

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2596

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2596, as amended, would amend the state Uniform Controlled Substances Act (Act). The bill would also add tianeptine, which is not included in the federal Controlled Substances Act, and 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 36 new substances to the Act, including 23 fentanyl-related controlled substances and tianeptine, its optical isomers, salts, and salts of isomers.

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 samidorphan.

*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 Fintepla), a U.S. Food and Drug Administration-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 (Board).

House Committee on Health and Human Services

In the House Committee hearing on January 29, 2024, a representative of the 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 representative also stated the bill would make necessary changes to the state Uniform Controlled Substances Act that reflect the federal updates.

Written-only proponent testimony was provided by a representative of 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.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing on March 5, 2024, a representative of the Board provided **proponent** testimony, stating the bill would make necessary changes to the state Uniform Controlled Substances Act that reflect federal updates. The representative also noted the Board worked closely with the KBI regarding the changes.

Written-only proponent testimony was provided by a representative of the KBI.

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

No other testimony was provided.

The Senate Committee amended the bill to add tianeptine, its optical isomers, salts, and salts of isomers as a Schedule I controlled substance.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board indicates that 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 the Board were to make as a result of enactment of the bill would have no effect on the practice of pharmacy because the stricter federal law is already been in place.

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