

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~~
35 ~~purposes, including, but not limited to~~ **subject to subsection (g)**, fees for
36 licenses, license renewals and other necessary expenses to defray the cost

1 of implementing and operating the plan on an ongoing basis;

2 (5) **a procedure for the creation of documentation that a hemp**
3 **producer may use to prove to any law enforcement officer that such**
4 **hemp producer is authorized to engage in the cultivation, production,**
5 **distribution or processing of industrial hemp for commercial purposes**
6 **pursuant to this section;**

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

10 ~~(6)~~(7) any other procedures necessary to meet the requirements set
11 forth in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted
12 thereunder.

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

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

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

23 (2) A hemp producer that negligently violates this section or any rules
24 and regulations adopted thereunder three times in a five-year period shall
25 be ineligible to produce industrial hemp for a period of five years
26 beginning on the date of the third violation.

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

31 (d) Any person otherwise eligible to become a licensed hemp
32 producer shall not be eligible to produce industrial hemp if:

33 (1) Such person has been convicted of a felony relating to a
34 controlled substance under state or federal law within the immediately
35 preceding 10 years; or

36 (2) such person has submitted any materially false information in any
37 application to become a licensed hemp producer.

38 (e) The secretary of agriculture may promulgate rules and regulations
39 to implement the plan submitted to the United States department of
40 agriculture and to otherwise effectuate the provisions of this section.

41 (f) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a
42 federal plan by the United States department of agriculture that allows for
43 the cultivation and production of industrial hemp for commercial purposes

1 within the state or upon the adoption of rules and regulations by the
2 Kansas secretary of agriculture that establish the cultivation and
3 production of industrial hemp for commercial purposes within the state,
4 the Kansas department of agriculture may discontinue the industrial hemp
5 research program established pursuant to K.S.A. 2018 Supp. 2-3902, and
6 amendments thereto.

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

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

16 ~~(h)~~(i) This section shall be a part of and supplemental to the
17 ~~alternative crop~~ **commercial industrial hemp** act, K.S.A. 2018 Supp. 2-
18 3901 et seq., and amendments thereto.

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

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

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

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

33 (2) "*Commercial*" means the cultivation or production of industrial
34 hemp for purposes other than research as authorized under section ~~1~~ 2,
35 and amendments thereto.

36 (3) "Delta-9 tetrahydrocannabinol concentration" means the
37 combined percentage of delta-9 tetrahydrocannabinol and its optical
38 isomers, their salts and acids, and salts of their acids, reported as free THC
39 on a dry weight basis, of any part of the plant cannabis sativa L.

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

41 (4) **"Effective disposal" includes, but is not limited to:**

42 (A) **Destruction; or**

43 (B) **any other method of clearing industrial hemp or hemp**

1 **products found to be in violation of this act that is permitted under the**
2 **provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations**
3 **adopted thereunder.**

4 (5) "Hemp products" means all products made from industrial hemp,
5 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
6 particleboard, plastics, seed, seed meal and seed oil for consumption and
7 certified seed for cultivation, if the seeds originate from industrial hemp
8 varieties.

9 ~~(5)(6)~~ (6) "*Hemp producer*" means any individual, licensed or otherwise,
10 *engaging in the cultivation, production, distribution or processing of*
11 *industrial hemp for commercial purposes pursuant to section—4 2, and*
12 *amendments thereto.*

13 ~~(5)(6)(7)~~ (7) "Industrial hemp" means all parts and varieties of the plant
14 *cannabis sativa L., cultivated or possessed by a state educational*
15 *institution or the department, whether growing or not, that contain a delta-*
16 *9 tetrahydrocannabinol concentration of—no not more than 0.3% on a dry*
17 *weight basis.*

18 ~~(6)(7)(8)~~ (8) "Seed research" means research conducted to develop or
19 recreate better strains of industrial hemp, particularly for the purpose of
20 seed production.

21 ~~(7)(8)(9)~~ (9) "State educational institution" means the university of
22 Kansas, Kansas state university, Wichita state university, Emporia state
23 university, Pittsburg state university and Fort Hays state university.

