

HOUSE BILL No. 2173

By Committee on Agriculture

2-7

1 AN ACT concerning industrial hemp; establishing a commercial industrial
2 hemp program; amending K.S.A. 65-4101 and 65-4105 and K.S.A.
3 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and
4 repealing the existing sections; also repealing K.S.A. 65-4101c and 65-
5 4105b and K.S.A. 2018 Supp. 21-5701a.

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

8 New Section 1. (a) The Kansas department of agriculture, in
9 consultation with the governor and attorney general, may submit a plan to
10 the United States department of agriculture under which the Kansas
11 department of agriculture will monitor and regulate the commercial
12 production of industrial hemp within the state in accordance with 7 U.S.C.
13 § 1621 et seq. and any rules and regulations adopted thereunder.

14 (b) If the Kansas department of agriculture proposes to develop and
15 submit a plan to the United States department of agriculture, any such plan
16 shall include the following:

17 (1) A procedure to maintain relevant information regarding land on
18 which industrial hemp is produced, including a legal description of the
19 land, for a period of not less than three calendar years;

20 (2) a procedure for testing, using post-decarboxylation or other
21 similarly reliable methods, the delta-9 tetrahydrocannabinol concentration
22 levels of industrial hemp produced;

23 (3) a procedure for the effective disposal of industrial hemp and hemp
24 products that are found to be in violation of this act;

25 (4) any licensing requirements or other regulations deemed necessary
26 by the Kansas department of agriculture for the proper monitoring and
27 regulation of industrial hemp cultivation and production for commercial
28 purposes, including, but not limited to, fees for licenses, license renewals
29 and other necessary expenses to defray the cost of implementing and
30 operating the plan on an ongoing basis;

31 (5) a procedure for conducting annual inspections of, at a minimum, a
32 random sample of hemp producers to verify that hemp is not produced in
33 violation of this act; and

34 (6) any other procedures necessary to meet the requirements set forth
35 in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted
36 thereunder.

1 (c) (1) A hemp producer who negligently violates this section or any
2 rules and regulations adopted thereunder shall not be subject to any state
3 or local criminal enforcement action, but shall comply with the following
4 corrective actions as applicable:

5 (A) A reasonable date by which the hemp producer shall correct the
6 negligent violation; and

7 (B) a requirement that the hemp producer shall periodically report to
8 the Kansas department of agriculture on the hemp producer's compliance
9 with this section and rules and regulations adopted thereunder, for a period
10 of not less than the next two calendar years.

11 (2) A hemp producer that negligently violates this section or any rules
12 and regulations adopted thereunder three times in a five-year period shall
13 be ineligible to produce industrial hemp for a period of five years
14 beginning on the date of the third violation.

15 (3) The Kansas department of agriculture shall immediately report
16 any violation by a hemp producer with a greater culpable mental state than
17 negligence to the attorney general and such hemp producer shall not be
18 subject to the exemption in subsection (c)(1).

19 (d) Any person otherwise eligible to become a licensed hemp
20 producer shall not be eligible to produce industrial hemp if:

21 (1) Such person has been convicted of a felony relating to a
22 controlled substance under state or federal law within the immediately
23 preceding 10 years; or

24 (2) such person has submitted any materially false information in any
25 application to become a licensed hemp producer.

26 (e) The secretary of agriculture may promulgate rules and regulations
27 to implement the plan submitted to the United States department of
28 agriculture and to otherwise effectuate the provisions of this section.

29 (f) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a
30 federal plan by the United States department of agriculture that allows for
31 the cultivation and production of industrial hemp for commercial purposes
32 within the state or upon the adoption of rules and regulations by the
33 Kansas secretary of agriculture that establish the cultivation and
34 production of industrial hemp for commercial purposes within the state,
35 the Kansas department of agriculture may discontinue the industrial hemp
36 research program established pursuant to K.S.A. 2018 Supp. 2-3902, and
37 amendments thereto.

38 (g) Any licensing or other fees collected pursuant to this section and
39 any rules and regulations adopted hereunder shall be deposited in the
40 alternative crop act licensing fee fund established by K.S.A. 2018 Supp. 2-
41 3903, and amendments thereto, for all costs of the administration of the
42 commercial production of industrial hemp.

43 (h) This section shall be a part of and supplemental to the alternative

1 crop act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

2 Sec. 2. K.S.A. 2018 Supp. 2-3901 is hereby amended to read as
 3 follows: 2-3901. (a) K.S.A. 2018 Supp. 2-3901 ~~and 2-3902~~ et seq., and
 4 amendments thereto, shall be known and may be cited as the alternative
 5 crop ~~research~~ act.

6 (b) As used in the alternative crop ~~research~~ act:

7 (1) "Certified seed" means industrial hemp seed that has been
 8 certified by a certifying agency, as defined by K.S.A. 2-1415, and
 9 amendments thereto, as having a delta-9 tetrahydrocannabinol
 10 concentration of ~~no~~ not more than 0.3% on a dry weight basis.

11 (2) "Commercial" means the cultivation or production of industrial
 12 hemp for purposes other than research as authorized under section 1, and
 13 amendments thereto.

14 (3) "Delta-9 tetrahydrocannabinol concentration" means the
 15 combined percentage of delta-9 tetrahydrocannabinol and its optical
 16 isomers, their salts and acids, and salts of their acids, reported as free THC
 17 on a dry weight basis, of any part of the plant cannabis sativa L.

