

Senate Substitute for HOUSE BILL No. 2167

By Committee on Agriculture and Natural Resources

3-22

1 AN ACT concerning industrial hemp; establishing a commercial industrial
2 hemp program; amending K.S.A. 65-4101, 65-4105 and K.S.A. 2018
3 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and repealing the
4 existing sections; also repealing K.S.A. 65-4101c and 65-4105b and
5 K.S.A. 2018 Supp. 21-5701a.

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

8 New Section 1. (a) It is the intent of the legislature of the state of
9 Kansas that the implementation of the commercial industrial hemp act by
10 the Kansas department of agriculture shall be conducted in the least
11 restrictive manner allowed under federal law.

12 (b) This section shall be a part of and supplemental to the commercial
13 industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments
14 thereto.

15 New Sec. 2. (a) The Kansas department of agriculture, in consultation
16 with the governor and attorney general, shall submit a plan to the United
17 States department of agriculture under which the Kansas department of
18 agriculture will monitor and regulate the commercial production of
19 industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq.
20 and any rules and regulations adopted thereunder.

21 (b) Such plan shall include the following:

22 (1) A procedure to maintain relevant information regarding land on
23 which industrial hemp is produced, including a legal description of the
24 land, for a period of not less than three calendar years;

25 (2) a procedure for testing, using post-decarboxylation or other
26 similarly reliable methods, the delta-9 tetrahydrocannabinol concentration
27 levels of industrial hemp produced;

28 (3) a procedure for the effective disposal of industrial hemp and hemp
29 products that are found to be in violation of this act;

30 (4) any licensing requirements or other rules and regulations deemed
31 necessary by the Kansas department of agriculture for the proper
32 monitoring and regulation of industrial hemp cultivation and production
33 for commercial purposes, including, but not limited to, fees for licenses,
34 license renewals and other necessary expenses to defray the cost of
35 implementing and operating the plan on an ongoing basis;

36 (5) a procedure for the creation of documentation that any person in

1 possession of unprocessed industrial hemp may use to prove to any law
2 enforcement officer that such industrial hemp was lawfully grown under
3 this section;

4 (6) a procedure for conducting annual inspections of, at a minimum, a
5 random sample of hemp producers to verify that hemp is not produced in
6 violation of this act; and

7 (7) any other procedures necessary to meet the requirements set forth
8 in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted
9 thereunder.

10 (c) (1) A hemp producer who negligently violates this section or any
11 rules and regulations adopted thereunder shall not be subject to any state
12 or local criminal enforcement action, but shall comply with the following
13 corrective actions as applicable:

14 (A) A reasonable date by which the hemp producer shall correct the
15 negligent violation; and

16 (B) a requirement that the hemp producer shall periodically report to
17 the Kansas department of agriculture on the hemp producer's compliance
18 with this section and rules and regulations adopted thereunder, for a period
19 of not less than the next two calendar years.

20 (2) A hemp producer who negligently violates this section or any
21 rules and regulations adopted thereunder three times in a five-year period
22 shall be ineligible to produce industrial hemp for a period of five years
23 beginning on the date of the third violation.

24 (3) The Kansas department of agriculture shall immediately report
25 any violation by a hemp producer with a greater culpable mental state than
26 negligence to the attorney general and such hemp producer shall not be
27 subject to the exemption in subsection (c)(1).

28 (d) Any individual otherwise eligible to become a licensed hemp
29 producer shall not be eligible to produce industrial hemp if such individual
30 has submitted any materially false information in any application to
31 become a licensed hemp producer.

32 (e) (1) The department shall require, as a qualification for initial or
33 continuing licensure, all individuals seeking a license or license renewal as
34 a hemp producer under this section to be fingerprinted and to submit to a
35 state and national criminal history record check. The fingerprints shall be
36 used to identify the individual and to determine whether the individual has
37 a record of criminal history in this state or any other jurisdiction. The
38 department is authorized to submit the fingerprints to the Kansas bureau of
39 investigation and the federal bureau of investigation for a state and
40 national criminal history record check. The department may use the
41 information obtained from fingerprinting and the criminal history record
42 check for purposes of verifying the identification of the individual and for
43 making an official determination of the qualifications for initial or

1 continuing licensure as a hemp producer pursuant to this section and rules
2 and regulations promulgated hereunder. Disclosure or use of any
3 information received by the department for any purpose other than the
4 purposes provided for in the commercial industrial hemp act shall be a
5 class A misdemeanor and shall constitute grounds for removal from office
6 or termination of employment.

7 (2) An individual who has been convicted of a felony violation of
8 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
9 thereto, or a substantially similar offense in another jurisdiction, within the
10 immediately preceding 10 years, shall be disqualified from initial or
11 continuing licensure as a hemp producer under this section.

12 (3) The Kansas bureau of investigation may charge a reasonable fee
13 for conducting a criminal history record check.

14 (4) The individual seeking a license or license renewal as a hemp
15 producer under this section shall pay the costs of fingerprinting and the
16 state and national criminal history record checks.

17 (f) The secretary of agriculture shall promulgate rules and regulations
18 to implement the plan submitted to the United States department of
19 agriculture and to otherwise effectuate the provisions of this section.

20 (g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a
21 federal plan by the United States department of agriculture that allows for
22 the cultivation and production of industrial hemp for commercial purposes
23 within the state or upon the adoption of rules and regulations by the
24 Kansas secretary of agriculture that establish the cultivation and
25 production of industrial hemp for commercial purposes within the state,
26 the Kansas department of agriculture may discontinue the industrial hemp
27 research program established pursuant to K.S.A. 2018 Supp. 2-3902, and
28 amendments thereto.

