

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2018

SENATE BILL No. 263

By Senator Kerschen

1-5

1 AN ACT concerning—agriculture *{industrial hemp}*; enacting the
2 alternative crop research act; *{excluding industrial hemp from*
3 *definition of marijuana and cannabinoids;}* amending K.S.A. 2017
4 Supp. *{21-5701,}* 21-5702, *65-4101 and 65-4105}* and repealing the
5 existing ~~section~~ *{sections}*.
6

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

8 New Section 1. (a) Sections 1 and 2, and amendments thereto, shall
9 be known and may be cited as the alternative crop research act.

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

11 (1) "Certified seed" means industrial hemp seed that has been
12 certified by a certifying agency, as defined by K.S.A. 2-1415, and
13 amendments thereto, as having a delta-9 tetrahydrocannabinol
14 concentration of no more than 0.3% on a dry weight basis.

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

19 ~~(2)~~ (3) "Department" means the Kansas department of agriculture.

20 ~~(3)~~ ~~(4)~~ ~~"Grower" means any person who has been approved and~~
21 ~~licensed by the department to grow or cultivate industrial hemp for the~~
22 ~~purposes of this act.~~

23 ~~(5)~~ (5) "Hemp products" means all products made from industrial hemp,
24 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
25 particleboard, plastics, seed, seed ~~metal~~ *meal* and seed oil for consumption
26 and certified seed for cultivation, if the seeds originate from industrial
27 hemp varieties.

28 ~~(4)~~ ~~(6)~~ ~~(5)~~ (5) "Industrial hemp" means all parts and varieties of the
29 plant cannabis sativa L., cultivated or possessed by a state educational
30 institution, ~~a grower~~ or the department, whether growing or not, that
31 contain a delta-9 tetrahydrocannabinol concentration of no more than 0.3%
32 on a dry weight basis.

1 ~~(5)(7) "Person" includes an individual, partnership, corporation,~~
 2 ~~association or other legal entity.~~

3 ~~(8)(6)~~ (6) "Seed research" means research conducted to develop or
 4 recreate better strains of industrial hemp, particularly for the purpose of
 5 seed production.

6 ~~(6)(9)(7)~~ (7) "State educational institution" means the university of
 7 Kansas, Kansas state university, Wichita state university, Emporia state
 8 university, Pittsburg state university and Fort Hays state university.

9 ~~(7) "Tetrahydrocannabinol" or "THC" means the natural or synthetic~~
 10 ~~equivalents of the substances contained in the plant or in the resinous~~
 11 ~~extractives of cannabis or any synthetic substances, compounds, salts or~~
 12 ~~derivatives of the plant or chemicals and their isomers with similar~~
 13 ~~chemical structure and pharmacological activity.~~

14 New Sec. 2. (a) The department, alone or in coordination with a state
 15 educational institution ~~or any grower~~, may cultivate industrial hemp
 16 grown from certified seed and promote the research and development of
 17 industrial hemp, **in accordance with 7 U.S.C. § 5940**. This research may
 18 include:

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

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

26 (3) analysis on the economic feasibility of developing an industrial
 27 hemp market in various types of industrial hemp that can be grown in
 28 Kansas;

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

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

34 (6) a study on the feasibility of attracting federal and private funding
 35 for industrial hemp research; *and*

36 (7) *a pilot program in Russell county, and other counties as*
 37 *determined by the department, for the purpose of economic*
 38 *development ~~and market~~, research, cultivation, market analysis,*
 39 *manufacturing and transportation of industrial hemp and industrial*
 40 *hemp products.*

41 (b) **In the event that the department acts alone to cultivate**
 42 **industrial hemp grown from certified seed and to promote the**
 43 **research and development of industrial hemp, the secretary shall**

1 establish an advisory board within the department to review and
2 recommend applications for pilot projects and research proposals to
3 the secretary. The secretary shall not approve any such project or
4 proposal without the recommendation of the advisory board.

5 (c) *The department shall oversee and annually license all ~~persons~~*
6 *{individuals} participating in the cultivation, growth, research, oversight,*
7 *study, analysis ~~or~~, transportation, processing or distribution of certified*
8 *seed or industrial hemp pursuant to this act. The department shall*
9 *establish fees for licenses, license renewals and other necessary*
10 *expenses to defray the cost of implementing and operating the*
11 *alternative crop research act in this state on an ongoing basis.*

12 ~~(d)~~(1) *The department shall require, as a qualification for initial*
13 *or continuing licensure, all ~~persons~~ {individuals} seeking a license or*
14 *license renewal under this act to be fingerprinted and to submit to a state*
15 *and national criminal history record check. The fingerprints shall be*
16 *used to identify the ~~person~~ {individual} and to determine whether the*
17 *person {individual} has a record of criminal history in this state or any*
18 *other jurisdiction. The department is authorized to submit the*
19 *fingerprints to the Kansas bureau of investigation and the federal*
20 *bureau of investigation for a state and national criminal history record*
21 *check. The department may use the information obtained from*
22 *fingerprinting and the criminal history record check for purposes of*
23 *verifying the identification of the ~~person~~ {individual} and for making an*
24 *official determination of the qualifications for initial or continuing*
25 *licensure pursuant to this act and rules and regulations promulgated*
26 *pursuant to this act. Disclosure or use of any information received by*
27 *the department for any purpose other than the purpose provided for in*
28 *this section shall be a class A misdemeanor and shall constitute grounds*
29 *for removal from office or termination of employment.*