18 ~~(3) "Department" means the Kansas department of agriculture.~~

19 (4) "Hemp products" means all products made from industrial hemp,
 20 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
 21 particleboard, plastics, seed, seed meal and seed oil for consumption and
 22 certified seed for cultivation, if the seeds originate from industrial hemp
 23 varieties.

24 (5) *"Hemp producer" means any individual, licensed or otherwise,*
 25 *engaging in the cultivation, production, distribution or processing of*
 26 *industrial hemp for commercial purposes pursuant to section 1, and*
 27 *amendments thereto.*

28 ~~(5)(6) "Industrial hemp" means all parts and varieties of the plant~~
 29 ~~cannabis sativa L., cultivated or possessed by a state educational~~
 30 ~~institution or the department, whether growing or not, that contain a delta-~~
 31 ~~9 tetrahydrocannabinol concentration of no not more than 0.3% on a dry~~
 32 ~~weight basis.~~

33 ~~(6)(7) "Seed research" means research conducted to develop or~~
 34 ~~recreate better strains of industrial hemp, particularly for the purpose of~~
 35 ~~seed production.~~

36 ~~(7)(8) "State educational institution" means the university of Kansas,~~
 37 ~~Kansas state university, Wichita state university, Emporia state university,~~
 38 ~~Pittsburg state university and Fort Hays state university.~~

39 Sec. 3. K.S.A. 2018 Supp. 2-3902 is hereby amended to read as
 40 follows: 2-3902. (a) ~~The department~~ *Kansas department of agriculture,*
 41 *alone or in coordination with a state educational institution, may cultivate*
 42 *industrial hemp grown from certified seed and promote the research and*
 43 *development of industrial hemp, in accordance with 7 U.S.C. § 5940. This*

1 research may include:

2 (1) Oversight and analysis of growth of industrial hemp to conduct
3 agronomy research and analysis of required soils, growing conditions and
4 harvest methods relating to the production of various varieties of industrial
5 hemp that may be suitable for various commercial hemp products;

6 (2) seed research on various types of industrial hemp that are best
7 suited to be grown in Kansas, including seed availability, creation of
8 hybrid types, in-the-ground variety trials and seed production;

9 (3) analysis on the economic feasibility of developing an industrial
10 hemp market in various types of industrial hemp that can be grown in
11 Kansas;

12 (4) analysis on the estimated value-added benefits, including
13 environmental benefits, that Kansas businesses would reap by having an
14 industrial hemp market of Kansas-grown industrial hemp varieties;

15 (5) a study on the agronomy research conducted worldwide relating
16 to industrial hemp varieties, production and utilization;

17 (6) a study on the feasibility of attracting federal and private funding
18 for industrial hemp research; and

19 (7) a pilot program in Russell county, and other counties as
20 determined by the department, for the purpose of economic development,
21 research, cultivation, market analysis, manufacturing and transportation of
22 industrial hemp and industrial hemp products.

23 (b) In the event that the department acts alone to cultivate industrial
24 hemp grown from certified seed and to promote the research and
25 development of industrial hemp, the secretary of *agriculture* shall establish
26 an advisory board within the department to review and recommend
27 applications for pilot projects and research proposals to the secretary. The
28 secretary shall not approve any such project or proposal without the
29 recommendation of the advisory board.

30 (c) The department shall oversee and annually license all individuals
31 participating in the cultivation, growth, research, oversight, study, analysis,
32 transportation, processing or distribution of certified seed or industrial
33 hemp pursuant to this act. The department shall establish fees for licenses,
34 license renewals and other necessary expenses to defray the cost of
35 implementing and operating the alternative crop ~~research~~ act in this state
36 on an ongoing basis.

37 (d) (1) The department shall require, as a qualification for initial or
38 continuing licensure, all individuals seeking a license or license renewal
39 under this act to be fingerprinted and to submit to a state and national
40 criminal history record check. The fingerprints shall be used to identify the
41 individual and to determine whether the individual has a record of criminal
42 history in this state or any other jurisdiction. The department is authorized
43 to submit the fingerprints to the Kansas bureau of investigation and the

1 federal bureau of investigation for a state and national criminal history
2 record check. The department may use the information obtained from
3 fingerprinting and the criminal history record check for purposes of
4 verifying the identification of the individual and for making an official
5 determination of the qualifications for initial or continuing licensure
6 pursuant to this act and rules and regulations promulgated pursuant to this
7 act. Disclosure or use of any information received by the department for
8 any purpose other than the purpose provided for in this section shall be a
9 class A misdemeanor and shall constitute grounds for removal from office
10 or termination of employment.

11 (2) An individual who has been convicted of any of the following
12 shall be disqualified from initial or continuing licensure under this act: A
13 felony violation of article 57 of chapter 21 of the Kansas Statutes
14 Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through
15 21-36a17, prior to their transfer, or any felony violation of any provision
16 of the uniform controlled substances act, prior to July 1, 2009.

17 (3) The Kansas bureau of investigation may charge a reasonable fee
18 for conducting a criminal history record check.

19 (4) The applicant shall pay the costs of fingerprinting and the state
20 and national criminal history record check.

