

As Further Amended by House Committee

As Amended by House Committee

Session of 2019

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) It is the intent of the legislature of the state of**
9 **Kansas that the implementation of the commercial industrial hemp**
10 **act by the Kansas department of agriculture shall be conducted in the**
11 **least restrictive manner allowed under federal law.**

12 **(b) This section shall be a part of and supplemental to the**
13 **commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and**
14 **amendments thereto.**

15 ~~New Section 1~~ **Sec. 2. (a)** The Kansas department of agriculture, in
16 consultation with the governor and attorney general, ~~may~~ **shall** submit a
17 plan to the United States department of agriculture under which the Kansas
18 department of agriculture will monitor and regulate the commercial
19 production of industrial hemp within the state in accordance with 7 U.S.C.
20 § 1621 et seq. and any rules and regulations adopted thereunder.

21 ~~(b) If the Kansas department of agriculture proposes to develop and~~
22 ~~submit a plan to the United States department of agriculture, any~~ Such plan
23 shall include the following:

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

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

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

32 ~~(4) any licensing requirements or other regulations deemed necessary~~
33 ~~by the Kansas department of agriculture for the proper monitoring and~~
34 ~~regulation of industrial hemp cultivation and production for commercial~~

1 purposes, including, but not limited to ~~subject to subsection (g)~~ any
2 licensing requirements or other rules and regulations deemed
3 necessary by the Kansas department of agriculture for the proper
4 monitoring and regulation of industrial hemp cultivation and
5 production for commercial purposes, including, but not limited to, fees
6 for licenses, license renewals and other necessary expenses to defray the
7 cost of implementing and operating the plan on an ongoing basis;

8 (5) ~~a procedure for the creation of documentation that a hemp~~
9 ~~producer may use any person in possession of unprocessed industrial~~
10 ~~hemp may use to prove to any law enforcement officer that such hemp~~
11 ~~producer is authorized to engage in the cultivation, production,~~
12 ~~distribution or processing of industrial hemp for commercial purposes~~
13 ~~pursuant to this section~~ industrial hemp was lawfully grown under
14 this section;

15 (6) a procedure for conducting annual inspections of, at a minimum, a
16 random sample of hemp producers to verify that hemp is not produced in
17 violation of this act; and

18 ~~(6)(7)~~ any other procedures necessary to meet the requirements set
19 forth in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted
20 thereunder.

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

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

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

31 (2) A hemp producer ~~that~~ **who** negligently violates this section or any
32 rules and regulations adopted thereunder three times in a five-year period
33 shall be ineligible to produce industrial hemp for a period of five years
34 beginning on the date of the third violation.

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

39 (d) Any ~~person~~ **individual** otherwise eligible to become a licensed
40 hemp producer shall not be eligible to produce industrial hemp if:

41 ~~(1) Such person has been convicted of a felony relating to a~~
42 ~~controlled substance under state or federal law within the immediately~~
43 ~~preceding 10 years; or~~

1 ~~(2)~~—such—person **individual** has submitted any materially false
2 information in any application to become a licensed hemp producer.

3 **(e) (1) The department shall require, as a qualification for initial**
4 **or continuing licensure, all individuals seeking a license or license**
5 **renewal as a hemp producer under this section to be fingerprinted and**
6 **to submit to a state and national criminal history record check. The**
7 **fingerprints shall be used to identify the individual and to determine**
8 **whether the individual has a record of criminal history in this state or**
9 **any other jurisdiction. The department is authorized to submit the**
10 **fingerprints to the Kansas bureau of investigation and the federal**
11 **bureau of investigation for a state and national criminal history**
12 **record check. The department may use the information obtained from**
13 **fingerprinting and the criminal history record check for purposes of**
14 **verifying the identification of the individual and for making an official**
15 **determination of the qualifications for initial or continuing licensure**
16 **as a hemp producer pursuant to this section and rules and regulations**
17 **promulgated hereunder. Disclosure or use of any information received**
18 **by the department for any purpose other than the purposes provided**
19 **for in the commercial industrial hemp act shall be a class A**
20 **misdemeanor and shall constitute grounds for removal from office or**
21 **termination of employment.**

22 **(2) An individual who has been convicted of a felony violation of**
23 **article 57 of chapter 21 of the Kansas Statutes Annotated, and**
24 **amendments thereto, or a substantially similar offense in another**
25 **jurisdiction, within the immediately preceding 10 years, shall be**
26 **disqualified from initial or continuing licensure as a hemp producer**
27 **under this section.**

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

30 **(4) The individual seeking a license or license renewal as a hemp**
31 **producer under this section shall pay the costs of fingerprinting and**
32 **the state and national criminal history record checks.**

33 ~~(f)~~ **(f) The secretary of agriculture—may shall promulgate rules and**
34 **regulations to implement the plan submitted to the United States**
35 **department of agriculture and to otherwise effectuate the provisions of this**
36 **section.**

37 ~~(g)~~ **(g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a**
38 **federal plan by the United States department of agriculture that allows for**
39 **the cultivation and production of industrial hemp for commercial purposes**
40 **within the state or upon the adoption of rules and regulations by the**
41 **Kansas secretary of agriculture that establish the cultivation and**
42 **production of industrial hemp for commercial purposes within the state,**
43 **the Kansas department of agriculture may discontinue the industrial hemp**

1 research program established pursuant to K.S.A. 2018 Supp. 2-3902, and
2 amendments thereto.

3 ~~(g)~~**(h)** Any modification fee established by the department for any
4 requested change to a license that was previously issued by the
5 department under this section shall not exceed \$50.

