

HOUSE BILL No. 2649

By Representative Dove

2-6

1 AN ACT relating to agriculture; enacting the industrial hemp pilot
2 program; powers, duties and responsibilities of the secretary of
3 agriculture; licenses and licensing; rules and regulations; exempting
4 industrial hemp from the definition of marijuana; amending K.S.A.
5 2017 Supp. 21-5702 and 65-4101 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. Sections 1 through 10, and amendments thereto, shall
9 be known and may be cited as the industrial hemp pilot program.

10 New Sec. 2. As used in sections 1 through 10, and amendments
11 thereto:

12 (a) "Agent" means an employee or an independent contractor of a
13 licensee.

14 (b) "C.B.D. product" means a C.B.D. preparation intended for human
15 consumption or use, including a preparation meant to be topically applied
16 to an individual's skin or hair. "C.B.D. products" shall not be considered
17 prescription drugs or subject to the provisions of the pharmacy act of the
18 state of Kansas, K.S.A. 65-1625 et seq., and amendments thereto, or the
19 uniform controlled substances act, K.S.A. 65-4101 et seq., and
20 amendments thereto.

21 (c) "C.B.D." means a cannabinoid with a tetrahydrocannabinol
22 concentration of 0% on a dry weight basis.

23 (d) "Department" means the Kansas department of agriculture.

24 (e) "Grower" means a person who grows or possesses industrial hemp
25 with the intent to grow industrial hemp.

26 (f) "K.B.I." means the Kansas bureau of investigation.

27 (g) "Industrial hemp" means the plant *Cannabis sativa* L. and any part
28 or derivative of such plant, including seeds of such plant, whether growing
29 or not, with a tetrahydrocannabinols concentration of not more than 0.3%
30 on a dry weight basis. The provisions of K.S.A. 2-1421a, and amendments
31 thereto, shall not apply to industrial hemp.

32 (h) "Institution of higher education" means:

33 (1) A state educational institution as defined in K.S.A. 76-711, and
34 amendments thereto, a municipal university or community college
35 established and operating under the laws of this state or any not-for-profit
36 independent institution of higher education that is accredited by the north

1 central association of colleges and secondary schools accrediting agency
2 as of July 1, 2018, is operated independently and not controlled or
3 administered by the state or any agency or subdivision thereof, maintains
4 open enrollment and the main campus or principal place of operation is
5 located in Kansas; and

6 (2) an institution offers a baccalaureate or post-graduate level
7 program of study in agricultural sciences.

8 (i) "Laboratory" means a person that conducts a chemical or other
9 analysis of industrial hemp or possesses industrial hemp with the intent to
10 conduct such chemical or other analysis of industrial hemp.

11 (j) "Person" means an individual, partnership, corporation,
12 association or other legal entity and institutions of higher education.

13 (k) "Processor" means a person that:

14 (1) Manufactures a C.B.D. from industrial hemp;

15 (2) purchases or possesses industrial hemp with the intent to
16 manufacture a C.B.D.; or

17 (3) sells or intends to sell a C.B.D. to a seller.

18 (l) "Secretary" means the secretary of the Kansas department of
19 agriculture, the secretary's designee or authorized agent.

20 (m) "Seller" means a person who sells C.B.D.

21 New Sec. 3. There is established within the department of agriculture
22 the industrial hemp pilot program, to allow the study of the growth,
23 cultivation and marketing of industrial hemp and its derivative products, in
24 accordance with section 7606 of the agricultural act of 2014, 7 U.S.C. §
25 5940.

26 New Sec. 4. (a) The department and the K.B.I. shall jointly develop
27 the required functions and minimum operating standards for an electronic
28 system to track the location of industrial hemp in the state.

29 (b) At a minimum, the electronic monitoring system shall track and
30 record the disposition of an industrial hemp crop, from the time it is
31 planted as a seed until the industrial hemp's final disposition.

32 (c) The department shall promulgate all rules and regulations
33 necessary to effectuate the provisions of this section.

34 New Sec. 5. (a) Every person who acts as a grower, processor,
35 laboratory or seller shall annually obtain a license from the department for
36 each location in this state at which industrial hemp is grown, processed,
37 tested or sold.

38 (1) (A) Applications for licensure as a grower shall be made to the
39 department on a form and in the manner prescribed by the department.
40 Each application shall be accompanied by the fee established under section
41 6, and amendments thereto.

