuana as designated in K.S.A. 65-4105(d), and amendments thereto,~~ or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.

~~(3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as~~

~~designated in K.S.A. 65-4105(h), and amendments thereto, violation of subsection (b) is a:~~

~~(A) Class B nonperson misdemeanor, except as provided in subparagraphs (B) and (C);~~

~~(B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and~~

~~(C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense.~~

(d) ~~It shall be an affirmative defense to prosecution under this section arising out of a person's possession of any cannabidiol treatment preparation if the person:~~

~~(1) Has a debilitating medical condition, as defined in K.S.A. 2025 Supp. 65-6235, and amendments thereto, or is the parent or guardian of a minor child who has such debilitating medical condition;~~

~~(2) is possessing a cannabidiol treatment preparation, as defined in K.S.A. 2025 Supp. 65-6235, and amendments thereto, that is being used to treat such debilitating medical condition; and~~

~~(3) has possession of a letter, at all times while the person has possession of the cannabidiol treatment preparation, that:~~

~~(A) Shall be shown to a law enforcement officer on such officer's request;~~

~~(B) is dated within the preceding 15 months and signed by the physician licensed to practice medicine and surgery in Kansas who diagnosed the debilitating medical condition;~~

~~(C) is on such physician's letterhead; and~~

~~(D) identifies the person or the person's minor child as such physician's patient and identifies the patient's debilitating medical condition.~~

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

Sec. 16. K.S.A. 21-5709 is hereby amended to read as follows: 21-5709. (a) It shall be unlawful for any person to possess ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with an intent to use the product to

manufacture a controlled substance.

(b) It shall be unlawful for any person to use or possess with intent to use any drug paraphernalia to:

(1) Manufacture, cultivate, plant, propagate, harvest, test, analyze or distribute a controlled substance; or

(2) store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body.

(c) It shall be unlawful for any person to use or possess with intent to use anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas department of agriculture.

(d) It shall be unlawful for any person to purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period.

(e) (1) Violation of subsection (a) is a drug severity level 3 felony;

(2) violation of subsection (b)(1) is a:~~(A) —~~ drug severity level 5 felony~~, except as provided in subsection (e)(2)(B); and~~

~~(B) class B nonperson misdemeanor if the drug paraphernalia was used to cultivate fewer than five marijuana plants~~;

(3) violation of subsection (b)(2) is a class B nonperson misdemeanor;

(4) violation of subsection (c) is a drug severity level 5 felony; and

(5) violation of subsection (d) is a class A nonperson misdemeanor.

(f) For persons arrested and charged under subsection (a) or (c), bail shall be at least $50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, unless the court determines, on the record, that the defendant is not likely to reoffend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.

Sec. 17. K.S.A. 2025 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act:

(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 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, 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 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

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

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

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

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance that, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or

more plants that contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) (1) "Drug" means substances:

(A) Recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement ~~to any of them~~ *thereto*;

(B) intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals;

(C) other than food intended to affect the structure or any function of the body of human or animals; and

(D) intended for use as a component of any article specified in subparagraph (A), (B) or (C).

(2) "Drug" does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance that the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital

key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine~~;~~, transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer~~;~~ or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) ~~"Marijuana" means all parts of all varieties of the plant Cannabis~~

~~whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include:~~

~~(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination;~~

~~(2) any substance listed in schedules II through V of the uniform controlled substances act;~~

~~(3) drug products approved by the United States food and drug administration as of the effective date of this act;~~

~~(4) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or~~

~~(5) industrial hemp as defined in K.S.A. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.~~

~~(bb)~~ "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

~~(cc)~~*(bb)* "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

~~(dd)~~*(cc)* "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.

~~(ee)~~*(dd)* "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. ~~It~~ *"Opiate"* does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

~~(ff)~~*(ee)* "Opium poppy" means the plant of the species Papaver somniferum l. except its seeds.

~~(gg)~~*(ff)* "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

~~(hh)~~*(gg)* "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

~~(ii)~~*(hh)* "Pharmacist intern" means: (1) A student currently enrolled in an 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)~~*(ii)* "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)~~*(jj)* "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

~~(ll)~~*(kk)* "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)~~*(ll)* "Prescriber" means a practitioner or a mid-level practitioner.