24 **Sec. 3- 5. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is**
25 **hereby amended to read as follows: 2-3902. (a) The—department** *Kansas*
26 *department of agriculture*, alone or in coordination with a state educational
27 institution, may cultivate industrial hemp grown from certified seed and
28 promote the research and development of industrial hemp, in accordance
29 with 7 U.S.C. § 5940. This research may include:

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

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

37 (3) analysis on the economic feasibility of developing an industrial
38 hemp market in various types of industrial hemp that can be grown in
39 Kansas;

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

43 (5) a study on the agronomy research conducted worldwide relating

1 to industrial hemp varieties, production and utilization;

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

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

8 (b) In the event that the department acts alone to cultivate industrial
9 hemp grown from certified seed and to promote the research and
10 development of industrial hemp, the secretary of agriculture shall establish
11 an advisory board within the department to review and recommend
12 applications for pilot projects and research proposals to the secretary. The
13 secretary shall not approve any such project or proposal without the
14 recommendation of the advisory board.

15 (c) The department shall oversee and annually license all individuals
16 participating in the cultivation, growth, research, oversight, study, analysis,
17 transportation, processing or distribution of certified seed or industrial
18 hemp pursuant to this ~~act~~ **section**. The department shall establish fees for
19 licenses, license renewals and other necessary expenses to defray the cost
20 of implementing and operating the ~~alternative crop research act~~ **provisions**
21 **of this section** in this state on an ongoing basis. **Any modification fee**
22 **established by the department for any requested change to a license**
23 **that was previously issued by the department under this section shall**
24 **not exceed \$50.**

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

42 ~~(2) An individual who has been convicted of any of the following~~
43 ~~shall be disqualified from initial or continuing licensure under this act: A~~

1 felony violation of article 57 of chapter 21 of the Kansas Statutes
2 Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through
3 21-36a17, prior to their transfer, or any felony violation of any provision
4 of the uniform controlled substances act, prior to July 1, 2009.

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

7 (4) ~~The applicant shall pay the costs of fingerprinting and the state
8 and national criminal history record check.~~

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

18 (f)(e) The department shall submit a report to the legislature outlining
19 the steps and timeline to implement a process that would allow individuals
20 and business entities to grow and process industrial hemp in Kansas and to
21 sell industrial hemp in other states. Such report shall be submitted to the
22 senate standing committee on agriculture and natural resources and the
23 house standing committee on agriculture on or before January 14, 2019.
24 The department shall send such committees an annual supplemental report
25 on the continued progress of such process at the beginning of each regular
26 legislative session for the following three years.

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

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

31 ~~Sec. 4.~~ **6.** K.S.A. 2018 Supp. 2-3903 is hereby amended to read as
32 follows: 2-3903. (a) ~~There is hereby created in the state treasury~~ The
33 alternative crop ~~research~~ **research** act licensing fee fund *created in the*
34 *state treasury shall be renamed the* ~~alternative crop~~ **commercial**
35 **industrial hemp act licensing fee fund** and continue to be administered by
36 the secretary of agriculture. All expenditures from the ~~alternative crop~~
37 ~~research~~ **commercial industrial hemp** act licensing fee fund shall be
38 made in accordance with appropriation acts upon warrants of the director
39 of accounts and reports issued pursuant to vouchers signed by the secretary
40 of agriculture or the secretary's designee.

41 (b) Licensing and renewal fees shall be established pursuant to rules
42 and regulations adopted by the secretary under the ~~alternative crop~~
43 ~~research~~ **commercial industrial hemp** act. The amounts received for such

1 fees shall be deposited in the state treasury in accordance with K.S.A. 75-
2 4215, and amendments thereto, and shall be credited to the ~~alternative crop~~
3 ~~research~~ **commercial industrial hemp** act licensing fee fund.

4 Sec. ~~5~~ 7. K.S.A. 2018 Supp. 21-5701 is hereby amended to read as
5 follows: 21-5701. As used in K.S.A. 2018 Supp. 21-5701 through 21-
6 5717, and amendments thereto: (a) "Controlled substance" means any
7 drug, substance or immediate precursor included in any of the schedules
8 designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113,
9 and amendments thereto.

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

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

16 (B) the substance has a stimulant, depressant or hallucinogenic effect
17 on the central nervous system substantially similar to the stimulant,
18 depressant or hallucinogenic effect on the central nervous system of a
19 controlled substance included in the schedules designated in K.S.A. 65-
20 4105 or 65-4107, and amendments thereto; or

21 (C) with respect to a particular individual, such individual represents
22 or intends the substance to have a stimulant, depressant or hallucinogenic
23 effect on the central nervous system substantially similar to the stimulant,
24 depressant or hallucinogenic effect on the central nervous system of a
25 controlled substance included in the schedules designated in K.S.A. 65-
26 4105 or 65-4107, and amendments thereto.