30 (2)—*A ~~person~~ {An individual} who has been convicted of any of the*
31 *following shall be disqualified from initial or continuing licensure under*
32 *this act: A felony violation of article 57 of chapter 21 of the Kansas*
33 *Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-*
34 *36a01 through 21-36a17, prior to their transfer, or any felony violation*
35 *of any provision of the uniform controlled substances act, prior to July*
36 *1, 2009.*

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

39 (4) *The applicant shall pay the costs of fingerprinting and the state*
40 *and national criminal history record check.*

41 ~~(b)(d)~~(e) *The secretary of agriculture shall ~~have the authority to~~*
42 *promulgate rules and regulations to carry out the provisions of the*
43 *alternative crop research act **on or before December 31, 2018. Such rules***

1 *and regulations shall include, but not be limited to, a requirement that*
2 *license holders shall have a current license in their possession at all*
3 *times that they are engaged in cultivation, growth, research, oversight,*
4 *study, analysis*~~or~~*, transportation, processing or distribution of certified*
5 *seed or industrial hemp pursuant to this act.*

6 ~~(e)~~(f) *The department shall submit a report to the legislature*
7 *outlining the steps and timeline to implement a process that would allow*
8 *persons {individuals and business entities} to grow and process*
9 *industrial hemp in Kansas and to sell industrial hemp in other states.*
10 *Such report shall be submitted to the senate standing committee on*
11 *agriculture and natural resources and the house standing committee on*
12 *agriculture on or before January 14, 2019. The department shall send*
13 *such committees an annual supplemental report on the continued*
14 *progress of such process at the beginning of each regular legislative*
15 *session for the following three years.*

16 ~~(e)~~(f)(g) *Nothing in the alternative crop research act shall be*
17 *construed to authorize any*~~person~~ *{individual} to violate any state or*
18 *federal law.*

19 (h) *The legislature shall review the provisions of this act prior to*
20 *July 1, 2022.*

21 **New Sec. 3.** (a) *There is hereby created in the state treasury the*
22 *alternative crop research act licensing fee fund to be administered by*
23 *the secretary of agriculture. All expenditures from the alternative crop*
24 *research act licensing fee fund shall be made in accordance with*
25 *appropriation acts upon warrants of the director of accounts and*
26 *reports issued pursuant to vouchers signed by the secretary of*
27 *agriculture or the secretary's designee.*

28 (b) *Licensing and renewal fees shall be established pursuant to*
29 *rules and regulations adopted by the secretary under the alternative*
30 *crop research act. The amounts received for such fees shall be*
31 *deposited in the state treasury in accordance with K.S.A. 75-4215, and*
32 *amendments thereto, and shall be credited to the alternative crop*
33 *research act licensing fee fund.*

34 ~~{Sec. 3} 4.~~ *K.S.A. 2017 Supp. 21-5701 is hereby amended to read as*
35 *follows: 21-5701. As used in K.S.A. 2017 Supp. 21-5701 through 21-*
36 *5717, and amendments thereto: (a) "Controlled substance" means any*
37 *drug, substance or immediate precursor included in any of the schedules*
38 *designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113,*
39 *and amendments thereto.*

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

42 (A) *The chemical structure of the substance is substantially similar*
43 *to the chemical structure of a controlled substance listed in or added to*

1 *the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments*
2 *thereto;*

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

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

14 *(2) "Controlled substance analog" does not include:*

15 *(A) A controlled substance;*

16 *(B) a substance for which there is an approved new drug*
17 *application; or*

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

22 *(c) "Cultivate" means the planting or promotion of growth of five*
23 *or more plants which contain or can produce controlled substances.*

24 *(d) "Distribute" means the actual, constructive or attempted*
25 *transfer from one person to another of some item whether or not there is*
26 *an agency relationship. "Distribute" includes, but is not limited to, sale,*
27 *offer for sale or any act that causes some item to be transferred from one*
28 *person to another. "Distribute" does not include acts of administering,*
29 *dispensing or prescribing a controlled substance as authorized by the*
30 *pharmacy act of the state of Kansas, the uniform controlled substances*
31 *act or otherwise authorized by law.*

32 *(e) "Drug" means:*

33 *(1) Substances recognized as drugs in the official United States*
34 *pharmacopeia, official homeopathic pharmacopoeia of the United States*
35 *or official national formulary or any supplement to any of them;*

36 *(2) substances intended for use in the diagnosis, cure, mitigation,*
37 *treatment or prevention of disease in man or animals;*

38 *(3) substances, other than food, intended to affect the structure or*
39 *any function of the body of man or animals; and*

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

43 *(f) "Drug paraphernalia" means all equipment and materials of*

1 *any kind which are used, or primarily intended or designed for use in*
2 *planting, propagating, cultivating, growing, harvesting, manufacturing,*
3 *compounding, converting, producing, processing, preparing, testing,*
4 *analyzing, packaging, repackaging, storing, containing, concealing,*
5 *injecting, ingesting, inhaling or otherwise introducing into the human*
6 *body a controlled substance and in violation of this act. "Drug*
7 *paraphernalia" shall include, but is not limited to:*

8 (1) *Kits used or intended for use in planting, propagating,*
9 *cultivating, growing or harvesting any species of plant which is a*
10 *controlled substance or from which a controlled substance can be*
11 *derived;*

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

14 (3) *isomerization devices used or intended for use in increasing the*
15 *potency of any species of plant which is a controlled substance;*