21 (e) The secretary of agriculture shall promulgate rules and regulations
22 to carry out the provisions of the alternative crop ~~research~~ act on or before
23 December 31, 2018. Such rules and regulations shall include, but not be
24 limited to, a requirement that license holders shall have a current license in
25 their possession at all times that they are engaged in cultivation, growth,
26 research, oversight, study, analysis, transportation, processing or
27 distribution of certified seed or industrial hemp pursuant to this act.

28 (f) The department shall submit a report to the legislature outlining
29 the steps and timeline to implement a process that would allow individuals
30 and business entities to grow and process industrial hemp in Kansas and to
31 sell industrial hemp in other states. Such report shall be submitted to the
32 senate standing committee on agriculture and natural resources and the
33 house standing committee on agriculture on or before January 14, 2019.
34 The department shall send such committees an annual supplemental report
35 on the continued progress of such process at the beginning of each regular
36 legislative session for the following three years.

37 (g) Nothing in the alternative crop ~~research~~ act shall be construed to
38 authorize any individual to violate any state or federal law.

39 (h) The legislature shall review the provisions of this act prior to July
40 1, 2022.

41 Sec. 4. K.S.A. 2018 Supp. 2-3903 is hereby amended to read as
42 follows: 2-3903. (a) ~~There is hereby created in the state treasury~~ The
43 alternative crop ~~research~~ act licensing fee fund *created in the state*

1 *treasury shall be renamed the alternative crop act licensing fee fund and*
2 *continue* to be administered by the secretary of agriculture. All
3 expenditures from the alternative crop ~~research~~ act licensing fee fund shall
4 be made in accordance with appropriation acts upon warrants of the
5 director of accounts and reports issued pursuant to vouchers signed by the
6 secretary of agriculture or the secretary's designee.

7 (b) Licensing and renewal fees shall be established pursuant to rules
8 and regulations adopted by the secretary under the alternative crop
9 ~~research~~ act. The amounts received for such fees shall be deposited in the
10 state treasury in accordance with K.S.A. 75-4215, and amendments
11 thereto, and shall be credited to the alternative crop ~~research~~ act licensing
12 fee fund.

13 Sec. 5. K.S.A. 2018 Supp. 21-5701 is hereby amended to read as
14 follows: 21-5701. As used in K.S.A. 2018 Supp. 21-5701 through 21-
15 5717, and amendments thereto: (a) "Controlled substance" means any
16 drug, substance or immediate precursor included in any of the schedules
17 designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113,
18 and amendments thereto.

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

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

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

30 (C) with respect to a particular individual, such individual represents
31 or intends the substance to have a stimulant, depressant or hallucinogenic
32 effect on the central nervous system substantially similar to the stimulant,
33 depressant or hallucinogenic effect on the central nervous system of a
34 controlled substance included in the schedules designated in K.S.A. 65-
35 4105 or 65-4107, and amendments thereto.

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

37 (A) A controlled substance;

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

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

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

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

11 (e) "Drug" means:

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

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

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

19 (4) substances intended for use as a component of any article
 20 specified in paragraph (1), (2) or (3). It does not include devices or their
 21 components, parts or accessories.

22 (f) "Drug paraphernalia" means all equipment and materials of any
 23 kind ~~which~~ that are used, or primarily intended or designed for use in
 24 planting, propagating, cultivating, growing, harvesting, manufacturing,
 25 compounding, converting, producing, processing, preparing, testing,
 26 analyzing, packaging, repackaging, storing, containing, concealing,
 27 injecting, ingesting, inhaling or otherwise introducing into the human body
 28 a controlled substance and in violation of this act. "Drug paraphernalia"
 29 shall include, but is not limited to:

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

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

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

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

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

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

- 1 (7) separation gins and sifters used or intended for use in removing
2 twigs and seeds from or otherwise cleaning or refining marijuana;
- 3 (8) blenders, bowls, containers, spoons and mixing devices used or
4 intended for use in compounding controlled substances;
- 5 (9) capsules, balloons, envelopes, bags and other containers used or
6 intended for use in packaging small quantities of controlled substances;
- 7 (10) containers and other objects used or intended for use in storing
8 or concealing controlled substances;
- 9 (11) hypodermic syringes, needles and other objects used or intended
10 for use in parenterally injecting controlled substances into the human
11 body;
- 12 (12) objects used or primarily intended or designed for use in
13 ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish,
14 hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into
15 the human body, such as:
- 16 (A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with
17 or without screens, permanent screens, hashish heads or punctured metal
18 bowls;
- 19 (B) water pipes, bongs or smoking pipes designed to draw smoke
20 through water or another cooling device;
- 21 (C) carburetion pipes, glass or other heat resistant tubes or any other
22 device used, intended to be used or designed to be used to cause
23 vaporization of a controlled substance for inhalation;
- 24 (D) smoking and carburetion masks;
- 25 (E) roach clips, objects used to hold burning material, such as a
26 marijuana cigarette, that has become too small or too short to be held in
27 the hand;
- 28 (F) miniature cocaine spoons and cocaine vials;
- 29 (G) chamber smoking pipes;
- 30 (H) carburetor smoking pipes;
- 31 (I) electric smoking pipes;
- 32 (J) air-driven smoking pipes;
- 33 (K) chillums;
- 34 (L) bongs;
- 35 (M) ice pipes or chillers;
- 36 (N) any smoking pipe manufactured to disguise its intended purpose;
- 37 (O) wired cigarette papers; or
- 38 (P) cocaine freebase kits.
- 39 "Drug paraphernalia" shall not include any products, chemicals or
40 materials described in K.S.A. 2018 Supp. 21-5709(a), and amendments
41 thereto.
- 42 (g) "Immediate precursor" means a substance ~~which~~ *that* the state
43 board of pharmacy has found to be and by rules and regulations designates

1 as being the principal compound commonly used or produced primarily
2 for use and ~~which~~ *that* is an immediate chemical intermediary used or
3 likely to be used in the manufacture of a controlled substance, the control
4 of which is necessary to prevent, curtail or limit manufacture.