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

28 (A) A controlled substance;

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

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

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

37 (d) "Distribute" means the actual, constructive or attempted transfer
38 from one person to another of some item whether or not there is an agency
39 relationship. "Distribute" includes, but is not limited to, sale, offer for sale
40 or any act that causes some item to be transferred from one person to
41 another. "Distribute" does not include acts of administering, dispensing or
42 prescribing a controlled substance as authorized by the pharmacy act of the
43 state of Kansas, the uniform controlled substances act or otherwise

1 authorized by law.

2 (e) "Drug" means:

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

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

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

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

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

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

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

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

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

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

32 (6) diluents and adulterants, including, but not limited to, quinine
33 hydrochloride, mannitol, mannite, dextrose and lactose, ~~which~~ *that* are
34 used or intended for use in cutting controlled substances;

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

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

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

41 (10) containers and other objects used or intended for use in storing
42 or concealing controlled substances;

43 (11) hypodermic syringes, needles and other objects used or intended

1 for use in parenterally injecting controlled substances into the human
2 body;

3 (12) objects used or primarily intended or designed for use in
4 ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish,
5 hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into
6 the human body, such as:

7 (A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with
8 or without screens, permanent screens, hashish heads or punctured metal
9 bowls;

10 (B) water pipes, bongs or smoking pipes designed to draw smoke
11 through water or another cooling device;

12 (C) carburetion pipes, glass or other heat resistant tubes or any other
13 device used, intended to be used or designed to be used to cause
14 vaporization of a controlled substance for inhalation;

15 (D) smoking and carburetion masks;

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

19 (F) miniature cocaine spoons and cocaine vials;

20 (G) chamber smoking pipes;

21 (H) carburetor smoking pipes;

22 (I) electric smoking pipes;

23 (J) air-driven smoking pipes;

24 (K) chillums;

25 (L) bongs;

26 (M) ice pipes or chillers;

27 (N) any smoking pipe manufactured to disguise its intended purpose;

28 (O) wired cigarette papers; or

29 (P) cocaine freebase kits.

30 "Drug paraphernalia" shall not include any products, chemicals or
31 materials described in K.S.A. 2018 Supp. 21-5709(a), and amendments
32 thereto.

33 (g) "Immediate precursor" means a substance ~~which~~ *that* the state
34 board of pharmacy has found to be and by rules and regulations designates
35 as being the principal compound commonly used or produced primarily
36 for use and ~~which~~ *that* is an immediate chemical intermediary used or
37 likely to be used in the manufacture of a controlled substance, the control
38 of which is necessary to prevent, curtail or limit manufacture.

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

40 (i) "Manufacture" means the production, preparation, propagation,
41 compounding, conversion or processing of a controlled substance either
42 directly or indirectly or by extraction from substances of natural origin or
43 independently by means of chemical synthesis or by a combination of

1 extraction and chemical synthesis. "Manufacture" does not include:

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

5 (A) By a practitioner or the practitioner's agent pursuant to a lawful
6 order of a practitioner as an incident to the practitioner's administering or
7 dispensing of a controlled substance in the course of the practitioner's
8 professional practice; or

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

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

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

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

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

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

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

42 (3) opium poppy and poppy straw;

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

1 coca leaves and any salt, compound, isomer, derivative or preparation
2 thereof ~~which~~ *that* is chemically equivalent or identical with any of these
3 substances, but not including decocainized coca leaves or extractions of
4 coca leaves ~~which~~ *that* do not contain cocaine or ecgonine.

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

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

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

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

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

24 (r) "School property" means property upon which is located a
25 structure used by a unified school district or an accredited nonpublic
26 school for student instruction or attendance or extracurricular activities of
27 pupils enrolled in kindergarten or any of the grades one through 12. This
28 definition shall not be construed as requiring that school be in session or
29 that classes are actually being held at the time of the offense or that
30 children must be present within the structure or on the property during the
31 time of any alleged criminal act. If the structure or property meets the
32 above definition, the actual use of that structure or property at the time
33 alleged shall not be a defense to the crime charged or the sentence
34 imposed.

35 (s) "Simulated controlled substance" means any product ~~which~~ *that*
36 identifies itself by a common name or slang term associated with a
37 controlled substance and ~~which~~ *that* indicates on its label or accompanying
38 promotional material that the product simulates the effect of a controlled
39 substance.