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

18 (5) *scales and balances used or intended for use in weighing or*
19 *measuring controlled substances;*

20 (6) *diluents and adulterants, including, but not limited to, quinine*
21 *hydrochloride, mannitol, mannite, dextrose and lactose, which are used*
22 *or intended for use in cutting controlled substances;*

23 (7) *separation gins and sifters used or intended for use in removing*
24 *twigs and seeds from or otherwise cleaning or refining marijuana;*

25 (8) *blenders, bowls, containers, spoons and mixing devices used or*
26 *intended for use in compounding controlled substances;*

27 (9) *capsules, balloons, envelopes, bags and other containers used or*
28 *intended for use in packaging small quantities of controlled substances;*

29 (10) *containers and other objects used or intended for use in*
30 *storing or concealing controlled substances;*

31 (11) *hypodermic syringes, needles and other objects used or*
32 *intended for use in parenterally injecting controlled substances into the*
33 *human body;*

34 (12) *objects used or primarily intended or designed for use in*
35 *ingesting, inhaling or otherwise introducing marijuana, cocaine,*
36 *hashish, hashish oil, phencyclidine (PCP), methamphetamine or*
37 *amphetamine into the human body, such as:*

38 (A) *Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes*
39 *with or without screens, permanent screens, hashish heads or punctured*
40 *metal bowls;*

41 (B) *water pipes, bongs or smoking pipes designed to draw smoke*
42 *through water or another cooling device;*

43 (C) *carburetion pipes, glass or other heat resistant tubes or any*

1 *other device used, intended to be used or designed to be used to cause*
2 *vaporization of a controlled substance for inhalation;*

3 *(D) smoking and carburetion masks;*

4 *(E) roach clips, objects used to hold burning material, such as a*
5 *marijuana cigarette, that has become too small or too short to be held in*
6 *the hand;*

7 *(F) miniature cocaine spoons and cocaine vials;*

8 *(G) chamber smoking pipes;*

9 *(H) carburetor smoking pipes;*

10 *(I) electric smoking pipes;*

11 *(J) air-driven smoking pipes;*

12 *(K) chillums;*

13 *(L) bongs;*

14 *(M) ice pipes or chillers;*

15 *(N) any smoking pipe manufactured to disguise its intended*
16 *purpose;*

17 *(O) wired cigarette papers; or*

18 *(P) cocaine freebase kits.*

19 *"Drug paraphernalia" shall not include any products, chemicals or*
20 *materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments*
21 *thereto.*

22 *(g) "Immediate precursor" means a substance which the state*
23 *board of pharmacy has found to be and by rules and regulations*
24 *designates as being the principal compound commonly used or produced*
25 *primarily for use and which is an immediate chemical intermediary used*
26 *or likely to be used in the manufacture of a controlled substance, the*
27 *control of which is necessary to prevent, curtail or limit manufacture.*

28 *(h) "Isomer" means all enantiomers and diastereomers.*

29 *(i) "Manufacture" means the production, preparation,*
30 *propagation, compounding, conversion or processing of a controlled*
31 *substance either directly or indirectly or by extraction from substances*
32 *of natural origin or independently by means of chemical synthesis or by*
33 *a combination of extraction and chemical synthesis. "Manufacture"*
34 *does not include:*

35 *(1) The preparation or compounding of a controlled substance by*
36 *an individual for the individual's own lawful use or the preparation,*
37 *compounding, packaging or labeling of a controlled substance:*

38 *(A) By a practitioner or the practitioner's agent pursuant to a*
39 *lawful order of a practitioner as an incident to the practitioner's*
40 *administering or dispensing of a controlled substance in the course of*
41 *the practitioner's professional practice; or*

42 *(B) by a practitioner or by the practitioner's authorized agent under*
43 *such practitioner's supervision for the purpose of or as an incident to*

1 *research, teaching or chemical analysis or by a pharmacist or medical*
2 *care facility as an incident to dispensing of a controlled substance; or*

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

6 (j) *"Marijuana" means all parts of all varieties of the plant*
7 *Cannabis whether growing or not, the seeds thereof, the resin extracted*
8 *from any part of the plant and every compound, manufacture, salt,*
9 *derivative, mixture or preparation of the plant, its seeds or resin.*

10 *"Marijuana" does not include: (1) The mature stalks of the plant, fiber*
11 *produced from the stalks, oil or cake made from the seeds of the plant,*
12 *any other compound, manufacture, salt, derivative, mixture or*
13 *preparation of the mature stalks, except the resin extracted therefrom,*
14 *fiber, oil or cake or the sterilized seed of the plant which is incapable of*
15 *germination; ~~or~~ (2) any substance listed in schedules II through V of the*
16 *uniform controlled substances act; or (3) industrial hemp as defined in*
17 *section 1, and amendments thereto, when cultivated, possessed or used*
18 *for activities authorized by the alternative crop research act.*

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

20 (l) *"Narcotic drug" means any of the following whether produced*
21 *directly or indirectly by extraction from substances of vegetable origin or*
22 *independently by means of chemical synthesis or by a combination of*
23 *extraction and chemical synthesis:*

24 (1) *Opium and opiate and any salt, compound, derivative or*
25 *preparation of opium or opiate;*

26 (2) *any salt, compound, isomer, derivative or preparation thereof*
27 *which is chemically equivalent or identical with any of the substances*
28 *referred to in paragraph (1) but not including the isoquinoline alkaloids*
29 *of opium;*

