

House Substitute for SENATE BILL No. 51

By Committee on Health and Human Services

3-14

1 AN ACT concerning controlled substances; the state board of pharmacy;
2 relating to scheduling of controlled substance analogs, controlled
3 substances and new drugs; emergency scheduling; amending K.S.A.
4 2016 Supp. 21-5701, 65-4101, 65-4102, 65-4105, 65-4107 and 65-4113
5 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2016 Supp. 21-5701 is hereby amended to read as
9 follows: 21-5701. As used in K.S.A. 2016 Supp. 21-5701 through 21-
10 5717, and amendments thereto: (a) "Controlled substance" means any
11 drug, substance or immediate precursor included in any of the schedules
12 designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113,
13 and amendments thereto.

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

16 (A) The chemical structure of ~~which~~ *the substance* is substantially
17 similar to the chemical structure of a controlled substance listed in or
18 added to the schedules designated in K.S.A. 65-4105 or 65-4107, and
19 amendments thereto;

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

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

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

32 (A) A controlled substance;

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

35 (C) a substance with respect to which an exemption is in effect for
36 investigational use by a particular person under section 505 of the federal

1 food, drug, and cosmetic act (21 U.S.C. § 355), to the extent conduct with
2 respect to the substance is permitted by the exemption.

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

5 (d) "Distribute" means the actual, constructive or attempted transfer
6 from one person to another of some item whether or not there is an agency
7 relationship. "Distribute" includes, but is not limited to, sale, offer for sale
8 or any act that causes some item to be transferred from one person to
9 another. "Distribute" does not include acts of administering, dispensing or
10 prescribing a controlled substance as authorized by the pharmacy act of the
11 state of Kansas, the uniform controlled substances act or otherwise
12 authorized by law.

13 (e) "Drug" means:

14 (1) Substances recognized as drugs in the official United States
15 ~~pharmacopoeia~~ *pharmacopeia*, official homeopathic pharmacopoeia of the
16 United States or official national formulary or any supplement to any of
17 them;

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

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

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

25 (f) "Drug paraphernalia" means all equipment and materials of any
26 kind which are used, or primarily intended or designed for use in planting,
27 propagating, cultivating, growing, harvesting, manufacturing,
28 compounding, converting, producing, processing, preparing, testing,
29 analyzing, packaging, repackaging, storing, containing, concealing,
30 injecting, ingesting, inhaling or otherwise introducing into the human body
31 a controlled substance and in violation of this act. "Drug paraphernalia"
32 shall include, but is not limited to:

33 (1) Kits used or intended for use in planting, propagating, cultivating,
34 growing or harvesting any species of plant which is a controlled substance
35 or from which a controlled substance can be derived;

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

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

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

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

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

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

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

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

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

12 (11) hypodermic syringes, needles and other objects used or intended
13 for use in parenterally injecting controlled substances into the human
14 body;

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

19 (A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with
20 or without screens, permanent screens, hashish heads or punctured metal
21 bowls;

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

24 (C) carburetion pipes, glass or other heat resistant tubes or any other
25 device used—~~or~~, intended to be used; *or* designed to be used to cause
26 vaporization of a controlled substance for inhalation;

27 (D) smoking and carburetion masks;

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

31 (F) miniature cocaine spoons and cocaine vials;

32 (G) chamber smoking pipes;

33 (H) carburetor smoking pipes;

34 (I) electric smoking pipes;

35 (J) air-driven smoking pipes;

36 (K) chillums;

37 (L) bongs;

38 (M) ice pipes or chillers;

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

40 (O) wired cigarette papers; or

41 (P) cocaine freebase kits.

42 "Drug paraphernalia" shall not include any products, chemicals or
43 materials described in ~~subsection (a)~~ of K.S.A. 2016 Supp. 21-5709(a),

1 and amendments thereto.

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

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

9 (i) "Manufacture" means the production, preparation, propagation,
10 compounding, conversion or processing of a controlled substance either
11 directly or indirectly or by extraction from substances of natural origin or
12 independently by means of chemical synthesis or by a combination of
13 extraction and chemical synthesis. "Manufacture" does not include:

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

17 (A) By a practitioner or the practitioner's agent pursuant to a lawful
18 order of a practitioner as an incident to the practitioner's administering or
19 dispensing of a controlled substance in the course of the practitioner's
20 professional practice; or

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

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

28 (j) "Marijuana" means all parts of all varieties of the plant *Cannabis*
29 whether growing or not, the seeds thereof, the resin extracted from any
30 part of the plant and every compound, manufacture, salt, derivative,
31 mixture or preparation of the plant, its seeds or resin. "Marijuana" does not
32 include the mature stalks of the plant, fiber produced from the stalks, oil or
33 cake made from the seeds of the plant, any other compound, manufacture,
34 salt, derivative, mixture or preparation of the mature stalks, except the
35 resin extracted therefrom, fiber, oil or cake or the sterilized seed of the
36 plant which is incapable of germination.

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

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

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

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

5 (3) opium poppy and poppy straw;

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

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

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

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

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

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

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

41 (s) "Simulated controlled substance" means any product which
42 identifies itself by a common name or slang term associated with a
43 controlled substance and which indicates on its label or accompanying

1 promotional material that the product simulates the effect of a controlled
2 substance.

3 Sec. 2. K.S.A. 2016 Supp. 65-4101 is hereby amended to read as
4 follows: 65-4101. As used in this act: (a) "Administer" means the direct
5 application of a controlled substance, whether by injection, inhalation,
6 ingestion or any other means, to the body of a patient or research subject
7 by:

8 (1) A practitioner or pursuant to the lawful direction of a practitioner;
9 or

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

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

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

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

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

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

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

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

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

37 (C) with respect to a particular individual, ~~which~~ such individual
38 represents or intends *the substance* to have a stimulant, depressant or
39 hallucinogenic effect on the central nervous system substantially similar to
40 the stimulant, depressant or hallucinogenic effect on the central nervous
41 system of a controlled substance included in the schedules designated in
42 K.S.A. 65-4105 or 65-4107, and amendments thereto.