6 ~~(h)~~**(i)** Any licensing or other fees collected pursuant to this section
7 and any rules and regulations adopted hereunder shall be deposited in the
8 ~~alternative crop~~ **commercial industrial hemp** act licensing fee fund
9 established by K.S.A. 2018 Supp. 2-3903, and amendments thereto, for all
10 costs of the administration of the commercial production of industrial
11 hemp.

12 ~~(h)~~~~(i)~~**(j)** This section shall be a part of and supplemental to the
13 ~~alternative crop~~ **commercial industrial hemp** act, K.S.A. 2018 Supp. 2-
14 3901 et seq., and amendments thereto.

15 **New Sec. 3.** The secretary of agriculture shall continue to accept
16 any applications for licensure submitted under the provisions of
17 K.S.A. 2018 Supp. 2-3902, and amendments thereto, for the 2019
18 growing season from March 1, 2019, through June 1, 2019.

19 **New Sec. 4.** (a) (1) There is hereby established the industrial
20 hemp regulatory commission within the Kansas department of
21 revenue. The industrial hemp regulatory commission shall be
22 administered under the direction of a director of the industrial hemp
23 regulatory commission, who shall be appointed by and serve at the
24 pleasure of the secretary of revenue. The director shall be in the
25 unclassified service under the Kansas civil service act and shall receive
26 an annual salary fixed by the secretary of revenue and approved by
27 the governor.

28 (2) The director of the industrial hemp regulatory commission
29 shall be responsible for all powers, duties and functions assigned to the
30 department of revenue under the commercial industrial hemp act.

31 (3) The industrial hemp regulatory commission shall adopt rules
32 and regulations as necessary to implement and administer the
33 provisions of the commercial industrial hemp act relating to the
34 licensure and regulation of hemp processors and may advise and
35 consult with the department of health and environment and the
36 Kansas department of agriculture on such rules and regulations.

37 (4) The provisions of this section and any rules and regulations
38 promulgated hereunder shall apply to any individual licensed by the
39 Kansas department of agriculture to process, manufacture, produce or
40 distribute industrial hemp under the research program established by
41 K.S.A. 2018 Supp. 2-3902, and amendments thereto, except that no
42 such individual shall be subject to the licensure application or renewal
43 fees set forth in this section.

1 **(b) (1) The industrial hemp regulatory commission shall establish**
2 **an electronic database to store information detailing:**

3 **(A) Each license issued to any hemp processor in accordance with**
4 **this section, including any modification, revocation, suspension or**
5 **other action relating to the license;**

6 **(B) each individual working as an employee, agent or unpaid**
7 **worker of a hemp processor; and**

8 **(C) other information deemed necessary or appropriate by the**
9 **director of the industrial hemp regulatory commission.**

10 **(2) Information in the database shall be shared with law**
11 **enforcement authorities in a manner prescribed by the Kansas bureau**
12 **of investigation for the purpose of verifying the validity of any**
13 **identification card or license issued in accordance with the**
14 **commercial industrial hemp act or the location of any operations**
15 **authorized by the commercial industrial hemp act.**

16 **(c) (1) A person may apply to the industrial hemp regulatory**
17 **commission for initial or renewed licensure as a hemp processor on a**
18 **form, in a manner and accompanied by a licensure fee not to exceed**
19 **\$5,000 prescribed by the industrial hemp regulatory commission.**
20 **Licensure as a hemp processor shall authorize the licensee to process**
21 **industrial hemp into hemp products in accordance with and for the**
22 **purposes set forth in this section, and to perform other acts deemed**
23 **necessary and incidental thereto by the industrial hemp regulatory**
24 **commission, as established in rules and regulations adopted by the**
25 **industrial hemp regulatory commission.**

26 **(2) No person not in current compliance with any Kansas tax law**
27 **administered by the director of taxation of the department of revenue,**
28 **any tax, fee or payment administered by the department of labor or**
29 **any fee or charge administered by any other state agency shall have an**
30 **ownership interest in a hemp processor.**

31 **(3) An applicant shall provide the following information and**
32 **documentation on an application for licensure as a hemp processor:**

33 **(A) The name, address and telephone number of the applicant;**

34 **(B) the physical location of any premises that will be operated as**
35 **a part of the hemp processor's operations;**

36 **(C) documentation that the applicant is a resident of the state of**
37 **Kansas;**

38 **(D) the name of each owner of any land, structure or building**
39 **where any operations of the hemp processor will occur or any motor**
40 **vehicle that will be used to distribute or transport industrial hemp or**
41 **hemp products and each individual who will otherwise be involved**
42 **with the hemp processor's operations, whether as an employee, agent**
43 **or unpaid worker; and**

1 (E) any other information required by the industrial hemp
2 regulatory commission.

3 (4) (A) The industrial hemp regulatory commission shall require
4 any individual working as an employee, agent or unpaid worker of a
5 hemp processor to be fingerprinted and to submit to a state and
6 national criminal history record check. The fingerprints shall be used
7 to identify the individual and to determine whether the individual has
8 a record of criminal history in this state or any other jurisdiction. The
9 commission is authorized to submit the fingerprints to the Kansas
10 bureau of investigation and the federal bureau of investigation for a
11 state and national criminal history record check. The commission may
12 use the information obtained from fingerprinting and the criminal
13 history record check for purposes of verifying the identification of the
14 individual and for making an official determination of the
15 qualifications and fitness of the person to work as an employee, agent
16 or unpaid worker of the hemp processor. Disclosure or use of any
17 information received by the commission for any purpose other than
18 the purposes provided for in the commercial industrial hemp act shall
19 be a class A misdemeanor and shall constitute grounds for removal
20 from office or termination of employment.