29 (h) Any modification fee established by the department for any
30 requested change to a license that was previously issued by the department
31 under this section shall not exceed \$50.

32 (i) Any licensing or other fees collected pursuant to this section and
33 any rules and regulations adopted hereunder shall be deposited in the
34 commercial industrial hemp act licensing fee fund established by K.S.A.
35 2018 Supp. 2-3903, and amendments thereto, for all costs of the
36 administration of the commercial production of industrial hemp.

37 (j) This section shall be a part of and supplemental to the commercial
38 industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments
39 thereto.

40 New Sec. 3. The secretary of agriculture shall continue to accept any
41 applications for licensure submitted under the provisions of K.S.A. 2018
42 Supp. 2-3902, and amendments thereto, for the 2019 growing season from
43 March 1, 2019, through June 1, 2019.

1 New Sec. 4. (a) (1) There is hereby established the industrial hemp
2 regulatory commission within the Kansas department of revenue. The
3 industrial hemp regulatory commission shall be administered under the
4 direction of a director of the industrial hemp regulatory commission, who
5 shall be appointed by and serve at the pleasure of the secretary of revenue.
6 The director shall be in the unclassified service under the Kansas civil
7 service act and shall receive an annual salary fixed by the secretary of
8 revenue and approved by the governor.

9 (2) The director of the industrial hemp regulatory commission shall
10 be responsible for all powers, duties and functions assigned to the
11 department of revenue under the commercial industrial hemp act.

12 (3) The industrial hemp regulatory commission shall adopt rules and
13 regulations as necessary to implement and administer the provisions of the
14 commercial industrial hemp act relating to the licensure and regulation of
15 hemp processors and may advise and consult with the department of health
16 and environment and the Kansas department of agriculture on such rules
17 and regulations.

18 (4) The provisions of this section and any rules and regulations
19 promulgated thereunder shall apply to any individual licensed by the
20 Kansas department of agriculture to process, manufacture or distribute
21 industrial hemp under the research program established by K.S.A. 2018
22 Supp. 2-3902, and amendments thereto, except that no such individual
23 shall be subject to the licensure application or renewal fees set forth in this
24 section.

25 (b) (1) The industrial hemp regulatory commission shall establish an
26 electronic database to store information detailing:

27 (A) Each license issued to any hemp processor in accordance with
28 this section, including any modification, revocation, suspension or other
29 action relating to the license;

30 (B) each individual working as an employee, agent or unpaid worker
31 of a hemp processor; and

32 (C) other information deemed necessary or appropriate by the
33 director of the industrial hemp regulatory commission.

34 (2) Information in the database shall be shared with law enforcement
35 authorities in a manner prescribed by the Kansas bureau of investigation
36 for the purpose of verifying the validity of any identification card or
37 license issued in accordance with the commercial industrial hemp act or
38 the location of any operations authorized by the commercial industrial
39 hemp act.

40 (c) (1) A person may apply to the industrial hemp regulatory
41 commission for initial or renewed licensure as a hemp processor on a
42 form, in a manner and accompanied by a licensure fee not to exceed
43 \$5,000 prescribed by the industrial hemp regulatory commission.

1 Licensure as a hemp processor shall authorize the licensee to process
2 industrial hemp into hemp products in accordance with and for the
3 purposes set forth in this section, and to perform other acts deemed
4 necessary and incidental thereto by the industrial hemp regulatory
5 commission, as established in rules and regulations adopted by the
6 industrial hemp regulatory commission.

7 (2) No person not in current compliance with any Kansas tax law
8 administered by the director of taxation of the department of revenue, any
9 tax, fee or payment administered by the department of labor or any fee or
10 charge administered by any other state agency shall have an ownership
11 interest in a hemp processor.

12 (3) An applicant shall provide the following information and
13 documentation on an application for licensure as a hemp processor:

14 (A) The name, address and telephone number of the applicant;

15 (B) the physical location of any premises that will be operated as a
16 part of the hemp processor's operations;

17 (C) documentation that the applicant is a resident of the state of
18 Kansas;

19 (D) the name of each owner of any land, structure or building where
20 any operations of the hemp processor will occur or any motor vehicle that
21 will be used to distribute or transport industrial hemp or hemp products
22 and each individual who will otherwise be involved with the hemp
23 processor's operations, whether as an employee or agent; and

24 (E) any other information required by the industrial hemp regulatory
25 commission.

26 ~~(4) (A) The industrial hemp regulatory commission shall require any~~
27 ~~individual working as an employee, agent or unpaid worker of a hemp~~
28 ~~processor to be fingerprinted and to submit to a state and national criminal~~
29 ~~history record check. The fingerprints shall be used to identify the~~
30 ~~individual and to determine whether the individual has a record of criminal~~
31 ~~history in this state or any other jurisdiction. The commission is authorized~~
32 ~~to submit the fingerprints to the Kansas bureau of investigation and the~~
33 ~~federal bureau of investigation for a state and national criminal history~~
34 ~~record check. The commission may use the information obtained from~~
35 ~~fingerprinting and the criminal history record check for purposes of~~
36 ~~verifying the identification of the individual and for making an official~~
37 ~~determination of the qualifications and fitness of the person to work as an~~
38 ~~employee, agent or unpaid worker of the hemp processor. Disclosure or~~
39 ~~use of any information received by the commission for any purpose other~~
40 ~~than the purposes provided for in the commercial industrial hemp act shall~~
41 ~~be a class A misdemeanor and shall constitute grounds for removal from~~
42 ~~office or termination of employment.~~

