

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2596

As Recommended by House Committee on
Health and Human Services

Brief*

HB 2596 would amend the state Uniform Controlled Substances Act (Act). The bill would also make technical changes.

[*Note:* The federal and state controlled substances acts provide for a five-schedule classification system of substances. These classifications are based on a substance's accepted medical use, the potential for abuse or addiction, and harmfulness. Schedule I contains the substances with the most potential for abuse, harm, and no recognized medical uses, while Schedule V provides the least dangerous substances with known medical uses.]

Schedule I (Section 2)

The bill would add 35 new substances to the Act including 23 fentanyl-related controlled substances.

Schedule II (Section 3)

The bill would add four additional substances to be excluded from control as Schedule II opioids: thebaine-derived butorphanol, naldemedine, naloxegol, and samidorphen.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Schedule IV (Section 4)

The bill would add daridorexant (brand name Quviviq), a medication used to treat insomnia, and serdexmethylphenidate, an active ingredient in medication used to treat attention-deficit/hyperactivity disorder (ADHD) to the list of Schedule IV substances. The bill would remove fenfluramine (brand name Fintelpla), a U.S. Food and Drug Administration (FDA)-approved medication used to treat seizures, to mirror the federal descheduling of the drug.

Schedule V (Section 5)

The bill would add ganaxolone (brand name Ztalmy), a medication used to treat a particular type of seizure, to Schedule V.

Background

The bill was introduced in the House Committee on Health and Human Services at the request of Representative Clifford on behalf of the State Board of Pharmacy.

House Committee on Health and Human Services

In the House Committee hearing on January 29, 2024, a representative of the State Board of Pharmacy (Board) provided **proponent** testimony stating that the Board works with the Kansas Bureau of Investigation (KBI) to review changes made by the U.S. Drug Enforcement Administration to the federal Controlled Substances Act. The bill would make necessary changes to the state Uniform Controlled Substances Act that reflect the federal updates.

Written-only proponent testimony was received from the KBI.

A private citizen provided neutral testimony regarding the inclusion of cannabis and marijuana-related drugs as controlled substances.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Board indicates that indicate enactment of the bill would have no fiscal effect on the agency. The Board noted that because pharmacies are required to follow federal law as well as state law, any changes that the Board would make because of enactment of the bill would have no effect on the practice of pharmacy because the stricter federal law has already been in place.

Uniform Controlled Substances Act; controlled substances; schedule; drugs; substances; U.S. Drug Enforcement Administration; U.S. Federal Drug Administration