21 (B) As a condition of licensure as a hemp processor under this
22 section, an individual who has been convicted of a felony violation of
23 article 57 of chapter 21 of the Kansas Statutes Annotated, and
24 amendments thereto, or a substantially similar offense in another
25 jurisdiction, within the immediately preceding 10 years, shall be
26 disqualified from being employed, serving as an agent or otherwise
27 working in any manner under a hemp processor under this section.

28 (C) The Kansas bureau of investigation may charge a reasonable
29 fee for conducting a criminal history record check.

30 (D) The individual seeking to work as an employee, agent or
31 unpaid worker of a hemp processor shall pay the costs of
32 fingerprinting and the state and national criminal history record
33 checks.

34 (5) Within 60 calendar days of receiving any application pursuant
35 to this section, the industrial hemp regulatory commission shall issue a
36 decision to grant or deny licensure to the applicant as a hemp
37 processor.

38 (6) If the industrial hemp regulatory commission denies initial or
39 renewed licensure to a hemp processor, the industrial hemp regulatory
40 commission shall refund $\frac{1}{2}$ of the applicant's application fee or
41 renewal fee.

42 (7) (A) Licensure as a hemp processor shall be effective for a
43 period of two years. If the industrial hemp regulatory commission

1 grants initial or renewed licensure to a hemp processor, the industrial
2 hemp regulatory commission shall require the applicant or licensee to:

3 (i) Pay a licensure fee not to exceed \$5,000; and
4 (ii) provide satisfactory evidence that the hemp processor has
5 obtained a surety bond in an amount required by the industrial hemp
6 regulatory commission based on the size and actual and projected
7 yield of the hemp processor operations, the number of facilities
8 operated by the hemp processor and other factors established by the
9 industrial hemp regulatory commission in rules and regulations.

10 (B) The industrial hemp regulatory commission shall remit all
11 moneys from any fees under this section to the state treasurer in
12 accordance with K.S.A. 75-4215, and amendments thereto. Upon
13 receipt of each such remittance, the state treasurer shall deposit the
14 entire amount of moneys into the state treasury to the credit of the
15 commercial industrial hemp processor fund established by this
16 section.

17 (8) The industrial hemp regulatory commission shall require any
18 individual working as an employee, agent or unpaid worker of a hemp
19 processor to have documentation in their possession at all times that
20 they are engaged in the processing, manufacturing or distribution of
21 industrial hemp or hemp products that would prove to any law
22 enforcement officer that such individual is authorized to engage in
23 such activities.

24 (9) All actions by the industrial hemp regulatory commission
25 under this subsection shall be in accordance with the Kansas
26 administrative procedure act and reviewable in accordance with the
27 Kansas judicial review act.

28 (d) It shall be unlawful for a person to process, manufacture or
29 distribute industrial hemp or hemp products in violation of the
30 provisions of this section.

31 (1) Upon a first conviction for a violation of subsection (d), a
32 person shall be guilty of a class A nonperson misdemeanor and
33 sentenced to not more than one year in confinement and fined not less
34 than \$1,000, nor more than \$2,500.

35 (2) On a second conviction for a violation of subsection (d), a
36 person shall be guilty of a severity level 9, nonperson felony and fined
37 a sum of not less than \$10,000, nor more than \$100,000, and sentenced
38 according to the provisions of K.S.A. 21-6804, and amendments
39 thereto.

40 (3) On a third or subsequent conviction for a violation of
41 subsection (d), a person shall be guilty of a severity level 9, nonperson
42 felony and fined a sum of not less than \$50,000, nor more than
43 \$100,000, and sentenced according to the provisions of K.S.A. 21-6804,

1 and amendments thereto.

2 (4) The penalties provided hereunder are cumulative to the
3 remedies or penalties, including all civil penalties, under all other laws
4 of this state.

5 (e) There is hereby established in the state treasury the
6 commercial industrial hemp processor fund. The commercial
7 industrial hemp processor fund shall be administered by the industrial
8 hemp regulatory commission. All expenditures from the commercial
9 industrial hemp processor fund shall be used for costs related to hemp
10 processor regulation and enforcement by the industrial hemp
11 regulatory commission. All expenditures from the commercial
12 industrial hemp processor fund shall be made in accordance with
13 appropriation acts upon warrants of the director of accounts and
14 reports issued pursuant to vouchers approved by the director of the
15 industrial hemp regulatory commission or the director's designee. All
16 moneys received by the director of the industrial hemp regulatory
17 commission from fees imposed by this section shall be deposited in the
18 state treasury in accordance with the provisions of K.S.A. 75-4215,
19 and amendments thereto, and shall be credited to the commercial
20 industrial hemp processor fund.

21 (f) This section shall be a part of and supplemental to the
22 commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and
23 amendments thereto.

24 New Sec. 5. (a) (1) It shall be unlawful for any of the following
25 hemp products to be manufactured, marketed, sold or distributed by
26 any person in the state of Kansas:

27 (A) Cigarettes containing industrial hemp;

28 (B) cigars containing industrial hemp;

29 (C) chew, dip or other smokeless material containing industrial
30 hemp;

31 (D) teas containing industrial hemp;

32 (E) liquids, solids or gases containing industrial hemp for use in
33 vaporizing devices; and

34 (F) any hemp product intended for human or animal
35 consumption containing any ingredient derived from industrial hemp,
36 unless any such ingredient is generally recognized as safe under its
37 intended conditions of use or otherwise approved by the United States
38 food and drug administration under the federal drug and cosmetic
39 act.

40 (2) As used in this subsection:

41 (A) "Human or animal consumption" means:

42 (i) Ingested orally; or

43 (ii) applied by any means such that an ingredient derived from

1 industrial hemp enters the human or animal body.