43 ~~(B) As a condition of licensure as a hemp processor under this~~

~~1 section, an individual who has been convicted of a felony violation of
2 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
3 thereto, or a substantially similar offense in another jurisdiction, within the
4 immediately preceding 10 years, shall be disqualified from being
5 employed, serving as an agent or otherwise working in any manner under a
6 hemp processor under this section.~~

~~7 (C) The Kansas bureau of investigation may charge a reasonable fee
8 for conducting a criminal history record check.~~

~~9 (D) The individual seeking to work as an employee, agent or unpaid
10 worker of a hemp processor shall pay the costs of fingerprinting and the
11 state and national criminal history record checks.~~

~~(5){(4)}~~ Within 60 calendar days of receiving any application
pursuant to this section, the industrial hemp regulatory commission shall
issue a decision to grant or deny licensure to the applicant as a hemp
processor.

~~(6){(5)}~~ If the industrial hemp regulatory commission denies initial or
renewed licensure to a hemp processor, the industrial hemp regulatory
commission shall refund $\frac{1}{2}$ of the applicant's application fee or renewal
fee.

~~(7){(6)}~~ (A) Licensure as a hemp processor shall be effective for a
period of two years. If the industrial hemp regulatory commission grants
initial or renewed licensure to a hemp processor, the industrial hemp
regulatory commission shall require the applicant or licensee to:

(i) Pay a licensure fee not to exceed \$5,000; and

(ii) provide satisfactory evidence that the hemp processor has
obtained a surety bond in an amount required by the industrial hemp
regulatory commission based on the size and actual and projected yield of
the hemp processor operations, the number of facilities operated by the
hemp processor and other factors established by the industrial hemp
regulatory commission in rules and regulations.

(B) The industrial hemp regulatory commission shall remit all
moneys from any fees under this section to the state treasurer in
accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt
of each such remittance, the state treasurer shall deposit the entire amount
of moneys into the state treasury to the credit of the commercial industrial
hemp processor fund established by this section.

~~(8){(7)}~~ The industrial hemp regulatory commission shall require any
individual working as an employee, agent or unpaid worker of a hemp
processor to have documentation in their possession at all times that they
are engaged in the processing, manufacturing or distribution of industrial
hemp or hemp products that would prove to any law enforcement officer
that such individual is authorized to engage in such activities.

~~(9){(8)}~~ All actions by the industrial regulatory commission under

1 this subsection shall be in accordance with the Kansas administrative
2 procedure act and reviewable in accordance with the Kansas judicial
3 review act.

4 (d) It shall be unlawful for a person to process, manufacture or
5 distribute industrial hemp or hemp products in violation of the provisions
6 of this section.

7 (1) Upon a first conviction for a violation of subsection (d), a person
8 shall be guilty of a class A nonperson misdemeanor and sentenced to not
9 more than one year in confinement and fined not less than \$1,000, nor
10 more than \$2,500.

11 (2) On a second conviction for a violation of subsection (d), a person
12 shall be guilty of a severity level 9, nonperson felony and fined a sum of
13 not less than \$10,000, nor more than \$100,000, and sentenced according to
14 the provisions of K.S.A. 21-6804, and amendments thereto.

15 (3) On a third or subsequent conviction for a violation of subsection
16 (d), a person shall be guilty of a severity level 9, nonperson felony and
17 fined a sum of not less than \$50,000, nor more than \$100,000, and
18 sentenced according to the provisions of K.S.A. 21-6804, and amendments
19 thereto.

20 (4) The penalties provided hereunder are cumulative to the remedies
21 or penalties, including all civil penalties, under all other laws of this state.

22 (e) There is hereby established in the state treasury the commercial
23 industrial hemp processor fund. The commercial industrial hemp processor
24 fund shall be administered by the industrial hemp regulatory commission.
25 All expenditures from the commercial industrial hemp processor fund shall
26 be used for costs related to hemp processor regulation and enforcement by
27 the industrial hemp regulatory commission. All expenditures from the
28 commercial industrial hemp processor fund shall be made in accordance
29 with appropriation acts upon warrants of the director of accounts and
30 reports issued pursuant to vouchers approved by the director of the
31 industrial hemp regulatory commission or the director's designee. All
32 moneys received by the director of the industrial hemp regulatory
33 commission from fees imposed by this section shall be deposited in the
34 state treasury in accordance with the provisions of K.S.A. 75-4215, and
35 amendments thereto, and shall be credited to the commercial industrial
36 hemp processor fund.

37 (f) This section shall be a part of and supplemental to the commercial
38 industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments
39 thereto.