42 (B) Each applicant for licensure as a grower shall file an operating
43 plan that complies with minimum operating standards set by the

1 department by rules and regulations that include a plan for security,
2 pesticide and fertilizer use, anticipated crop yield and ultimate crop
3 disposition.

4 (2) (A) Applicants for licensure as a processor shall be made to the
5 department on a form in a manner prescribed by the department. Each
6 application shall be accompanied by the fee fixed under section 6, and
7 amendments thereto.

8 (B) Each applicant for licensure as a processor shall file an operating
9 plan that complies with minimum operating standards set by the
10 department by rules and regulations, and that includes a plan for security,
11 cannabinoid extraction and cannabinoid processing technique.

12 (3) (A) Applications for licensure as a laboratory shall be made to the
13 department on a form in a manner prescribed by the department. Each
14 application shall be accompanied by the fee fixed under section 6, and
15 amendments thereto.

16 (B) Each applicant for licensure as a laboratory shall file an operating
17 plan that complies with minimum operating standards set by the
18 department by rules and regulations, and that includes a plan for security,
19 testing methods and testing capabilities.

20 (4) (A) Applications for licensure as a seller shall be made to the
21 department on a form in a manner prescribed by the department. Each
22 application shall be accompanied by the fixed fee under section 6, and
23 amendments thereto.

24 (B) Each applicant for licensure as a seller shall file an operating plan
25 that complies with minimum operating standards set by the department by
26 rules and regulations, and that includes a plan for security and a business
27 plan.

28 (5) (A) As part of an original application for a license as a grower,
29 processor, laboratory or seller, the secretary shall require an individual to
30 be fingerprinted and submit to a state and national criminal history record
31 check. The fingerprints shall be used to identify the individual and to
32 determine whether the individual has a record of criminal history in this
33 state or other jurisdiction. The department is authorized to submit the
34 fingerprints to the Kansas bureau of investigation and the federal bureau of
35 investigation for a state and national criminal history record check. The
36 department may use the information obtained from fingerprinting and the
37 criminal history for purposes of verifying the identification of the
38 individual and in the official determination of the qualifications and fitness
39 of the individual to be issued a license. In the case of a laboratory, each
40 member of management shall be fingerprinted.

41 (B) Local and state law enforcement officers and agencies shall assist
42 the department in taking and processing fingerprints of applicants for and
43 holders of any license, registration, permit or certificate and shall release

1 all records of adult convictions and nonconvictions and adult convictions
2 or adjudications of another state or country to the state board of pharmacy.

3 (C) Whenever the secretary requires fingerprinting, all associated
4 costs shall be paid by the applicant.

5 (6) The department shall require a separate license and separate
6 license fee for each physical location of a grower, processor, laboratory or
7 seller.

8 (7) The department shall adopt rules and regulations necessary to
9 implement a regular testing and inspection program for all licensees.

10 (b) (1) Licenses issued under this section shall expire on the date of
11 expiration established by rules and regulations adopted by the department,
12 unless renewed in the manner prescribed by the department. The request
13 for renewal shall be accompanied by the license renewal fee established
14 pursuant to section 6, and amendments thereto. The department may
15 establish other requirements for licensure renewal that provide evidence of
16 continued compliance with licensure requirements.

17 (2) At least 30 days before the expiration of a licensee's license, the
18 department shall notify the licensee of the expiration by mail addressed to
19 the licensee's last mailing address on record. If the licensee fails to pay the
20 renewal fee by the date of expiration, the licensee shall be sent a second
21 notice that the license has expired and the license may be renewed only if
22 the renewal fee and the late renewal fee are received by the department
23 within the 30-day period following the date of expiration and that, if both
24 fees are not received within the 30-day period, the license shall be deemed
25 canceled by operation of law without further proceedings for failure to
26 renew and shall be reissued only after the license has been reinstated under
27 paragraph (3).

28 (3) Any license canceled for failure to renew as herein provided may
29 be reinstated upon recommendation of the department and upon payment
30 of the renewal fee and the reinstatement fee established by the department.