5 (h) "Isomer" means all enantiomers and diastereomers.

6 (i) "Manufacture" means the production, preparation, propagation,
7 compounding, conversion or processing of a controlled substance either
8 directly or indirectly or by extraction from substances of natural origin or
9 independently by means of chemical synthesis or by a combination of
10 extraction and chemical synthesis. "Manufacture" does not include:

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

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

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

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

25 (j) "Marijuana" means all parts of all varieties of the plant *Cannabis*
26 whether growing or not, the seeds thereof, the resin extracted from any
27 part of the plant and every compound, manufacture, salt, derivative,
28 mixture or preparation of the plant, its seeds or resin. "Marijuana" does not
29 include: (1) The mature stalks of the plant, fiber produced from the stalks,
30 oil or cake made from the seeds of the plant, any other compound,
31 manufacture, salt, derivative, mixture or preparation of the mature stalks,
32 except the resin extracted therefrom, fiber, oil or cake or the sterilized seed
33 of the plant ~~which~~ *that* is incapable of germination; (2) any substance
34 listed in schedules II through V of the uniform controlled substances act;
35 ~~or~~ (3) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-
36 cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); *or* (4) *industrial hemp as*
37 *defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when*
38 *cultivated, produced, possessed or used for activities authorized by the*
39 *alternative crop act.*

40 (k) "Minor" means a person under 18 years of age.

41 (l) "Narcotic drug" means any of the following whether produced
42 directly or indirectly by extraction from substances of vegetable origin or
43 independently by means of chemical synthesis or by a combination of

1 extraction and chemical synthesis:

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

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

8 (3) opium poppy and poppy straw;

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

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

22 (n) "Opium poppy" means the plant of the species *Papaver*
23 *somniferum* L. except its seeds.

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

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

29 (q) "Possession" means having joint or exclusive control over an item
30 with knowledge of and intent to have such control or knowingly keeping
31 some item in a place where the person has some measure of access and
32 right of control.

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

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

6 Sec. 6. K.S.A. 2018 Supp. 21-5702 is hereby amended to read as
7 follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
8 2009, shall be governed by the law in effect at the time the crime was
9 committed. For purposes of this section, a crime was committed prior to
10 July 1, 2009, if any element of the crime occurred prior thereto.

11 (b) The prohibitions of this act shall apply unless the conduct
12 prohibited is authorized by the pharmacy act of the state of Kansas, the
13 uniform controlled substances act, the alternative crop ~~research~~ act or
14 otherwise authorized by law.

15 Sec. 7. K.S.A. 65-4101 is hereby amended to read as follows: 65-
16 4101. As used in this act: (a) "Administer" means the direct application of
17 a controlled substance, whether by injection, inhalation, ingestion or any
18 other means, to the body of a patient or research subject by:

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

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

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

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

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

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

34 (f) "Controlled substance" means any drug, substance or immediate
35 precursor included in any of the schedules designated in K.S.A. 65-4105,
36 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

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

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

43 (B) the substance has a stimulant, depressant or hallucinogenic effect

1 on the central nervous system substantially similar to the stimulant,
2 depressant or hallucinogenic effect on the central nervous system of a
3 controlled substance included in the schedules designated in K.S.A. 65-
4 4105 or 65-4107, and amendments thereto; or

5 (C) with respect to a particular individual, such individual represents
6 or intends the substance to have a stimulant, depressant or hallucinogenic
7 effect on the central nervous system substantially similar to the stimulant,
8 depressant or hallucinogenic effect on the central nervous system of a
9 controlled substance included in the schedules designated in K.S.A. 65-
10 4105 or 65-4107, and amendments thereto.

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

12 (A) A controlled substance;

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

14 or

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

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

25 (i) "Cultivate" means the planting or promotion of growth of five or
26 more plants ~~which~~ *that* contain or can produce controlled substances.

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

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

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

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

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

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

43 (p) "Drug" means: (1) Substances recognized as drugs in the official

1 United States pharmacopeia, official homeopathic pharmacopoeia of the
2 United States or official national formulary or any supplement to any of
3 them; (2) substances intended for use in the diagnosis, cure, mitigation,
4 treatment or prevention of disease in human or animals; (3) substances
5 (other than food) intended to affect the structure or any function of the
6 body of human or animals; and (4) substances intended for use as a
7 component of any article specified in paragraph (1), (2) or (3). It does not
8 include devices or their components, parts or accessories.

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

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

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

22 (t) "Electronic signature" means a confidential personalized digital
23 key, code, number or other method for secure electronic data transmissions
24 ~~which~~ *that* identifies a particular person as the source of the message,
25 authenticates the signatory of the message and indicates the person's
26 approval of the information contained in the transmission.

