

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Federal and State Affairs** recommends **House Substitute for SB 158**, as reported in the Journal of the House on March 31, 2021, and the bill, as printed as Substitute Bill by House Committee, be further amended on page 1, in line 18, by striking "52" and inserting "47"; in line 29, after "(d)" by inserting "'Cannabinoid" means any of the diverse chemical compounds that can act on cannabinoid receptors in cells and alter neurotransmitter release in the brain, including phytocannabinoids that are produced naturally by marijuana and some other plants.

(e)";

Also on page 1, in line 32, after "(e)" by inserting "'Cultivate" means the same as defined in K.S.A. 65-4101, and amendments thereto.

(g)";

Also on page 1, in line 33, by striking "21" and inserting "26"; in line 34, by striking "22" and inserting "21"; in line 36, by striking "31" and inserting "26";

On page 2, in line 1, by striking "33" and inserting "28"; in line 10, after "(k)" by inserting "'Medical marijuana product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a registered patient.

(n) "Medical marijuana waste" means:

- (1) Unused, surplus, returned or out-of-date marijuana;
- (2) recalled marijuana;

(3) plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots; and

(4) any wastewater generated during growing and processing.

(o)";

Also on page 2, in line 18, after "(m)" by inserting ""Person" means any natural person, corporation, partnership, trust or association.

(r) "Plant material" means the leaves, stems, buds and flowers of the marijuana plant and does not include seedlings, seeds, clones, stalks or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana.

(s)";

Also on page 2, in line 22, by striking "32" and inserting "27";

On page 3, in line 17, by striking all after "(21)"; by striking all in lines 18 through 27; in line 28, by striking all before the period and inserting "pain that is either chronic and severe or intractable; or

(22) any other disease or condition adopted by the secretary of health and environment upon petition recommended for approval by the medical marijuana advisory committee pursuant to section 5, and amendments thereto";

Also on page 3, in line 30, by striking "34" and inserting "26"; in line 31, by striking "35" and inserting "30"; in line 38, after "(u)" by inserting ""Tetrahydrocannabinol" means the primary psychoactive cannabinoid in marijuana formed by decarboxylation of naturally occurring tetrahydrocannabinolic acid that generally takes place by heating.

(bb) "Tetrahydrocannabinolic acid" means the dominant cannabinoid that occurs naturally in most varieties of marijuana.

(cc) "Tetrahydrocannabinol content" means the sum of the amount of

tetrahydrocannabinol and 87.7% of the amount of tetrahydrocannabinolic acid present in the product or plant material.

(dd)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 5, in line 38, after "serve" by inserting "for a period of two years"; also in line 38, by striking "until the"; in line 39, by striking all before the comma;

On page 6, in line 14, after "(g)" by inserting "(1) Any person may submit a petition to the medical marijuana advisory committee requesting that a disease or condition be added as a qualifying medical condition for the purposes of this act. The petition shall be submitted in such form and manner as prescribed by the secretary of health and environment. A petition shall not seek to add a broad category of diseases or conditions but shall be limited to one disease or condition and include a description of such disease or condition.

(2) Upon receipt of a petition, the committee shall review such petition to determine whether to recommend the approval or denial of the disease or condition described in the petition as an addition to the list of qualifying medical conditions. The committee may consolidate the review of petitions for the same or similar diseases or conditions. In making its determination, the committee shall:

(A) Consult with one or more experts who specialize in the study of the disease or condition;

(B) review any relevant medical or scientific evidence pertaining to the disease or condition;

(C) consider whether conventional medical therapies are insufficient to treat or alleviate the disease or condition;

(D) review evidence supporting the use of medical marijuana to treat or alleviate the

disease or condition; and

(E) review any letters of support provided by physicians with knowledge of the disease or condition, including any letter provided by a physician treating the petitioner.

(3) Upon completion of its review, the committee shall make a recommendation to the secretary of health and environment whether to approve or deny the addition of the disease or condition to the list of qualifying medical conditions. The secretary shall adopt rules and regulations in accordance with the recommendation of the committee.

(h)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 9, in line 7, after "an" by inserting "electronically scannable"; also in line 7, after the period by inserting "Upon scanning such identification card or entering such identification number,"; in line 8, by striking "may request" and inserting "shall obtain";

On page 10, in line 37, by striking "2022" and inserting "2023";

On page 11, in line 10, after the semicolon by inserting "and"; in line 11, by striking all after "(6)"; by striking all in lines 12 and 13; in line 14, by striking "(7)"; in line 26, by striking "2022" and inserting "2023";

On page 12, in line 25, by striking all after "has"; in line 26, by striking all before the semicolon and inserting "existed for a minimum of six months, or as specified by rules and regulations adopted by the board, unless the patient:

(A) Has recently moved from out-of-state and:

(i) Previously had medical marijuana recommended by a physician in another state; and  
 (ii) the patient's previous physician contacts the new physician to share the patient's medical history and verify that the patient has a qualifying medical condition;

(B) currently has a recommendation for medical marijuana pursuant to this act and the:

(i) Patient no longer has a relationship with the recommending physician, and the patient's previous physician contacts the new physician to share the patient's medical history and verify that the patient has a qualifying medical condition; or

(ii) recommending physician is deceased; or

(C) is a veteran and has not previously received a recommendation for medical marijuana";

On page 14, in line 35, after "media" by inserting ", or displayed in print or on any sign or billboard,";

On page 16, following line 24, by inserting:

"(3) Within 21 days of receiving a complete advertising package, the secretary shall either approve such advertisement or notify the submitter of any necessary disclosures or changes. If the secretary does not take any action on the advertising package within 21 days, the advertisement shall be deemed to be approved.";

Also on page 16, in line 33, by striking the colon; by striking all in lines 34 through 37; in line 38, by striking "(3)"; in line 40, by striking all after "located"; in line 41, by striking "(4) not" and inserting "or"; in line 43, after "(i)" by inserting "The price of";

On page 17, in line 1, by striking "For sale"; in line 3, by striking "a" and inserting "any interstate highway, federal highway or"; following line 3, by inserting:

"(j) Medical marijuana shall not be advertised on a billboard or similar advertising device that is located on any interstate highway, federal highway or state highway that crosses the Kansas border within 10 miles where such highway crosses the state line.";

On page 18, in line 15, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; in line 16, by striking "corporation" and inserting "entity"; in line 17, by striking "two" and inserting "four"; in line 20, by striking "corporation"

and inserting "entity"; in line 27, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; in line 30, by striking "corporation" and inserting "entity"; in line 31, by striking "two" and inserting "four";