40 New Sec. 5. (a) (1) It shall be unlawful for any of the following hemp
41 products to be manufactured, marketed, sold or distributed by any person
42 in the state of Kansas:

43 (A) Cigarettes containing industrial hemp;

- 1 (B) cigars containing industrial hemp;
2 (C) chew, dip or other smokeless material containing industrial hemp;
3 (D) teas containing industrial hemp;
4 (E) liquids, solids or gases containing industrial hemp for use in
5 vaporizing devices; and
6 (F) any hemp product intended for human or animal consumption
7 containing any ingredient derived from industrial hemp, unless any such
8 ingredient is generally recognized as safe under its intended conditions of
9 use or otherwise approved by the United States food and drug
10 administration under the federal drug and cosmetic act.
- 11 (2) As used in this subsection:
- 12 (A) "Human or animal consumption" means:
- 13 (i) Ingested orally; or
14 (ii) applied by any means such that an ingredient derived from
15 industrial hemp enters the human or animal body.
- 16 (B) "Intended for human or animal consumption" means:
- 17 (i) Designed by the manufacturer for human or animal consumption;
18 (ii) marketed for human or animal consumption; or
19 (iii) distributed with the intent that it be used for human or animal
20 consumption.
- 21 (b) It shall be unlawful for any of the following hemp products to be
22 marketed, sold or distributed to any person in Kansas who is not operating
23 under a hemp processor license pursuant to this section, or who does not
24 possess a license by the Kansas department of agriculture under any
25 commercial plan established pursuant to section 2, and amendments
26 thereto, or the research program established pursuant to K.S.A. 2018 Supp.
27 2-3902, and amendments thereto:
- 28 (1) Industrial hemp buds;
29 (2) ground industrial hemp floral material; and
30 (3) ground industrial hemp leaf material.
- 31 (c)(1) Upon a first conviction for a violation of this section, a person
32 shall be guilty of a class A nonperson misdemeanor and sentenced to no
33 more than one year in confinement and fined not less than \$1,000, nor
34 more than \$2,500.
- 35 (2) On a second conviction for a violation of this section, a person
36 shall be guilty of a severity level 9, nonperson felony and fined a sum of
37 not less than \$10,000, nor more than \$100,000, and sentenced according to
38 the provisions of K.S.A. 21-6804, and amendments thereto.
- 39 (3) On a third or subsequent conviction for a violation of this section,
40 a person shall be guilty of a severity level 9, nonperson felony and fined a
41 sum of not less than \$50,000, nor more than \$100,000, and sentenced
42 according to the provisions of K.S.A. 21-6804, and amendments thereto.
- 43 (4) The penalties provided hereunder are cumulative to the remedies

1 or penalties, including all civil penalties, under all other laws of this state.

2 (d) *{Nothing in this section shall prohibit:*

3 (1) *The use of any hemp product for research purposes by a state*
4 *educational institution or affiliated entity; or*

5 (2) *the production, use or sale of any hemp product that is*
6 *otherwise authorized by state or federal law.*

7 (e)} This section shall be a part of and supplemental to the
8 commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and
9 amendments thereto.

10 New Sec. 6. (a) (1) All solid waste, as defined in K.S.A. 65-3402, and
11 amendments thereto, and all hazardous waste, as defined in K.S.A. 65-
12 3430, and amendments thereto, resulting from the cultivation, production
13 or processing of industrial hemp under the commercial industrial hemp act
14 shall be managed in accordance with all applicable solid and hazardous
15 waste laws and regulations and the requirements of subsection (a)(2).

16 (2) (A) If any such waste can be used in the same manner as, or has
17 the appearance of, a controlled substance, as defined in K.S.A. 65-4101,
18 and amendments thereto, all such waste shall be rendered unusable and
19 unrecognizable before the waste is transported or disposed.

20 (B) This requirement shall not apply to waste that is managed as a
21 hazardous waste and sent to a hazardous waste facility, as defined in
22 K.S.A. 65-3430, and amendments thereto.

23 (3) For the purposes of this act, "unusable and unrecognizable" means
24 that such waste can not be used in the same manner as, and does not have
25 the appearance of, a controlled substance, as defined in K.S.A. 65-4101,
26 and amendments thereto.

27 (b) This section shall be a part of and supplemental to the commercial
28 industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments
29 thereto.

30 Sec. 7. K.S.A. 2018 Supp. 2-3901 is hereby amended to read as
31 follows: 2-3901. (a) K.S.A. 2018 Supp. 2-3901 ~~and 2-3902 et seq.~~, and
32 amendments thereto, shall be known and may be cited as the ~~alternative~~
33 ~~crop research~~ *commercial industrial hemp act*.

34 (b) As used in the ~~alternative crop research~~ *commercial industrial*
35 *hemp act*:

36 (1) ~~"Certified seed" means industrial hemp seed that has been~~
37 ~~certified by a certifying agency, as defined by K.S.A. 2-1415, and~~
38 ~~amendments thereto, as having a delta-9 tetrahydrocannabinol~~
39 ~~concentration of no more than 0.3% on a dry weight basis.~~

40 (2) ~~"Commercial" means the cultivation or production of industrial~~
41 ~~hemp for purposes other than research as authorized under section 2, and~~
42 ~~amendments thereto.~~

43 (2) "Delta-9 tetrahydrocannabinol concentration" means the

1 combined percentage of delta-9 tetrahydrocannabinol and its optical
2 isomers, their salts and acids, and salts of their acids, reported as free THC
3 on a dry weight basis, of any part of the plant *cannabis sativa* L.

4 ~~(3) "Department" means the Kansas department of agriculture.~~

5 ~~(4)(3) "Effective disposal" includes, but is not limited to:~~

6 ~~(A) Destruction; or~~

7 ~~(B) any other method of disposing of industrial hemp or hemp~~
8 ~~products found to be in violation of this act that is permitted under the~~
9 ~~provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations~~
10 ~~adopted thereunder.~~

11 (4) "Hemp products" means all products made from industrial hemp,
12 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,
13 particleboard, plastics, seed, seed meal and seed oil for consumption and
14 ~~certified~~ authorized seed or clone plants for cultivation, if the seeds
15 originate from industrial hemp varieties.

16 (5) "Hemp producer" means any individual, licensed or otherwise,
17 engaging in the cultivation or production of industrial hemp for
18 commercial purposes pursuant to section 2, and amendments thereto.