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

- 1 (A) A controlled substance;
- 2 (B) a substance for which there is an approved new drug application;
- 3 or
- 4 (C) a substance with respect to which an exemption is in effect for
- 5 investigational use by a particular person under section 505 of the federal
- 6 food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with
- 7 respect to the substance is permitted by the exemption.
- 8 (h) "Counterfeit substance" means a controlled substance which, or
- 9 the container or labeling of which, without authorization bears the
- 10 trademark, trade name or other identifying mark, imprint, number or
- 11 device or any likeness thereof of a manufacturer, distributor or dispenser
- 12 other than the person who in fact manufactured, distributed or dispensed
- 13 the substance.
- 14 (i) "Cultivate" means the planting or promotion of growth of five or
- 15 more plants which contain or can produce controlled substances.
- 16 (j) "DEA" means the U.S. department of justice, drug enforcement
- 17 administration.
- 18 (k) "Deliver" or "delivery" means the actual, constructive or
- 19 attempted transfer from one person to another of a controlled substance,
- 20 whether or not there is an agency relationship.
- 21 (l) "Dispense" means to deliver a controlled substance to an ultimate
- 22 user or research subject by or pursuant to the lawful order of a practitioner,
- 23 including the packaging, labeling or compounding necessary to prepare the
- 24 substance for that delivery, or pursuant to the prescription of a mid-level
- 25 practitioner.
- 26 (m) "Dispenser" means a practitioner or pharmacist who dispenses, or
- 27 a physician assistant who has authority to dispense prescription-only drugs
- 28 in accordance with K.S.A. 65-28a08(b), and amendments thereto.
- 29 (n) "Distribute" means to deliver other than by administering or
- 30 dispensing a controlled substance.
- 31 (o) "Distributor" means a person who distributes.
- 32 (p) "Drug" means: (1) Substances recognized as drugs in the official
- 33 United States ~~pharmacopoeia~~ *pharmacopeia*, official homeopathic
- 34 pharmacopoeia of the United States or official national formulary or any
- 35 supplement to any of them; (2) substances intended for use in the
- 36 diagnosis, cure, mitigation, treatment or prevention of disease in human or
- 37 animals; (3) substances (other than food) intended to affect the structure or
- 38 any function of the body of human or animals; and (4) substances intended
- 39 for use as a component of any article specified in paragraph (1), (2) or (3).
- 40 It does not include devices or their components, parts or accessories.
- 41 (q) "Immediate precursor" means a substance which the board has
- 42 found to be and by rule and regulation designates as being the principal
- 43 compound commonly used or produced primarily for use and which is an

1 immediate chemical intermediary used or likely to be used in the
2 manufacture of a controlled substance, the control of which is necessary to
3 prevent, curtail or limit manufacture.

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

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

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

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

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

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

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

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

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

1 or the preparation, compounding, packaging or labeling of a controlled
2 substance:

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

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

11 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis
12 whether growing or not, the seeds thereof, the resin extracted from any
13 part of the plant and every compound, manufacture, salt, derivative,
14 mixture or preparation of the plant, its seeds or resin. It does not include
15 the mature stalks of the plant, fiber produced from the stalks, oil or cake
16 made from the seeds of the plant, any other compound, manufacture, salt,
17 derivative, mixture or preparation of the mature stalks, except the resin
18 extracted therefrom, fiber, oil; or cake or the sterilized seed of the plant
19 which is incapable of germination.

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

22 (cc) "Mid-level practitioner" means a certified nurse-midwife
23 engaging in the independent practice of midwifery under the independent
24 practice of midwifery act, an advanced practice registered nurse issued a
25 license pursuant to K.S.A. 65-1131, and amendments thereto, who has
26 authority to prescribe drugs pursuant to a written protocol with a
27 responsible physician under K.S.A. 65-1130, and amendments thereto, or a
28 physician assistant licensed under the physician assistant licensure act who
29 has authority to prescribe drugs pursuant to a written agreement with a
30 supervising physician under 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 of
40 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 isomer
9 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
10 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 K.S.A.
17 65-1625 et seq., and amendments thereto, to practice pharmacy.

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

24 (jj) "Pharmacy prescription application" means software that is used
25 to process prescription information, is installed on a pharmacy's computers
26 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 and
30 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 data
38 processing applications or other electronic or mechanized recordkeeping
39 systems can be separated out from all other records within a reasonable
40 time not to exceed 48 hours of a request from the board or other authorized
41 agent or that hard-copy records are kept on which certain items are
42 asterisked, redlined or in some other manner visually identifiable apart
43 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 member
3 of such person's household or for administering to an animal owned by
4 such person or by a member of such person's household.

5 Sec. 3. K.S.A. 2016 Supp. 65-4102 is hereby amended to read as
6 follows: 65-4102. (a) The board shall administer this act and may adopt
7 rules and regulations relating to the registration and control of the
8 manufacture, distribution and dispensing of controlled substances within
9 this state. All rules and regulations of the board shall be adopted in
10 conformance with article 4 of chapter 77 of the Kansas Statutes Annotated,
11 *and amendments thereto*, and the procedures prescribed by this act.