On page 19, in line 17, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; in line 20, by striking "(a)(6)" and inserting "(a)(1)(F)"; in line 23, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; in line 24, by striking the third "the"; in line 25, by striking "corporation" and inserting "such entity"; in line 27, by striking "five" and inserting "four"; in line 32, by striking "(a)(6)" and inserting "(a)(1)(F)"; in line 35, by striking "five" and inserting "four"; in line 37, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; also in line 37, by striking "the"; in line 38, by striking "corporation" and inserting "such entity"; in line 39, by striking "a corporation" and inserting "an entity"; in line 40, by striking "the corporation" and inserting "such entity"; in line 43, by striking "the corporation" and inserting "such entity";

On page 20, in line 1, by striking "the corporation" and inserting "such entity"; in line 8, by striking "corporation" and inserting "entity"; in line 15, by striking the third "the"; in line 16, by striking the first "corporation" and inserting "such entity"; also in line 16, by striking "the corporation" and inserting "such entity"; in line 18, by striking "the corporation" and inserting "such entity"; in line 19, by striking "the"; in line 20, by striking "corporation" and inserting "such entity"; in line 26, by striking "(a)(6)" and inserting "(a)(1)(F)"; in line 31, after "corporation" by inserting ", limited liability company, limited partnership or limited liability partnership"; also in line 31, by striking "50%" and inserting "75%"; in line 32, by striking "the corporation" and inserting "such entity"; in line 37, by striking "(a)(6)" and inserting "(a)(1)(F)"; by striking all in lines 39 through 43;

On page 21, by striking all in lines 1 through 32; in line 33, by striking "may" and inserting "shall"; in line 34, by striking "either on open farmland or"; also in line 34, by striking "and" and inserting "that is";

On page 22, in line 22, by striking "2022" and inserting "2023";

On page 23, in line 32, after "or" by inserting "medical"; in line 35, after "with" by inserting "rules and regulations adopted under"; also in line 35, by striking "23" and inserting "24";

On page 24, in line 6, after "or" by inserting "medical"; in line 18, by striking "50" and inserting "45"; in line 24, by striking "50" and inserting "45"; in line 41, by striking "23" and inserting "22";

On page 25, in line 20, after the comma by inserting "medical marijuana"; in line 26, after "unused" by inserting "medical"; also in line 26, after the comma by inserting "medical"; in line 27, after "and" by inserting "medical marijuana"; in line 40, by striking "24" and inserting "23";

On page 26, in line 15, by striking "24" and inserting "23"; by striking all in lines 30 through 43;

By striking all on page 27;

On page 28, by striking all in lines 1 through 18; in line 19, after "(a)" by inserting "(1)  
An application for the appropriate license shall be submitted to the director of alcoholic beverage control in such form and manner as prescribed by the director by"; also in line 19, after "Any" by inserting "person or"; also in line 19, after "to" by inserting ":

- (A) Cultivate medical marijuana;
- (B) conduct laboratory testing of medical marijuana;
- (C)";

Also on page 28, in line 20, by striking all after "marijuana"; by striking all in line 21; in line 22, by striking all before the period and inserting ";

(D) dispense medical marijuana at retail; or

(E) be an associated employee, key employee or support employee";

Also on page 28, also in line 22, before "A" by inserting "(2)"; in line 26, by striking "48" and inserting "43"; in line 29, after "applicant" by inserting "is not applying for a laboratory license and"; also in line 29, after "not" by inserting ":

(A)";

Also on page 28, in line 30, after "a" by inserting "licensed"; in line 31, by striking all before "or"; in line 32, after the semicolon by inserting "or"; in line 33, by striking all before "share" and inserting "(B)"; in line 34, after "a" by inserting "licensed"; also in line 34, by striking all after "laboratory"; in line 35, by striking all before "or"; in line 37, by striking "47" and inserting "42"; in line 39, by striking "and" and inserting:

"(5) the applicant is applying for a cultivator license and demonstrates the ability to grow medical marijuana in a secure indoor facility and maintain adequate control against the diversion, theft and loss of all medical marijuana to be grown by the applicant;

(6) the applicant seeking licensure has submitted an attestation to the director under penalty of perjury, in a form and manner prescribed by the director, that confirms or denies the existence of any foreign financial interests associated with the entity applying for such license and discloses the identity of such ownership, if applicable; and";

Also on page 28, in line 43, after "of" by inserting "cultivator, laboratory,"; also in line 43, by striking "and" and inserting a comma;

On page 29, in line 1, after "distributor" by inserting "and retail dispensary"; in line 8, after "(d)" by inserting "(1)"; also in line 8, after "of" by inserting ":

(A)";

Also on page 29, in line 9, by striking ", and" and inserting "to a cultivator, laboratory,

processor and distributor; and

(B) two years from the date such license is issued to a retail dispensary or any associated employee, key employee or support employee.

(2) Any license";

Also on page 29, in line 15, by striking "36" and inserting "31"; in line 32, by striking "36" and inserting "31"; in line 39, by striking all after "(a)"; by striking all in lines 40 through 43;

On page 30, by striking all in lines 1 through 27; in line 28, by striking "(d)"; in line 35, by striking "48" and inserting "43";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 31, in line 4, after "(2)" by inserting "unless prohibited pursuant to subsection (f),"; in line 8, by striking "shows" and inserting "provides the dispensary with"; in line 14, by striking "43" and inserting "38"; in line 35, by striking "34" and inserting "26"; in line 37, after "regulations" by inserting "recommended by the director of alcoholic beverage control and"; in line 39, by striking "44" and inserting "39"; following line 42, by inserting:

"(f) The board of county commissioners of any county may prohibit establishing a dispensary in such county by adoption of a resolution prohibiting the establishment of a dispensary in such county. Any retail dispensary that is lawfully operating at the time such resolution is adopted shall be permitted to continue operating in such county and shall not be denied renewal of any license based upon the adoption of such resolution.";

On page 32, in line 8, by striking "37" and inserting "32"; in line 21, by striking "36" and inserting "31"; in line 34, by striking "recommended for denial" and inserting "denied"; also in line 34, by striking "director" and inserting "secretary"; in line 36, by striking "submitted" and inserting "denied"; in line 37, after "(a)" by inserting "The fees for a cultivator license shall be:

(1) \$5,000 for the nonrefundable license application; and

(2) \$20 per plant, for a minimum of 1,000 flowering plants, to be assessed at the time of licensing and each subsequent renewal for the maximum number of flowering medical marijuana plants, based upon a declaration by the applicant, that are cultivated by the licensee in the facility at any given time.

(b) The fees for a laboratory license shall be:

(1) \$2,000 for the nonrefundable laboratory license application;

(2) \$18,000 for a laboratory license; and

(3) \$20,000 for a renewal of a laboratory license.

