

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 282

As Amended by House Committee on Health
and Human Services

Brief*

SB 282, as amended, would amend the Uniform Controlled Substances Act (Act) and certain statutes pertaining to crimes involving controlled substances. The bill would amend the definition of “marijuana” and authorize the sale of certain CBD (cannabidiol) products.

Drugs and Drug Classes

The bill would amend the Act to add several drugs and modify drug classes to the schedules of controlled substances. Specifically, the bill would add several synthetic opioid fentanyl compounds and an opioid analgesic drug to Schedule I; update several cannabinoid classes in Schedule I to include new synthetics and substitutes; add oral solutions of dronabinol and 4-anilino-N-phenethyl-4-piperidine (immediate precursor to fentanyl) to Schedule II; and update the list of anabolic steroids in Schedule III.

CBD Products

The bill would authorize the sale of a CBD product with tetrahydrocannabinol (THC) concentration of 0 percent on a dry weight basis and establish labeling and warning requirements. Such authorization and requirements would be supplemental to the Act.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Definitions

The bill would define “CBD product” to mean a nonpsychoactive cannabinoid in the form of oils, powders, pills, or lotions sold as an herbal supplement with a THC concentration of 0 percent on a dry weight basis.

The bill would amend the definition of “marijuana” in the Act and in statutes pertaining to crimes involving controlled substances. The bill would add CBD products, as defined, to the list of items not included in the definition of “marijuana.”

Sale of CBD Products; Labeling and Warning Information

The bill would allow a CBD product, as defined, to be sold in the state. A manufacturer and seller of any CBD product sold in the state other than by prescription would be required to label the product. The label would be required to contain a description of all contents, a statement of purity, a statement that the product does not contain THC, and the manufacturer’s name and address. When a CBD product is sold or supplied, the seller or supplier would be required to give additional printed material, approved by the State Board of Pharmacy (Board), to the person receiving the CBD product that would provide adequate warning against use that could be dangerous to the health of the user.

Effective Date

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of the Kansas Bureau of Investigation (KBI). In the Senate Committee hearing, representatives of the Board, the Johnson County

Sheriff's Office, and the KBI testified in favor of the bill. The proponents generally discussed the need for updated drug schedules, including dangers and threats to public safety. Some proponents stated the proposed changes to the drug schedules were a result of a collaboration between the Board and the KBI to identify and address emerging drug threats in Kansas and to update Kansas schedules to mirror federal schedules. The Johnson County Sheriff's Office Criminalistics Lab, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association provided written-only proponent testimony. A private citizen provided opponent testimony. No neutral testimony was provided.

The Senate Committee amended the bill to make the bill effective upon publication in the *Kansas Register*.

On March 5, 2018, the House Committee on Health and Human Services held an informational hearing on the opioid alternative commonly known as kratom. A representative of the American Kratom Association provided information on the benefits of kratom use, published scientific articles addressing the addiction and safety profile of kratom, and the lack of evidence to justify the placement of kratom in Schedule I.

In the House Committee hearing on March 8, 2018, testimony in support of the bill was provided by representatives of the Board and KBI, and a private citizen. The representatives of the Board and KBI generally stated the need to update the drug schedules for public safety reasons, provided information to support the addition of 7-hydroxymitragynine and mitragynine (opioid alternatives commonly referred to as kratom) to Schedule I, and indicated the proposed changes to the drug schedules were a result of their collaboration in identifying and addressing emerging drug threats in the state. The private citizen shared her sons' experiences with kratom addiction. A representative of the Kansas Association of Chiefs of Police, Kansas Peace

Officers Association, and Kansas Sheriffs' Association provided written-only proponent testimony.

Opponent testimony was provided by a Texas surgeon and five private citizens. The opponents generally stated the benefits they or a family member experienced with the use of kratom for mental health and addiction issues, management of chronic pain, and as a mood and energy boost. Additionally, opponents stated kratom does not have the addictive properties or withdrawal symptoms associated with opioids. One opponent requested an amendment to eliminate cannabis from the Act.

A representative of Save Kansas CBD provided oral-only neutral testimony. No other testimony was provided.

The House Committee amended the bill to delete 7-hydroxymitragynine and mitragynine (commonly referred to as kratom), which were added to Schedule I in the bill, as introduced; allow for the sale of a CBD product, as defined in the bill; and exclude such CBD products from the definition of marijuana in the Act and in statutes pertaining to crimes involving controlled substances.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill could have an effect on local and state prosecutors, law enforcement, and the Department of Corrections by potentially resulting in additional arrests, court time, prison time, and lab testing. The bill would have no fiscal effect on the Board. In addition, the bill could increase revenue for criminal fines.