12 (b) Annually, the board shall submit to the speaker of the house of
13 representatives and the president of the senate a report on substances
14 proposed by the board for scheduling, rescheduling or deletion by the
15 legislature with respect to any one of the schedules as set forth in this act,
16 ~~and reasons for the proposal shall be submitted by the board therewith~~ *and*
17 *a report of the substances scheduled during the preceding calendar year*
18 *under subsection (e), if any, along with the reasons for the proposal and*
19 *the scheduling*. In making a determination regarding the proposal to
20 schedule, reschedule or delete a substance, the board shall consider the
21 following:

- 22 (1) The actual or relative potential for abuse;
- 23 (2) the scientific evidence of its pharmacological effect, if known;
- 24 (3) the state of current scientific knowledge regarding the substance;
- 25 (4) the history and current pattern of abuse;
- 26 (5) the scope, duration and significance of abuse;
- 27 (6) the risk to the public health;
- 28 (7) the potential of the substance to produce psychological or
29 physiological dependence liability; and
- 30 (8) whether the substance is an immediate precursor of a substance
31 already controlled under this article.

32 (c) The board shall not include any nonnarcotic substance within a
33 schedule if such substance may be lawfully sold over the counter without a
34 prescription under the federal food, drug and cosmetic act.

35 (d) Authority to control under this section does not extend to distilled
36 spirits, wine, malt beverages or tobacco.

37 (e) (1) Upon receipt of notice under K.S.A. 2016 Supp. 21-5715, and
38 amendments thereto, *or upon the board's finding of an imminent hazard to*
39 *the public safety*, the board shall initiate scheduling of the controlled
40 substance analog *or a new drug, as defined in this subsection*, on an
41 emergency basis pursuant to this subsection. The scheduling of a substance
42 under this subsection expires ~~one year~~ *on July 1 of the following calendar*
43 *year* after the adoption of the scheduling rule *and regulation*.

1 (2) With respect to the finding of an imminent hazard to the public
2 safety, the board shall consider whether the substance has been scheduled
3 on a temporary basis under federal law or factors set forth in subsections
4 (b)(4), (5) and (6), and may also consider clandestine importation,
5 manufacture or distribution, and if available, information concerning the
6 other factors set forth in subsection (b).

7 (3) A rule and regulation may not be adopted under this subsection
8 until the board initiates a rulemaking proceeding under subsection (a) with
9 respect to the substance. ~~A rule adopted under this subsection lapses upon~~
10 ~~the conclusion of the rulemaking proceeding initiated under subsection (a)~~
11 ~~with respect to the substance. A rule and regulation adopted under this~~
12 ~~subsection shall expire on July 1 of the calendar year following the year of~~
13 ~~its adoption.~~

14 (4) As used in this subsection, "new drug" means: (A) Any drug the
15 composition of which is such that such drug is not generally recognized,
16 among experts qualified by scientific training and experience to evaluate
17 the safety and effectiveness of drugs, as safe and effective for use under
18 the conditions prescribed, recommended or suggested in the labeling
19 thereof; or (B) any drug the composition of which is such that such drug,
20 as a result of investigations to determine its safety and effectiveness for
21 use under such conditions, has become so recognized, but that has not,
22 other than in such investigations, been used to a material extent or for a
23 material time under such conditions. The term "new drug" shall not
24 include amygdalin (laetrile).

25 Sec. 4. K.S.A. 2016 Supp. 65-4105 is hereby amended to read as
26 follows: 65-4105. (a) The controlled substances listed in this section are
27 included in schedule I and the number set forth opposite each drug or
28 substance is the DEA controlled substances code which has been assigned
29 to it.

30 (b) Any of the following opiates, including their isomers, esters,
31 ethers, salts, and salts of isomers, esters and ethers, unless specifically
32 excepted, whenever the existence of these isomers, esters, ethers and salts
33 is possible within the specific chemical designation:

- 34 (1) Acetyl fentanyl (N-(1-phenethyl)piperidin-4-yl)-N-
35 phenylacetamide).....9821
- 36 (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
37 piperidinyl]-N-phenylacetamide).....9815
- 38 (3) Acetylmethadol.....9601
- 39 (4) AH-7921 (3,4-dichloro-N-[1-
40 dimethylaminocyclohexylmethyl]benzamide).....9551
- 41 ~~(4)~~(5) Allylprodine.....9602
- 42 ~~(5)~~(6) Alphacetylmethadol.....9603
- 43 (except levo-alphacetylmethadol also known as levo-alpha-

1	acetylmethadol, levomethadyl acetate or LAAM)	
2	(6) (7) Alphameprodine.....	9604
3	(7) (8) Alphamethadol.....	9605
4	(8) (9) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).....	9814
5		
6		
7	(9) (10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9832
8		
9	(10) (11) Benzethidine.....	9606
10	(11) (12) Betacetylmethadol.....	9607
11	(12) (13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).....	9830
12		
13	(13) (14) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
14		
15		
16	(15) <i>Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide)</i>	9836
17		
18	(14) (16) Betameprodine.....	9608
19	(15) (17) Betamethadol.....	9609
20	(16) (18) Betaprodine.....	9611
21	(19) <i>Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide)</i>	9822
22		
23	(17) (20) Clonitazene.....	9612
24	(18) (21) Dextromoramide.....	9613
25	(19) (22) Diampromide.....	9615
26	(20) (23) Diethylthiambutene.....	9616
27	(21) (24) Difenoxin.....	9168
28	(22) (25) Dimenoxadol.....	9617
29	(23) (26) Dimepheptanol.....	9618
30	(24) (27) Dimethylthiambutene.....	9619
31	(25) (28) Dioxaphetyl butyrate.....	9621
32	(26) (29) Dipipanone.....	9622
33	(27) (30) Ethylmethylthiambutene.....	9623
34	(28) (31) Etonitazene.....	9624
35	(29) (32) Etoxidine.....	9625
36	(33) <i>Furanyl fentanyl N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide</i>	9834
37		
38	(30) (34) Furethidine.....	9626
39	(31) (35) Hydroxypethidine.....	9627
40	(32) (36) Ketobemidone.....	9628
41	(33) (37) Levomoramide.....	9629
42	(34) (38) Levophenacylmorphan.....	9631
43	(35) (39) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-	