30 (3) *opium poppy and poppy straw;*

31 (4) *coca leaves and any salt, compound, derivative or preparation of*
32 *coca leaves and any salt, compound, isomer, derivative or preparation*
33 *thereof which is chemically equivalent or identical with any of these*
34 *substances, but not including decocainized coca leaves or extractions of*
35 *coca leaves which do not contain cocaine or ecgonine.*

36 (m) *"Opiate" means any substance having an addiction-forming or*
37 *addiction-sustaining liability similar to morphine or being capable of*
38 *conversion into a drug having addiction-forming or addiction-sustaining*
39 *liability. "Opiate" does not include, unless specifically designated as*
40 *controlled under K.S.A. 65-4102, and amendments thereto, the*
41 *dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts*
42 *(dextromethorphan). "Opiate" does include its racemic and levorotatory*
43 *forms.*

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

3 (o) *"Person" means [an] individual, corporation, government or*
4 *governmental subdivision or agency, business trust, estate, trust,*
5 *partnership, association or any other legal entity.*

6 (p) *"Poppy straw" means all parts, except the seeds, of the opium*
7 *poppy, after mowing.*

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

12 (r) *"School property" means property upon which is located a*
13 *structure used by a unified school district or an accredited nonpublic*
14 *school for student instruction or attendance or extracurricular activities*
15 *of pupils enrolled in kindergarten or any of the grades one through 12.*
16 *This definition shall not be construed as requiring that school be in*
17 *session or that classes are actually being held at the time of the offense*
18 *or that children must be present within the structure or on the property*
19 *during the time of any alleged criminal act. If the structure or property*
20 *meets the above definition, the actual use of that structure or property at*
21 *the time alleged shall not be a defense to the crime charged or the*
22 *sentence imposed.*

23 (s) *"Simulated controlled substance" means any product which*
24 *identifies itself by a common name or slang term associated with a*
25 *controlled substance and which indicates on its label or accompanying*
26 *promotional material that the product simulates the effect of a controlled*
27 *substance.*

28 Sec. ~~3-4~~ 5. K.S.A. 2017 Supp. 21-5702 is hereby amended to read
29 as follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
30 2009, shall be governed by the law in effect at the time the crime was
31 committed. For purposes of this section, a crime was committed prior to
32 July 1, 2009, if any element of the crime occurred prior thereto.

33 (b) The prohibitions of this act shall apply unless the conduct
34 prohibited is authorized by the pharmacy act of the state of Kansas, the
35 uniform controlled substances act, *the alternative crop research act* or
36 otherwise authorized by law.

37 ~~Sec. 5~~ 6. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as
38 follows: 65-4101. As used in this act: (a) *"Administer" means the direct*
39 *application of a controlled substance, whether by injection, inhalation,*
40 *ingestion or any other means, to the body of a patient or research subject*
41 *by:*

42 (1) *A practitioner or pursuant to the lawful direction of a*
43 *practitioner; or*

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

3 (b) *"Agent" means an authorized person who acts on behalf of or*
4 *at the direction of a manufacturer, distributor or dispenser. It does not*
5 *include a common carrier, public warehouseman or employee of the*
6 *carrier or warehouseman.*

7 (c) *"Application service provider" means an entity that sells*
8 *electronic prescription or pharmacy prescription applications as a hosted*
9 *service where the entity controls access to the application and maintains*
10 *the software and records on its server.*

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

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

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

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

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

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

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

35 (2) *"Controlled substance analog" does not include:*

36 (A) *A controlled substance;*

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

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

43 (h) *"Counterfeit substance" means a controlled substance which,*

1 *or the container or labeling of which, without authorization bears the*
2 *trademark, trade name or other identifying mark, imprint, number or*
3 *device or any likeness thereof of a manufacturer, distributor or*
4 *dispenser other than the person who in fact manufactured, distributed or*
5 *dispensed the substance.*

6 (i) *"Cultivate" means the planting or promotion of growth of five*
7 *or more plants which contain or can produce controlled substances.*

8 (j) *"DEA" means the U.S. department of justice, drug enforcement*
9 *administration.*

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

13 (l) *"Dispense" means to deliver a controlled substance to an*
14 *ultimate user or research subject by or pursuant to the lawful order of a*
15 *practitioner, including the packaging, labeling or compounding*
16 *necessary to prepare the substance for that delivery, or pursuant to the*
17 *prescription of a mid-level practitioner.*

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

22 (n) *"Distribute" means to deliver other than by administering or*
23 *dispensing a controlled substance.*

24 (o) *"Distributor" means a person who distributes.*

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

35 (q) *"Immediate precursor" means a substance which the board has*
36 *found to be and by rule and regulation designates as being the principal*
37 *compound commonly used or produced primarily for use and which is*
38 *an immediate chemical intermediary used or likely to be used in the*
39 *manufacture of a controlled substance, the control of which is necessary*
40 *to prevent, curtail or limit manufacture.*

41 (r) *"Electronic prescription" means an electronically prepared*
42 *prescription that is authorized and transmitted from the prescriber to the*
43 *pharmacy by means of electronic transmission.*

1 (s) *"Electronic prescription application" means software that is*
2 *used to create electronic prescriptions and that is intended to be installed*
3 *on the prescriber's computers and servers where access and records are*
4 *controlled by the prescriber.*

