

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2049**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate substitute for HB 2049, as follows:

On page 7, by striking all in lines in 20 through 22; following line 30, by inserting the following:

- "(33) 4-Bromo-2,5-dimethoxyphenethylamine.....7392
- (34) 2,5-dimethoxy-4-(n)-propylthiopenenthylamine (2C-7), its optical isomers, salts and salts of optical isomers.....7348
- (35) Alpha-methyltryptamine (other name: AMT).....7432
- (36) 5-methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....7439";

And redesignating remaining paragraphs accordingly;

On page 10, following line 5, by inserting the following:

“(10) 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.

Sec. 4. 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, dextrophan, 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
<u>(Q) Dihydroetorphine.....</u>	<u>9334</u>
<u>(R) Oripavine.....</u>	<u>9330</u>

(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 dextropropoxyphene 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-alphaacetyl methadol.....	9648
Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.	
<u>(27) Remifentanil.....</u>	<u>9739</u>
<u>(28) Tapentadol.....</u>	<u>9780</u>

(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

(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:

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]

Sec. 5. K.S.A. 65-4109 is hereby amended to read as follows: 65-4109. (a)

The controlled substances listed in this section are included in schedule III and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:

(A) Amobarbital.....2126

(B) Secobarbital.....2316

(C) Pentobarbital.....2271

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

(A) Amobarbital..... 2126

(B) Secobarbital..... 2316

(C) Pentobarbital..... 2271

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a

derivative of barbituric acid, except those substances which are specifically listed in other
schedules.....2100

(4) Chlorhexadol.....2510

(5) Lysergic acid.....7300

(6) Lysergic acid amide.....7310

(7) Methyprylon.....2575

(8) Sulfondiethylmethane.....2600

(9) Sulfonethylmethane.....2605

(10) Sulfonmethane.....2610

(11) Tiletamine and zolazepam or any salt thereof.....7295

Some trade or other names for a tiletamine-zolazepam combination product: Telazol

Some trade or other names for tiletamine: 2- (ethylamino)-2-(2-thienyl)-cyclohexanone

Some trade or other names for zolazepam: 4- (2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon

(12) Ketamine, its salts, isomers, and salts of isomers.....7285

Some other names for ketamine: (\pm) -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone

(13) Gamma hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma hydroxybutyric acid contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act

(14) Embutramide.....2020

(c) Nalorphine.....9400

(d) 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 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with an equal or greater quantity of

- an isoquinoline alkaloid of opium.....9803
- (2) not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9804
- (3) 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
- (4) 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
- (5) not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9807
- (6) not more than 300 milligrams of ethylmorphine 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.....9808
- (7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9809
- (8) not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9810
- (9) any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, as set forth below:
- (A) Buprenorphine.....9064

(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 stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances.....1405
- (2) Benzphetamine.....1228
- (3) Chlorphentermine.....1645
- (4) Chlortermine.....1647
- (5) Phendimetrazine.....1615
- (f) Anabolic steroids.....4000

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) boldenone
- (2) chlorotestosterone (4-chlorotestosterone)
- (3) clostebol
- (4) dehydrochlormethyltestosterone
- (5) dihydrotestosterone (4-dihydrotestosterone)
- (6) drostanolone
- (7) ethylestrenol
- (8) fluoxymesterone

- (9) formebulone (formebolone)
- (10) mesterolone
- (11) methandienone
- (12) methandranone
- (13) methandriol
- (14) methandrostenolone
- (15) methenolone
- (16) methyltestosterone
- (17) mibolerone
- (18) nandrolone
- (19) norethandrolone
- (20) oxandrolone
- (21) oxymesterone
- (22) oxymetholone
- (23) stanolone
- (24) stanozolol
- (25) testolactone
- (26) testosterone
- (27) trenbolone
- (28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

(A) Except as provided in (B), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States' secretary of health and human services for such administration.

(B) If any person prescribes, dispenses or distributes such steroid for human use,

such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).

(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 (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved product.....7369
Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro -6-6-9-trimethyl-3-pentyl-6H-dibenzo(b,d)pyran-1-0l, or (-)-delta-9- (trans)-tetrahydrocannabinol.