2 (B) "Intended for human or animal consumption" means:

3 (i) Designed by the manufacturer for human or animal
4 consumption;

5 (ii) marketed for human or animal consumption; or

6 (iii) distributed with the intent that it be used for human or
7 animal consumption.

8 (b) It shall be unlawful for any of the following hemp products to
9 be marketed, sold or distributed to any person in Kansas who is not
10 operating under a hemp processor license pursuant to this section, or
11 any individual who does not possess a license by the Kansas
12 department of agriculture under any commercial plan established
13 pursuant to section 2, and amendments thereto, or the research
14 program established pursuant to K.S.A. 2018 Supp. 2-3902, and
15 amendments thereto:

16 (1) Industrial hemp buds;

17 (2) ground industrial hemp floral material; and

18 (3) ground industrial hemp leaf material.

19 (c) (1) Upon a first conviction for a violation of this section, a
20 person shall be guilty of a class A nonperson misdemeanor and
21 sentenced to not more than one year in confinement and fined not less
22 than \$1,000, nor more than \$2,500.

23 (2) On a second conviction for a violation of this section, a person
24 shall be guilty of a severity level 9, nonperson felony and fined a sum
25 of not less than \$10,000, nor more than \$100,000, and sentenced
26 according to the provisions of K.S.A. 21-6804, and amendments
27 thereto.

28 (3) On a third or subsequent conviction for a violation of this
29 section, a person shall be guilty of a severity level 9, nonperson felony
30 and fined a sum of not less than \$50,000, nor more than \$100,000, and
31 sentenced according to the provisions of K.S.A. 21-6804, and
32 amendments thereto.

33 (4) The penalties provided hereunder are cumulative to the
34 remedies or penalties, including all civil penalties, under all other laws
35 of this state.

36 (d) This section shall be a part of and supplemental to the
37 commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and
38 amendments thereto.

39 New Sec. 6. (a) (1) All solid waste, as defined in K.S.A. 65-3402,
40 and amendments thereto, and all hazardous waste, as defined in
41 K.S.A. 65-3430, and amendments thereto, resulting from the
42 cultivation, production or processing of industrial hemp under the
43 commercial industrial hemp act shall be managed in accordance with

1 all applicable solid and hazardous waste laws and regulations and the
2 requirements of subsection (a)(2).

3 (2) (A) If any such waste can be used in the same manner as, or
4 has the appearance of, a controlled substance, as defined in K.S.A. 65-
5 4101, and amendments thereto, all such waste shall be rendered
6 unusable and unrecognizable before the waste is transported or
7 disposed.

8 (B) This requirement shall not apply to waste that is managed as
9 a hazardous waste and sent to a hazardous waste facility, as defined in
10 K.S.A. 65-3430, and amendments thereto.

11 (3) For the purposes of this section, "unusable and
12 unrecognizable" means that such waste can not be used in the same
13 manner as, and does not have the appearance of, a controlled
14 substance, as defined in K.S.A. 65-4101, and amendments thereto.

15 (b) This section shall be a part of and supplemental to the
16 commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and
17 amendments thereto.

18 ~~Sec. 2-4. 7.~~ K.S.A. 2018 Supp. 2-3901 is hereby amended to read as
19 follows: 2-3901. (a) K.S.A. 2018 Supp. 2-3901 ~~and 2-3902 et seq.~~, and
20 amendments thereto, shall be known and may be cited as the ~~alternative~~
21 ~~crop research~~ **commercial industrial hemp act**.

22 (b) As used in the ~~alternative crop research~~ **commercial industrial**
23 **hemp act**:

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

28 ~~(2) "Commercial" means the cultivation or production of industrial~~
29 ~~hemp for purposes other than research as authorized under section 2,~~
30 ~~and amendments thereto.~~

31 ~~(3)(2) "Delta-9 tetrahydrocannabinol concentration" means the~~
32 ~~combined percentage of delta-9 tetrahydrocannabinol and its optical~~
33 ~~isomers, their salts and acids, and salts of their acids, reported as free THC~~
34 ~~on a dry weight basis, of any part of the plant cannabis sativa L.~~

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

36 ~~(4)(3) "Effective disposal" includes, but is not limited to:~~

37 ~~(A) Destruction; or~~

38 ~~(B) any other method of clearing disposing of industrial hemp or~~
39 ~~hemp products found to be in violation of this act that is permitted~~
40 ~~under the provisions of 7 U.S.C. § 1621 et seq. and any rules and~~
41 ~~regulations adopted thereunder.~~

42 ~~(5)(4) "Hemp products" means all products made from industrial~~
43 ~~hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint,~~

1 paper, particleboard, plastics, seed, seed meal and seed oil for consumption
 2 and ~~certified~~ **authorized seed or clone plants** for cultivation, if the seeds
 3 originate from industrial hemp varieties.

4 ~~(5)(6)(5)~~ **"Hemp producer"** means any individual, licensed or
 5 otherwise, engaging in the cultivation; ~~or production; distribution or~~
 6 ~~processing~~ of industrial hemp for commercial purposes pursuant to
 7 section ~~1~~ **2**, and amendments thereto.

8 ~~(5)(6)(7)(6)~~ **"Hemp processor"** means a person licensed under
 9 **section 4**, and amendments thereto, to process, manufacture and
 10 **distribute industrial hemp and hemp products.**

11 (7) "Industrial hemp" means all parts and varieties of the plant
 12 ~~cannabis sativa L., cultivated or possessed by a state educational~~
 13 ~~institution or the department~~, whether growing or not, that contain a delta-
 14 9 tetrahydrocannabinol concentration of ~~no~~ *not* more than 0.3% on a dry
 15 weight basis.