(c)";

Also on page 32, also in line 37, by striking all after "be"; by striking all in line 38; in line 39, by striking all before the colon; in line 40, by striking "a" and inserting "the nonrefundable"; in line 42, by striking all after "be"; by striking all in line 43;

On page 33, in line 1, by striking all before the colon; in line 2, by striking "a" and inserting "the nonrefundable"; in line 4, by striking all after "be"; by striking all in line 5; in line 6, by striking all before the colon; in line 7, by striking "a" and inserting "the nonrefundable";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 33, in line 32, after "has" by inserting "cultivated, tested, processed,";

On page 34, in line 14, after "by" by inserting "licensed cultivator, laboratories,"; also in line 14, by striking the first "and" and inserting a comma; also in line 14, after "dispensaries" by inserting ", associated employees, key employees and support employees"; in line 29, after "the" by inserting "cultivation, testing, distributing,"; in line 31, by striking "2022" and inserting "2023"; also in line 31, after "the" by inserting "director of alcoholic beverage control shall propose rules and regulations to administer the Kansas medical marijuana regulation act, and the"; in line 34, by striking the second "the"; in line 35, by striking all before "act" and inserting

"this"; in line 37, by striking "sections 21," and inserting "section"; also in line 37, by striking ", 31 and 34";

On page 35, in line 2, by striking "and"; in line 3, after "(6)" by inserting "establish requirements for a cultivator to grow medical marijuana in a secure indoor facility and maintain adequate control against the diversion, theft and loss of all medical marijuana to be grown by the applicant; and

(7)";

On page 37, in line 22, by striking "closed-loop";

On page 38, in line 7, by striking "(1)"; by striking all in lines 12 through 14;

On page 41, in line 34, by striking "35" and inserting "30"; in line 35, after "regulations" by inserting "recommended by the director of alcoholic beverage control and";

On page 42, by striking all in lines 5 through 43;

On page 43, by striking all in lines 1 through 4; following line 4, by inserting:

"New Sec. 49. (a) It shall be unlawful to store or otherwise leave medical marijuana where it is readily accessible to a child under 18 years of age. Such conduct shall be unlawful with no requirement of a culpable mental state.

(b) Violation of this section is a class A person misdemeanor.

(c) This section shall not apply to any person who stores or otherwise leaves medical marijuana where it is readily accessible to a child under 18 years of age if:

(1) Such child is a patient registered pursuant to section 8, and amendments thereto; and

(2) such medical marijuana is not readily accessible to any child under 18 years of age other than the child described in paragraph (1).

(d) As used in this section:

(1) "Medical marijuana" means the same as defined in section 2, and amendments

thereto; and

(2) "readily accessible" means the medical marijuana is not stored in a locked container that restricts entry to such container solely to individuals who are over 18 years of age or who are registered patients pursuant to section 8, and amendments thereto.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

New Sec. 50. (a) The division of alcoholic beverage control is hereby renamed the division of alcohol and cannabis control. Any reference in law to the division of alcoholic beverage control shall refer to the division of alcohol and cannabis control.

(b) Any reference in law to the director, employees or agents of alcoholic beverage control shall refer to the director, employees or agents of alcohol and cannabis control.

New Sec. 51. No law enforcement officer as defined in K.S.A. 74-5602, and amendments thereto, shall enforce any violations of 18 U.S.C. § 922(g)(3) if the substance involved in such violation is medical marijuana, as defined in section 2, and amendments thereto, and such person is a registered patient pursuant to the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, whose possession is authorized by such act.";

On page 44, in line 31, after "not" by inserting ":

(1) Require an individual who is a registered patient pursuant to section 8, and amendments thereto, to disclose the fact that such person is a registered patient; or

(2)";

Also on page 44, in line 37, by striking "office of the attorney general" and inserting "board of healing arts;

(4) board of pharmacy";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also, on page 44, following line 39, by inserting:

"Sec. 57. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 2 of this act is hereby amended to read as follows: Section 2. As used in the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto:

(a) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics.

(b) "Associated employee" means an owner or prospective owner, officer or board member or prospective board member of an entity seeking a retail dispensary license.

(c) "Board of healing arts" means the state board of healing arts.

(d) "Cannabinoid" means any of the diverse chemical compounds that can act on cannabinoid receptors in cells and alter neurotransmitter release in the brain, including phytocannabinoids that are produced naturally by marijuana and some other plants.

(e) "Caregiver" means an individual registered pursuant to section 8, and amendments thereto, who may purchase and possess medical marijuana in accordance with section 11, and amendments thereto.

(f) "Cultivate" means the same as defined in K.S.A. 65-4101, and amendments thereto.

(g) "Cultivator" means a person issued a license pursuant to section 26, and amendments thereto, who may grow and sell medical marijuana in accordance with section 21, and amendments thereto.

(h) "Distributor" means a person issued a license pursuant to section 26, and amendments thereto, who may purchase and sell medical marijuana in accordance with section 28, and amendments thereto.

(i) "Electronic cigarette" means the same as defined in K.S.A. 79-3301, and amendments thereto.

(j) "Key employee" means a manager or other person responsible for the daily operation of a licensed retail dispensary.

(k) "Marijuana" means the same as defined in K.S.A. 65-4101, and amendments thereto.

(l) "Medical marijuana" means marijuana that is cultivated, processed, tested, dispensed, possessed or used for a medical purpose.

(m) "Medical marijuana product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a registered patient.

(n) "Medical marijuana waste" means:

- (1) Unused, surplus, returned or out-of-date marijuana;
- (2) recalled marijuana;
- (3) plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots; and
- (4) any wastewater generated during growing and processing.

(o) "Owned and controlled" means ownership of at least 51% of the business, including corporate stock if a corporation, control over the management and day-to-day operations of the business and an interest in the capital, assets and profits and losses of the business proportionate to such owner's percentage of ownership.

(p) "Patient" means an individual registered pursuant to section 8, and amendments thereto, who may purchase and possess medical marijuana in accordance with section 10, and amendments thereto.

(q) "Person" means any natural person, corporation, partnership, trust or association.

(r) "Plant material" means the leaves, stems, buds and flowers of the marijuana plant

and does not include seedlings, seeds, clones, stalks or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana.

(s) "Postsecondary educational institution" means the same as defined in K.S.A. 74-3201b, and amendments thereto.

(t) "Processor" means a person issued a license pursuant to section 31, and amendments thereto, who may purchase, process and sell medical marijuana in accordance with section 27, and amendments thereto.

(u) "Physician" means an individual licensed to practice medicine and surgery in this state and who is certified by the board of healing arts to ~~recommend~~ prescribe treatment with medical marijuana pursuant to section 17, and amendments thereto.