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

~~(oo)~~*(nn)* "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)~~*(oo)* "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. 18. K.S.A. 2025 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) 9821

(2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide) 9815

(3) Acetylmethadol 9601

(4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl) 9811

(5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide) 9551

(6) Allylprodine 9602

(7) Alphacetylmethadol 9603 (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)

(8) Alphameprodine 9604

(9) Alphamethadol 9605

(10) Alpha′-methyl butyryl fentanyl (2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) 9864

(11) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine) 9814

(12) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) 9832

(13) Benzethidine 9606

(14) Betacetylmethadol 9607

(15) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide) 9830

(16) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide) 9831

(17) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide) 9836

(18) Betameprodine 9608

(19) Betamethadol 9609

(20) Beta-methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide; also known as β-methyl fentanyl) 9856

(21) Beta'-phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N, 3-diphenylpropanamide; also known as β'-phenyl fentanyl; 3-phenylpropanoyl fentanyl) 9842
(22) Betaprodine 9611
(23) Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one) 9098
(24) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide) 9822
(25) Clonitazene 9612
(26) Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide) 9844
(27) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide) 9847
(28) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide) 9845
(29) Dextromoramide 9613
(30) Diampromide 9615
(31) Diethylthiambutene 9616
(32) Difenoxin 9168
(33) Dimenoxadol 9617
(34) Dimepheptanol 9618
(35) 2′,5′-Dimethoxyfentanyl (N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide) 9861
(36) Dimethylthiambutene 9619
(37) Dioxaphetyl butyrate 9621
(38) Dipipanone 9622
(39) Ethylmethylthiambutene 9623
(40) Etonitazene 9624
(41) Etoxeridine 9625
(42) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl) (phenyl)carbamate) 9851
(43) 2′-Fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide; also known as 2′-fluoro 2-fluorofentanyl) 9855
(44) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide) 9834
(45) 3-Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide) 9860
(46) Furethidine 9626
(47) Hydroxypethidine 9627
(48) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide) 9827
(49) Isotonitazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-

1H-benzimidazol-1-yl)ethan-1-amine; N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1 H-benzimidazole-1-ethanamine) 9614

(50) Isovaleryl fentanyl (3-methyl- N -(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) 9862

(51) Ketobemidone 9628

(52) Levomoramide 9629

(53) Levophenacylmorphan 9631

(54) Meta -Fluorofentanyl (N -(3-fluorophenyl)- N -(1-phenethylpiperidin-4-yl)propionamide) 9857

(55) Meta -Fluoroisobutyryl fentanyl (N -(3-fluorophenyl)- N -(1-phenethylpiperidin-4-yl)isobutyramide) 9858

(56) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) 9825

(57) 4′-Methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide) 9819

(58) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide) 9813

(59) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) 9833

(60) Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine) 9757

(61) Morpheridine 9632

(62) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) 9661

(63) MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine) 9560

(64) Noracymethadol 9633

(65) Norlevorphanol 9634

(66) Normethadone 9635

(67) Norpipanone 9636

(68) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl) acetamide) 9838

(69) O-desmethyltramadol (Some trade or other names: 2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol)

(70) Ortho-fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide) 9852

(71) Ortho-fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide; also known as 2-fluorobutyryl fentanyl) 9846

(72) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl) 9816

(73) Ortho -Fluorofuranyl fentanyl (N -(2-fluorophenyl)- N -(1-

phenethylpiperidin-4-yl)furan-2-carboxamide) 9863
(74) (Ortho-fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide) 9853
(75) Ortho-methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl acetylfentanyl) 9848
(76) Ortho-methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide; also known as 2-methyl methoxyacetyl fentanyl) 9820
(77) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide) 9826
(78) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) 9823
(79) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide) 9812
(80) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl) 9824
(81) Para-fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide) 9854
(82) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) 9837
(83) Para -Methoxyfuranyl fentanyl (N -(4-methoxyphenyl)- N -(1-phenethylpiperidin-4-yl)furan-2-carboxamide 9859
(84) para -Methylcyclopropyl fentanyl (N -(4-methylphenyl)- N -(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide) 9865
(85) Para-methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; also known as 4-methylfentanyl) 9817
(86) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine) 9663
(87) Phenadoxone 9637
(88) Phenampromide 9638
(89) Phenomorphan 9647
(90) Phenoperidine 9641
(91) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide; also known as benzoyl fentanyl) 9841
(92) Piritramide 9642
(93) Proheptazine 9643
(94) Properidine 9644
(95) Propiram 9649
(96) Racemoramide 9645