40 ~~Sec. 6.~~ **8.** K.S.A. 2018 Supp. 21-5702 is hereby amended to read as
41 follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
42 2009, shall be governed by the law in effect at the time the crime was
43 committed. For purposes of this section, a crime was committed prior to

1 July 1, 2009, if any element of the crime occurred prior thereto.

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

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

10 (1) A practitioner or pursuant to the lawful direction of a practitioner;
11 or

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

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

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

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

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

25 (f) "Controlled substance" means any drug, substance or immediate
26 precursor included in any of the schedules designated in K.S.A. 65-4105,
27 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

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

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

34 (B) the substance has a stimulant, depressant or hallucinogenic effect
35 on the central nervous system substantially similar to the stimulant,
36 depressant or hallucinogenic effect on the central nervous system of a
37 controlled substance included in the schedules designated in K.S.A. 65-
38 4105 or 65-4107, and amendments thereto; or

39 (C) with respect to a particular individual, such individual represents
40 or intends the substance to have a stimulant, depressant or hallucinogenic
41 effect on the central nervous system substantially similar to the stimulant,
42 depressant or hallucinogenic effect on the central nervous system of a
43 controlled substance included in the schedules designated in K.S.A. 65-

1 4105 or 65-4107, and amendments thereto.

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

3 (A) A controlled substance;

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

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

10 (h) "Counterfeit substance" means a controlled substance ~~which~~ *that*,
11 or the container or labeling of which, without authorization bears the
12 trademark, trade name or other identifying mark, imprint, number or
13 device or any likeness thereof of a manufacturer, distributor or dispenser
14 other than the person who in fact manufactured, distributed or dispensed
15 the substance.

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

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

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

23 (l) "Dispense" means to deliver a controlled substance to an ultimate
24 user or research subject by or pursuant to the lawful order of a practitioner,
25 including the packaging, labeling or compounding necessary to prepare the
26 substance for that delivery, or pursuant to the prescription of a mid-level
27 practitioner.

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

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

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

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

43 (q) "Immediate precursor" means a substance ~~which~~ *that* the board

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

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

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

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

18 (u) "Electronic transmission" means the transmission of an electronic
19 prescription, formatted as an electronic data file, from a prescriber's
20 electronic prescription application to a pharmacy's computer, where the
21 data file is imported into the pharmacy prescription application.

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

24 (w) "Facsimile transmission" or "fax transmission" means the
25 transmission of a digital image of a prescription from the prescriber or the
26 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
27 is not limited to, transmission of a written prescription between the
28 prescriber's fax machine and the pharmacy's fax machine; transmission of
29 an electronically prepared prescription from the prescriber's electronic
30 prescription application to the pharmacy's fax machine, computer or
31 printer; or transmission of an electronically prepared prescription from the
32 prescriber's fax machine to the pharmacy's fax machine, computer or
33 printer.

34 (x) "Intermediary" means any technology system that receives and
35 transmits an electronic prescription between the prescriber and the
36 pharmacy.

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

38 (z) "Manufacture" means the production, preparation, propagation,
39 compounding, conversion or processing of a controlled substance either
40 directly or indirectly or by extraction from substances of natural origin or
41 independently by means of chemical synthesis or by a combination of
42 extraction and chemical synthesis and includes any packaging or
43 repackaging of the substance or labeling or relabeling of its container,

1 except that this term does not include the preparation or compounding of a
2 controlled substance by an individual for the individual's own lawful use
3 or the preparation, compounding, packaging or labeling of a controlled
4 substance:

5 (1) By a practitioner or the practitioner's agent pursuant to a lawful
6 order of a practitioner as an incident to the practitioner's administering or
7 dispensing of a controlled substance in the course of the practitioner's
8 professional practice; or

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

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

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

30 (cc) "Mid-level practitioner" means a certified nurse-midwife
31 engaging in the independent practice of midwifery under the independent
32 practice of midwifery act, an advanced practice registered nurse issued a
33 license pursuant to K.S.A. 65-1131, and amendments thereto, who has
34 authority to prescribe drugs pursuant to a written protocol with a
35 responsible physician under K.S.A. 65-1130, and amendments thereto, or a
36 physician assistant licensed under the physician assistant licensure act who
37 has authority to prescribe drugs pursuant to a written agreement with a
38 supervising physician under K.S.A. 65-28a08, and amendments thereto.

39 (dd) "Narcotic drug" means any of the following whether produced
40 directly or indirectly by extraction from substances of vegetable origin or
41 independently by means of chemical synthesis or by a combination of
42 extraction and chemical synthesis:

43 (1) Opium and opiate and any salt, compound, derivative or

1 preparation of opium or opiate;

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

6 (3) opium poppy and poppy straw;

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

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

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

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

24 (hh) "Pharmacist" means any natural person licensed under K.S.A.
25 65-1625 et seq., and amendments thereto, to practice pharmacy.