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

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

33 (w) "Facsimile transmission" or "fax transmission" means the
34 transmission of a digital image of a prescription from the prescriber or the
35 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
36 is not limited to, transmission of a written prescription between the
37 prescriber's fax machine and the pharmacy's fax machine; transmission of
38 an electronically prepared prescription from the prescriber's electronic
39 prescription application to the pharmacy's fax machine, computer or
40 printer; or transmission of an electronically prepared prescription from the
41 prescriber's fax machine to the pharmacy's fax machine, computer or
42 printer.

43 (x) "Intermediary" means any technology system that receives and

1 transmits an electronic prescription between the prescriber and the
2 pharmacy.

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

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

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

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

22 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis
23 whether growing or not, the seeds thereof, the resin extracted from any
24 part of the plant and every compound, manufacture, salt, derivative,
25 mixture or preparation of the plant, its seeds or resin. It does not include:
26 (1) The mature stalks of the plant, fiber produced from the stalks, oil or
27 cake made from the seeds of the plant, any other compound, manufacture,
28 salt, derivative, mixture or preparation of the mature stalks, except the
29 resin extracted therefrom, fiber, oil or cake or the sterilized seed of the
30 plant ~~which~~ that is incapable of germination; (2) any substance listed in
31 schedules II through V of the uniform controlled substances act; ~~or~~ (3)
32 cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-
33 cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or (4) industrial hemp as
34 defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when
35 cultivated, produced, possessed or used for activities authorized by the
36 alternative crop act.

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

39 (cc) "Mid-level practitioner" means a certified nurse-midwife
40 engaging in the independent practice of midwifery under the independent
41 practice of midwifery act, an advanced practice registered nurse issued a
42 license pursuant to K.S.A. 65-1131, and amendments thereto, who has
43 authority to prescribe drugs pursuant to a written protocol with a

1 responsible physician under K.S.A. 65-1130, and amendments thereto, or a
2 physician assistant licensed under the physician assistant licensure act who
3 has authority to prescribe drugs pursuant to a written agreement with a
4 supervising physician under K.S.A. 65-28a08, and amendments thereto.

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

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

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

15 (3) opium poppy and poppy straw;

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

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

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

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

33 (hh) "Pharmacist" means any natural person licensed under K.S.A.
34 65-1625 et seq., and amendments thereto, to practice pharmacy.

35 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an
36 accredited pharmacy program; (2) a graduate of an accredited pharmacy
37 program serving such person's internship; or (3) a graduate of a pharmacy
38 program located outside of the United States ~~which that~~ is not accredited
39 and who had successfully passed equivalency examinations approved by
40 the board.

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

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

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

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

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

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

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

22 Sec. 8. K.S.A. 65-4105 is hereby amended to read as follows: 65-
23 4105. (a) The controlled substances listed in this section are included in
24 schedule I and the number set forth opposite each drug or substance is the
25 DEA controlled substances code ~~which~~ that has been assigned to it.

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

- 30 (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
31 phenylacetamide).....9821
- 32 (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
33 piperidinyl]-N-phenylacetamide).....9815
- 34 (3) Acetylmethadol.....9601
- 35 (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide;
36 acryloylfentanyl).....9811
- 37 (5) AH-7921 (3,4-dichloro-N-[(1-
38 dimethylamino)cyclohexylmethyl]benzamide).....9551
- 39 (6) Allylprodine.....9602
- 40 (7) Alphacetylmethadol.....9603
41 (except levo-alphacetylmethadol also known as levo-alpha-
42 acetylmethadol, levomethadyl acetate or LAAM)
- 43 (8) Alphameprodine.....9604

1	(9) Alphamethadol.....	9605
2	(10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-	
3	piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-	
4	propanilido) piperidine).....	9814
5	(11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-	
6	piperidinyl]-N-phenylpropanamide).....	9832
7	(12) Benzethidine.....	9606
8	(13) Betacetylmethadol.....	9607
9	(14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-	
10	N-phenylpropanamide).....	9830
11	(15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-	
12	phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
13	(16) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-	
14	yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
15	(17) Betameprodine.....	9608
16	(18) Betamethadol.....	9609
17	(19) Betaprodine.....	9611
18	(20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
19	phenylbutyramide).....	9822
20	(21) Clonitazene.....	9612
21	(22) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
22	phenylcyclopentanecarboxamide)	
23	(23) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
24	phenylcyclopropanecarboxamide).....	9845
25	(24) Dextromoramide.....	9613
26	(25) Diampromide.....	9615
27	(26) Diethylthiambutene.....	9616
28	(27) Difenoixin.....	9168
29	(28) Dimenoxadol.....	9617
30	(29) Dimepheptanol.....	9618
31	(30) Dimethylthiambutene.....	9619
32	(31) Dioxaphetyl butyrate.....	9621
33	(32) Dipipanone.....	9622
34	(33) Ethylmethylthiambutene.....	9623
35	(34) Etonitazene.....	9624
36	(35) Etoxidine.....	9625
37	(36) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-	
38	carboxamide).....	9834
39	(37) Furethidine.....	9626
40	(38) Hydroxypethidine.....	9627
41	(39) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
42	phenylisobutyramide)	
43	(40) Ketobemidone.....	9628