5 (t) *"Electronic signature" means a confidential personalized digital*
6 *key, code, number or other method for secure electronic data*
7 *transmissions which identifies a particular person as the source of the*
8 *message, authenticates the signatory of the message and indicates the*
9 *person's approval of the information contained in the transmission.*

10 (u) *"Electronic transmission" means the transmission of an*
11 *electronic prescription, formatted as an electronic data file, from a*
12 *prescriber's electronic prescription application to a pharmacy's*
13 *computer, where the data file is imported into the pharmacy prescription*
14 *application.*

15 (v) *"Electronically prepared prescription" means a prescription*
16 *that is generated using an electronic prescription application.*

17 (w) *"Facsimile transmission" or "fax transmission" means the*
18 *transmission of a digital image of a prescription from the prescriber or*
19 *the prescriber's agent to the pharmacy. "Facsimile transmission"*
20 *includes, but is not limited to, transmission of a written prescription*
21 *between the prescriber's fax machine and the pharmacy's fax machine;*
22 *transmission of an electronically prepared prescription from the*
23 *prescriber's electronic prescription application to the pharmacy's fax*
24 *machine, computer or printer; or transmission of an electronically*
25 *prepared prescription from the prescriber's fax machine to the*
26 *pharmacy's fax machine, computer or printer.*

27 (x) *"Intermediary" means any technology system that receives and*
28 *transmits an electronic prescription between the prescriber and the*
29 *pharmacy.*

30 (y) *"Isomer" means all enantiomers and diastereomers.*

31 (z) *"Manufacture" means the production, preparation,*
32 *propagation, compounding, conversion or processing of a controlled*
33 *substance either directly or indirectly or by extraction from substances*
34 *of natural origin or independently by means of chemical synthesis or by*
35 *a combination of extraction and chemical synthesis and includes any*
36 *packaging or repackaging of the substance or labeling or relabeling of*
37 *its container, except that this term does not include the preparation or*
38 *compounding of a controlled substance by an individual for the*
39 *individual's own lawful use or the preparation, compounding, packaging*
40 *or labeling of a controlled substance:*

41 (1) *By a practitioner or the practitioner's agent pursuant to a lawful*
42 *order of a practitioner as an incident to the practitioner's administering*
43 *or dispensing of a controlled substance in the course of the*

1 *practitioner's professional practice; or*

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

6 *(aa) "Marijuana" means all parts of all varieties of the plant*
7 *Cannabis whether growing or not, the seeds thereof, the resin extracted*
8 *from any part of the plant and every compound, manufacture, salt,*
9 *derivative, mixture or preparation of the plant, its seeds or resin. It does*
10 *not include: (1) The mature stalks of the plant, fiber produced from the*
11 *stalks, oil or cake made from the seeds of the plant, any other*
12 *compound, manufacture, salt, derivative, mixture or preparation of the*
13 *mature stalks, except the resin extracted therefrom, fiber, oil or cake or*
14 *the sterilized seed of the plant which is incapable of germination; ~~or~~ (2)*
15 *any substance listed in schedules II through V of the uniform controlled*
16 *substances act; or (3) industrial hemp as defined in section 1, and*
17 *amendments thereto, when cultivated, possessed or used for activities*
18 *authorized by the alternative crop research act.*

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

21 *(cc) "Mid-level practitioner" means a certified nurse-midwife*
22 *engaging in the independent practice of midwifery under the*
23 *independent practice of midwifery act, an advanced practice registered*
24 *nurse issued a license pursuant to K.S.A. 65-1131, and amendments*
25 *thereto, who has authority to prescribe drugs pursuant to a written*
26 *protocol with a responsible physician under K.S.A. 65-1130, and*
27 *amendments thereto, or a physician assistant licensed under the*
28 *physician assistant licensure act who has authority to prescribe drugs*
29 *pursuant to a written agreement with a supervising physician under*
30 *K.S.A. 65-28a08, and amendments thereto.*

31 *(dd) "Narcotic drug" means any of the following whether produced*
32 *directly or indirectly by extraction from substances of vegetable origin or*
33 *independently by means of chemical synthesis or by a combination of*
34 *extraction and chemical synthesis:*

35 *(1) Opium and opiate and any salt, compound, derivative or*
36 *preparation of opium or opiate;*

37 *(2) any salt, compound, isomer, derivative or preparation thereof*
38 *which is chemically equivalent or identical with any of the substances*
39 *referred to in paragraph (1) but not including the isoquinoline alkaloids*
40 *of opium;*

41 *(3) opium poppy and poppy straw;*

42 *(4) coca leaves and any salt, compound, derivative or preparation of*
43 *coca leaves, and any salt, compound, isomer, derivative or preparation*

1 *thereof which is chemically equivalent or identical with any of these*
2 *substances, but not including decocainized coca leaves or extractions of*
3 *coca leaves which do not contain cocaine or ecgonine.*

4 *(ee) "Opiate" means any substance having an addiction-forming or*
5 *addiction-sustaining liability similar to morphine or being capable of*
6 *conversion into a drug having addiction-forming or addiction-sustaining*
7 *liability. It does not include, unless specifically designated as controlled*
8 *under K.S.A. 65-4102, and amendments thereto, the dextrorotatory*
9 *isomer of 3-methoxy-n-methylmorphinan and its salts*
10 *(dextromethorphan). It does include its racemic and levorotatory forms.*

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

13 *(gg) "Person" means an individual, corporation, government, or*
14 *governmental subdivision or agency, business trust, estate, trust,*
15 *partnership or association or any other legal entity.*