(97) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide) 9843
(98) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide) 9835
(99) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide; also known as 2-thiofuranyl fentanyl; thiophene fentanyl) 9839
(100) Tilidine 9750
(101) Trimeperidine 9646
(102) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide) 9547
(103) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide) 9840
(104) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol) 9873

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine 9319
(2) Acetyldihydrocodeine 9051
(3) Benzylmorphine 9052
(4) Codeine methylbromide 9070
(5) Codeine-N-Oxide 9053
(6) Cyprenorphine 9054
(7) Desomorphine 9055
(8) Dihydromorphine 9145
(9) Drotebanol 9335
(10) Etorphine (except hydrochloride salt) 9056
(11) Heroin 9200
(12) Hydromorphinol 9301
(13) Methyldesorphine 9302
(14) Methyldihydromorphine 9304
(15) Morphine methylbromide 9305
(16) Morphine methylsulfonate 9306
(17) Morphine-N-Oxide 9307
(18) Myrophine 9308
(19) Nicocodeine 9309
(20) Nicomorphine
(21) Normorphine 9313
(22) Pholcodine 9314
(23) Thebacon 9315

(d) Any material, compound, mixture or preparation that contains any

quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine 7249

Some trade or other names: etryptamine; Monase; α-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α-ET; and AET.

(2) 4-bromo-2,5-dimethoxy-amphetamine 7391

Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.

(3) 2,5-dimethoxyamphetamine 7396

Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.

(4) 4-methoxyamphetamine 7411

Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; paramethoxyamphetamine; PMA.

(5) 5-methoxy-3,4-methylenedioxy-amphetamine 7401

(6) 4-methyl-2,5-dimethoxy-amphetamine 7395

Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".

(7) 3,4-methylenedioxy amphetamine 7400

(8) 3,4-methylenedioxymethamphetamine (MDMA) 7405

(9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA) 7404

(10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA) 7402

(11) 3,4,5-trimethoxy amphetamine 7390

(12) Bufotenine 7433

Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.

(13) Diethyltryptamine 7434

Some trade or other names: N,N-Diethyltryptamine; DET.

(14) Dimethyltryptamine 7435

Some trade or other names: DMT.

(15) Ibogaine7260

Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2]azepino[5,4-b]indole; Tabernanthe iboga

(16) Lysergic acid diethylamide 7315

~~(17) Marijuana 7360~~

~~(18)~~*(17)* Mescaline 7381
~~(19)~~*(18)* Parahexyl 7374
Some trade or other names: 3-Hexyl-l-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.
~~(20)~~*(19)* Peyote 7415
Meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
~~(21)~~*(20)* N-ethyl-3-piperidyl benzilate 7482
~~(22)~~*(21)* N-methyl-3-piperidyl benzilate 7484
~~(23)~~*(22)* Psilocybin 7437
~~(24)~~*(23)* Psilocyn 7438
Some trade or other names: Psilocin.
~~(25)~~*(24)* Ethylamine analog of phencyclidine 7455
Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.
~~(26)~~*(25)* Pyrrolidine analog of phencyclidine 7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.
~~(27)~~*(26)* Thiophene analog of phencyclidine 7470
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.
~~(28)~~*(27)* 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine 7473
Some other names: TCPy.
~~(29)~~*(28)* 2,5-dimethoxy-4-ethylamphetamine 7399
Some trade or other names: DOET.
~~(30)~~*(29)* Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
~~(31)~~*(30)* Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
~~(32)~~*(31)* 1-(3-[trifluoromethylphenyl])piperazine
Some trade or other names: TFMPP.
~~(33)~~*(32)* 4-Bromo-2,5-dimethoxyphenethylamine 7392
~~(34)~~*(33)* 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its