19 ~~(5)(6) "Hemp processor" means a person licensed under section 4,~~
20 ~~and amendments thereto, to process, manufacture and distribute industrial~~
21 ~~hemp and hemp products.~~

22 (7) "Industrial hemp" means all parts and varieties of the plant
23 *cannabis sativa* L., ~~cultivated or possessed by a state educational~~
24 ~~institution or the department~~, whether growing or not, that contain a delta-
25 9 tetrahydrocannabinol concentration of ~~no~~ not more than 0.3% on a dry
26 weight basis.

27 ~~(6)(8) "Person" means an individual, corporation, partnership,~~
28 ~~association, joint stock company, trust, unincorporated organization or~~
29 ~~any similar entity or any combination of the foregoing acting in concert.~~

30 (9) "Seed research" means research conducted to develop or recreate
31 better strains of industrial hemp, particularly for the purpose of seed
32 production.

33 ~~(7)(10) "State educational institution" means the university of~~
34 ~~Kansas, Kansas state university, Wichita state university, Emporia state~~
35 ~~university, Pittsburg state university and Fort Hays state university.~~

36 (11) "Authorized seed or clone plants" means a source of industrial
37 hemp seeds or clone plants that:

38 (A) Has been certified by a certifying agency, as defined by K.S.A. 2-
39 1415, and amendments thereto;

40 (B) has been produced from plants that were tested during the active
41 growing season and were found to produce industrial hemp having a
42 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry
43 weight basis and has been certified in writing by the grower or distributor

1 *of that such seeds or clone plants possess such qualities; or*

2 *(C) meets any other authorized standards approved by the Kansas*
3 *department of agriculture through rules and regulations, except that no*
4 *seed or clone plants shall be considered authorized seed or clone plants if*
5 *it does not meet any standard adopted by the United States department of*
6 *agriculture pursuant to 7 U.S.C. § 1621 et seq.*

7 Sec. 8. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is
8 hereby amended to read as follows: 2-3902. (a) ~~The department~~ *Kansas*
9 *department of agriculture*, alone or in coordination with a state educational
10 institution, may cultivate industrial hemp grown from ~~certified~~ *authorized*
11 *seed or clone plants* and promote the research and development of
12 industrial hemp, in accordance with 7 U.S.C. § 5940. This research may
13 include:

14 (1) Oversight and analysis of growth of industrial hemp to conduct
15 agronomy research and analysis of required soils, growing conditions and
16 harvest methods relating to the production of various varieties of industrial
17 hemp that may be suitable for various commercial hemp products;

18 (2) seed research on various types of industrial hemp that are best
19 suited to be grown in Kansas, including seed availability, creation of
20 hybrid types, in-the-ground variety trials and seed production;

21 (3) analysis on the economic feasibility of developing an industrial
22 hemp market in various types of industrial hemp that can be grown in
23 Kansas;

24 (4) analysis on the estimated value-added benefits, including
25 environmental benefits, that Kansas businesses would reap by having an
26 industrial hemp market of Kansas-grown industrial hemp varieties;

27 (5) a study on the agronomy research conducted worldwide relating
28 to industrial hemp varieties, production and utilization;

29 (6) a study on the feasibility of attracting federal and private funding
30 for industrial hemp research; and

31 (7) a pilot program in Russell county, and other counties as
32 determined by the department, for the purpose of economic development,
33 research, cultivation, market analysis, manufacturing and transportation of
34 industrial hemp and industrial hemp products.

35 (b) In the event that the department acts alone to cultivate industrial
36 hemp grown from ~~certified~~ *authorized seed or clone plants* and to promote
37 the research and development of industrial hemp, the secretary of
38 *agriculture* shall establish an advisory board within the department to
39 review and recommend applications for pilot projects and research
40 proposals to the secretary. The secretary shall not approve any such project
41 or proposal without the recommendation of the advisory board.

42 (c) The department shall oversee and annually license all individuals
43 participating in the cultivation, growth, research, oversight, study, analysis,

1 transportation, processing or distribution of ~~certified~~ *authorized seed or*
2 *clone plants* or industrial hemp pursuant to this ~~act~~ *section*. The
3 department shall establish fees for licenses, license renewals and other
4 necessary expenses to defray the cost of implementing and operating the
5 ~~alternative crop research act~~ *provisions of this section* in this state on an
6 ongoing basis. *Any modification fee established by the department for any*
7 *requested change to a license that was previously issued by the*
8 *department under this section shall not exceed \$50.*

9 ~~(d) (1) The department shall require, as a qualification for initial or~~
10 ~~continuing licensure, all individuals seeking a license or license renewal~~
11 ~~under this act to be fingerprinted and to submit to a state and national~~
12 ~~criminal history record check. The fingerprints shall be used to identify the~~
13 ~~individual and to determine whether the individual has a record of criminal~~
14 ~~history in this state or any other jurisdiction. The department is authorized~~
15 ~~to submit the fingerprints to the Kansas bureau of investigation and the~~
16 ~~federal bureau of investigation for a state and national criminal history~~
17 ~~record check. The department may use the information obtained from~~
18 ~~fingerprinting and the criminal history record check for purposes of~~
19 ~~verifying the identification of the individual and for making an official~~
20 ~~determination of the qualifications for initial or continuing licensure~~
21 ~~pursuant to this act and rules and regulations promulgated pursuant to this~~
22 ~~act. Disclosure or use of any information received by the department for~~
23 ~~any purpose other than the purpose provided for in this section shall be a~~
24 ~~class A misdemeanor and shall constitute grounds for removal from office~~
25 ~~or termination of employment.~~