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

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

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

37 (ll) "Practitioner" means a person licensed to practice medicine and
38 surgery, dentist, podiatrist, veterinarian, optometrist, or scientific
39 investigator or other person authorized by law to use a controlled
40 substance in teaching or chemical analysis or to conduct research with
41 respect to a controlled substance.

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

43 (nn) "Production" includes the manufacture, planting, cultivation,

1 growing or harvesting of a controlled substance.

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

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

13 ~~Sec. 8.~~ **10.** K.S.A. 65-4105 is hereby amended to read as follows: 65-
 14 4105. (a) The controlled substances listed in this section are included in
 15 schedule I and the number set forth opposite each drug or substance is the
 16 DEA controlled substances code ~~which~~ *that* has been assigned to it.

17 (b) Any of the following opiates, including their isomers, esters,
 18 ethers, salts, and salts of isomers, esters and ethers, unless specifically
 19 excepted, whenever the existence of these isomers, esters, ethers and salts
 20 is possible within the specific chemical designation:

- 21 (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
 22 phenylacetamide).....9821
- 23 (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
 24 piperidinyl]-N-phenylacetamide)..... 9815
- 25 (3) Acetylmethadol.....9601
- 26 (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide;
 27 acryloylfentanyl).....9811
- 28 (5) AH-7921 (3,4-dichloro-N-[(1-
 29 dimethylamino)cyclohexylmethyl]benzamide)..... 9551
- 30 (6) Allylprodine.....9602
- 31 (7) Alphacetylmethadol.....9603
 32 (except levo-alphacetylmethadol also known as levo-alpha-
 33 acetylmethadol, levomethadyl acetate or LAAM)
- 34 (8) Alphameprodine.....9604
- 35 (9) Alphamethadol.....9605
- 36 (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-
 37 piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
 38 propanilido) piperidine)..... 9814
- 39 (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
 40 piperidinyl]-N-phenylpropanamide).....9832
- 41 (12) Benzethidine.....9606
- 42 (13) Betacetylmethadol.....9607
- 43 (14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-

1	N-phenylpropanamide).....	9830
2	(15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-	
3	phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide).....	9831
4	(16) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-	
5	yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
6	(17) Betameprodine.....	9608
7	(18) Betamethadol.....	9609
8	(19) Betaprodine.....	9611
9	(20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
10	phenylbutyramide).....	9822
11	(21) Clonitazene.....	9612
12	(22) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
13	phenylcyclopentanecarboxamide)	
14	(23) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
15	phenylcyclopropanecarboxamide).....	9845
16	(24) Dextromoramide.....	9613
17	(25) Diampromide.....	9615
18	(26) Diethylthiambutene.....	9616
19	(27) Difenoxin.....	9168
20	(28) Dimenoxadol.....	9617
21	(29) Dimepheptanol.....	9618
22	(30) Dimethylthiambutene.....	9619
23	(31) Dioxaphetyl butyrate.....	9621
24	(32) Dipipanone.....	9622
25	(33) Ethylmethylthiambutene.....	9623
26	(34) Etonitazene.....	9624
27	(35) Etoxidine.....	9625
28	(36) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-	
29	carboxamide).....	9834
30	(37) Furethidine.....	9626
31	(38) Hydroxypethidine.....	9627
32	(39) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
33	phenylisobutyramide)	
34	(40) Ketobemidone.....	9628
35	(41) Levomoramide.....	9629
36	(42) Levophenacymorphan.....	9631
37	(43) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-	
38	N-phenylacetamide).....	9825
39	(44) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-	
40	phenylpropanamide).....	9813
41	(45) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-	
42	piperidiny]-N-phenylpropanamide).....	9833
43	(46) Morpheridine.....	9632