1	(41) Levomoramide.....	9629
2	(42) Levophenacymorphan.....	9631
3	(43) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-	
4	N-phenylacetamide).....	9825
5	(44) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-	
6	phenylpropanamide).....	9813
7	(45) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-	
8	piperidinyl]-N-phenylpropanamide).....	9833
9	(46) Morpheridine.....	9632
10	(47) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-	
11	4-yl)acetamide)	
12	(48) O-desmethyltramadol	
13	Some trade or other names: 2-((dimethylamino)methyl-1-(3-	
14	hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-	
15	hydroxycyclohexyl)phenol	
16	(49) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
17	(50) MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine)	
18	(51) Noracymethadol.....	9633
19	(52) Norlevorphanol.....	9634
20	(53) Normethadone.....	9635
21	(54) Norpipanone.....	9636
22	(55) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-	
23	4-yl)propionamide; 2-fluorofentanyl).....	9816
24	(56) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-	
25	phenethylpiperidin-4-yl)isobutyramide)	
26	(57) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
27	phenethylpiperidin-4-yl)butyramide)	
28	(58) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-	
29	piperidinyl]propanamide).....	9812
30	(59) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
31	phenethylpiperidin-4-yl)isobutyramide,	
32	4-fluoroisobutyryl fentanyl).....	9824
33	(60) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-	
34	phenethylpiperidin-4-yl)butyramide)	
35	(61) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
36	(62) Phenadoxone.....	9637
37	(63) Phenampromide.....	9638
38	(64) Phenomorphan.....	9647
39	(65) Phenoperidine.....	9641
40	(66) Piritramide.....	9642
41	(67) Proheptazine.....	9643
42	(68) Properidine.....	9644
43	(69) Propiram.....	9649

1 (70) Racemoramide.....9645
 2 (71) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
 3 phenyltetrahydrofuran-2-carboxamide).....9843
 4 (72) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
 5 propanamide).....9835
 6 (73) Tilidine.....9750
 7 (74) Trimeperidine.....9646
 8 (75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
 9 methylbenzamide).....9547
 10 (76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
 11 phenylpentanamide)

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

16 (1) Acetorphine.....9319
 17 (2) Acetyldihydrocodeine.....9051
 18 (3) Benzylmorphine.....9052
 19 (4) Codeine methylbromide.....9070
 20 (5) Codeine-N-Oxide.....9053
 21 (6) Cyrenorphine.....9054
 22 (7) Desomorphine.....9055
 23 (8) Dihydromorphine.....9145
 24 (9) Drotebanol.....9335
 25 (10) Etorphine (except hydrochloride salt).....9056
 26 (11) Heroin.....9200
 27 (12) Hydromorphanol.....9301
 28 (13) Methyl-desorphine.....9302
 29 (14) Methyl-dihydromorphine.....9304
 30 (15) Morphine methylbromide.....9305
 31 (16) Morphine methylsulfonate.....9306
 32 (17) Morphine-N-Oxide.....9307
 33 (18) Myrophine.....9308
 34 (19) Nicocodeine.....9309
 35 (20) Nicomorphine.....9312
 36 (21) Normorphine.....9313
 37 (22) Pholcodine.....9314
 38 (23) Thebacon.....9315

39 (d) Any material, compound, mixture or preparation ~~which~~ *that*
 40 contains any quantity of the following hallucinogenic substances, their
 41 salts, isomers and salts of isomers, unless specifically excepted, whenever
 42 the existence of these salts, isomers and salts of isomers is possible within
 43 the specific chemical designation:

1 (1) Alpha-ethyltryptamine 7249 Some trade or other names:
 2 etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-
 3 aminobutyl) indole; α -ET; and AET.
 4 (2) 4-bromo-2,5-dimethoxy-amphetamine.....7391
 5 Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-
 6 methylphenethylamine; 4-bromo-2,5-DMA.
 7 (3) 2,5-dimethoxyamphetamine.....7396
 8 Some trade or other names: 2,5-dimethoxy-alpha-methyl-
 9 phenethylamine; 2,5-DMA.
 10 (4) 4-methoxyamphetamine.....7411
 11 Some trade or other names: 4-methoxy-alpha-methylphene-
 12 thylamine; paramethoxyamphetamine; PMA.
 13 (5) 5-methoxy-3,4-methylenedioxy-amphetamine.....7401
 14 (6) 4-methyl-2,5-dimethoxy-amphetamine.....7395
 15 Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-
 16 methylphenethylamine; "DOM"; and "STP".
 17 (7) 3,4-methylenedioxy amphetamine.....7400
 18 (8) 3,4-methylenedioxymethamphetamine (MDMA).....7405
 19 (9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-
 20 alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA,
 21 MDE, and MDEA).....7404
 22 (10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-
 23 hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and
 24 N-hydroxy MDA).....7402
 25 (11) 3,4,5-trimethoxy amphetamine.....7390
 26 (12) Bufotenine.....7433
 27 Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-
 28 hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-
 29 dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.
 30 (13) Diethyltryptamine.....7434
 31 Some trade or other names: N,N-Diethyltryptamine; DET.
 32 (14) Dimethyltryptamine.....7435
 33 Some trade or other names: DMT.
 34 (15) Ibogaine.....7260
 35 Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-
 36 octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2] azepino
 37 [5,4-b]indole; Tabernanthe iboga
 38 (16) Lysergic acid diethylamide.....7315
 39 (17) Marijuana.....7360
 40 (18) Mescaline.....7381
 41 (19) Parahexyl.....7374
 42 Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-
 43 6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.