26 ~~(2) An individual who has been convicted of any of the following~~
27 ~~shall be disqualified from initial or continuing licensure under this act: A~~
28 ~~felony violation of article 57 of chapter 21 of the Kansas Statutes~~
29 ~~Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through~~
30 ~~21-36a17, prior to their transfer, or any felony violation of any provision~~
31 ~~of the uniform controlled substances act, prior to July 1, 2009.~~

32 ~~(3) The Kansas bureau of investigation may charge a reasonable fee~~
33 ~~for conducting a criminal history record check.~~

34 ~~(4) The applicant shall pay the costs of fingerprinting and the state~~
35 ~~and national criminal history record check.~~

36 ~~(e)(1) The department shall require, as a qualification for initial or~~
37 ~~continuing licensure, all individuals seeking a license or license renewal~~
38 ~~under the research program established under this section to be~~
39 ~~fingerprinted and to submit to a state and national criminal history record~~
40 ~~check. The fingerprints shall be used to identify the individual and to~~
41 ~~determine whether the individual has a record of criminal history in this~~
42 ~~state or any other jurisdiction. The department is authorized to submit the~~
43 ~~fingerprints to the Kansas bureau of investigation and the federal bureau~~

1 of investigation for a state and national criminal history record check. The
2 department may use the information obtained from fingerprinting and the
3 criminal history record check for purposes of verifying the identification of
4 the individual and for making an official determination of the
5 qualifications for initial or continuing licensure pursuant to this section
6 and rules and regulations promulgated thereunder. Disclosure or use of
7 any information received by the department for any purpose other than the
8 purposes provided for in this section shall be a class A misdemeanor and
9 shall constitute grounds for removal from office or termination of
10 employment.

11 (2) An individual who has been convicted of a felony violation of
12 article 57 of chapter 21 of the Kansas Statutes Annotated, and
13 amendments thereto, or a substantially similar offense in another
14 jurisdiction, within the immediately preceding 10 years, shall be
15 disqualified from initial or continuing licensure under this section.

16 (3) The Kansas bureau of investigation may charge a reasonable fee
17 for conducting a criminal history record check.

18 (4) The individual seeking a license or license renewal under this
19 section shall pay the costs of fingerprinting and the state and national
20 criminal history record checks.

21 (e) The secretary of agriculture shall promulgate rules and regulations
22 to carry out the provisions of ~~the alternative crop research act~~ this section
23 on or before December 31, ~~2018~~ {2019}, except that no such promulgated
24 rule or regulation shall concern the recording of license plates. Such rules
25 and regulations shall include, but not be limited to, a requirement that
26 license holders shall have a current license in their possession at all times
27 that they are engaged in the cultivation, growth, research, oversight, study,
28 analysis, transportation, processing or distribution of authorized seed or
29 clone plants or industrial hemp pursuant to this section. ~~Such rules and~~
30 ~~regulations shall include, but not be limited to, a requirement that license~~
31 ~~holders shall have a current license in their possession at all times that they~~
32 ~~are engaged in cultivation, growth, research, oversight, study, analysis,~~
33 ~~transportation, processing or distribution of certified seed or industrial~~
34 ~~hemp pursuant to this act.~~

35 (f) The department shall submit a report to the legislature outlining
36 the steps and timeline to implement a process that would allow individuals
37 and business entities to grow and process industrial hemp in Kansas and to
38 sell industrial hemp in other states. Such report shall be submitted to the
39 senate standing committee on agriculture and natural resources and the
40 house standing committee on agriculture on or before January 14, 2019.
41 The department shall send such committees an annual supplemental report
42 on the continued progress of such process at the beginning of each regular
43 legislative session for the following three years.

1 (g) Nothing in ~~the alternative crop research act~~ *this section* shall be
2 construed to authorize any individual to violate any state or federal law.

3 (h) The legislature shall review the provisions of ~~this act~~ *this section* prior
4 to July 1, 2022.

5 Sec. 9. K.S.A. 2018 Supp. 2-3903 is hereby amended to read as
6 follows: 2-3903. (a) ~~There is hereby created in the state treasury~~ The
7 alternative crop research act licensing fee fund *created in the state*
8 *treasury shall be renamed the commercial industrial hemp act licensing*
9 *fee fund and continue* to be administered by the secretary of agriculture.
10 All expenditures from the ~~alternative crop research~~ *commercial industrial*
11 *hemp act licensing fee fund* shall be made in accordance with
12 appropriation acts upon warrants of the director of accounts and reports
13 issued pursuant to vouchers signed by the secretary of agriculture or the
14 secretary's designee.

15 (b) Licensing and renewal fees shall be established pursuant to rules
16 and regulations adopted by the secretary under the ~~alternative crop~~
17 ~~research~~ *commercial industrial hemp act*. The amounts received for such
18 fees shall be deposited in the state treasury in accordance with K.S.A. 75-
19 4215, and amendments thereto, and shall be credited to the ~~alternative crop~~
20 ~~research~~ *commercial industrial hemp act licensing fee fund*.

21 Sec. 10. K.S.A. 2018 Supp. 21-5701 is hereby amended to read as
22 follows: 21-5701. As used in K.S.A. 2018 Supp. 21-5701 through 21-
23 5717, and amendments thereto: (a) "Controlled substance" means any
24 drug, substance or immediate precursor included in any of the schedules
25 designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113,
26 and amendments thereto.