16 ~~(6)(7)(8)~~ **"Person"** means an individual, corporation, partnership,
 17 **association, joint stock company, trust, unincorporated organization**
 18 **or any similar entity or any combination of the foregoing acting in**
 19 **concert.**

20 (9) "Seed research" means research conducted to develop or recreate
 21 better strains of industrial hemp, particularly for the purpose of seed
 22 production.

23 ~~(7)(8)(9)~~(10) "State educational institution" means the university of
 24 Kansas, Kansas state university, Wichita state university, Emporia state
 25 university, Pittsburg state university and Fort Hays state university.

26 (11) **"Authorized seed or clone plants"** means a source of
 27 **industrial hemp seeds or clone plants that:**

28 (A) **Has been certified by a certifying agency, as defined by**
 29 **K.S.A. 2-1415, and amendments thereto;**

30 (B) **has been produced from plants that were tested during the**
 31 **active growing season and were found to produce industrial hemp**
 32 **having a tetrahydrocannabinol concentration that does not exceed**
 33 **0.3% on a dry weight basis and has been certified in writing by the**
 34 **grower or distributor of that such seeds or clone plants possess such**
 35 **qualities; or**

36 (C) **meets any other authorized standards approved by the**
 37 **Kansas department of agriculture through rules and regulations,**
 38 **except that no seed or clone plants shall be considered authorized seed**
 39 **or clone plants if they do not meet any standard adopted by the United**
 40 **States department of agriculture pursuant to 7 U.S.C. § 1621 et seq.**

41 Sec. ~~3-5~~ **8. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is**
 42 **hereby amended to read as follows: 2-3902. (a) The ~~department~~ *Kansas***
 43 ***department of agriculture*, alone or in coordination with a state educational**

1 institution, may cultivate industrial hemp grown from ~~certified~~ **authorized**
2 seed **or clone plants** and promote the research and development of
3 industrial hemp, in accordance with 7 U.S.C. § 5940. This research may
4 include:

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

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

12 (3) analysis on the economic feasibility of developing an industrial
13 hemp market in various types of industrial hemp that can be grown in
14 Kansas;

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

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

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

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

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

33 (c) The department shall oversee and annually license all individuals
34 participating in the cultivation, growth, research, oversight, study, analysis,
35 transportation, processing or distribution of ~~certified~~ **authorized** seed **or**
36 **clone plants** or industrial hemp pursuant to this ~~act~~ **section**. The
37 department shall establish fees for licenses, license renewals and other
38 necessary expenses to defray the cost of implementing and operating the
39 ~~alternative crop research act~~ **provisions of this section** in this state on an
40 ongoing basis. **Any modification fee established by the department for**
41 **any requested change to a license that was previously issued by the**
42 **department under this section shall not exceed \$50.**

43 (d) ~~(1) The department shall require, as a qualification for initial or~~

1 continuing licensure, all individuals seeking a license or license renewal
2 under this act to be fingerprinted and to submit to a state and national
3 eriminal history record check. The fingerprints shall be used to identify the
4 individual and to determine whether the individual has a record of criminal
5 history in this state or any other jurisdiction. The department is authorized
6 to submit the fingerprints to the Kansas bureau of investigation and the
7 federal bureau of investigation for a state and national eriminal history
8 record check. The department may use the information obtained from
9 fingerprinting and the eriminal history record check for purposes of
10 verifying the identification of the individual and for making an official
11 determination of the qualifications for initial or continuing licensure
12 pursuant to this act and rules and regulations promulgated pursuant to this
13 act. Disclosure or use of any information received by the department for
14 any purpose other than the purpose provided for in this section shall be a
15 class A misdemeanor and shall constitute grounds for removal from office
16 or termination of employment.

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

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

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

27 **(e) (1) The department shall require, as a qualification for initial**
28 **or continuing licensure, all individuals seeking a license or license**
29 **renewal under the research program established under this section to**
30 **be fingerprinted and to submit to a state and national criminal history**
31 **record check. The fingerprints shall be used to identify the individual**
32 **and to determine whether the individual has a record of criminal**
33 **history in this state or any other jurisdiction. The department is**
34 **authorized to submit the fingerprints to the Kansas bureau of**
35 **investigation and the federal bureau of investigation for a state and**
36 **national criminal history record check. The department may use the**
37 **information obtained from fingerprinting and the criminal history**
38 **record check for purposes of verifying the identification of the**
39 **individual and for making an official determination of the**
40 **qualifications for initial or continuing licensure pursuant to this**
41 **section and rules and regulations promulgated hereunder. Disclosure**
42 **or use of any information received by the department for any purpose**
43 **other than the purposes provided for in this section shall be a class A**

1 **misdeemeanor and shall constitute grounds for removal from office or**
2 **termination of employment.**

3 **(2) An individual who has been convicted of a felony violation of**
4 **article 57 of chapter 21 of the Kansas Statutes Annotated, and**
5 **amendments thereto, or a substantially similar offense in another**
6 **jurisdiction, within the immediately preceding 10 years, shall be**
7 **disqualified from initial or continuing licensure under this section.**

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

10 **(4) The individual seeking a license or license renewal under this**
11 **section shall pay the costs of fingerprinting and the state and national**
12 **criminal history record checks.**