1 (20) Peyote.....7415
 2 Meaning all parts of the plant presently classified botanically as
 3 *Lophophora williamsii* Lemaire, whether growing or not, the seeds
 4 thereof, any extract from any part of such plant, and every
 5 compound, manufacture, salts, derivative, mixture or preparation of
 6 such plant, its seeds or extracts.
 7 (21) N-ethyl-3-piperidyl benzilate.....7482
 8 (22) N-methyl-3-piperidyl benzilate.....7484
 9 (23) Psilocybin.....7437
 10 (24) Psilocyn.....7438
 11 Some trade or other names: Psilocin.
 12 (25) Ethylamine analog of phencyclidine.....7455
 13 Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-
 14 phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
 15 cyclohexamine; PCE.
 16 (26) Pyrrolidine analog of phencyclidine.....7458
 17 Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine;
 18 PCPy; PHP.
 19 (27) Thiophene analog of phencyclidine.....7470
 20 Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;
 21 2-thienyl analog of phencyclidine; TCP; TCP.
 22 (28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....7473
 23 Some other names: TCPy.
 24 (29) 2,5-dimethoxy-4-ethylamphetamine.....7399
 25 Some trade or other names: DOET.
 26 (30) *Salvia divinorum* or *salvinorum* A; all parts of the plant presently
 27 classified botanically as *salvia divinorum*, whether growing or not,
 28 the seeds thereof, any extract from any part of such plant, and every
 29 compound, manufacture, salts, derivative, mixture or preparation of
 30 such plant, its seeds or extracts.
 31 (31) *Datura stramonium*, commonly known as gypsum weed or jimson
 32 weed; all parts of the plant presently classified botanically as *datura*
 33 *stramonium*, whether growing or not, the seeds thereof, any extract
 34 from any part of such plant, and every compound, manufacture, salts,
 35 derivative, mixture or preparation of such plant, its seeds or extracts.
 36 (32) N-benzylpiperazine.....7493
 37 Some trade or other names: BZP.
 38 (33) 1-(3-[trifluoromethylphenyl])piperazine
 39 Some trade or other names: TFMPP.
 40 (34) 4-Bromo-2,5-dimethoxyphenethylamine.....7392
 41 (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical
 42 isomers, salts and salts of optical isomers.....7348
 43 (36) Alpha-methyltryptamine (other name: AMT).....7432

1 (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers,
 2 salts and salts of isomers.....7439
 3 (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....7509
 4 (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....7508
 5 (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....7519
 6 (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....7518
 7 (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....7385
 8 (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4) 7532
 9 (44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....7517
 10 (45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....7521
 11 (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....7524
 12 (47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....7431
 13 Some trade or other names: 5-methoxy-3-[2-(dimethylamino)
 14 ethyl]indole.
 15 (48) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
 16 ethanamine.....7538
 17 Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I;
 18 Cimbi-5.
 19 (49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
 20 ethanamine.....7537
 21 Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C;
 22 Cimbi-82.
 23 (50) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-
 24 methoxybenzyl)ethanamine.....7536
 25 Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B;
 26 Cimbi-36.
 27 (51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
 28 Some trade or other names: 25H-NBOMe.
 29 (52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine
 30 Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
 31 (53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine
 32 Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.
 33 (e) Any material, compound, mixture or preparation ~~which~~ *that*
 34 contains any quantity of the following substances having a depressant
 35 effect on the central nervous system, including its salts, isomers, and salts
 36 of isomers whenever the existence of such salts, isomers, and salts of
 37 isomers is possible within the specific chemical designation:
 38 (1) Etizolam
 39 Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-
 40 6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
 41 (2) Mecloqualone.....2572
 42 (3) Methaqualone.....2565
 43 (4) Gamma hydroxybutyric acid

- 1 (f) Unless specifically excepted or unless listed in another schedule,
 2 any material, compound, mixture or preparation—~~which~~ *that* contains any
 3 quantity of the following substances having a stimulant effect on the
 4 central nervous system, including its salts, isomers and salts of isomers:
- 5 (1) Aminorex.....1585
 6 Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or
 7 4,5-dihydro-5-phenyl-2-oxazolamine
- 8 (2) Fenethylamine.....1503
- 9 (3) N-ethylamphetamine.....1475
- 10 (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-
 11 oxazolamine).....1590
- 12 (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-
 13 benzeneethanamine; N,N-alpha-trimethylphenethylamine).....1480
- 14 (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone,
 15 alpha-amino propiophenone, 2-amino propiophenone and
 16 norphedrone).....1235
- 17 (7) Substituted cathinones
 18 Any compound, except bupropion or compounds listed under a
 19 different schedule, structurally derived from 2-aminopropan-1-one
 20 by substitution at the 1-position with either phenyl, naphthyl, or
 21 thiophene ring systems, whether or not the compound is further
 22 modified in any of the following ways:
- 23 (A) By substitution in the ring system to any extent with alkyl,
 24 alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide
 25 substituents, whether or not further substituted in the ring
 26 system by one or more other univalent substituents;
- 27 (B) by substitution at the 3-position with an acyclic alkyl
 28 substituent;
- 29 (C) by substitution at the 2-amino nitrogen atom with alkyl,
 30 dialkyl, benzyl, or methoxybenzyl groups; or
- 31 (D) by inclusion of the 2-amino nitrogen atom in a cyclic
 32 structure.
- 33 (g) Any material, compound, mixture or preparation—~~which~~ *that*
 34 contains any quantity of the following substances:
- 35 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its
 36 optical isomers, salts and salts of isomers
- 37 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
 38 (thenylfentanyl), its optical isomers, salts and salts of isomers
- 39 (h) Any of the following cannabinoids, their salts, isomers and salts
 40 of isomers, unless specifically excepted, whenever the existence of these
 41 salts, isomers and salts of isomers is possible within the specific chemical
 42 designation:
- 43 (1) Tetrahydrocannabinols.....7370