(v) "Physician's designee" means:

(1) A registered nurse, licensed practical nurse, respiratory therapist, emergency medical responder, paramedic, dental hygienist, pharmacy technician or pharmacy intern who has registered for access to the program database as an agent of a practitioner or pharmacist to request program data on behalf of the practitioner or pharmacist;

(2) a death investigator who has registered for limited access to the program database as an agent of a medical examiner, coroner or another person authorized under law to investigate or determine causes of death; or

(3) an individual authorized by rules and regulations adopted by the board of healing arts to access the prescription monitoring program database by the board of healing arts in rules and regulations.

(w) "Qualifying medical condition" means any of the following:

(1) Acquired immune deficiency syndrome;

(2) Alzheimer's disease;

- (3) amyotrophic lateral sclerosis;
- (4) cancer;
- (5) chronic traumatic encephalopathy;
- (6) Crohn's disease;
- (7) epilepsy or another seizure disorder;
- (8) fibromyalgia;
- (9) glaucoma;
- (10) hepatitis C;
- (11) inflammatory bowel disease;
- (12) multiple sclerosis;
- (13) Parkinson's disease;
- (14) positive status for human immunodeficiency virus;
- (15) post-traumatic stress disorder;
- (16) sickle cell anemia;
- (17) spinal cord disease or injury;
- (18) Tourette's syndrome;
- (19) traumatic brain injury;
- (20) ulcerative colitis;
- (21) pain that is either chronic and severe or intractable; and
- (22) any other disease or condition adopted by the secretary of health and environment upon petition recommended for approval by the medical marijuana advisory committee pursuant to section 5, and amendments thereto.

(x) "Retail dispensary" means a person issued a license pursuant to section 26, and amendments thereto, who may purchase and sell medical marijuana in accordance with section

30, and amendments thereto.

(y) "Smoking" means the use of a lighted cigarette, cigar or pipe or otherwise burning marijuana in any other form for the purpose of consuming such marijuana.

(z) "Support employee" means an individual employed by a licensed retail dispensary who does not have authority to make operational decisions.

(aa) "Tetrahydrocannabinol" means the primary psychoactive cannabinoid in marijuana formed by decarboxylation of naturally occurring tetrahydrocannabinolic acid that generally takes place by heating.

(bb) "Tetrahydrocannabinolic acid" means the dominant cannabinoid that occurs naturally in most varieties of marijuana.

(cc) "Tetrahydrocannabinol content" means the sum of the amount of tetrahydrocannabinol and 87.7% of the amount of tetrahydrocannabinolic acid present in the product or plant material.

(dd) "Vaporization" means the use of an electronic cigarette for the purpose of consuming medical marijuana in which such medical marijuana comes into direct contact with a heating element.

(ee) "Veteran" means a person who:

(1) Has served in the army, navy, marine corps, air force, coast guard, space force, any state air or army national guard or any branch of the military reserves of the United States; and

(2) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions.

Sec. 58. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 3 of this act is hereby amended to read as follows: Section 3. (a) No person shall grow, harvest,

process, sell, barter, transport, deliver, furnish or otherwise possess any form of marijuana, except as specifically provided in the Kansas medical marijuana regulation act or the commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et seq., and amendments thereto.

(b) Nothing in the Kansas medical marijuana regulation act shall be construed to:

(1) Require a physician to ~~recommend~~ prescribe that a patient use medical marijuana to treat a qualifying medical condition;

(2) permit the use, possession or administration of medical marijuana other than as authorized by this act;

(3) permit the use, possession or administration of medical marijuana on federal land located in this state;

(4) require any public place to accommodate a registered patient's use of medical marijuana;

(5) prohibit any public place from accommodating a registered patient's use of medical marijuana;

(6) authorize any limitation on the number of any licenses awarded under this act to otherwise qualified applicants or authorize any state agency through rules and regulations to effectively limit the number of licenses available to otherwise qualified applicants for any type of license awarded under this act; or

(7) restrict research related to marijuana conducted at a postsecondary educational institution, academic medical center or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

Sec. 59. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 4 of this act is hereby amended to read as follows: Section 4. (a) There is hereby established a Kansas

medical marijuana regulation program.

(b) The secretary of health and environment shall administer the program in accordance with the provisions of this act and provide for the registration of patients and caregivers, including the issuance of identification cards to registered patients and caregivers.

(c) The board of healing arts shall administer the program in accordance with the provisions of this act and provide for the certification authorizing physicians to ~~recommend~~ prescribe medical marijuana.

(d) The board of pharmacy shall administer the program in accordance with the provisions of this act and provide for the registration of pharmacist consultants and the reporting to the prescription monitoring program database.

(e) The director of alcoholic beverage control shall administer the program in accordance with the provisions of this act and provide for the licensure of cultivators, laboratories that test medical marijuana, processors, distributors and retail dispensaries.

Sec. 60. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 17 of this act is hereby amended to read as follows: Section 17. (a) Except as provided in subsection (j), a physician seeking to ~~recommend~~ prescribe treatment with medical marijuana shall apply to the board of healing arts for a certificate authorizing such physician to ~~recommend~~ prescribe treatment with medical marijuana. The application shall be submitted in such form and manner as prescribed by the board. The board shall grant a certificate to ~~recommend~~ prescribe if the following conditions are satisfied:

(1) The application is complete and meets the requirements established in rules and regulations adopted by the board of healing arts; and

(2) the applicant demonstrates that the applicant does not have an ownership or

investment interest in or compensation arrangement with an entity licensed by the department of health and environment or the director of alcoholic beverage control under this act or an applicant for such licensure.

(b) Pursuant to rules and regulations adopted by the board of healing arts, a certificate to ~~recommend~~ prescribe shall:

- (A) Expire annually unless renewed in the manner prescribed by the board; and
- (B) be accompanied by an annual fee in an amount not to exceed \$175.

(2) Renewal of a certificate to ~~recommend~~ prescribe shall be conditioned upon the holder's certification of having met the requirements in subsection (a) and having completed at least two hours of continuing medical education in medical marijuana annually in accordance with subsection (g).