1	(47) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-	
2	4-yl)acetamide)	
3	(48) O-desmethyltramadol	
4	Some trade or other names: 2-((dimethylamino)methyl-1-(3-	
5	hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-	
6	hydroxycyclohexyl)phenol	
7	(49) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
8	(50) MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine)	
9	(51) Noracymethadol.....	9633
10	(52) Norlevorphanol.....	9634
11	(53) Normethadone.....	9635
12	(54) Norpipanone.....	9636
13	(55) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-	
14	4-yl)propionamide; 2-fluorofentanyl).....	9816
15	(56) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-	
16	phenethylpiperidin-4-yl)isobutyramide)	
17	(57) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
18	phenethylpiperidin-4-yl)butyramide)	
19	(58) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-	
20	piperidinyl]propanamide).....	9812
21	(59) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-	
22	phenethylpiperidin-4-yl)isobutyramide,	
23	4-fluoroisobutyryl fentanyl).....	9824
24	(60) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-	
25	phenethylpiperidin-4-yl)butyramide)	
26	(61) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
27	(62) Phenadoxone.....	9637
28	(63) Phenampromide.....	9638
29	(64) Phenomorphan.....	9647
30	(65) Phenoperidine.....	9641
31	(66) Piritramide.....	9642
32	(67) Proheptazine.....	9643
33	(68) Properidine.....	9644
34	(69) Propiram.....	9649
35	(70) Racemoramide.....	9645
36	(71) Tetrahydrofuranlyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-	
37	phenyltetrahydrofuran-2-carboxamide).....	9843
38	(72) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-	
39	propanamide).....	9835
40	(73) Tilidine.....	9750
41	(74) Trimeperidine.....	9646
42	(75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-	
43	methylbenzamide).....	9547

1 (76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
2 phenylpentanamide)

3 (c) Any of the following opium derivatives, their salts, isomers and
4 salts of isomers, unless specifically excepted, whenever the existence of
5 these salts, isomers and salts of isomers is possible within the specific
6 chemical designation:

7	(1) Acetorphine.....	9319
8	(2) Acetyldihydrocodeine.....	9051
9	(3) Benzylmorphine.....	9052
10	(4) Codeine methylbromide.....	9070
11	(5) Codeine-N-Oxide.....	9053
12	(6) Cyprenorphine.....	9054
13	(7) Desomorphine.....	9055
14	(8) Dihydromorphine.....	9145
15	(9) Drotebanol.....	9335
16	(10) Etorphine (except hydrochloride salt).....	9056
17	(11) Heroin.....	9200
18	(12) Hydromorphanol.....	9301
19	(13) Methyldesorphine.....	9302
20	(14) Methyldihydromorphine.....	9304
21	(15) Morphine methylbromide.....	9305
22	(16) Morphine methylsulfonate.....	9306
23	(17) Morphine-N-Oxide.....	9307
24	(18) Myorphine.....	9308
25	(19) Nicocodeine.....	9309
26	(20) Nicomorphine.....	9312
27	(21) Normorphine.....	9313
28	(22) Pholcodine.....	9314
29	(23) Thebacon.....	9315

30 (d) Any material, compound, mixture or preparation—~~which~~ *that*
31 contains any quantity of the following hallucinogenic substances, their
32 salts, isomers and salts of isomers, unless specifically excepted, whenever
33 the existence of these salts, isomers and salts of isomers is possible within
34 the specific chemical designation:

35	(1) Alpha-ethyltryptamine 7249 Some trade or other names: 36 etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2- 37 aminobutyl) indole; α -ET; and AET.	
38	(2) 4-bromo-2,5-dimethoxy-amphetamine.....	7391
39	Some trade or other names: 4-bromo-2,5-dimethoxy-alpha- 40 methylphenethylamine; 4-bromo-2,5-DMA.	
41	(3) 2,5-dimethoxyamphetamine.....	7396
42	Some trade or other names: 2,5-dimethoxy-alpha-methyl- 43 phenethylamine; 2,5-DMA.	

1	(4)	4-methoxyamphetamine.....	7411
2		Some trade or other names: 4-methoxy-alpha-methylphene-	
3		thylamine; paramethoxyamphetamine; PMA.	
4	(5)	5-methoxy-3,4-methylenedioxy-amphetamine.....	7401
5	(6)	4-methyl-2,5-dimethoxy-amphetamine.....	7395
6		Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-	
7		methylphenethylamine; "DOM"; and "STP".	
8	(7)	3,4-methylenedioxy amphetamine.....	7400
9	(8)	3,4-methylenedioxymethamphetamine (MDMA).....	7405
10	(9)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-	
11		alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA,	
12		MDE, and MDEA).....	7404
13	(10)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-	
14		hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and	
15		N-hydroxy MDA).....	7402
16	(11)	3,4,5-trimethoxy amphetamine.....	7390
17	(12)	Bufotenine.....	7433
18		Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-	
19		hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-	
20		dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.	
21	(13)	Diethyltryptamine.....	7434
22		Some trade or other names: N,N-Diethyltryptamine; DET.	
23	(14)	Dimethyltryptamine.....	7435
24		Some trade or other names: DMT.	
25	(15)	Ibogaine.....	7260
26		Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-	
27		octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2] azepino	
28		[5,4-b]indole; Tabernanthe iboga	
29	(16)	Lysergic acid diethylamide.....	7315
30	(17)	Marijuana.....	7360
31	(18)	Mescaline.....	7381
32	(19)	Parahexyl.....	7374
33		Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-	
34		6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
35	(20)	Peyote.....	7415
36		Meaning all parts of the plant presently classified botanically as	
37		Lophophora williamsii Lemaire, whether growing or not, the seeds	
38		thereof, any extract from any part of such plant, and every	
39		compound, manufacture, salts, derivative, mixture or preparation of	
40		such plant, its seeds or extracts.	
41	(21)	N-ethyl-3-piperidyl benzilate.....	7482
42	(22)	N-methyl-3-piperidyl benzilate.....	7484
43	(23)	Psilocybin.....	7437

