2012 Kansas Statutes

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:
(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;
(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;
(C) with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;
(2) "Controlled substance analog" does not include:
(A) A controlled substance;
(B) a substance for which there is an approved new drug application;
or
(c) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act (21 U.S.C. § 355) to the extent conduct with respect to the substance is permitted by the exemption.
(c) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.
(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.
(e) "Drug" means:
(1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;
(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;
(3) substances, other than food, intended to affect the structure or any function of the body of man or animals; and
(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.
(f) "Drug paraphernalia" means all equipment and materials of any kind which are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:
(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;
(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
(3) isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;
(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
(5) scales and balances used or intended for use in weighing or measuring controlled substances;
(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;
(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;
(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;
(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;
(10) containers and other objects used or intended for use in storing or concealing controlled substances;
(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;
(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:
(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;
(C) carburetion pipes, glass or other heat resistant tubes or any other device used or intended to be used, designed to be used to cause vaporization of a controlled substance for inhalation;
(D) smoking and carburetion masks;
(E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
(F) miniature cocaine spoons and cocaine vials;
(G) chamber smoking pipes;
(H) carburetor smoking pipes;
(I) electric smoking pipes;