1	N-phenylpropanamide).....	9813
2	(36) (40) 3-Methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-	
3	piperidinyl]-N-phenylpropanamide).....	9833
4	(37) (41) Morpheridine.....	9632
5	(42) <i>O-desmethyltramadol</i> Some trade or other names: 2-	
6	((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol;	
7	3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
8	(38) (43) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
9	(39) (44) Noracymethadol.....	9633
10	(40) (45) Norlevorphanol.....	9634
11	(41) (46) Normethadone.....	9635
12	(42) (47) Norpipanone.....	9636
13	(43) (48) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-	
14	(2-phenethyl)-4-piperidinyl]propanamide).....	9812
15	(44) (49) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine)...	9663
16	(45) (50) Phenadoxone.....	9637
17	(46) (51) Phenampromide.....	9638
18	(47) (52) Phenomorphan.....	9647
19	(48) (53) Phenoperidine.....	9641
20	(49) (54) Piritramide.....	9642
21	(50) (55) Proheptazine.....	9643
22	(51) (56) Properidine.....	9644
23	(52) (57) Propiram.....	9649
24	(53) (58) Racemoramide.....	9645
25	(54) (59) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	
26	piperidinyl]-propanamide).....	9835
27	(55) (60) Tilidine	9750
28	(56) (61) Trimeperidine.....	9646
29	(62) <i>U-47700</i> (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-	
30	<i>N-methylbenzamide</i>)	
31	(c) Any of the following opium derivatives, their salts, isomers and	
32	salts of isomers, unless specifically excepted, whenever the existence of	
33	these salts, isomers and salts of isomers is possible within the specific	
34	chemical designation:	
35	(1) Acetorphine.....	9319
36	(2) Acetyldihydrocodeine.....	9051
37	(3) Benzylmorphine.....	9052
38	(4) Codeine methylbromide.....	9070
39	(5) Codeine-N-Oxide.....	9053
40	(6) Cyprenorphine.....	9054
41	(7) Desomorphine.....	9055
42	(8) Dihydromorphine.....	9145
43	(9) Drotebanol.....	9335

1	(10)	Etorphine (except hydrochloride salt).....	9056
2	(11)	Heroin.....	9200
3	(12)	Hydromorphenol.....	9301
4	(13)	Methyldesorphine.....	9302
5	(14)	Methyldihydromorphine.....	9304
6	(15)	Morphine methylbromide.....	9305
7	(16)	Morphine methylsulfonate.....	9306
8	(17)	Morphine-N-Oxide.....	9307
9	(18)	Myrophine.....	9308
10	(19)	Nicocodeine.....	9309
11	(20)	Nicomorphine.....	9312
12	(21)	Normorphine.....	9313
13	(22)	Pholcodine.....	9314
14	(23)	Thebacon.....	9315
15	(d)	Any material, compound, mixture or preparation which contains	
16		any quantity of the following hallucinogenic substances, their salts,	
17		isomers and salts of isomers, unless specifically excepted, whenever the	
18		existence of these salts, isomers and salts of isomers is possible within the	
19		specific chemical designation:	
20	(1)	<i>Alpha-ethyltryptamine</i> 7249 <i>Some trade or other names:</i>	
21		<i>etryptamine; Monase; α-ethyl-1H-indole-3-ethanamine; 3-</i>	
22		<i>(2-aminobutyl) indole; α-ET; and AET.</i>	
23	(2)	4-bromo-2,5-dimethoxy-amphetamine.....	7391
24		Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-	
25		methylphenethylamine; 4-bromo-2,5-DMA.	
26	(2) (3)	2,5-dimethoxyamphetamine.....	7396
27		Some trade or other names: 2,5-dimethoxy-alpha-methyl-	
28		phenethylamine; 2,5-DMA.	
29	(3) (4)	4-methoxyamphetamine.....	7411
30		Some trade or other names: 4-methoxy-alpha-methylphene-	
31		thylamine; paramethoxyamphetamine; PMA.	
32	(4) (5)	5-methoxy-3,4-methylenedioxy-amphetamine.....	7401
33	(5) (6)	4-methyl-2,5-dimethoxy-amphetamine.....	7395
34		Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-	
35		methylphenethylamine; "DOM"; and "STP".	
36	(6) (7)	3,4-methylenedioxy amphetamine.....	7400
37	(7) (8)	3,4-methylenedioxymethamphetamine (MDMA).....	7405
38	(8) (9)	3,4-methylenedioxy-N-ethylamphetamine (also known as	
39		N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine,	
40		N-ethyl MDA, MDE, and MDEA).....	7404
41	(9) (10)	N-hydroxy-3,4-methylenedioxyamphetamine (also known	
42		as N-hydroxy-alpha-methyl-3,4-(methylenedioxy)	
43		phenethylamine, and N-hydroxy MDA).....	7402

