

HOUSE BILL No. 2566

By Committee on Corrections and Juvenile Justice

1-29

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to controlled substances; possession; amending K.S.A. 2017 Supp. 21-
3 5706 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2017 Supp. 21-5706 is hereby amended to read as
7 follows: 21-5706. (a) It shall be unlawful for any person to possess any
8 opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-
9 4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled
10 substance analog thereof.

11 (b) It shall be unlawful for any person to possess any of the following
12 controlled substances or controlled substance analogs thereof:

13 (1) Any depressant designated in K.S.A. 65-4105(e), K.S.A. 65-
14 4107(e), K.S.A. 65-4109(b) or (c) or K.S.A. 65-4111(b), and amendments
15 thereto;

16 (2) any stimulant designated in K.S.A. 65-4105(f), K.S.A. 65-4107(d)
17 (2), (d)(4), (d)(5) or (f)(2) or K.S.A. 65-4109(e), and amendments thereto;

18 (3) any hallucinogenic drug designated in K.S.A. 65-4105(d), K.S.A.
19 65-4107(g) or K.S.A. 65-4109(g), and amendments thereto;

20 (4) any substance designated in K.S.A. 65-4105(g) and K.S.A. 65-
21 4111(c), (d), (e), (f) or (g), and amendments thereto;

22 (5) any anabolic steroids as defined in K.S.A. 65-4109(f), and
23 amendments thereto;

24 (6) any substance designated in K.S.A. 65-4113, and amendments
25 thereto; or

26 (7) any substance designated in K.S.A. 65-4105(h), and amendments
27 thereto.

28 (c) (1) Violation of subsection (a) is a drug severity level 5 felony.

29 (2) Except as provided in subsection (c)(3):

30 (A) Violation of subsection (b) is a class A nonperson misdemeanor,
31 except as provided in subsection (c)(2)(B); and

32 (B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug
33 severity level 5 felony if that person has a prior conviction under such
34 subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially
35 similar offense from another jurisdiction, or under any city ordinance or
36 county resolution for a substantially similar offense if the substance

1 involved was 3, 4-methylenedioxyamphetamine (MDMA), marijuana
2 as designated in K.S.A. 65-4105(d), and amendments thereto, or any
3 substance designated in K.S.A. 65-4105(h), and amendments thereto, or an
4 analog thereof.

5 (3) If the substance involved is marijuana, as designated in K.S.A.
6 65-4105(d), and amendments thereto, *or tetrahydrocannabinols, as*
7 *designated in K.S.A. 65-4105(h), and amendments thereto*, violation of
8 subsection (b) is a:

9 (A) Class B nonperson misdemeanor, except as provided in (c)(3)(B)
10 and (c)(3)(C);

11 (B) class A nonperson misdemeanor if that person has a prior
12 conviction under such subsection, under K.S.A. 65-4162, prior to its
13 repeal, under a substantially similar offense from another jurisdiction, or
14 under any city ordinance or county resolution for a substantially similar
15 offense; and

16 (C) drug severity level 5 felony if that person has two or more prior
17 convictions under such subsection, under K.S.A. 65-4162, prior to its
18 repeal, under a substantially similar offense from another jurisdiction, or
19 under any city ordinance or county resolution for a substantially similar
20 offense.

21 (d) It shall not be a defense to charges arising under this section that
22 the defendant was acting in an agency relationship on behalf of any other
23 party in a transaction involving a controlled substance or controlled
24 substance analog.

25 Sec. 2. K.S.A. 2017 Supp. 21-5706 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.