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

18 *(ii) "Pharmacist intern" means: (1) A student currently enrolled in*
19 *an accredited pharmacy program; (2) a graduate of an accredited*
20 *pharmacy program serving such person's internship; or (3) a graduate*
21 *of a pharmacy program located outside of the United States which is not*
22 *accredited and who had successfully passed equivalency examinations*
23 *approved by the board.*

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

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

29 *(ll) "Practitioner" means a person licensed to practice medicine*
30 *and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific*
31 *investigator or other person authorized by law to use a controlled*
32 *substance in teaching or chemical analysis or to conduct research with*
33 *respect to a controlled substance.*

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

35 *(nn) "Production" includes the manufacture, planting, cultivation,*
36 *growing or harvesting of a controlled substance.*

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

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

5 ~~Sec. 6.~~ 7. K.S.A. 2017 Supp. 65-4105 is hereby amended to read as
 6 follows: 65-4105. 65-4105. (a) The controlled substances listed in this
 7 section are included in schedule I and the number set forth opposite
 8 each drug or substance is the DEA controlled substances code which has
 9 been assigned to it.

10 (b) Any of the following opiates, including their isomers, esters,
 11 ethers, salts, and salts of isomers, esters and ethers, unless specifically
 12 excepted, whenever the existence of these isomers, esters, ethers and
 13 salts is possible within the specific chemical designation:

- 14 (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)
 15 9821
- 16 (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
 17 piperidinyl]-N-phenylacetamide)..... 9815
- 18 (3) Acetylmethadol..... 9601
- 19 (4) AH-7921 (3,4-dichloro-N-[1-
 20 dimethylamino)cyclohexylmethyl]benzamide)..... 9551
- 21 (5) Allylprodine..... 9602
- 22 (6) Alphacetylmethadol..... 9603
 23 (except levo-alphacetylmethadol also known as levo-alpha-
 24 acetylmethadol, levomethadyl acetate or LAAM)
- 25 (7) Alphameprodine..... 9604
- 26 (8) Alphamethadol..... 9605
- 27 (9) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-
 28 piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
 29 propanilido) piperidine)..... 9814
- 30 (10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
 31 piperidinyl]-N-phenylpropanamide)..... 9832
- 32 (11) Benzethidine..... 9606
- 33 (12) Betacetylmethadol..... 9607
- 34 (13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
 35 piperidinyl]-N-phenylpropanamide)..... 9830
- 36 (14) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-
 37 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide)..... 9831
- 38 (15) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-
 39 yl)ethyl]piperidin-4-yl]-N-phenylpropionamide)..... 9836
- 40 (16) Betameprodine..... 9608
- 41 (17) Betamethadol..... 9609
- 42 (18) Betaprodine..... 9611
- 43 (19) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-

1	<i>phenylbutyramide)</i>	9822
2	(20) <i>Clonitazene</i>	9612
3	(21) <i>Dextromoramide</i>	9613
4	(22) <i>Diampromide</i>	9615
5	(23) <i>Diethylthiambutene</i>	9616
6	(24) <i>Difenoxin</i>	9168
7	(25) <i>Dimenoxadol</i>	9617
8	(26) <i>Dimpheptanol</i>	9618
9	(27) <i>Dimethylthiambutene</i>	9619
10	(28) <i>Dioxaphetyl butyrate</i>	9621
11	(29) <i>Dipipanone</i>	9622
12	(30) <i>Ethylmethylthiambutene</i>	9623
13	(31) <i>Etonitazene</i>	9624
14	(32) <i>Etoxidine</i>	9625
15	(33) <i>Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-</i>	
16	<i>carboxamide)</i>	9834
17	(34) <i>Furethidine</i>	9626
18	(35) <i>Hydroxypethidine</i>	9627
19	(36) <i>Ketobemidone</i>	9628
20	(37) <i>Levomoramide</i>	9629
21	(38) <i>Levophenacylmorphane</i>	9631
22	(39) <i>3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-</i>	
23	<i>phenylpropanamide)</i>	9813
24	(40) <i>3-Methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-</i>	
25	<i>piperidinyl]-N-phenylpropanamide)</i>	9833
26	(41) <i>Morpheridine</i>	9632
27	(42) <i>O-desmethyltramadol</i>	
28	<i>Some trade or other names: 2-((dimethylamino)methyl-1-(3-</i>	
29	<i>hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-</i>	
30	<i>hydroxycyclohexyl)phenol</i>	
31	(43) <i>MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)</i>	9661
32	(44) <i>Noracymethadol</i>	9633
33	(45) <i>Norlevorphanol</i>	9634
34	(46) <i>Normethadone</i>	9635
35	(47) <i>Norpipanone</i>	9636
36	(48) <i>Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-</i>	
37	<i>piperidinyl]propanamide)</i>	9812
38	(49) <i>PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine)</i>	9663
39	(50) <i>Phenadoxone</i>	9637
40	(51) <i>Phenampromide</i>	9638
41	(52) <i>Phenomorphane</i>	9647
42	(53) <i>Phenoperidine</i>	9641
43	(54) <i>Piritramide</i>	9642