13 **(e)** The secretary of agriculture shall promulgate rules and regulations
14 to carry out the provisions of ~~the alternative crop research act~~ **this section**
15 on or before December 31, 2018 , **except that no such promulgated rule**
16 **or regulation shall concern fingerprinting, background checks or the**
17 **recording of license plates.** ~~Such rules and regulations shall include, but~~
18 ~~not be limited to, a requirement that license holders shall have a current~~
19 ~~license in their possession at all times that they are engaged in cultivation,~~
20 ~~growth, research, oversight, study, analysis, transportation, processing or~~
21 ~~distribution of certified seed or industrial hemp pursuant to this act.~~ **Such**
22 **rules and regulations shall include, but not be limited to, a**
23 **requirement that license holders shall have a current license in their**
24 **possession at all times that they are engaged in the cultivation, growth,**
25 **research, oversight, study, analysis, transportation, processing or**
26 **distribution of authorized seed or clone plants or industrial hemp**
27 **pursuant to this section.**

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

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

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

41 ~~Sec. 4-6. 9.~~ **9.** 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~~ **research** act licensing fee fund *created in the*

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

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

14 ~~Sec. 5-7. 10.~~ K.S.A. 2018 Supp. 21-5701 is hereby amended to read
15 as follows: 21-5701. As used in K.S.A. 2018 Supp. 21-5701 through 21-
16 5717, and amendments thereto: (a) "Controlled substance" means any
17 drug, substance or immediate precursor included in any of the schedules
18 designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113,
19 and amendments thereto.

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

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

26 (B) the substance has a stimulant, depressant or hallucinogenic effect
27 on the central nervous system substantially similar to the stimulant,
28 depressant or hallucinogenic effect on the central nervous system of a
29 controlled substance included in the schedules designated in K.S.A. 65-
30 4105 or 65-4107, and amendments thereto; or

31 (C) with respect to a particular individual, such individual represents
32 or intends the substance to have a stimulant, depressant or hallucinogenic
33 effect on the central nervous system substantially similar to the stimulant,
34 depressant or hallucinogenic effect on the central nervous system of a
35 controlled substance included in the schedules designated in K.S.A. 65-
36 4105 or 65-4107, and amendments thereto.

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

38 (A) A controlled substance;

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

40 or

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

1 respect to the substance is permitted by the exemption.

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

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

12 (e) "Drug" means:

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

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

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

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

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

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

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

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

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

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

42 (6) diluents and adulterants, including, but not limited to, quinine
43 hydrochloride, mannitol, mannite, dextrose and lactose, ~~which~~ that are

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

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

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

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

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

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

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

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

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

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

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

1 independently by means of chemical synthesis or by a combination of
2 extraction and chemical synthesis:

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

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

9 (3) opium poppy and poppy straw;

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

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

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

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

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

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

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

1 imposed.

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

7 ~~Sec. 6-8. 11.~~ K.S.A. 2018 Supp. 21-5702 is hereby amended to read
8 as follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
9 2009, shall be governed by the law in effect at the time the crime was
10 committed. For purposes of this section, a crime was committed prior to
11 July 1, 2009, if any element of the crime occurred prior thereto.

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

16 ~~Sec. 7-9. 12.~~ K.S.A. 65-4101 is hereby amended to read as follows:
17 65-4101. As used in this act: (a) "Administer" means the direct application
18 of a controlled substance, whether by injection, inhalation, ingestion or
19 any other means, to the body of a patient or research subject by:

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

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

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

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

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

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

35 (f) "Controlled substance" means any drug, substance or immediate
36 precursor included in any of the schedules designated in K.S.A. 65-4105,
37 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

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

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

1 (B) the substance has a stimulant, depressant or hallucinogenic effect
2 on the central nervous system substantially similar to the stimulant,
3 depressant or hallucinogenic effect on the central nervous system of a
4 controlled substance included in the schedules designated in K.S.A. 65-
5 4105 or 65-4107, and amendments thereto; or

6 (C) with respect to a particular individual, such individual represents
7 or intends the substance to have a stimulant, depressant or hallucinogenic
8 effect on the central nervous system substantially similar to the stimulant,
9 depressant or hallucinogenic effect on the central nervous system of a
10 controlled substance included in the schedules designated in K.S.A. 65-
11 4105 or 65-4107, and amendments thereto.

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

13 (A) A controlled substance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (3) opium poppy and poppy straw;

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

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

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

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

34 (hh) "Pharmacist" means any natural person licensed under K.S.A.
35 65-1625 et seq., and amendments thereto, to practice pharmacy.

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

42 (jj) "Pharmacy prescription application" means software that is used
43 to process prescription information, is installed on a pharmacy's computers

1 and servers, and is controlled by the pharmacy.

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

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

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

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

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

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

23 ~~Sec. 8-10. 13.~~ K.S.A. 65-4105 is hereby amended to read as follows:
24 65-4105. (a) The controlled substances listed in this section are included in
25 schedule I and the number set forth opposite each drug or substance is the
26 DEA controlled substances code ~~which~~ that has been assigned to it.

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

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

1	(8)	Alphameprodine.....	9604
2	(9)	Alphamethadol.....	9605
3	(10)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-	
4		piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-	
5		propanilido) piperidine).....	9814
6	(11)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-	
7		piperidinyl]-N-phenylpropanamide).....	9832
8	(12)	Benzethidine.....	9606
9	(13)	Betacetylmethadol.....	9607
10	(14)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-	
11		N-phenylpropanamide).....	9830
12	(15)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-	
13		phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
14	(16)	Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-	
15		yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
16	(17)	Betameprodine.....	9608
17	(18)	Betamethadol.....	9609
18	(19)	Betaprodine.....	9611
19	(20)	Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
20		phenylbutyramide).....	9822
21	(21)	Clonitazene.....	9612
22	(22)	Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
23		phenylcyclopentanecarboxamide)	
24	(23)	Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
25		phenylcyclopropanecarboxamide).....	9845
26	(24)	Dextromoramide.....	9613
27	(25)	Diampromide.....	9615
28	(26)	Diethylthiambutene.....	9616
29	(27)	Difenoxin.....	9168
30	(28)	Dimenoxadol.....	9617
31	(29)	Dimepheptanol.....	9618
32	(30)	Dimethylthiambutene.....	9619
33	(31)	Dioxaphetyl butyrate.....	9621
34	(32)	Dipipanone.....	9622
35	(33)	Ethylmethylthiambutene.....	9623
36	(34)	Etonitazene.....	9624
37	(35)	Etoxidine.....	9625
38	(36)	Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-	
39		carboxamide).....	9834
40	(37)	Furethidine.....	9626
41	(38)	Hydroxypethidine.....	9627
42	(39)	Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
43		phenylisobutyramide)	