1	(10)(11)	3,4,5-trimethoxy amphetamine.....	7390
2	(11)(12)	Bufotenine.....	7433
3		Some trade or other names: 3-(Beta-Dimethylaminoethyl)-	
4		5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,	
5		N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;	
6		mappine.	
7	(12)(13)	Diethyltryptamine.....	7434
8		Some trade or other names: N,N-Diethyltryptamine; DET.	
9	(13)(14)	Dimethyltryptamine.....	7435
10		Some trade or other names: DMT.	
11	(14)(15)	Ibogaine.....	7260
12		Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-	
13		octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2]	
14		azepino [5,4-b]indole; Tabernanthe iboga	
15	(15)(16)	Lysergic acid diethylamide.....	7315
16	(16)(17)	Marijuana.....	7360
17	(17)(18)	Mescaline.....	7381
18	(18)(19)	Parahexyl.....	7374
19		Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-	
20		tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
21	(19)(20)	Peyote.....	7415
22		Meaning all parts of the plant presently classified botanically	
23		as <i>Lophophora williamsii</i> Lemaire, whether growing or	
24		not, the seeds thereof, any extract from any part of such plant,	
25		and every compound, manufacture, salts, derivative, mixture	
26		or preparation of such plant, its seeds or extracts.	
27	(20)(21)	N-ethyl-3-piperidyl benzilate.....	7482
28	(21)(22)	N-methyl-3-piperidyl benzilate.....	7484
29	(22)(23)	Psilocybin.....	7437
30	(23)(24)	Psilocyn.....	7438
31		Some trade or other names: Psilocin.	
32	(24)(25)	Ethylamine analog of phencyclidine.....	7455
33		Some trade or other names: N-ethyl-1-phenyl-cyclo-	
34		hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-	
35		phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	
36	(25)(26)	Pyrrolidine analog of phencyclidine.....	7458
37		Some trade or other names: 1-(1-phenylcyclohexyl)-	
38		pyrrolidine; PCPy; PHP.	
39	(26)(27)	Thiophene analog of phencyclidine.....	7470
40		Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-	
41		piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.	
42	(27)(28)	1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....	7473
43		Some other names: TCPy.	

1	(28)(29)	2,5-dimethoxy-4-ethylamphetamine.....	7399
2		Some trade or other names: DOET.	
3	(29)(30)	Salvia divinorum or salvinorum A; all parts of the plant	
4		presently classified botanically as salvia divinorum, whether	
5		growing or not, the seeds thereof, any extract from any part of	
6		such plant, and every compound, manufacture, salts, derivative,	
7		mixture or preparation of such plant, its seeds or extracts.	
8	(30)(31)	Datura stramonium, commonly known as gypsum weed or	
9		jimson weed; all parts of the plant presently classified	
10		botanically as datura stramonium, whether growing or not, the	
11		seeds thereof, any extract from any part of such plant, and every	
12		compound, manufacture, salts, derivative, mixture or	
13		preparation of such plant, its seeds or extracts.	
14	(31)(32)	N-benzylpiperazine.....	7493
15		Some trade or other names: BZP.	
16	(32)(33)	1-(3-[trifluoromethylphenyl])piperazine	
17		Some trade or other names: TFMPP.	
18	(33)(34)	4-Bromo-2,5-dimethoxyphenethylamine.....	7392
19	(34)(35)	2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7),	
20		its optical isomers, salts and salts of optical isomers.....	7348
21	(35)(36)	Alpha-methyltryptamine (other name: AMT).....	7432
22	(36)(37)	5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its	
23		isomers, salts and salts of isomers.....	7439
24	(37)(38)	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
25	(38)(39)	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
26	(39)(40)	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
27	(40)(41)	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
28	(41)(42)	2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine	
29		(2C-T-2).....	7385
30	(42)(43)	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine	
31		(2C-T-4).....	7532
32	(43)(44)	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
33	(44)(45)	2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
34	(45)(46)	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....	7524
35	(46)(47)	5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....	7431
36		Some trade or other names: 5-methoxy-3-[2-(dimethylamino)	
37		ethyl]indole.	
38	(47)(48)	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)	
39		ethanamine.....	7538
40		Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I;	
41		Cimbi-5.	
42	(48)(49)	2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)	
43		ethanamine.....	7537

1	Some trade or other names: 25C–NBOMe; 2C–C–NBOMe;	
2	25C; Cimbi–82.	
3	(49) (50) 2–(4–bromo–2,5–dimethoxyphenyl)–N–(2–	
4	methoxybenzyl)ethanamine.....	7536
5	Some trade or other names: 25B–NBOMe; 2C–B–NBOMe;	
6	25B; Cimbi–36.	
7	(50) (51) 2–(2,5–dimethoxyphenyl)–N–(2–methoxybenzyl)ethanamine	
8	Some trade or other names: 25H–NBOMe.	
9	(51) (52) 2–(2,5–dimethoxy–4–methylphenyl)–N–(2–	
10	methoxybenzyl)ethanamine	
11	Some trade or other names: 25D–NBOMe; 2C–D–NBOMe.	
12	(52) (53) 2–(2,5–dimethoxy–4–nitrophenyl)–N–(2–methoxybenzyl)	
13	ethanamine	
14	Some trade or other names: 25N–NBOMe, 2C–N–NBOMe.	
15	(e) Any material, compound, mixture or preparation which contains	
16	any quantity of the following substances having a depressant effect on the	
17	central nervous system, including its salts, isomers, and salts of isomers	
18	whenever the existence of such salts, isomers, and salts of isomers is	
19	possible within the specific chemical designation:	
20	(1) <i>Etizolam</i> Some trade or other names: (4–(2–chlorophenyl)–2–	
21	ethyl–9–methyl–6H–thieno[3,2–f][1,2,4]triazolo[4,3–a]	
22	[1,4]diazepine)	
23	(2) Mecloqualone.....	2572
24	(2) (3) Methaqualone.....	2565
25	(3) (4) Gamma hydroxybutyric acid	
26	(f) Unless specifically excepted or unless listed in another schedule,	
27	any material, compound, mixture or preparation which contains any	
28	quantity of the following substances having a stimulant effect on the	
29	central nervous system, including its salts, isomers and salts of isomers:	
30	(1) <i>Aminorex 1585</i> some other names: <i>Aminoxaphen 2-amino-5-</i>	
31	<i>phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine</i>	
32	(2) Fenethylamine.....	1503
33	(2) (3) N-ethylamphetamine.....	1475
34	(3) (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-	
35	phenyl-2-oxazolamine).....	1590
36	(4) (5) N,N-dimethylamphetamine (also known as N,N-alpha-	
37	trimethyl-benzeneethanamine; N,N-alpha-	
38	trimethylphenethylamine).....	1480
39	(5) (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone,	
40	alpha-amino propiophenone, 2-amino propiophenone and	
41	norphedrone).....	1235
42	(6) (7) Substituted cathinones	
43	Any compound, except bupropion or compounds listed under a	