1	(55) <i>Proheptazine</i>	9643
2	(56) <i>Properidine</i>	9644
3	(57) <i>Propiram</i>	9649
4	(58) <i>Racemoramide</i>	9645
5	(59) <i>Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-</i>	
6	<i>propanamide)</i>	9835
7	(60) <i>Tilidine</i>	9750
8	(61) <i>Trimeperidine</i>	9646
9	(62) <i>U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-</i>	
10	<i>methylbenzamide)</i>	
11	(c) <i>Any of the following opium derivatives, their salts, isomers and</i>	
12	<i>salts of isomers, unless specifically excepted, whenever the existence of</i>	
13	<i>these salts, isomers and salts of isomers is possible within the specific</i>	
14	<i>chemical designation:</i>	
15	(1) <i>Acetorphine</i>	9319
16	(2) <i>Acetyldihydrocodeine</i>	9051
17	(3) <i>Benzylmorphine</i>	9052
18	(4) <i>Codeine methylbromide</i>	9070
19	(5) <i>Codeine-N-Oxide</i>	9053
20	(6) <i>Cyprenorphine</i>	9054
21	(7) <i>Desomorphine</i>	9055
22	(8) <i>Dihydromorphine</i>	9145
23	(9) <i>Drotebanol</i>	9335
24	(10) <i>Etorphine (except hydrochloride salt)</i>	9056
25	(11) <i>Heroin</i>	9200
26	(12) <i>Hydromorphinol</i>	9301
27	(13) <i>Methyl-desorphine</i>	9302
28	(14) <i>Methyldihydromorphine</i>	9304
29	(15) <i>Morphine methylbromide</i>	9305
30	(16) <i>Morphine methylsulfonate</i>	9306
31	(17) <i>Morphine-N-Oxide</i>	9307
32	(18) <i>Myrophine</i>	9308
33	(19) <i>Nicocodeine</i>	9309
34	(20) <i>Nicomorphine</i>	9312
35	(21) <i>Normorphine</i>	9313
36	(22) <i>Pholcodine</i>	9314
37	(23) <i>Thebacon</i>	9315
38	(d) <i>Any material, compound, mixture or preparation which</i>	
39	<i>contains any quantity of the following hallucinogenic substances, their</i>	
40	<i>salts, isomers and salts of isomers, unless specifically excepted,</i>	
41	<i>whenever the existence of these salts, isomers and salts of isomers is</i>	
42	<i>possible within the specific chemical designation:</i>	
43	(1) <i>Alpha-ethyltryptamine 7249 Some trade or other names:</i>	

1	<i>etryptamine; Monase; α-ethyl-1H-indole-3-ethanamine; 3-(2-</i>	
2	<i>aminobutyl) indole; α-ET; and AET.</i>	
3	(2) <i>4-bromo-2,5-dimethoxy-amphetamine.....</i>	7391
4	<i>Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-</i>	
5	<i>methylphenethylamine; 4-bromo-2,5-DMA.</i>	
6	(3) <i>2,5-dimethoxyamphetamine.....</i>	7396
7	<i>Some trade or other names: 2,5-dimethoxy-alpha-methyl-</i>	
8	<i>phenethylamine; 2,5-DMA.</i>	
9	(4) <i>4-methoxyamphetamine.....</i>	7411
10	<i>Some trade or other names: 4-methoxy-alpha-methylphene-</i>	
11	<i>thylamine; paramethoxyamphetamine; PMA.</i>	
12	(5) <i>5-methoxy-3,4-methylenedioxy-amphetamine.....</i>	7401
13	(6) <i>4-methyl-2,5-dimethoxy-amphetamine.....</i>	7395
14	<i>Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-</i>	
15	<i>methylphenethylamine; "DOM"; and "STP".</i>	
16	(7) <i>3,4-methylenedioxy amphetamine.....</i>	7400
17	(8) <i>3,4-methylenedioxy methamphetamine (MDMA).....</i>	7405
18	(9) <i>3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-</i>	
19	<i>alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA,</i>	
20	<i>MDE, and MDEA).....</i>	7404
21	(10) <i>N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-</i>	
22	<i>hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and</i>	
23	<i>N-hydroxy MDA).....</i>	7402
24	(11) <i>3,4,5-trimethoxy amphetamine.....</i>	7390
25	(12) <i>Bufotenine.....</i>	7433
26	<i>Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-</i>	
27	<i>hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-</i>	
28	<i>dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.</i>	
29	(13) <i>Diethyltryptamine.....</i>	7434
30	<i>Some trade or other names: N,N-Diethyltryptamine; DET.</i>	
31	(14) <i>Dimethyltryptamine.....</i>	7435
32	<i>Some trade or other names: DMT.</i>	
33	(15) <i>Ibogaine.....</i>	7260
34	<i>Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-</i>	
35	<i>octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2] azepino</i>	
36	<i>[5,4-b]indole; Tabernanthe iboga</i>	
37	(16) <i>Lysergic acid diethylamide.....</i>	7315
38	(17) <i>Marijuana.....</i>	7360
39	(18) <i>Mescaline.....</i>	7381
40	(19) <i>Parahexyl.....</i>	7374
41	<i>Some trade or other names: 3-Hexyl-l-hydroxy-7,8,9,10-</i>	
42	<i>tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.</i>	
43	(20) <i>Peyote.....</i>	7415