1	(40) Ketobemidone.....	9628
2	(41) Levomoramide.....	9629
3	(42) Levophenacetyl morphan.....	9631
4	(43) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-	
5	N-phenylacetamide).....	9825
6	(44) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidinyl]-N-	
7	phenylpropanamide).....	9813
8	(45) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl)-4-	
9	piperidinyl]-N-phenylpropanamide).....	9833
10	(46) Morpheridine.....	9632
11	(47) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-	
12	4-yl)acetamide)	
13	(48) O-desmethyltramadol	
14	Some trade or other names: 2-((dimethylamino)methyl-1-(3-	
15	hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-	
16	hydroxycyclohexyl)phenol	
17	(49) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
18	(50) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)	
19	(51) Noracymethadol.....	9633
20	(52) Norlevorphanol.....	9634
21	(53) Normethadone.....	9635
22	(54) Norpipanone.....	9636
23	(55) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-	
24	4-yl)propionamide; 2-fluorofentanyl).....	9816
25	(56) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-	
26	phenethylpiperidin-4-yl)isobutyramide)	
27	(57) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
28	phenethylpiperidin-4-yl)butyramide)	
29	(58) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-	
30	piperidinyl]propanamide).....	9812
31	(59) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
32	phenethylpiperidin-4-yl)isobutyramide,	
33	4-fluoroisobutyryl fentanyl).....	9824
34	(60) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-	
35	phenethylpiperidin-4-yl)butyramide)	
36	(61) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
37	(62) Phenadoxone.....	9637
38	(63) Phenampromide.....	9638
39	(64) Phenomorphan.....	9647
40	(65) Phenoperidine.....	9641
41	(66) Piritramide.....	9642
42	(67) Proheptazine.....	9643
43	(68) Propерidine.....	9644

1	(69) Propiram.....	9649
2	(70) Racemoramide.....	9645
3	(71) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
4	phenyltetrahydrofuran-2-carboxamide).....	9843
5	(72) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-	
6	propanamide).....	9835
7	(73) Tilidine.....	9750
8	(74) Trimeperidine.....	9646
9	(75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-	
10	methylbenzamide).....	9547
11	(76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
12	phenylpentanamide)	
13	(c) Any of the following opium derivatives, their salts, isomers and	
14	salts of isomers, unless specifically excepted, whenever the existence of	
15	these salts, isomers and salts of isomers is possible within the specific	
16	chemical designation:	
17	(1) Acetorphine.....	9319
18	(2) Acetyldihydrocodeine.....	9051
19	(3) Benzylmorphine.....	9052
20	(4) Codeine methylbromide.....	9070
21	(5) Codeine-N-Oxide.....	9053
22	(6) Cyprenorphine.....	9054
23	(7) Desomorphine.....	9055
24	(8) Dihydromorphine.....	9145
25	(9) Drotebanol.....	9335
26	(10) Etorphine (except hydrochloride salt).....	9056
27	(11) Heroin.....	9200
28	(12) Hydromorphanol.....	9301
29	(13) Methyldesorphine.....	9302
30	(14) Methyldihydromorphine.....	9304
31	(15) Morphine methylbromide.....	9305
32	(16) Morphine methylsulfonate.....	9306
33	(17) Morphine-N-Oxide.....	9307
34	(18) Myrophine.....	9308
35	(19) Nicocodeine.....	9309
36	(20) Nicomorphine.....	9312
37	(21) Normorphine.....	9313
38	(22) Pholcodine.....	9314
39	(23) Thebacon.....	9315
40	(d) Any material, compound, mixture or preparation— which <i>that</i>	
41	contains any quantity of the following hallucinogenic substances, their	
42	salts, isomers and salts of isomers, unless specifically excepted, whenever	
43	the existence of these salts, isomers and salts of isomers is possible within	

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

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

1	(36) Alpha-methyltryptamine (other name: AMT).....	7432
2	(37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers,	
3	salts and salts of isomers.....	7439
4	(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
5	(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
6	(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
7	(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
8	(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....	7385
9	(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	7532
10	(44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
11	(45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
12	(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....	7524
13	(47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....	7431
14	Some trade or other names: 5-methoxy-3-[2-(dimethylamino)	
15	ethyl]indole.	
16	(48) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)	
17	ethanamine.....	7538
18	Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I;	
19	Cimbi-5.	
20	(49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)	
21	ethanamine.....	7537
22	Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C;	
23	Cimbi-82.	
24	(50) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-	
25	methoxybenzyl)ethanamine.....	7536
26	Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B;	
27	Cimbi-36.	
28	(51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	
29	Some trade or other names: 25H-NBOMe.	
30	(52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine	
31	Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.	
32	(53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine	
33	Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.	
34	(e) Any material, compound, mixture or preparation which <i>that</i>	
35	contains any quantity of the following substances having a depressant	
36	effect on the central nervous system, including its salts, isomers, and salts	
37	of isomers whenever the existence of such salts, isomers, and salts of	
38	isomers is possible within the specific chemical designation:	
39	(1) Etizolam	
40	Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-	
41	6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)	
42	(2) Mecloqualone.....	2572
43	(3) Methaqualone.....	2565