1 different schedule, structurally derived from 2-aminopropan-1-
 2 one by substitution at the 1-position with either phenyl,
 3 naphthyl, or thiophene ring systems, whether or not the
 4 compound is further modified in any of the following ways:

- 5 (A) By substitution in the ring system to any extent with
 6 alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or
 7 halide substituents, whether or not further substituted
 8 in the ring system by one or more other univalent
 9 substituents;
- 10 (B) by substitution at the 3-position with an acyclic alkyl
 11 substituent;
- 12 (C) by substitution at the 2-amino nitrogen atom with
 13 alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
- 14 (D) by inclusion of the 2-amino nitrogen atom in a cyclic
 15 structure.

16 (g) Any material, compound, mixture or preparation which contains
 17 any quantity of the following substances:

- 18 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
 19 (benzylfentanyl), its optical isomers, salts and salts of
 20 isomers9818
- 21 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
 22 (thienylfentanyl), its optical isomers, salts and salts of
 23 isomers9834
- 24 ~~(3) Aminorex (some other names: Aminoxaphen 2-amino-5-~~
 25 ~~phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine, its~~
 26 ~~salts, optical isomers and salts of optical isomers).....1585~~
- 27 ~~(4) Alpha-ethyltryptamine, its optical isomers, salts and salts of~~
 28 ~~isomers 7249~~
 29 ~~Some other names: etryptamine, alpha-methyl-1H-indole-3-~~
 30 ~~ethanamine; 3-(2-aminobutyl) indole.~~

31 (h) Any of the following cannabinoids, their salts, isomers and salts
 32 of isomers, unless specifically excepted, whenever the existence of these
 33 salts, isomers and salts of isomers is possible within the specific chemical
 34 designation:

- 35 (1) Tetrahydrocannabinols.....7370
 36 Meaning tetrahydrocannabinols naturally contained in a plant of
 37 the genus Cannabis (cannabis plant), as well as synthetic
 38 equivalents of the substances contained in the plant, or in the
 39 resinous extractives of Cannabis, sp. and/or synthetic
 40 substances, derivatives, and their isomers with similar chemical
 41 structure and pharmacological activity such as the following:
 42 Delta 1 cis or trans tetrahydrocannabinol, and their optical
 43 isomers Delta 6 cis or trans tetrahydrocannabinol, and their

- 1 optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and
2 its optical isomers (Since nomenclature of these substances is
3 not internationally standardized, compounds of these structures,
4 regardless of numerical designation of atomic positions
5 covered.)
- 6 (2) Naphthoylindoles
7 Any compound containing a 3-(1-naphthoyl)indole structure
8 with substitution at the nitrogen atom of the indole ring by an
9 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
10 *benzyl*, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)
11 ethyl group, whether or not further substituted in the indole ring
12 to any extent and whether or not substituted in the *benzyl or*
13 naphthyl ring to any extent.
- 14 (3) Naphthylmethylindoles
15 Any compound containing a 1H-indol-3-yl-(1-
16 naphthyl)methane structure with substitution at the nitrogen
17 atom of the indole ring by an alkyl, haloalkyl, alkenyl,
18 cycloalkylmethyl, cycloalkylethyl, *benzyl*, 1-(N-methyl-2-
19 piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or
20 not further substituted in the indole ring to any extent and
21 whether or not substituted in the *benzyl or* naphthyl ring to any
22 extent.
- 23 (4) Naphthoylpyrroles
24 Any compound containing a 3-(1-naphthoyl)pyrrole structure
25 with substitution at the nitrogen atom of the pyrrole ring by an
26 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
27 *benzyl*, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
28 morpholinyl)ethyl group whether or not further substituted in
29 the pyrrole ring to any extent, whether or not substituted in the
30 *benzyl or* naphthyl ring to 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, alkenyl, cycloalkylmethyl, cycloalkylethyl, *benzyl*, 1-
35 (N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
36 group whether or not further substituted in the indene ring to
37 any extent, whether or not substituted in the *benzyl or* naphthyl
38 ring to any extent.
- 39 (6) Phenylacetylindoles
40 Any compound containing a 3-phenylacetylindole structure
41 with substitution at the nitrogen atom of the indole ring by an
42 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
43 *benzyl*, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-

- 1 morpholinyl)ethyl group whether or not further substituted in
2 the indole ring to any extent, whether or not substituted in the
3 *benzyl or* phenyl ring to any 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
7 by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
8 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
9 morpholinyl)ethyl group whether or not substituted in the
10 cyclohexyl 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, alkenyl, cycloalkylmethyl, cycloalkylethyl, *benzyl*, 1-
15 (N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
16 group whether or not further substituted in the indole ring to
17 any extent and whether or not substituted in the *benzyl or*
18 phenyl ring to any extent.
- 19 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-
20 de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade
21 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
28 ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
29 cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-
30 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
31 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
32 tetrahydropyranylmethyl group, whether or not further
33 substituted in the indole ring to any extent and whether or not
34 substituted in the benzyl or tetramethylcyclopropyl rings to any
35 extent.
- 36 (12) Indole-3-carboxylate esters
37 Any compound containing a 1H-indole-3-carboxylate ester
38 structure with the ester oxygen bearing a naphthyl, quinolinyl,
39 isoquinolinyl or adamantyl group and substitution at the 1
40 position of the indole ring by an alkyl, haloalkyl, alkenyl,
41 cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
42 piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or
43 not further substituted on the indole ring to any extent and