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

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

33 (B) the substance has a stimulant, depressant or hallucinogenic effect
34 on the central nervous system substantially similar to the stimulant,
35 depressant or hallucinogenic effect on the central nervous system of a
36 controlled substance included in the schedules designated in K.S.A. 65-
37 4105 or 65-4107, and amendments thereto; or

38 (C) with respect to a particular individual, such individual represents
39 or intends the substance to have a stimulant, depressant or hallucinogenic
40 effect on the central nervous system substantially similar to the stimulant,
41 depressant or hallucinogenic effect on the central nervous system of a
42 controlled substance included in the schedules designated in K.S.A. 65-
43 4105 or 65-4107, and amendments thereto.

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

2 (A) A controlled substance;

3 (B) a substance for which there is an approved new drug application;

4 or

5 (C) a substance with respect to which an exemption is in effect for
6 investigational use by a particular person under section 505 of the federal
7 food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with
8 respect to the substance is permitted by the exemption.

9 (c) "Cultivate" means the planting or promotion of growth of five or
10 more plants ~~which~~ *that* contain or can produce controlled substances.

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

19 (e) "Drug" means:

20 (1) Substances recognized as drugs in the official United States
21 pharmacopeia, official homeopathic pharmacopoeia of the United States or
22 official national formulary or any supplement to any of them;

23 (2) substances intended for use in the diagnosis, cure, mitigation,
24 treatment or prevention of disease in humans or animals;

25 (3) substances, other than food, intended to affect the structure or any
26 function of the body of humans or animals; and

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

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

38 (1) Kits used or intended for use in planting, propagating, cultivating,
39 growing or harvesting any species of plant ~~which~~ *that* is a controlled
40 substance or from which a controlled substance can be derived;

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

43 (3) isomerization devices used or intended for use in increasing the

- 1 potency of any species of plant that is a controlled substance;
- 2 (4) testing equipment used or intended for use in identifying or in
- 3 analyzing the strength, effectiveness or purity of controlled substances;
- 4 (5) scales and balances used or intended for use in weighing or
- 5 measuring controlled substances;
- 6 (6) diluents and adulterants, including, but not limited to, quinine
- 7 hydrochloride, mannitol, mannite, dextrose and lactose, ~~which~~ *that* are
- 8 used or intended for use in cutting controlled substances;
- 9 (7) separation gins and sifters used or intended for use in removing
- 10 twigs and seeds from or otherwise cleaning or refining marijuana;
- 11 (8) blenders, bowls, containers, spoons and mixing devices used or
- 12 intended for use in compounding controlled substances;
- 13 (9) capsules, balloons, envelopes, bags and other containers used or
- 14 intended for use in packaging small quantities of controlled substances;
- 15 (10) containers and other objects used or intended for use in storing
- 16 or concealing controlled substances;
- 17 (11) hypodermic syringes, needles and other objects used or intended
- 18 for use in parenterally injecting controlled substances into the human
- 19 body;
- 20 (12) objects used or primarily intended or designed for use in
- 21 ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish,
- 22 hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into
- 23 the human body, such as:
 - 24 (A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with
 - 25 or without screens, permanent screens, hashish heads or punctured metal
 - 26 bowls;
 - 27 (B) water pipes, bongs or smoking pipes designed to draw smoke
 - 28 through water or another cooling device;
 - 29 (C) carburetion pipes, glass or other heat resistant tubes or any other
 - 30 device used, intended to be used or designed to be used to cause
 - 31 vaporization of a controlled substance for inhalation;
 - 32 (D) smoking and carburetion masks;
 - 33 (E) roach clips, objects used to hold burning material, such as a
 - 34 marijuana cigarette, that has become too small or too short to be held in
 - 35 the hand;
 - 36 (F) miniature cocaine spoons and cocaine vials;
 - 37 (G) chamber smoking pipes;
 - 38 (H) carburetor smoking pipes;
 - 39 (I) electric smoking pipes;
 - 40 (J) air-driven smoking pipes;
 - 41 (K) chillums;
 - 42 (L) bongs;
 - 43 (M) ice pipes or chillers;

- 1 (N) any smoking pipe manufactured to disguise its intended purpose;
2 (O) wired cigarette papers; or
3 (P) cocaine freebase kits.

4 "Drug paraphernalia" shall not include any products, chemicals or
5 materials described in K.S.A. 2018 Supp. 21-5709(a), and amendments
6 thereto.

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

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

14 (i) "Manufacture" means the production, preparation, propagation,
15 compounding, conversion or processing of a controlled substance either
16 directly or indirectly or by extraction from substances of natural origin or
17 independently by means of chemical synthesis or by a combination of
18 extraction and chemical synthesis. "Manufacture" does not include:

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

22 (A) By a practitioner or the practitioner's agent pursuant to a lawful
23 order of a practitioner as an incident to the practitioner's administering or
24 dispensing of a controlled substance in the course of the practitioner's
25 professional practice; or

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

30 (2) the addition of diluents or adulterants, including, but not limited
31 to, quinine hydrochloride, mannitol, mannite, dextrose or lactose, ~~which~~
32 *that* are intended for use in cutting a controlled substance.