optical isomers, salts and salts of optical isomers 7348
~~(35)~~*(34)* Alpha-methyltryptamine (other name: AMT) 7432
~~(36)~~*(35)* 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers 7439
~~(37)~~*(36)* 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E) 7509
~~(38)~~*(37)* 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D) 7508
~~(39)~~*(38)* 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C) 7519
~~(40)~~*(39)* 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I) 7518
~~(41)~~*(40)* 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2) 7385
~~(42)~~*(41)* 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-4) 7532
~~(43)~~*(42)* 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H) 7517
~~(44)~~*(43)* 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N) 7521
~~(45)~~*(44)* 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) 7524
~~(46)~~*(45)* 5–methoxy–N,N–dimethyltryptamine (5–MeO–DMT) 7431
Some trade or other names: 5–methoxy–3–[2–(dimethylamino) ethyl]indole.
~~(47)~~*(46)* 2–(4–iodo–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl)ethanamine 7538
Some trade or other names: 25I–NBOMe; 2C–I–NBOMe; 25I; Cimbi–5.
~~(48)~~*(47)* 2–(4–chloro–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl)ethanamine 7537
Some trade or other names: 25C–NBOMe; 2C–C–NBOMe; 25C; Cimbi–82.
~~(49)~~*(48)* 2–(4–bromo–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl)ethanamine 7536
Some trade or other names: 25B–NBOMe; 2C–B–NBOMe; 25B; Cimbi–36.
~~(50)~~*(49)* 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25H-NBOMe.
~~(51)~~*(50)* 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
~~(52)~~*(51)* 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.
~~(53)~~*(52)* 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 H-pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA) 7085

~~(54)~~*(53)* 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (other names: methoxetamine, MXE) 7286

~~(55)~~*(54)* 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-methoxymethamphetamine, PMMA) 1245

(e) Any material, compound, mixture or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, 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:

(1) Etizolam 2780

Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)

(2) Mecloqualone 2572

(3) Methaqualone 2565

(4) Gamma hydroxybutyric acid 2010

(5) 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine, its salts, isomers, and salts of isomers (other name: flualprazolam) 2785

(6) 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine, its salts, isomers, and salts of isomers (other name: clonazolam) 2786

(7) 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine, its salts, isomers, and salts of isomers (other name: flubromazolam) 2788

(8) 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one, its salts, isomers, and salts of isomers (other name: diclazepam) 2789

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Aminorex 1585

Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine

(2) Fenethylline 1503

(3) N-ethylamphetamine 1475

(4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) 1590

(5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine) 1480

(6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone) 1235

(7) Substituted cathinones
Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2–aminopropan–1–one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
(A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
(B) by substitution at the 3-position with an acyclic alkyl substituent;
(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
(8) N-benzylpiperazine (other names: BZP, 1-benzylpiprazine) 7493
(9) Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine) 1478
(10) 4,4′-Dimethylaminorex (4,4′-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine) 1595
(11) Amineptine (7-[(10,11-dihydro-5 H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid) 1219
(12) Mesocarb (N-phenyl-N ′-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate) 1227
(g) Any material, compound, mixture or preparation that contains any quantity of the following substances:
(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers
(2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers
(3) Tianeptine, its optical isomers, salts and salts of isomers
(h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
(1) ~~Tetrahydrocannabinols 7370~~
~~Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers~~

~~with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:~~

~~(A) Industrial hemp, as defined in K.S.A. 2-3901, and amendments thereto;~~

~~(B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or~~

~~(C) hemp products, as defined in K.S.A. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2-3908, and amendments thereto.~~

~~(2)~~ Naphthylmethylindoles

Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted on the indole group to any extent and whether or not substituted on the benzyl or naphthyl ring to any extent.

~~(3)~~*(2)* Naphthoylpyrroles

Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted on the pyrrole group to any extent, whether or not substituted on the benzyl or naphthyl ring to any extent.

~~(4)~~*(3)* Naphthylmethylindenes

Any compound containing a naphthylmethylindene structure with substitution at the 3-position of the indene group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted on the indene group to any extent, whether or not substituted on the benzyl or naphthyl ring to any extent.

~~(5)~~*(4)* Cyclohexylphenols

Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl,

haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted on the cyclohexyl ring to any extent.

~~(6)~~*(5)* 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone.

Some trade or other names: WIN 55,212-2.

~~(7)~~*(6)* 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-210, HU-211.

~~(8)~~*(7)* Indole-3-carboxylate esters

Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.

~~(9)~~*(8)* Indazole-3-carboxamides

Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

~~(10)~~*(9)* Indole-3-carboxamides

Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

~~(11)~~*(10)* (1H-indazol-3-yl)methanones

Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1

position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

~~(12)~~*(11)* (1H-indol-3-yl)methanones

Any compound containing a (1H-indol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl, quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl group and substitution at the 1 position of the indole ring by an alkyl,haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl groups to any extent.

Sec. 19. K.S.A. 21-5706 and 21-5709 and K.S.A. 2025 Supp. 21-5701, 21-5705, 65-4101 and 65-4105 are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the statute book.