- 1 whether or not substituted on the naphthyl, quinolinyl,
- 2 isoquinolinyl, adamantyl or benzyl groups to any extent.
- 3 (13) Indazole-3-carboxamides
- 4 Any compound containing a 1H-indazole-3-carboxamide
- 5 structure with substitution at the nitrogen of the carboxamide by
- 6 a naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-
- 7 oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and
- 8 substitution at the 1 position of the indazole ring by an alkyl,
- 9 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,
- 10 N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl
- 11 group, whether or not further substituted on the indazole ring to
- 12 any extent and whether or not substituted on the naphthyl,
- 13 quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl,
- 14 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- 15 (14) (1H-indazol-3-yl)methanones
- 16 Any compound containing a (1H-indazol-3-yl)methanone
- 17 structure with the carbonyl carbon bearing a naphthyl group and
- 18 substitution at the 1 position of the indazole ring by an alkyl,
- 19 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,
- 20 N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl
- 21 group, whether or not further substituted on the indazole ring to
- 22 any extent and whether or not substituted on the naphthyl or
- 23 benzyl groups to any extent.

24 Sec. 5. K.S.A. 2016 Supp. 65-4107 is hereby amended to read as
 25 follows: 65-4107. (a) The controlled substances listed in this section are
 26 included in schedule II and the number set forth opposite each drug or
 27 substance is the DEA controlled substances code which has been assigned
 28 to it.

29 (b) Any of the following substances, except those narcotic drugs
 30 listed in other schedules, whether produced directly or indirectly by
 31 extraction from substances of vegetable origin or independently by means
 32 of chemical synthesis or by combination of extraction and chemical
 33 synthesis:

34 (1) Opium and opiate and any salt, compound, derivative or
 35 preparation of opium or opiate, excluding apomorphine, dextrorphan,
 36 nalbuphine, nalmefene, naloxone and naltrexone and their respective salts,
 37 but including the following:

38 (A)	Raw opium.....	9600
39 (B)	Opium extracts.....	9610
40 (C)	Opium fluid.....	9620
41 (D)	Powdered opium.....	9639
42 (E)	Granulated opium.....	9640
43 (F)	Tincture of opium.....	9630

1	(G)	Codeine.....	9050
2	(H)	Ethylmorphine.....	9190
3	(I)	Etorphine hydrochloride.....	9059
4	(J)	Hydrocodone.....	9193
5	(K)	Hydromorphone.....	9150
6	(L)	Metopon.....	9260
7	(M)	Morphine.....	9300
8	(N)	Oxycodone.....	9143
9	(O)	Oxymorphone.....	9652
10	(P)	Thebaine.....	9333
11	(Q)	Dihydroetorphine.....	9334
12	(R)	Oripavine.....	9330
13	(2)	Any salt, compound, isomer, derivative or preparation thereof	
14		which is chemically equivalent or identical with any of the substances	
15		referred to in paragraph (1), but not including the isoquinoline alkaloids of	
16		opium.	
17	(3)	Opium poppy and poppy straw.	
18	(4)	Coca leaves (9040) and any salt, compound, derivative or	
19		preparation of coca leaves, but not including decocainized coca leaves or	
20		extractions which do not contain cocaine (9041) or ecgonine (9180).	
21	(5)	Cocaine, its salts, isomers and salts of isomers (9041).	
22	(6)	Ecgonine, its salts, isomers and salts of isomers (9180).	
23	(7)	Concentrate of poppy straw (the crude extract of poppy straw in	
24		either liquid, solid or powder form which contains the phenanthrene	
25		alkaloids of the opium poppy) (9670).	
26	(c)	Any of the following opiates, including their isomers, esters,	
27		ethers, salts and salts of isomers, esters and ethers, whenever the existence	
28		of these isomers, esters, ethers and salts is possible within the specific	
29		chemical designation dextropropofan and levopropoxyphene excepted:	
30	(1)	Alfentanil.....	9737
31	(2)	Alphaprodine.....	9010
32	(3)	Anileridine.....	9020
33	(4)	Bezitramide.....	9800
34	(5)	Bulk dextropropoxyphene (nondosage forms).....	9273
35	(6)	Carfentanil.....	9743
36	(7)	Dihydrocodeine.....	9120
37	(8)	Diphenoxylate.....	9170
38	(9)	Fentanyl.....	9801
39	(10)	Isomethadone.....	9226
40	(11)	Levomethorphan.....	9210
41	(12)	Levorphanol.....	9220
42	(13)	Metazocine.....	9240
43	(14)	Methadone.....	9250

1	(15)	Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-	
2		diphenyl butane.....	9254
3	(16)	Moramide-intermediate, 2-methyl-3-morpholino-1, 1-	
4		diphenylpropane-carboxylic acid.....	9802
5	(17)	Pethidine (meperidine).....	9230
6	(18)	Pethidine-intermediate-A, 4-cyano-1-methyl-4-	
7		phenylpiperidine.....	9232
8	(19)	Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-	
9		carboxylate.....	9233
10	(20)	Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-	
11		carboxylic acid.....	9234
12	(21)	Phenazocine.....	9715
13	(22)	Piminodine.....	9730
14	(23)	Racemethorphan.....	9732
15	(24)	Racemorphan.....	9733
16	(25)	Sufentanil.....	9740
17	(26)	Levo-alphaetyl methadol.....	9648
18		Some other names: levo-alpha-acetyl methadol, levomethadyl	
19		acetate or LAAM.	
20	(27)	Remifentanyl.....	9739
21	(28)	Tapentadol.....	9780
22	(29)	<i>Thiafentanyl</i>	9729
23	(d)	Any material, compound, mixture, or preparation which contains	
24		any quantity of the following substances having a potential for abuse	
25		associated with a stimulant effect on the central nervous system:	
26	(1)	Amphetamine, its salts, optical isomers and salts of its optical	
27		isomers.....	1100
28	(2)	Phenmetrazine and its salts.....	1631
29	(3)	Methamphetamine, including its salts, isomers and salts of	
30		isomers.....	1105
31	(4)	Methylphenidate.....	1724
32	(5)	Lisdexamfetamine, its salts, isomers, and salts of its	
33		isomers.....	1205
34	(e)	Unless specifically excepted or unless listed in another schedule,	
35		any material, compound, mixture or preparation which contains any	
36		quantity of the following substances having a depressant effect on the	
37		central nervous system, including its salts, isomers and salts of isomers	
38		whenever the existence of such salts, isomers and salts of isomers is	
39		possible within the specific chemical designation:	
40	(1)	Amobarbital.....	2125
41	(2)	Glutethimide.....	2550
42	(3)	Secobarbital.....	2315
43	(4)	Pentobarbital.....	2270