(c) A physician licensed in this state who holds a certificate to ~~recommend~~ prescribe treatment with medical marijuana may ~~recommend~~ prescribe that a patient be treated with medical marijuana if:

- (1) The patient has been diagnosed with a qualifying medical condition;
- (2) an ongoing physician-patient relationship has existed for a minimum of six months,

or as specified by rules and regulations adopted by the board, unless the patient:

- (A) Has recently moved from out-of-state, and:

(i) Previously had medical marijuana ~~recommended~~ prescribed by a physician in another state; and

(ii) the patient's previous physician contacts the new physician to share the patient's medical history and verify that the patient has a qualifying medical condition;

(B) currently has a ~~recommendation~~ prescription for medical marijuana pursuant to this act and the:

(i) Patient no longer has a relationship with the ~~recommending~~ prescribing physician and the patient's previous physician contacts the new physician to share the patient's medical history and verify that the patient has a qualifying medical condition; or

(ii) ~~recommending~~ prescribing physician is deceased; or

(C) is a veteran and has not previously received a ~~recommendation~~ prescription for medical marijuana;

(3) a review of all old medical records, particularly relating to the medical indication for the tetrahydrocannabinol ~~recommendation~~ prescription, and a physical exam have been performed;

(4) the ~~recommending~~ prescribing physician has a certification to ~~recommend~~ prescribe pursuant to section 18, and amendments thereto;

(5) the ~~recommending~~ prescribing physician, or physician's designee, reports all medical marijuana ~~recommendations~~ prescriptions for all patients to the prescription monitoring program in accordance with K.S.A. 65-1683, and amendments thereto; and

(6) for a patient who has previously had medical marijuana ~~recommended~~ prescribed for use by another physician, the patient:

(A) Has maintained a physician-patient relationship with the new ~~recommending~~ prescribing physician for at least six months with either inpatient visits or via telephonic or electronic means; or

(B) no longer has the previous physician-patient relationship on account of death or discontinuance of care by the physician.

(d) In the case of a patient who is a minor, the physician may ~~recommend~~ prescribe treatment with medical marijuana only after obtaining the consent of the patient's parent or other person responsible for providing consent to treatment.

(e) When issuing a written ~~recommendation~~ prescription to a patient, the physician shall specify any information required by rules and regulations adopted by the board of healing arts. A written ~~recommendation~~ prescription issued to a patient under this section is valid for a period of not more than 90 days. The physician may ~~renew the recommendation for~~ issue not more than three additional ~~periods of~~ written prescriptions for not more than 90 days each. Thereafter, the physician may issue another ~~recommendation~~ prescription to the patient only upon a physical examination of the patient.

(f) Each year a physician holding a certificate to ~~recommend~~ prescribe treatment with medical marijuana shall submit to the board of healing arts a report that describes the physician's observations regarding the effectiveness of medical marijuana in treating the physician's patients during the year covered by the report. When submitting reports, a physician shall not include any information that identifies or would tend to identify any specific patient.

(g) Annually, each physician who holds a certificate to ~~recommend~~ prescribe treatment with medical marijuana shall complete at least two hours of continuing medical education in the treatment with and use of medical marijuana as approved by the board of healing arts.

(h) A physician shall not issue a ~~recommendation~~ prescription for treatment with medical marijuana for a family member or the physician's self, or personally furnish or otherwise dispense medical marijuana.

(i) A physician who holds a certificate to ~~recommend~~ prescribe treatment with medical marijuana shall be immune from civil liability, shall not be subject to professional disciplinary action by the board of healing arts and shall not be subject to criminal prosecution for any of the following actions:

(1) Advising a patient, patient representative or caregiver about the benefits and risks of medical marijuana to treat a qualifying medical condition;

(2) ~~recommending~~ prescribing that a patient use medical marijuana to treat or alleviate a qualifying medical condition; and

(3) monitoring a patient's treatment with medical marijuana.

(j) This section shall not apply to a physician who ~~recommends~~ prescribes treatment with marijuana or a drug derived from marijuana under any of the following that is approved by an institutional review board or equivalent entity, the United States food and drug administration or the national institutes of health or one of its cooperative groups or centers under the United States department of health and human services:

- (1) A research protocol;
- (2) a clinical trial;
- (3) an investigational new drug application; or
- (4) an expanded access submission.

Sec. 61. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 18 of this act is hereby amended to read as follows: Section 18. (a) On or before July 1, 2022, the board of healing arts shall adopt rules and regulations to implement and enforce the provisions of section 17, and amendments thereto. Such rules and regulations shall include:

- (1) The procedures and fees for applying for a certificate to ~~recommend~~ prescribe treatment with medical marijuana;
- (2) the conditions for eligibility for a certificate to ~~recommend~~ prescribe treatment with medical marijuana;
- (3) the schedule, fees and procedures for renewing such a certificate;
- (4) the reasons for which a certificate may be suspended or revoked;
- (5) the standards under which a certificate suspension may be lifted; and

(6) the minimum standards of care when ~~recommending~~ prescribing treatment with medical marijuana.

(b) The board of healing arts shall approve one or more continuing medical education courses of study that assist physicians holding certificates to ~~recommend~~ prescribe treatment with medical marijuana in diagnosing and treating qualifying medical conditions with medical marijuana.

Sec. 62. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 30 of this act is hereby amended to read as follows: Section 30. (a) A retail dispensary licensee may:

(1) Obtain medical marijuana from one or more licensed cultivators, processors or distributors; and

(2) unless prohibited pursuant to subsection (f), dispense or sell medical marijuana in accordance with subsection (b).

(b) When dispensing or selling medical marijuana, a retail dispensary shall:

(1) Dispense or sell medical marijuana only to a person who provides the dispensary with a current, valid identification card and only in accordance with a written ~~recommendation~~ prescription issued by a physician;

(2) report to the prescription monitoring program database the information required by K.S.A. 65-1683, and amendments thereto, and rules and regulations adopted by the board of pharmacy pursuant to section 38, and amendments thereto;

(3) ensure that the package containing medical marijuana is labeled with the following information:

(A) The name and address of the licensed processor that produced the product and the retail dispensary;

- (B) the name of the patient and caregiver, if any;
  - (C) the name of the physician who ~~recommended~~ prescribed treatment with medical marijuana;
  - (D) the directions for use, if any, as ~~recommended~~ prescribed by the physician;
  - (E) a health warning as specified in rules and regulations adopted by the secretary of health and environment;
  - (F) the date on which the medical marijuana was dispensed; and
  - (G) the quantity, strength, kind or form of medical marijuana contained in the package;
- (4) package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. § 1700.15(b), as in effect on July 1, 2021; and
- (5) dispense or sell medical marijuana in an official tamper-proof Kansas specific package that is clearly marked and approved by the director.
- (c) A retail dispensary shall employ only those individuals who hold a current, valid employee license issued pursuant to section 26, and amendments thereto, and who have completed the training requirements established by rules and regulations recommended by the director of alcoholic beverage control and adopted by the secretary of revenue.
- (d) A retail dispensary shall designate a pharmacist consultant who is a pharmacist licensed in this state and registered pursuant to section 39, and amendments thereto.
- (e) A retail dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.
- (f) Pursuant to K.S.A. 19-101a, and amendments thereto, the board of county commissioners of any county may prohibit the establishing of dispensaries in such county by adoption of a resolution prohibiting the establishing of dispensaries in such county. Any retail dispensary that is lawfully operating at the time such resolution is adopted shall be permitted to

continue operating in such county and shall not be denied renewal of any license based upon the adoption of such resolution.