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

- 17 **(A) Industrial hemp, as defined in K.S.A. 2018 Supp. 2-3901,**
18 **and amendments thereto;**
19 **(B) solid waste, as defined in K.S.A. 65-3402, and amendments**
20 **thereto, and hazardous waste, as defined in K.S.A. 65-3430,**
21 **and amendments thereto, if such waste is the result of the**
22 **cultivation, production or processing of industrial hemp, as**
23 **defined in K.S.A. 2018 Supp. 2-3901, and amendments**
24 **thereto, and such waste contains a delta-9**
25 **tetrahydrocannabinol concentration of not more than 0.3%**
26 **on a dry weight basis; or**
27 **(C) hemp products, as defined in K.S.A. 2018 Supp. 2-3901, and**
28 **amendments thereto, unless otherwise deemed unlawful**
29 **pursuant to section 5, and amendments thereto.**

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

38 (3) Naphthylmethyloindoles
39 Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane
40 structure with substitution at the nitrogen atom of the indole ring by
41 an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
42 cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
43 morpholinyl)ethyl group whether or not further substituted in the

- 1 indole ring to any extent and whether or not substituted in the benzyl
2 or naphthyl ring to any extent.
- 3 (4) Naphthoylpyrroles
4 Any compound containing a 3-(1-naphthoyl)pyrrole structure with
5 substitution at the nitrogen atom of the pyrrole ring by an alkyl,
6 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
7 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
8 group whether or not further substituted in the pyrrole ring to any
9 extent, whether or not substituted in the benzyl or naphthyl ring to
10 any extent.
- 11 (5) Naphthylmethylindenes
12 Any compound containing a naphthylideneindene structure with
13 substitution at the 3-position of the indene ring by an alkyl,
14 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
15 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
16 group whether or not further substituted in the indene ring to any
17 extent, whether or not substituted in the benzyl or naphthyl ring to
18 any extent.
- 19 (6) Phenylacetylindoles
20 Any compound containing a 3-phenylacetylindole structure with
21 substitution at the nitrogen atom of the indole ring by an alkyl,
22 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
23 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
24 group whether or not further substituted in the indole ring to any
25 extent, whether or not substituted in the benzyl or phenyl ring to any
26 extent.
- 27 (7) Cyclohexylphenols
28 Any compound containing a 2-(3-hydroxycyclohexyl)phenol
29 structure with substitution at the 5-position of the phenolic ring by an
30 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
31 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
32 morpholinyl)ethyl group whether or not substituted in the cyclohexyl
33 ring to any extent.
- 34 (8) Benzoylindoles
35 Any compound containing a 3-(benzoyl)indole structure with
36 substitution at the nitrogen atom of the indole ring by an alkyl,
37 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
38 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
39 group whether or not further substituted in the indole ring to any
40 extent and whether or not substituted in the benzyl or phenyl ring to
41 any extent.
- 42 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-
43 1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.

- 1 Some trade or other names: WIN 55,212-2.
- 2 (10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-
3 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
4 Some trade or other names: HU-210, HU-211.
- 5 (11) Tetramethylcyclopropanoylindoles
6 Any compound containing a 3-tetramethylcyclopropanoylindole
7 structure with substitution at the nitrogen atom of the indole ring by
8 an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
9 cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
10 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-
11 3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or
12 not further substituted in the indole ring to any extent and whether or
13 not substituted in the benzyl or tetramethylcyclopropyl rings to any
14 extent.
- 15 (12) Indole-3-carboxylate esters
16 Any compound containing a 1H-indole-3-carboxylate ester structure
17 with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or
18 adamantyl group and substitution at the 1 position of the indole ring
19 by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
20 cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-
21 morpholinyl)ethyl group, whether or not further substituted on the
22 indole ring to any extent and whether or not substituted on the
23 naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to
24 any extent.
- 25 (13) Indazole-3-carboxamides
26 Any compound containing a 1H-indazole-3-carboxamide structure
27 with substitution at the nitrogen of the carboxamide by a naphthyl,
28 quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-
29 yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1
30 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl,
31 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
32 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
33 further substituted on the indazole ring to any extent and whether or
34 not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl,
35 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl
36 groups to any extent.
- 37 (14) Indole-3-carboxamides
38 Any compound containing a 1H-indole-3-carboxamide structure with
39 substitution at the nitrogen of the carboxamide by a naphthyl,
40 quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-
41 yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1
42 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
43 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-

1 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
2 further substituted on the indole ring to any extent and whether or not
3 further substituted on the naphthyl, quinolinyl, isoquinolinyl,
4 adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or
5 benzyl groups to any extent.

6 (15) (1H-indazol-3-yl)methanones

7 Any compound containing a (1H-indazol-3-yl)methanone structure
8 with the carbonyl carbon bearing a naphthyl group and substitution at
9 the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl,
10 cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
11 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
12 further substituted on the indazole ring to any extent and whether or
13 not substituted on the naphthyl or benzyl groups to any extent.

14 ~~Sec. 9-11. 14.~~ K.S.A. 65-4101, 65-4101c, 65-4105 and 65-4105b and
15 K.S.A. 2018 Supp. 2-3901, ~~2-3902~~, 2-3903, 21-5701, 21-5701a and 21-
16 5702 are hereby repealed.

17 **Sec. ~~12.~~ 15. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is**
18 **hereby repealed.**

19 ~~Sec. ~~10.~~ ~~13.~~ 16.~~ This act shall take effect and be in force from and
20 after its publication in the ~~statute book~~ **Kansas register**.