31 (c) The secretary shall provide copies of all licenses issued under the
32 industrial hemp pilot program to the K.B.I. and to city or county law
33 enforcement agencies with jurisdiction for the location of the licensee's
34 address or the location where industrial hemp is grown, processed, tested
35 or where C.B.D. products are sold, and shall provide the location where
36 such activities are

37 licensed to occur. The secretary shall immediately notify the K.B.I. and
38 the city or county law enforcement agency with jurisdiction over the
39 location of the licensee's address or the location where the industrial hemp
40 is grown, processed or tested or where C.B.D. products are sold of any
41 revocation or expiration of the licensee's license.

42 New Sec. 6. The secretary shall adopt rules and regulations
43 establishing fees for licenses, license renewals, permits, infractions,

1 inspections and other necessary expenses to defray the cost of
2 implementing and operating the industrial hemp pilot program in this state
3 on an ongoing basis.

4 New Sec. 7. (a) There is hereby created in the state treasury the
5 industrial hemp program licensing fee fund to be administered by the
6 secretary of agriculture. All expenditures from the industrial hemp
7 program licensing fee fund shall be made in accordance with appropriation
8 acts upon warrants of the director of accounts and reports issued pursuant
9 to vouchers signed by the secretary of agriculture or the secretary's
10 designee.

11 (b) Licensing and renewal fees shall be established pursuant to rules
12 and regulations adopted by the secretary under the industrial hemp pilot
13 program. The amounts received for such fees shall be deposited in the state
14 treasury in accordance with K.S.A. 75-4215, and amendments thereto, and
15 shall be credited to the industrial hemp program fee fund.

16 (c) There is hereby created in the state treasury the industrial hemp
17 testing and enforcement fee fund to be administered by the director of the
18 K.B.I. All expenditures from the industrial hemp program testing and
19 enforcement fee fund shall be made in accordance with appropriation acts
20 upon warrants of the director of accounts and reports issued pursuant to
21 vouchers signed by the director of the K.B.I. or the director's designee.

22 (d) Testing and enforcement fees shall be established pursuant to
23 rules and regulations adopted by the secretary under the industrial hemp
24 pilot program. The amounts received for such fees shall be deposited in the
25 state treasury in accordance with K.S.A. 75-4215, and amendments
26 thereto, and shall be credited to the industrial hemp testing and
27 enforcement fee fund.

28 New Sec. 8. (a) The department shall refuse to issue a license to any
29 person not in compliance with the provisions of the industrial hemp pilot
30 program or rules and regulations adopted by the secretary and to cancel the
31 license of any licensee subsequently found not to be in compliance, except
32 that no license shall be refused or canceled unless the applicant or licensee
33 has been given an opportunity to be heard before the secretary and to
34 amend the applicant's or licensee's application in order to comply with the
35 requirements of this act or the rules and regulations adopted pursuant to
36 this act.

37 (b) The secretary is authorized to apply for, and the court to grant, a
38 temporary or permanent injunction restraining any person from violating
39 or continuing to violate any of the provisions of the industrial hemp pilot
40 program or any rule or regulation adopted by the secretary

41 under this act, notwithstanding the existence of other remedies at law.
42 The injunction is to be issued without bond.

43 (c) If a grower, processor, laboratory or seller does not hold a current

1 license granted by the department pursuant to the industrial hemp pilot
2 program and a crop, plant parts, seeds or raw hemp in the grower's,
3 distributor's or processor's possession contains, as determined by samples
4 tested by an independent laboratory selected by the department, a delta-9
5 tetrahydrocannabinol concentration equal to or less than 0.3% on a dry
6 weight basis, the industrial hemp crop, industrial hemp plant parts, seeds
7 or raw industrial hemp shall be subject to civil seizure and sale or
8 destruction by the department.

9 (d) Any person adversely affected by this act, or an order or ruling
10 made by the secretary pursuant to this act, may seek judicial review under
11 the provisions of the Kansas judicial review act.

12 New Sec. 9. Each grower, processor, laboratory or seller licensed
13 under the industrial hemp pilot program shall:

14 (a) (1) Require each of the grower's, processor's, laboratory's or
15 seller's agents to be fingerprinted and submit to a state and national
16 criminal history record check. The fingerprints shall be used to identify the
17 individual and determine if the individual has a record of criminal arrests
18 and convictions in this state or other jurisdictions. The secretary is
19 authorized to submit the fingerprints to the Kansas bureau of investigation
20 and the federal bureau of investigation for a state and national criminal
21 history record check. Local and state law enforcement officers and
22 agencies shall assist the secretary in the processing of fingerprints and
23 shall release all records of an individual's arrests and convictions to the
24 secretary.