1	(24) Psilocyn.....	7438
2	Some trade or other names: Psilocin.	
3	(25) Ethylamine analog of phencyclidine.....	7455
4	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-	
5	phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	
6	cyclohexamine; PCE.	
7	(26) Pyrrolidine analog of phencyclidine.....	7458
8	Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine;	
9	PCPy; PHP.	
10	(27) Thiophene analog of phencyclidine.....	7470
11	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;	
12	2-thienyl analog of phencyclidine; TCP; TCP.	
13	(28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....	7473
14	Some other names: TCPy.	
15	(29) 2,5-dimethoxy-4-ethylamphetamine.....	7399
16	Some trade or other names: DOET.	
17	(30) <i>Salvia divinorum</i> or <i>salvinorum</i> A; all parts of the plant presently	
18	classified botanically as <i>salvia divinorum</i> , whether growing or not,	
19	the seeds thereof, any extract from any part of such plant, and every	
20	compound, manufacture, salts, derivative, mixture or preparation of	
21	such plant, its seeds or extracts.	
22	(31) <i>Datura stramonium</i> , commonly known as gypsum weed or jimson	
23	weed; all parts of the plant presently classified botanically as <i>datura</i>	
24	<i>stramonium</i> , whether growing or not, the seeds thereof, any extract	
25	from any part of such plant, and every compound, manufacture, salts,	
26	derivative, mixture or preparation of such plant, its seeds or extracts.	
27	(32) N-benzylpiperazine.....	7493
28	Some trade or other names: BZP.	
29	(33) 1-(3-[trifluoromethylphenyl])piperazine	
30	Some trade or other names: TFMPP.	
31	(34) 4-Bromo-2,5-dimethoxyphenethylamine.....	7392
32	(35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical	
33	isomers, salts and salts of optical isomers.....	7348
34	(36) Alpha-methyltryptamine (other name: AMT).....	7432
35	(37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers,	
36	salts and salts of isomers.....	7439
37	(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
38	(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
39	(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
40	(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
41	(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....	7385
42	(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	7532
43	(44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517

1	(45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
2	(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....	7524
3	(47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....	7431
4	Some trade or other names: 5-methoxy-3-[2-(dimethylamino)	
5	ethyl]indole.	
6	(48) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)	
7	ethanamine.....	7538
8	Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I;	
9	Cimbi-5.	
10	(49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)	
11	ethanamine.....	7537
12	Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C;	
13	Cimbi-82.	
14	(50) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-	
15	methoxybenzyl)ethanamine.....	7536
16	Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B;	
17	Cimbi-36.	
18	(51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	
19	Some trade or other names: 25H-NBOMe.	
20	(52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine	
21	Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.	
22	(53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine	
23	Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.	
24	(e) Any material, compound, mixture or preparation which <i>that</i>	
25	contains any quantity of the following substances having a depressant	
26	effect on the central nervous system, including its salts, isomers, and salts	
27	of isomers whenever the existence of such salts, isomers, and salts of	
28	isomers is possible within the specific chemical designation:	
29	(1) Etizolam	
30	Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-	
31	6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)	
32	(2) Mecloqualone.....	2572
33	(3) Methaqualone.....	2565
34	(4) Gamma hydroxybutyric acid	
35	(f) Unless specifically excepted or unless listed in another schedule,	
36	any material, compound, mixture or preparation which <i>that</i> contains any	
37	quantity of the following substances having a stimulant effect on the	
38	central nervous system, including its salts, isomers and salts of isomers:	
39	(1) Aminorex.....	1585
40	Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or	
41	4,5-dihydro-5-phenyl-2-oxazolamine	
42	(2) Fenethylline.....	1503
43	(3) N-ethylamphetamine.....	1475