Sec. 63. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, Section 39 of this act is hereby amended to read as follows: Section 39. (a) Any pharmacist that seeks to operate as a pharmacist consultant for a retail dispensary shall register with the board of pharmacy in accordance with rules and regulations adopted by the board.

(b) In operating as a pharmacist consultant for a retail dispensary, such pharmacist shall:

(1) Not charge a fee for the pharmacist's services that exceeds 1% of the gross receipts of the retail dispensary;

(2) audit each ~~recommendation~~ prescription for use of medical marijuana and ensure that each such ~~recommendation~~ prescription is reported to the prescription monitoring system in accordance with K.S.A. 65-1683, and amendments thereto, and rules and regulations adopted by the board of pharmacy;

(3) develop and provide training to other retail dispensary employees at least once every 12 months that:

(A) Establishes guidelines for providing information to registered patients related to risks, benefits and side effects associated with medical marijuana;

(B) explains how to identify the signs and symptoms of substance abuse;

(C) establishes guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana; and

(D) assists in the development and implementation of review and improvement processes for patient education and support provided by the retail dispensary;

- (4) provide oversight for the development and dissemination of:
  - (A) Education materials for qualifying patients and designated caregivers that include:
    - (i) Information about possible side effects and contraindications of medical marijuana;
    - (ii) guidelines for notifying the physician who provided the written ~~certification~~ prescription for medical marijuana if side effects or contraindications occur;
    - (iii) a description of the potential effects of differing strengths of medical marijuana strains and products;
    - (iv) information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, nonprescription drugs and supplements;
    - (v) techniques for the use of medical marijuana and marijuana paraphernalia; and
    - (vi) information about different methods, forms and routes of medical marijuana administration;
  - (B) systems for documentation by a registered patient or designated caregiver of the symptoms of a registered patient that includes a logbook, rating scale for pain and symptoms and guidelines for a patient's self-assessment; and
  - (C) policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana; and
- (5) be accessible by the retail dispensary or dispensary agent through:
  - (A) Telephonic means at all times during operating hours; and
  - (B) telephone or video conference for a patient consultation during operating hours.

Sec. 64. K.S.A. 2020 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not affect the courts located therein.

(3) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(4) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(5) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271 – 74<sup>th</sup> congress, or amendments thereof.

(6) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(7) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 through 12-195, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(8) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(9) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(10) Counties shall have no power under this section to exempt from any statute

authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(12) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(13) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(16) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(17) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(18) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(19) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission

and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(20) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(21) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(22) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(23) Counties may not exempt from or effect changes in K.S.A. 19-202(b), and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 19-204(b), and amendments thereto.

(25) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(26) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(27) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, 65-3001 through 65-3028, and amendments thereto.

(28) Counties may not exempt from or effect changes in K.S.A. 80-121, and

amendments thereto.

(29) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(30) Counties may not exempt from or effect changes in the Kansas 911 act.

(31) Counties may not exempt from or effect changes in K.S.A. 2020 Supp. 26-601, and amendments thereto.

(32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas liquor control act.

(33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.

(34) Counties may not exempt from or effect changes in the Kansas lottery act.

(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.

(36) Counties may neither exempt from nor effect changes to the eminent domain procedure act.

(37) Any county granted authority pursuant to the provisions of K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be subject to the limitations and prohibitions imposed under K.S.A. 19-5001 through 19-5005, and amendments thereto.

(38) Except as otherwise specifically authorized by K.S.A. 19-5001 through 19-5005, and amendments thereto, counties may not exercise any authority granted pursuant to K.S.A. 19-

5001 through 19-5005, and amendments thereto, including the imposition or levy of any retailers' sales tax.

(39) Counties may not exempt from or effect changes in K.S.A. 65-201 and 65-202, and amendments thereto.

(40) Counties may not exempt from or effect changes in the medical marijuana regulation act except as provided in section 30, and amendments thereto.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.";

On page 45, in line 37, after "cultivator" by inserting "or processor"; in line 39, by striking "21" and inserting "26"; also in line 39, by striking all after the second comma; by striking all in line 40; in line 41, by striking "thereto,";

On page 48, in line 22, after "apply" by inserting "for medical marijuana as defined in section 2, and amendments thereto,"; in line 24, by striking "21" and inserting "26"; in line 26, by striking "22" and inserting "21"; in line 29, by striking "31" and inserting "26"; in line 32, by striking "32" and inserting "27"; in line 34, by striking "31" and inserting "26"; in line 37, by

striking "33" and inserting "28"; in line 39, by striking "34" and inserting "26"; in line 41, by striking "35" and inserting "30";

On page 51, following line 19, by inserting:

"Sec. 68. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, K.S.A. 2020 Supp. 21-5706, as amended by section 67 of this act, is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.

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

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

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

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

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

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

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

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

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

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

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

(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d), and amendments thereto, or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.

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

(A) Class B nonperson misdemeanor, except as provided in subparagraphs (B), (C) and (D);

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

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

(D) nonperson misdemeanor punishable by a fine not to exceed \$400, if that person is not a registered patient or caregiver under the Kansas medical marijuana regulation act, section 1

et seq., and amendments thereto, is found in possession of not more than 1.5 ounces of marijuana and provides a statement from such person's physician ~~recommending~~ prescribing the use of medical marijuana to treat such person's symptoms.

(d) If the substance involved is medical marijuana, as defined in section 2, and amendments thereto, the provisions of subsections (b) and (c) shall not apply to any person who is registered or licensed pursuant to the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, whose possession is authorized by such act.

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

On page 76, by striking all in lines 2 through 43;

By striking all on pages 77 through 79;

On page 80, by striking all in line 1;

On page 82, in line 23, by striking "under"; by striking all in lines 24 and 25; in line 26, by striking "(2)" and inserting "or"; in line 30, after the semicolon by inserting "or";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 85, following line 13, by inserting:

"Sec. 78. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, K.S.A. 2020 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these

isomers, esters, ethers and salts is possible within the specific chemical designation:

(1)	Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9821
(2)	Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).....	9815
(3)	Acetylmethadol.....	9601
(4)	Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl).....	9811
(5)	AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide).....	9551
(6)	Allylprodine.....	9602
(7)	Alphacetylmethadol..... (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)	9603
(8)	Alphameprodine.....	9604
(9)	Alphamethadol.....	9605
(10)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).....	9814
(11)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9832
(12)	Benzethidine.....	9606
(13)	Betacetylmethadol.....	9607
(14)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).....	9830
(15)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
(16)	Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
(17)	Betameprodine.....	9608
(18)	Betamethadol.....	9609
(19)	Betaprodine.....	9611
(20)	Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide).....	9822
(21)	Clonitazene.....	9612
(22)	Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide)	
(23)	Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide).....	9845
(24)	Dextromoramide.....	9613
(25)	Diampromide.....	9615
(26)	Diethylthiambutene.....	9616
(27)	Difenoxin.....	9168
(28)	Dimenoxadol.....	9617
(29)	Dimepheptanol.....	9618
(30)	Dimethylthiambutene.....	9619
(31)	Dioxaphetyl butyrate.....	9621
(32)	Dipipanone.....	9622
(33)	Ethylmethylthiambutene.....	9623

(34)	Etonitazene.....	9624
(35)	Etoxidine.....	9625
(36)	Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide) .	9834
(37)	Furethidine.....	9626
(38)	Hydroxypethidine.....	9627
(39)	Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide)	
(40)	Ketobemidone.....	9628
(41)	Levomoramide.....	9629
(42)	Levophenacymorphan.....	9631
(43)	Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9825
(44)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813
(45)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9833
(46)	Morpheridine.....	9632
(47)	Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide)	
(48)	O-desmethyltramadol Some trade or other names: 2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
(49)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(50)	MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine)	
(51)	Noracymethadol.....	9633
(52)	Norlevorphanol.....	9634
(53)	Normethadone.....	9635
(54)	Norpipanone.....	9636
(55)	Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl).....	9816
(56)	Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	
(57)	Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	
(58)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide).....	9812
(59)	Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl).....	9824
(60)	Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	
(61)	PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
(62)	Phenadoxone.....	9637
(63)	Phenampromide.....	9638
(64)	Phenomorphan.....	9647
(65)	Phenoperidine.....	9641
(66)	Piritramide.....	9642
(67)	Proheptazine.....	9643

(68)	Properidine.....	9644
(69)	Propiram.....	9649
(70)	Racemoramide.....	9645
(71)	Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl) -N-phenyltetrahydrofuran-2-carboxamide).....	9843
(72)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide).....	9835
(73)	Tilidine.....	9750
(74)	Trimeperidine.....	9646
(75)	U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide).....	9547
(76)	Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide)	

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

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

(d) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within

the specific chemical designation:

(1)	Alpha-ethyltryptamine 7249 Some trade or other names: etryptamine; Monase; $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; $\alpha$ -ET; and AET.	
(2)	4-bromo-2,5-dimethoxy-amphetamine.....	7391
	Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.	
(3)	2,5-dimethoxyamphetamine.....	7396
	Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.	
(4)	4-methoxyamphetamine.....	7411
	Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; paramethoxyamphetamine; PMA.	
(5)	5-methoxy-3,4-methylenedioxy-amphetamine.....	7401
(6)	4-methyl-2,5-dimethoxy-amphetamine.....	7395
	Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".	
(7)	3,4-methylenedioxy amphetamine.....	7400
(8)	3,4-methylenedioxymethamphetamine (MDMA).....	7405
(9)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....	7404
(10)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA).....	7402
(11)	3,4,5-trimethoxy amphetamine.....	7390
(12)	Bufotenine.....	7433
	Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.	
(13)	Diethyltryptamine.....	7434
	Some trade or other names: N,N-Diethyltryptamine; DET.	
(14)	Dimethyltryptamine.....	7435
	Some trade or other names: DMT.	
(15)	Ibogaine.....	7260
	Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2]azepino[5,4-b]indole; Tabernanthe iboga	
(16)	Lysergic acid diethylamide.....	7315
<del>(17)</del>	<del>Marijuana.....</del>	<del>7360</del>
<del>(18)</del> (17)	Mescaline.....	7381
<del>(19)</del> (18)	Parahexyl.....	7374
	Some trade or other names: 3-Hexyl-l-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
<del>(20)</del> (19)	Peyote.....	7415
	Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
<del>(21)</del> (20)	N-ethyl-3-piperidyl benzilate.....	7482
<del>(22)</del> (21)	N-methyl-3-piperidyl benzilate.....	7484

<del>(23)</del> <u>(22)</u>	Psilocybin.....	7437
<del>(24)</del> <u>(23)</u>	Psilocyn.....	7438
	Some trade or other names: Psilocin.	
<del>(25)</del> <u>(24)</u>	Ethylamine analog of phencyclidine.....	7455
	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	
<del>(26)</del> <u>(25)</u>	Pyrrolidine analog of phencyclidine.....	7458
	Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.	
<del>(27)</del> <u>(26)</u>	Thiophene analog of phencyclidine.....	7470
	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.	
<del>(28)</del> <u>(27)</u>	1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....	7473
	Some other names: TCPy.	
<del>(29)</del> <u>(28)</u>	2,5-dimethoxy-4-ethylamphetamine.....	7399
	Some trade or other names: DOET.	
<del>(30)</del> <u>(29)</u>	Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
<del>(31)</del> <u>(30)</u>	Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
<del>(32)</del> <u>(31)</u>	N-benzylpiperazine.....	7493
	Some trade or other names: BZP.	
<del>(33)</del> <u>(32)</u>	1-(3-[trifluoromethylphenyl])piperazine	
	Some trade or other names: TFMPP.	
<del>(34)</del> <u>(33)</u>	4-Bromo-2,5-dimethoxyphenethylamine.....	7392
<del>(35)</del> <u>(34)</u>	2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.....	7348
<del>(36)</del> <u>(35)</u>	Alpha-methyltryptamine (other name: AMT).....	7432
<del>(37)</del> <u>(36)</u>	5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....	7439
<del>(38)</del> <u>(37)</u>	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
<del>(39)</del> <u>(38)</u>	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
<del>(40)</del> <u>(39)</u>	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
<del>(41)</del> <u>(40)</u>	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
<del>(42)</del> <u>(41)</u>	2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....	7385
<del>(43)</del> <u>(42)</u>	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).....	7532
<del>(44)</del> <u>(43)</u>	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
<del>(45)</del> <u>(44)</u>	2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
<del>(46)</del> <u>(45)</u>	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....	7524
<del>(47)</del> <u>(46)</u>	5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....	7431
	Some trade or other names: 5-methoxy-3-[2-(dimethylamino) ethyl]indole.	
<del>(48)</del> <u>(47)</u>	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7538

- Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5.
- (49)(48) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....7537  
Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82.
- (50)(49) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....7536  
Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36.
- (51)(50) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
Some trade or other names: 25H-NBOMe.
- (52)(51) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine  
Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
- (53)(52) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine  
Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.