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

- 1 (37) *5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers,*
 2 *salts and salts of isomers.....* 7439
- 3 (38) *2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....* 7509
- 4 (39) *2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....* 7508
- 5 (40) *2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....* 7519
- 6 (41) *2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....* 7518
- 7 (42) *2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....* 7385
- 8 (43) *2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)*
 9 *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-*
 31 *methoxybenzyl)ethanamine*
 32 *Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.*
- 33 (53) *2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine*
 34 *Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.*
- 35 (e) *Any material, compound, mixture or preparation which*
 36 *contains any quantity of the following substances having a depressant*
 37 *effect on the central nervous system, including its salts, isomers, and*
 38 *salts of isomers whenever the existence of such salts, isomers, and salts*
 39 *of isomers is possible within the specific chemical designation:*
- 40 (1) *Etizolam*
 41 *Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-*
 42 *6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)*
- 43 (2) *Mecloqualone.....* 2572

- 1 (3) *Methaqualone*.....2565
- 2 (4) *Gamma hydroxybutyric acid*
- 3 (f) *Unless specifically excepted or unless listed in another schedule,*
- 4 *any material, compound, mixture or preparation which contains any*
- 5 *quantity of the following substances having a stimulant effect on the*
- 6 *central nervous system, including its salts, isomers and salts of isomers:*
- 7 (1) *Aminorex 1585*
- 8 *Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline*
- 9 *or 4,5-dihydro-5-phenyl-2-oxazolamine*
- 10 (2) *Fenethylamine*.....1503
- 11 (3) *N-ethylamphetamine*.....1475
- 12 (4) *(+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-*
- 13 *oxazolamine)*.....1590
- 14 (5) *N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-*
- 15 *benzeneethanamine; N,N-alpha-trimethylphenethylamine)*.....1480
- 16 (6) *Cathinone (some other names: 2-amino-1-phenol-1-propanone,*
- 17 *alpha-amino propiophenone, 2-amino propiophenone and*
- 18 *norphedrone)*.....1235
- 19 (7) *Substituted cathinones*
- 20 *Any compound, except bupropion or compounds listed under a*
- 21 *different schedule, structurally derived from 2-aminopropan-1-*
- 22 *one by substitution at the 1-position with either phenyl, naphthyl,*
- 23 *or thiophene ring systems, whether or not the compound is further*
- 24 *modified in any of the following ways:*
- 25 (A) *By substitution in the ring system to any extent with alkyl,*
- 26 *alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide*
- 27 *substituents, whether or not further substituted in the ring*
- 28 *system by one or more other univalent substituents;*
- 29 (B) *by substitution at the 3-position with an acyclic alkyl*
- 30 *substituent;*
- 31 (C) *by substitution at the 2-amino nitrogen atom with alkyl,*
- 32 *dialkyl, benzyl, or methoxybenzyl groups; or*
- 33 (D) *by inclusion of the 2-amino nitrogen atom in a cyclic*
- 34 *structure.*
- 35 (g) *Any material, compound, mixture or preparation which*
- 36 *contains any quantity of the following substances:*
- 37 (1) *N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),*
- 38 *its optical isomers, salts and salts of isomers*.....9818
- 39 (2) *N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide*
- 40 *(thenylfentanyl), its optical isomers, salts and salts of isomers*..9834
- 41 (h) *Except industrial hemp as defined in section 1, and amendments*
- 42 *thereto. Any of the following cannabinoids, their salts, isomers and salts*
- 43 *of isomers, unless specifically excepted, whenever the existence of these*

1 salts, isomers and salts of isomers is possible within the specific
2 chemical designation:

3 (1) *Tetrahydrocannabinols*.....7370

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

20 (2) *Naphthoylindoles*

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

28 (3) *Naphthylmethylindoles*

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

36 (4) *Naphthoylpyrroles*

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

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

1 *whether or not further substituted in the indole ring to any extent*
2 *and whether or not substituted in the benzyl or*
3 *tetramethylcyclopropyl rings to any extent.*

4 **(12) Indole-3-carboxylate esters**

5 *Any compound containing a 1H-indole-3-carboxylate ester*
6 *structure with the ester oxygen bearing a naphthyl, quinolinyl,*
7 *isoquinolinyl or adamantyl group and substitution at the 1 position*
8 *of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,*
9 *cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-*
10 *morpholinyl)ethyl group, whether or not further substituted on the*
11 *indole ring to any extent and whether or not substituted on the*
12 *naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to*
13 *any extent.*

14 **(13) Indazole-3-carboxamides**

15 *Any compound containing a 1H-indazole-3-carboxamide structure*
16 *with substitution at the nitrogen of the carboxamide by a naphthyl,*
17 *quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl or*
18 *1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position*
19 *of the indazole ring by an alkyl, haloalkyl, alkenyl,*
20 *cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-*
21 *piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not*
22 *further substituted on the indazole ring to any extent and whether*
23 *or not substituted on the naphthyl, quinolinyl, isoquinolinyl,*
24 *adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or*
25 *benzyl groups to any extent.*

26 **(14) (1H-indazol-3-yl)methanones**

27 *Any compound containing a (1H-indazol-3-yl)methanone structure*
28 *with the carbonyl carbon bearing a naphthyl group and*
29 *substitution at the 1 position of the indazole ring by an alkyl,*
30 *haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-*
31 *methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group,*
32 *whether or not further substituted on the indazole ring to any*
33 *extent and whether or not substituted on the naphthyl or benzyl*
34 *groups to any extent.}*

35 Sec.-4: ~~7.7~~ **8.** K.S.A. 2017 Supp. {21-5701,} 21-5702-is{, 65-4101
36 and 65-4105 are} hereby repealed.

37 Sec.-5: ~~8.7~~ **9.** This act shall take effect and be in force from and after
38 its publication in the ~~statute book~~ **Kansas register.**