- 1 (5) Phencyclidine.....7471
- 2 (f) Any material, compound, mixture, or preparation which contains
- 3 any quantity of the following substances:
- 4 (1) Immediate precursor to amphetamine and methamphetamine:
- 5 (A) Phenylacetone.....8501
- 6 Some trade or other names: phenyl-2-propanone; P2P; benzyl
- 7 methyl ketone; methyl benzyl ketone.
- 8 (2) Immediate precursors to phencyclidine (PCP):
- 9 (A) 1-phenylcyclohexylamine.....7460
- 10 (B) 1-piperidinocyclohexanecarbonitrile (PCC).....8603
- 11 (g) Any material, compound, mixture or preparation which contains
- 12 any quantity of the following hallucinogenic substance, its salts, isomers
- 13 and salts of isomers, unless specifically excepted, whenever the existence
- 14 of these salts, isomers and salts of isomers is possible within the specific
- 15 chemical designation:
- 16 Nabilone7379
- 17 [Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-
- 18 6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-
- 19 dibenzo[b,d]pyran-9-one]
- 20 (h) Any material, compound, mixture or preparation containing any
- 21 of the following narcotic drugs or any salts calculated as the free
- 22 anhydrous base or alkaloid, in limited quantities as set forth below:
- 23 (1) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or
- 24 any of its salts per 100 milliliters or not more than 15 milligrams
- 25 per dosage unit with a fourfold or greater quantity of an
- 26 isoquinoline alkaloid of opium.....9805
- 27 (2) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or
- 28 any of its salts per 100 milliliters or not more than 15 milligrams
- 29 per dosage unit with one or more active, nonnarcotic ingredients
- 30 in recognized therapeutic amounts.....9806
- 31 Sec. 6. K.S.A. 2016 Supp. 65-4113 is hereby amended to read as
- 32 follows: 65-4113. (a) The controlled substances or drugs, by whatever
- 33 official name, common or usual name, chemical name or brand name
- 34 designated, listed in this section are included in schedule V.
- 35 (b) Any compound, mixture or preparation containing limited
- 36 quantities of any of the following narcotic drugs which also contains one
- 37 or more nonnarcotic active medicinal ingredients in sufficient proportion
- 38 to confer upon the compound, mixture or preparation valuable medicinal
- 39 qualities other than those possessed by the narcotic drug alone:
- 40 (1) Not more than 200 milligrams of codeine or any of its salts per
- 41 100 milliliters or per 100 grams.
- 42 (2) Not more than 100 milligrams of dihydrocodeine or any of its
- 43 salts per 100 milliliters or per 100 grams.

1 (3) Not more than 100 milligrams of ethylmorphine or any of its salts
2 per 100 milliliters or per 100 grams.

3 (4) Not more than 2.5 milligrams of diphenoxylate and not less than
4 25 micrograms of atropine sulfate per dosage unit.

5 (5) Not more than 100 milligrams of opium per 100 milliliters or per
6 100 grams.

7 (6) Not more than .5 milligram of difenoxin (9168) and not less than
8 25 micrograms of atropine sulfate per dosage unit.

9 (c) Unless specifically excepted or unless listed in another schedule,
10 any material, compound, mixture or preparation which contains any
11 quantity of the following substances having a stimulant effect on the
12 central nervous system, including its salts, isomers (whether optical,
13 position or geometric) and salts of such isomers whenever the existence of
14 such salts, isomers and salts of isomers is possible within the specific
15 chemical designation:

16 (1) Propylhexedrine (except when part of a compound used for
17 nasal decongestion which is authorized to be sold lawfully over
18 the counter without a prescription under the federal food, drug
19 and cosmetic act, so long as it is used only for such
20 purpose).....8161

21 (2) Pyrovalerone.....1485

22 (d) Any compound, mixture or preparation containing any detectable
23 quantity of ephedrine, its salts or optical isomers, or salts of optical
24 isomers.

25 (e) Any compound, mixture or preparation containing any detectable
26 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical
27 isomers.

28 (f) Unless specifically exempted or excluded or unless listed in
29 another schedule, any material, compound, mixture, or preparation which
30 contains any quantity of the following substances having a depressant
31 effect on the central nervous system, including its salts:

32 (1) *Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]
33 butanamide) (some trade or other names BRV; UCB-34714;
34 Briviact).....2710*

35 (2) Ezogabine N-[2-amino-4(4-fluorobenzylamino)-phenyl]-
36 carbamic acid ethyl ester.....2779

37 (2)(3) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-
38 propionamide].....2746

39 (3)(4) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]...2782

40 Sec. 7. K.S.A. 2016 Supp. 21-5701, 65-4101, 65-4102, 65-4105, 65-
41 4107 and 65-4113 are hereby repealed.

42 Sec. 8. This act shall take effect and be in force from and after its
43 publication in the Kansas register.