- 1 (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-
2 oxazolamine)..... 1590
- 3 (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-
4 benzeneethanamine; N,N-alpha-trimethylphenethylamine)..... 1480
- 5 (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone,
6 alpha-amino propiophenone, 2-amino propiophenone and
7 norphedrone)..... 1235
- 8 (7) Substituted cathinones
9 Any compound, except bupropion or compounds listed under a
10 different schedule, structurally derived from 2-aminopropan-1-ol
11 by substitution at the 1-position with either phenyl, naphthyl, or
12 thiophene ring systems, whether or not the compound is further
13 modified in any of the following ways:
- 14 (A) By substitution in the ring system to any extent with alkyl,
15 alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide
16 substituents, whether or not further substituted in the ring
17 system by one or more other univalent substituents;
- 18 (B) by substitution at the 3-position with an acyclic alkyl
19 substituent;
- 20 (C) by substitution at the 2-amino nitrogen atom with alkyl,
21 dialkyl, benzyl, or methoxybenzyl groups; or
- 22 (D) by inclusion of the 2-amino nitrogen atom in a cyclic
23 structure.
- 24 (g) Any material, compound, mixture or preparation ~~which~~ *that*
25 contains any quantity of the following substances:
- 26 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its
27 optical isomers, salts and salts of isomers
- 28 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
29 (thenylfentanyl), its optical isomers, salts and salts of isomers
- 30 (h) Any of the following cannabinoids, their salts, isomers and salts
31 of isomers, unless specifically excepted, whenever the existence of these
32 salts, isomers and salts of isomers is possible within the specific chemical
33 designation:
- 34 (1) Tetrahydrocannabinols..... 7370
35 Meaning tetrahydrocannabinols naturally contained in a plant of the
36 genus Cannabis (cannabis plant), as well as synthetic equivalents of
37 the substances contained in the plant, or in the resinous extractives of
38 Cannabis, sp. and/or synthetic substances, derivatives, and their
39 isomers with similar chemical structure and pharmacological activity
40 such as the following: Delta 1 cis or trans tetrahydrocannabinol, and
41 their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and
42 their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and
43 its optical isomers (Since nomenclature of these substances is not

- 1 internationally standardized, compounds of these structures,
2 regardless of numerical designation of atomic positions covered.),
3 *except tetrahydrocannabinols obtained from industrial hemp as*
4 *defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when*
5 *cultivated, produced, possessed or used for activities authorized by*
6 *the ~~alternative crop~~ **commercial industrial hemp** act.*
- 7 (2) Naphthoylindoles
8 Any compound containing a 3-(1-naphthoyl)indole structure with
9 substitution at the nitrogen atom of the indole ring by an alkyl,
10 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
11 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl
12 group, whether or not further substituted in the indole ring to any
13 extent and whether or not substituted in the benzyl or naphthyl ring
14 to any extent.
- 15 (3) Naphthylmethylindoles
16 Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane
17 structure with substitution at the nitrogen atom of the indole ring by
18 an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
19 cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
20 morpholinyl)ethyl group whether or not further substituted in the
21 indole ring to any extent and whether or not substituted in the benzyl
22 or naphthyl ring to any extent.
- 23 (4) Naphthoylpyrroles
24 Any compound containing a 3-(1-naphthoyl)pyrrole structure with
25 substitution at the nitrogen atom of the pyrrole ring by an alkyl,
26 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
27 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
28 group whether or not further substituted in the pyrrole ring to any
29 extent, whether or not substituted in the benzyl or naphthyl ring to
30 any extent.
- 31 (5) Naphthylmethylindenes
32 Any compound containing a naphthylideneindene structure with
33 substitution at the 3-position of the indene ring by an alkyl,
34 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
35 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
36 group whether or not further substituted in the indene ring to any
37 extent, whether or not substituted in the benzyl or naphthyl ring to
38 any extent.
- 39 (6) Phenylacetylindoles
40 Any compound containing a 3-phenylacetylindole structure with
41 substitution at the nitrogen atom of the indole ring by an alkyl,
42 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
43 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl

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

1 any extent.

2 (13) Indazole-3-carboxamides

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

14 (14) Indole-3-carboxamides

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

34 Sec.-9: **11.** K.S.A. 65-4101, 65-4101c, 65-4105 and 65-4105b and
35 K.S.A. 2018 Supp. 2-3901, ~~2-3902~~, 2-3903, 21-5701, 21-5701a and 21-
36 5702 are hereby repealed.

37 **Sec. 12. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is**
38 **hereby repealed.**

39 ~~Sec.-10:~~ **13.** This act shall take effect and be in force from and after
40 its publication in the ~~statute book~~ **Kansas register.**