AN ACT concerning public health; relating to distribution of certain controlled substances to health care providers; relating to mammography examinations; amending K.S.A. 2011 Supp. 65-4111 and 65-4113 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Each mammography report sent to a patient in this state pursuant to regulations implementing the federal mammography quality standards act promulgated by the United States food and drug administration shall include information regarding breast density, based on the breast imaging reporting and database system established by the American college of radiology. In those patients whose mammograms demonstrate that they have heterogeneously dense or extremely dense breast tissue, the report shall include the following notice:

"Your mammogram demonstrates that you have dense breast tissue. Mammography has known limitations, and in women who have dense breast tissue, some abnormalities may be hidden. A report of your mammography results, which includes information about your breast tissue density, has been sent to your physician. This statement is intended to raise your awareness and promote discussion with your physician regarding your test results. Depending on your individual risk factors, your physician might recommend additional tests. You should contact your physician if you have any questions or concerns regarding your report."

(b) The state board of healing arts, in conjunction with the department of health and environment, shall develop and make available to the public information concerning mammography testing.

(c) This section shall be part of and supplemental to the Kansas healing arts act.

Sec. 2. K.S.A. 2011 Supp. 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. Carisoprodol ............................................................... 8192
6. Chlormethiazole ............................................................. 2460
7. Chloral hydrate ............................................................ 2465
8. Chloral betaine ............................................................ 2744
9. Clobazam ................................................................. 2751
10. Clonazepam ............................................................... 2737
11. Clorazepate ............................................................... 2768
12. Clopenthixol .............................................................. 2752
13. Clopenthixol .............................................................. 2753
14. Delorazepam .............................................................. 2754
15. Diazepam ................................................................. 2765
16. Dichloralphenazone ..................................................... 2467
17. Estazolam ................................................................. 2756
18. Ethchlorvynol ............................................................ 2540
19. Ethinamate ............................................................... 2545
20. Ethyl loflazepate .......................................................... 2758
21. Fludiazepam ............................................................. 2759
22. Flunitrazepam ........................................................... 2763
23. Flurazepam ............................................................... 2767
24. Fospropofol ............................................................... 2138
25. Halazepam ............................................................... 2762
26. Haloxazolam ............................................................. 2771
27. Ketazolam ............................................................... 2772
28. Loprazolam ............................................................... 2773
29. Lorazepam ............................................................... 2885
30. Lormetazepam .......................................................... 2774
31. Mebutamate ............................................................. 2800
32. Medazepam .............................................................. 2836
33. Meprobamate ............................................................ 2820
34. Methohexital ........................................................... 2264
35. Methylphenobarbital (mephobarbital) ......................... 2250
36. Midazolam .............................................................. 2884
37. Nimetazepam ........................................................... 2837
38. Nitrazepam .............................................................. 2834
39. Nordiazepam ........................................................... 2838
40. Oxazepam ............................................................... 2835
(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 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 ............................................................................................575
(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 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
(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-propion-oxybutane) ........................................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 nonnarcotic 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. 3. K.S.A. 2011 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) 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.

(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).
2. Pyrovalerone.

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

(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. Ezogabine \(N\)-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester
2. Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]
3. Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]

New Sec. 4. A controlled substance listed in schedules II through V, excluding schedule V nonnarcotic depressants that have an effect on the central nervous system, shall not be distributed on a gratuitous basis by a manufacturer or distributor to a practitioner, mid-level practitioner, pharmacist or any other person.

Sec. 5. K.S.A. 2011 Supp. 65-4111 and 65-4113 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.