25 (2) The secretary may use the information obtained from
26 fingerprinting and an individual's criminal history only for the purposes of
27 verifying the identification of such individual and in the official
28 determination of the fitness of such individual's qualifications as an agent.
29 The secretary shall disclose to the appropriate grower, processor,
30 laboratory or seller the results of the criminal history record check with a
31 recommendation of the individual's fitness to work as an agent.

32 (3) Whenever the secretary requires fingerprinting, any associated
33 costs shall be paid by the appropriate grower, processor, laboratory or
34 seller.

35 (b) Maintain a current list of each agent employed by the grower,
36 processor, laboratory or seller.

37 (1) The list described in this subsection shall be submitted to the
38 department on or before January 1 and July 1 of each year.

39 (2) In addition to the list described in this subsection, a grower,
40 processor, laboratory or seller licensed under the industrial hemp pilot
41 program shall require each agent to submit to a state and national criminal
42 history record check, as described in subsection (a).

43 (3) The department may audit the list at any time, at random, in order

1 to determine:

2 (A) That the list is accurate; and

3 (B) that each agent has submitted to a criminal background check in
4 accordance with subsection (a).

5 New Sec. 10. (a) A person may not transport industrial hemp or
6 C.B.D. products between a grower, processor, laboratory or seller unless
7 the person is an agent of a licensed grower, processor, laboratory or seller.

8 (b) A person transporting industrial hemp or C.B.D. products shall
9 keep a transportation record that includes:

10 (1) A unique identifier that links the industrial hemp or C.B.D.
11 products to the electronic monitoring system;

12 (2) the origin and destination information for any industrial hemp or
13 C.B.D. products that the person is transporting; and

14 (3) a record of the departure and arrival time of the individual
15 transporting industrial hemp or C.B.D. products.

16 (c) In addition to the requirements in subsections (a) and (b), the
17 department shall establish safety requirements for transporting industrial
18 hemp or C.B.D. products.

19 (d) An agent shall be guilty of an infraction if the agent transports
20 industrial hemp or C.B.D. products and does not possess, on the agent's
21 person or in the transport vehicle, a transportation record that complies
22 with subsection (b).

23 (e) An agent who is guilty of an infraction under subsection (d) shall
24 be subject to a \$1,000 fine.

25 (f) If the department or a grower, processor, laboratory or seller, or an
26 agent thereof, discovers a defect in the transportation record, the
27 department or agent shall notify law enforcement immediately.

28 Sec. 11. K.S.A. 2017 Supp. 21-5702 is hereby amended to read as
29 follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
30 2009, shall be governed by the law in effect at the time the crime was
31 committed. For purposes of this section, a crime was committed prior to
32 July 1, 2009, if any element of the crime occurred prior thereto.

33 (b) The prohibitions of this act shall apply unless the conduct
34 prohibited is authorized by the pharmacy act of the state of Kansas, the
35 uniform controlled substances act, *the industrial hemp pilot program* or
36 otherwise authorized by law.

37 Sec. 12. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as
38 follows: 65-4101. As used in this act: (a) "Administer" means the direct
39 application of a controlled substance, whether by injection, inhalation,
40 ingestion or any other means, to the body of a patient or research subject
41 by:

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

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

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

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

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

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

14 (f) "Controlled substance" means any drug, substance or immediate
15 precursor included in any of the schedules designated in K.S.A. 65-4105,
16 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

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

19 (A) The chemical structure of the substance is substantially similar to
20 the chemical structure of a controlled substance listed in or added to the
21 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
22 thereto;

23 (B) the substance has a stimulant, depressant or hallucinogenic effect
24 on the central nervous system substantially similar to the stimulant,
25 depressant or hallucinogenic effect on the central nervous system of a
26 controlled substance included in the schedules designated in K.S.A. 65-
27 4105 or 65-4107, and amendments thereto; or

28 (C) with respect to a particular individual, such individual represents
29 or intends the substance to have a stimulant, depressant or hallucinogenic
30 effect on the central nervous system substantially similar to the stimulant,
31 depressant or hallucinogenic effect on the central nervous system of a
32 controlled substance included in the schedules designated in K.S.A. 65-
33 4105 or 65-4107, and amendments thereto.