1 Meaning tetrahydrocannabinols naturally contained in a plant of the
2 genus *Cannabis* (*cannabis* plant), as well as synthetic equivalents of
3 the substances contained in the plant, or in the resinous extractives of
4 *Cannabis*, sp. and/or synthetic substances, derivatives, and their
5 isomers with similar chemical structure and pharmacological activity
6 such as the following: Delta 1 cis or trans tetrahydrocannabinol, and
7 their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and
8 their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and
9 its optical isomers (Since nomenclature of these substances is not
10 internationally standardized, compounds of these structures,
11 regardless of numerical designation of atomic positions covered.),
12 *except tetrahydrocannabinols obtained from industrial hemp as*
13 *defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when*
14 *cultivated, produced, possessed or used for activities authorized by*
15 *the alternative crop act.*

16 (2) Naphthoylindoles

17 Any compound containing a 3-(1-naphthoyl)indole structure with
18 substitution at the nitrogen atom of the indole ring by an alkyl,
19 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
20 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl
21 group, whether or not further substituted in the indole ring to any
22 extent and whether or not substituted in the benzyl or naphthyl ring
23 to any extent.

24 (3) Naphthylmethylandoles

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

32 (4) Naphthoylpyrroles

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

40 (5) Naphthylmethylandenes

41 Any compound containing a naphthylideneindene structure with
42 substitution at the 3-position of the indene ring by an alkyl,
43 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,

- 1 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
2 group whether or not further substituted in the indene ring to any
3 extent, whether or not substituted in the benzyl or naphthyl ring to
4 any extent.
- 5 (6) Phenylacetylindoles
6 Any compound containing a 3-phenylacetylindole structure with
7 substitution at the nitrogen atom of the indole ring by an alkyl,
8 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
9 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
10 group whether or not further substituted in the indole ring to any
11 extent, whether or not substituted in the benzyl or phenyl ring to any
12 extent.
- 13 (7) Cyclohexylphenols
14 Any compound containing a 2-(3-hydroxycyclohexyl)phenol
15 structure with substitution at the 5-position of the phenolic ring by an
16 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
17 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
18 morpholinyl)ethyl group whether or not substituted in the cyclohexyl
19 ring to any extent.
- 20 (8) Benzoylindoles
21 Any compound containing a 3-(benzoyl)indole structure with
22 substitution at the nitrogen atom of the indole ring by an alkyl,
23 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
24 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
25 group whether or not further substituted in the indole ring to any
26 extent and whether or not substituted in the benzyl or phenyl ring to
27 any extent.
- 28 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-
29 1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.
30 Some trade or other names: WIN 55,212-2.
- 31 (10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-
32 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
33 Some trade or other names: HU-210, HU-211.
- 34 (11) Tetramethylcyclopropanoylindoles
35 Any compound containing a 3-tetramethylcyclopropanoylindole
36 structure with substitution at the nitrogen atom of the indole ring by
37 an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
38 cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
39 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-
40 3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or
41 not further substituted in the indole ring to any extent and whether or
42 not substituted in the benzyl or tetramethylcyclopropyl rings to any
43 extent.

- 1 (12) Indole-3-carboxylate esters
2 Any compound containing a 1H-indole-3-carboxylate ester structure
3 with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or
4 adamantyl group and substitution at the 1 position of the indole ring
5 by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
6 cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-
7 morpholinyl)ethyl group, whether or not further substituted on the
8 indole ring to any extent and whether or not substituted on the
9 naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to
10 any extent.
- 11 (13) Indazole-3-carboxamides
12 Any compound containing a 1H-indazole-3-carboxamide structure
13 with substitution at the nitrogen of the carboxamide by a naphthyl,
14 quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-
15 yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1
16 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl,
17 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
18 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
19 further substituted on the indazole ring to any extent and whether or
20 not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl,
21 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl
22 groups to any extent.
- 23 (14) Indole-3-carboxamides
24 Any compound containing a 1H-indole-3-carboxamide structure with
25 substitution at the nitrogen of the carboxamide by a naphthyl,
26 quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-
27 yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1
28 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
29 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
30 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
31 further substituted on the indole ring to any extent and whether or not
32 further substituted on the naphthyl, quinolinyl, isoquinolinyl,
33 adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or
34 benzyl groups to any extent.
- 35 (15) (1H-indazol-3-yl)methanones
36 Any compound containing a (1H-indazol-3-yl)methanone structure
37 with the carbonyl carbon bearing a naphthyl group and substitution at
38 the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl,
39 cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
40 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
41 further substituted on the indazole ring to any extent and whether or
42 not substituted on the naphthyl or benzyl groups to any extent.
- 43 Sec. 9. K.S.A. 65-4101, 65-4101c, 65-4105 and 65-4105b and K.S.A.

1 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701, 21-5701a and 21-5702 are
2 hereby repealed.

3 Sec. 10. This act shall take effect and be in force from and after its
4 publication in the statute book.