(h) The board may except by rule any compound, mixture or preparation containing any stimulant or depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Sec. 6. K.S.A. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

(1) Alprazolam.....	2882
(2) Barbital.....	2145
(3) Bromazepam.....	2748
(4) Camazepam.....	2749
(5) Chloral betaine.....	2460
(6) Chloral hydrate.....	2465
(7) Chlordiazepoxide.....	2744
(8) Clobazam.....	2751
(9) Clonazepam.....	2737
(10) Clorazepate.....	2768
(11) Clotiazepam.....	2752
(12) Cloxazolam.....	2753
(13) Delorazepam.....	2754
(14) Diazepam.....	2765
<u>(15) Dichloralphenazone.....</u>	<u>2467</u>
(15) <u>(16)</u> Estazolam.....	2756
(16) <u>(17)</u> Ethchlorvynol.....	2540
(17) <u>(18)</u> Ethinamate.....	2545
(18) <u>(19)</u> Ethyl loflazepate.....	2758
(19) <u>(20)</u> Fludiazepam.....	2759
(20) <u>(21)</u> Flunitrazepam.....	2763
(21) <u>(22)</u> Flurazepam.....	2767
<u>(23) Fospropofol.....</u>	<u>2138</u>

(22) <u>(24)</u>	Halazepam.....	2762
(23) <u>(25)</u>	Haloxazolam.....	2771
(24) <u>(26)</u>	Ketazolam.....	2772
(25) <u>(27)</u>	Loprazolam.....	2773
(26) <u>(28)</u>	Lorazepam.....	2885
(27) <u>(29)</u>	Lormetazepam.....	2774
(28) <u>(30)</u>	Mebutamate.....	2800
(29) <u>(31)</u>	Medazepam.....	2836
(30) <u>(32)</u>	Meprobamate.....	2820
(31) <u>(33)</u>	Methohexital.....	2264
(32) <u>(34)</u>	Methylphenobarbital (mephobarbital).....	2250
(33) <u>(35)</u>	Midazolam.....	2884
(34) <u>(36)</u>	Nimetazepam.....	2837
(35) <u>(37)</u>	Nitrazepam.....	2834
(36) <u>(38)</u>	Nordiazepam.....	2838
(37) <u>(39)</u>	Oxazepam.....	2835
(38) <u>(40)</u>	Oxazolam.....	2839
(39) <u>(41)</u>	Paraldehyde.....	2585
(40) <u>(42)</u>	Petrichloral.....	2591
(41) <u>(43)</u>	Phenobarbital.....	2285
(42) <u>(44)</u>	Pinazepam.....	2883
(43) <u>(45)</u>	Prazepam.....	2764
(44) <u>(46)</u>	Quazepam.....	2881
(45) <u>(47)</u>	Temazepam.....	2925
(46) <u>(48)</u>	Tetrazepam.....	2886
(47) <u>(49)</u>	Triazolam.....	2887
(48) <u>(50)</u>	Zolpidem.....	2783

(49)(51) Zaleplon.....2781
(52) Zopiclone.....2784

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act (~~21 United States code~~ 81221 U.S.C. § 812; 21 code of federal regulations 1308.14).

(d) 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 stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine).....1230
(2) Diethylpropion.....1610
(3) Fencamfamin.....1760
(4) Fenproporex.....1575
(5) Mazindol.....1605
(6) Mefenorex.....1580
(7) Pemoline (including organometallic complexes and chelates thereof).....1530
(8) Phentermine.....1640

The provisions of this subsection (d)(8) shall expire on the date phentermine and

its salts and isomers are removed from schedule IV of the federal controlled substances act (~~21 United States code 812~~ 21 U.S.C. § 812; 21 code of federal regulations 1308.14).

- (9) Pipradrol.....1750
- (10) SPA((-)-1-dimethylamino-1,2-diphenylethane).....1635
- (11) Sibutramine.....1675
- (12) Mondafinil.....1680

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

- (1) Pentazocine.....9709
- (2) Butorphanol (including its optical isomers).....9720

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....9167
- (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3- methyl-2-propionoxybutane).....9278

(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(h) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central

nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Sec. 7. K.S.A. 2010 Supp. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

~~(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing the following narcotic drug or its salts:~~

~~Buprenorphine.....9064~~

~~(e)(b)~~ Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.

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

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

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

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

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

~~(d)~~(c) 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 stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose).....8161
- (2) Pyrovalerone.....1485

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

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

(f) Unless specifically exempted or excluded 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:

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

(2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].....2782";

Also on page 10, in line 6, by striking all following "K.S.A." and inserting "65-4107, 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111 and 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 21-36a05, 21-36a06, 65-4105, 65-4105, as amended by section 1 of 2011 House Bill No. 2023, 65-4113 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023 are"; in line 9, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, after "K.S.A." by inserting "65-4107, 65-4109 and 65-4111 and K.S.A."; in line 2, by striking all following "21-36a06" and inserting ", 65-4105 and 65-4113 and repealing the existing sections; also repealing K.S.A. 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 65-4105, as amended by section 1 of 2011 House Bill No. 2023 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023.";

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House