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

35 (A) A controlled substance;

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

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

42 (h) "Counterfeit substance" means a controlled substance which, or
43 the container or labeling of which, without authorization bears the

1 trademark, trade name or other identifying mark, imprint, number or
2 device or any likeness thereof of a manufacturer, distributor or dispenser
3 other than the person who in fact manufactured, distributed or dispensed
4 the substance.

5 (i) "Cultivate" means the planting or promotion of growth of five or
6 more plants which contain or can produce controlled substances.

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

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

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

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

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

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

23 (p) "Drug" means: (1) Substances recognized as drugs in the official
24 United States pharmacopeia, official homeopathic pharmacopeia of the
25 United States or official national formulary or any supplement to any of
26 them; (2) substances intended for use in the diagnosis, cure, mitigation,
27 treatment or prevention of disease in human or animals; (3) substances
28 (other than food) intended to affect the structure or any function of the
29 body of human or animals; and (4) substances intended for use as a
30 component of any article specified in paragraph (1), (2) or (3). It does not
31 include devices or their components, parts or accessories.

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

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

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

1 by the prescriber.

2 (t) "Electronic signature" means a confidential personalized digital
3 key, code, number or other method for secure electronic data transmissions
4 which identifies a particular person as the source of the message,
5 authenticates the signatory of the message and indicates the person's
6 approval of the information contained in the transmission.

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

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

13 (w) "Facsimile transmission" or "fax transmission" means the
14 transmission of a digital image of a prescription from the prescriber or the
15 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
16 is not limited to, transmission of a written prescription between the
17 prescriber's fax machine and the pharmacy's fax machine; transmission of
18 an electronically prepared prescription from the prescriber's electronic
19 prescription application to the pharmacy's fax machine, computer or
20 printer; or transmission of an electronically prepared prescription from the
21 prescriber's fax machine to the pharmacy's fax machine, computer or
22 printer.

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

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

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

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

41 (2) by a practitioner or by the practitioner's authorized agent under
42 such practitioner's supervision for the purpose of or as an incident to
43 research, teaching or chemical analysis or by a pharmacist or medical care

1 facility as an incident to dispensing of a controlled substance.

2 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis
3 whether growing or not, the seeds thereof, the resin extracted from any
4 part of the plant and every compound, manufacture, salt, derivative,
5 mixture or preparation of the plant, its seeds or resin. It does not include:
6 (1) The mature stalks of the plant, fiber produced from the stalks, oil or
7 cake made from the seeds of the plant, any other compound, manufacture,
8 salt, derivative, mixture or preparation of the mature stalks, except the
9 resin extracted therefrom, fiber, oil or cake or the sterilized seed of the
10 plant which is incapable of germination; ~~or~~ (2) any substance listed in
11 schedules II through V of the uniform controlled substances act; *or* (3)
12 *industrial hemp*.

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

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

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

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

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

34 (3) opium poppy and poppy straw;

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

40 (ee) "Opiate" means any substance having an addiction-forming or
41 addiction-sustaining liability similar to morphine or being capable of
42 conversion into a drug having addiction-forming or addiction-sustaining
43 liability. It does not include, unless specifically designated as controlled

1 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer
2 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
3 include its racemic and levorotatory forms.

4 (ff) "Opium poppy" means the plant of the species *Papaver*
5 *somniferum* L. except its seeds.

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

9 (hh) "Pharmacist" means any natural person licensed under K.S.A.
10 65-1625 et seq., and amendments thereto, to practice pharmacy.

11 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an
12 accredited pharmacy program; (2) a graduate of an accredited pharmacy
13 program serving such person's internship; or (3) a graduate of a pharmacy
14 program located outside of the United States which is not accredited and
15 who had successfully passed equivalency examinations approved by the
16 board.

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

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

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

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

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

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

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

41 (qq) "*Industrial hemp*" means the plant *Cannibis sativa* L. and any
42 part or derivative of such plant, including viable seeds, whether growing
43 or not, no part of which has a delta-9 tetrahydrocannabinol concentration

1 *of more than 0.3% on a dry weight basis.*

2 Sec. 13. K.S.A. 2017 Supp. 21-5702 and 65-4101 are hereby
3 repealed.

4 Sec. 14. This act shall take effect and be in force from and after its
5 publication in the statute book.