(e) Any material, compound, mixture or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Etizolam  
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
- (2) Mecloqualone.....2572
- (3) Methaqualone.....2565
- (4) Gamma hydroxybutyric acid

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Aminorex.....1585  
Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine
- (2) Fenethylamine.....1503
- (3) N-ethylamphetamine.....1475
- (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine). 1590
- (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).....1480
- (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone).....1235
- (7) Substituted cathinones  
Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is

further modified in any of the following ways:

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

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

- (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers
- (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers

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

- (1) ~~Tetrahydrocannabinols.....7370  
Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered), except tetrahydrocannabinols in any of the following:~~
  - ~~(A) — Industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto;~~
  - ~~(B) — solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or~~
  - ~~(C) — hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2020 Supp. 2-3908, and amendments thereto.~~
- (2) Naphthoylindoles

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

~~(3)~~(2)

Naphthylmethylindoles

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

~~(4)~~(3)

Naphthoylpyrroles

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

~~(5)~~(4)

Naphthylmethylindenes

Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.

~~(6)~~(5)

Phenylacetylindoles

Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the benzyl or phenyl ring to any extent.

~~(7)~~(6)

Cyclohexylphenols

Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.

~~(8)~~(7)

Benzoylindoles

Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.

~~(9)~~(8)

2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.

Some trade or other names: WIN 55,212-2.

~~(10)~~(9)

9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-210, HU-211.

- ~~(11)~~(10) Tetramethylcyclopropanoylindoles  
Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.
- ~~(12)~~(11) Indole-3-carboxylate esters  
Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.
- ~~(13)~~(12) Indazole-3-carboxamides  
Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- ~~(14)~~(13) Indole-3-carboxamides  
Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- ~~(15)~~(14) (1H-indazol-3-yl)methanones  
Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

Sec. 79. On and after the effective date of this act, if the secretary of state publishes notice of the certification required pursuant to section 83, and amendments thereto, K.S.A. 65-

4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

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

(A)	Raw opium.....	9600
(B)	Opium extracts.....	9610
(C)	Opium fluid.....	9620
(D)	Powdered opium.....	9639
(E)	Granulated opium.....	9640
(F)	Tincture of opium.....	9630
(G)	Codeine.....	9050
(H)	Ethylmorphine.....	9190
(I)	Etorphine hydrochloride.....	9059
(J)	Hydrocodone.....	9193
(K)	Hydromorphone.....	9150
(L)	Metopon.....	9260
(M)	Morphine.....	9300
(N)	Oxycodone.....	9143
(O)	Oxymorphone.....	9652
(P)	Thebaine.....	9333
(Q)	Dihydroetorphine.....	9334
(R)	Oripavine.....	9330

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

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextroprorphan and levopropoxyphene excepted:

(1)	Alfentanil.....	9737
(2)	Alphaprodine.....	9010
(3)	Anileridine.....	9020
(4)	Bezitramide.....	9800
(5)	Bulk dextropropoxyphene (nondosage forms).....	9273
(6)	Carfentanil.....	9743
(7)	Dihydrocodeine.....	9120
(8)	Diphenoxylate.....	9170
(9)	Fentanyl.....	9801
(10)	Isomethadone.....	9226
(11)	Levomethorphan.....	9210
(12)	Levorphanol.....	9220
(13)	Metazocine.....	9240
(14)	Methadone.....	9250
(15)	Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-diphenyl butane.....	9254
(16)	Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.....	9802
(17)	Pethidine (meperidine).....	9230
(18)	Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.....	9232
(19)	Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-carboxylate.....	9233
(20)	Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid.....	9234
(21)	Phenazocine.....	9715
(22)	Piminodine.....	9730
(23)	Racemethorphan.....	9732
(24)	Racemorphan.....	9733
(25)	Sufentanil.....	9740
(26)	Levo-alphacetyl methadol.....	9648

Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.

(27)	Remifentanil.....	9739
(28)	Tapentadol.....	9780
(29)	Thiafentanil.....	9729

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1)	Amphetamine, its salts, optical isomers and salts of its optical isomers.....	1100
(2)	Phenmetrazine and its salts.....	1631
(3)	Methamphetamine, including its salts, isomers and salts of isomers.....	1105
(4)	Methylphenidate.....	1724
(5)	Lisdexamfetamine, its salts, isomers, and salts of its isomers.....	1205

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Amobarbital.....	2125
(2)	Glutethimide.....	2550
(3)	Secobarbital.....	2315
(4)	Pentobarbital.....	2270
(5)	Phencyclidine.....	7471

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

(1)	Immediate precursor to amphetamine and methamphetamine:	
	(A) Phenylacetone.....	8501
	Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.	
(2)	Immediate precursors to phencyclidine (PCP):	
	(A) 1-phenylcyclohexylamine.....	7460
	(B) 1-piperidinocyclohexanecarbonitrile (PCC).....	8603
(3)	Immediate precursor to fentanyl:	
	(A) 4-anilino-N-phenethyl-4-piperidine (ANPP).....	8333

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- |     |   |             |
|-----|---|-------------|
| (1) | Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration..... | 7365        |
| (2) | <u>Marijuana.....</u>   | <u>7360</u> |
| (3) | Nabilone.....   | 7379        |
- [Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]

(h) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- |     |   |      |
|-----|---|------|
| (1) | Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium.....           | 9805 |
| (2) | Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts..... | 9806 |

(i) Any tetrahydrocannabinols.....7370

Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:

(A) Industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto;

(B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or

(C) hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2020 Supp. 2-3908, and

amendments thereto.";

On page 86, in line 3, by striking "44-1009, 44-1015,"; in line 4, after "Supp." by inserting "19-101a,"; following line 5, by inserting:

"New Sec. 83. (a) If marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, the secretary of health and environment shall certify to the secretary of state that such rescheduling has occurred. Upon receipt of such certification, the secretary of state shall cause a notice of such certification to be published in the Kansas register.

(b) On and after the effective date of this act and the publication of the notice by the secretary of state in the Kansas register as provided by subsection (a), K.S.A. 65-4107, K.S.A. 2020 Supp. 21-5706 and 65-4105 and sections 2, 3, 4, 17, 18, 30 and 39 of this act are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking "crime" and inserting "crimes"; also in line 5, after "transport" by inserting "and unlawful storage"; in line 10, by striking the comma; in line 11, by striking all before "and"; in line 12, after the semicolon by inserting "allowing counties to prohibit retail dispensaries,"; also in line 12, by striking "44-1009,"; in line 13, by striking "44-1015,"; also in line 13, after the second comma by inserting "65-4107,"; also in line 13, after "Supp." by inserting "19-101a,"; in line 14, after the third comma by inserting "21-5706, as amended by section 67 of this act,"; in line 15, by striking the first "and" and inserting a comma; also in line 15, after "65-1120" by inserting "and 65-4105 and sections 2, 3, 4, 17, 18, 30 and 39 of this act,"; and the bill be passed as amended.

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Chairperson