33 (j) "Marijuana" means all parts of all varieties of the plant Cannabis
34 whether growing or not, the seeds thereof, the resin extracted from any
35 part of the plant and every compound, manufacture, salt, derivative,
36 mixture or preparation of the plant, its seeds or resin. "Marijuana" does not
37 include: (1) The mature stalks of the plant, fiber produced from the stalks,
38 oil or cake made from the seeds of the plant, any other compound,
39 manufacture, salt, derivative, mixture or preparation of the mature stalks,
40 except the resin extracted therefrom, fiber, oil or cake or the sterilized seed
41 of the plant ~~which~~ *that* is incapable of germination; (2) any substance
42 listed in schedules II through V of the uniform controlled substances act;
43 ~~or~~ (3) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-

1 cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); *or (4) industrial hemp as*
2 *defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when*
3 *cultivated, produced, possessed or used for activities authorized by the*
4 *commercial industrial hemp act.*

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

6 (l) "Narcotic drug" means any of the following whether produced
7 directly or indirectly by extraction from substances of vegetable origin or
8 independently by means of chemical synthesis or by a combination of
9 extraction and chemical synthesis:

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

12 (2) any salt, compound, isomer, derivative or preparation thereof
13 ~~which~~ *that* is chemically equivalent or identical with any of the substances
14 referred to in paragraph (1) but not including the isoquinoline alkaloids of
15 opium;

16 (3) opium poppy and poppy straw;

17 (4) coca leaves and any salt, compound, derivative or preparation of
18 coca leaves and any salt, compound, isomer, derivative or preparation
19 thereof ~~which~~ *that* is chemically equivalent or identical with any of these
20 substances, but not including decocainized coca leaves or extractions of
21 coca leaves ~~which~~ *that* do not contain cocaine or ecgonine.

22 (m) "Opiate" means any substance having an addiction-forming or
23 addiction-sustaining liability similar to morphine or being capable of
24 conversion into a drug having addiction-forming or addiction-sustaining
25 liability. "Opiate" does not include, unless specifically designated as
26 controlled under K.S.A. 65-4102, and amendments thereto, the
27 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
28 (dextromethorphan). "Opiate" does include its racemic and levorotatory
29 forms.

30 (n) "Opium poppy" means the plant of the species *Papaver*
31 *somniferum* L. except its seeds.

32 (o) "Person" means an individual, corporation, government or
33 governmental subdivision or agency, business trust, estate, trust,
34 partnership, association or any other legal entity.

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

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

41 (r) "School property" means property upon which is located a
42 structure used by a unified school district or an accredited nonpublic
43 school for student instruction or attendance or extracurricular activities of

1 pupils enrolled in kindergarten or any of the grades one through 12. This
2 definition shall not be construed as requiring that school be in session or
3 that classes are actually being held at the time of the offense or that
4 children must be present within the structure or on the property during the
5 time of any alleged criminal act. If the structure or property meets the
6 above definition, the actual use of that structure or property at the time
7 alleged shall not be a defense to the crime charged or the sentence
8 imposed.

9 (s) "Simulated controlled substance" means any product ~~which that~~
10 identifies itself by a common name or slang term associated with a
11 controlled substance and ~~which that~~ indicates on its label or accompanying
12 promotional material that the product simulates the effect of a controlled
13 substance.

14 Sec. 11. K.S.A. 2018 Supp. 21-5702 is hereby amended to read as
15 follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1,
16 2009, shall be governed by the law in effect at the time the crime was
17 committed. For purposes of this section, a crime was committed prior to
18 July 1, 2009, if any element of the crime occurred prior thereto.

19 (b) The prohibitions of this act shall apply unless the conduct
20 prohibited is authorized by the pharmacy act of the state of Kansas, the
21 uniform controlled substances act, the ~~alternative crop research~~
22 *commercial industrial hemp* act or otherwise authorized by law.

23 Sec. 12. K.S.A. 65-4101 is hereby amended to read as follows: 65-
24 4101. As used in this act: (a) "Administer" means the direct application of
25 a controlled substance, whether by injection, inhalation, ingestion or any
26 other means, to the body of a patient or research subject by:

27 (1) A practitioner or pursuant to the lawful direction of a practitioner;
28 or

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

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

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

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

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

42 (f) "Controlled substance" means any drug, substance or immediate
43 precursor included in any of the schedules designated in K.S.A. 65-4105,

1 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

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

4 (A) The chemical structure of the substance is substantially similar to
5 the chemical structure of a controlled substance listed in or added to the
6 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
7 thereto;

8 (B) the substance has a stimulant, depressant or hallucinogenic effect
9 on the central nervous system substantially similar to the stimulant,
10 depressant or hallucinogenic effect on the central nervous system of a
11 controlled substance included in the schedules designated in K.S.A. 65-
12 4105 or 65-4107, and amendments thereto; or

13 (C) with respect to a particular individual, such individual represents
14 or intends the substance to have a stimulant, depressant or hallucinogenic
15 effect on the central nervous system substantially similar to the stimulant,
16 depressant or hallucinogenic effect on the central nervous system of a
17 controlled substance included in the schedules designated in K.S.A. 65-
18 4105 or 65-4107, and amendments thereto.

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

20 (A) A controlled substance;

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

23 (C) a substance with respect to which an exemption is in effect for
24 investigational use by a particular person under section 505 of the federal
25 food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with
26 respect to the substance is permitted by the exemption.

27 (h) "Counterfeit substance" means a controlled substance ~~which~~ *that*,
28 or the container or labeling of which, without authorization bears the
29 trademark, trade name or other identifying mark, imprint, number or
30 device or any likeness thereof of a manufacturer, distributor or dispenser
31 other than the person who in fact manufactured, distributed or dispensed
32 the substance.

33 (i) "Cultivate" means the planting or promotion of growth of five or
34 more plants ~~which~~ *that* contain or can produce controlled substances.

35 (j) "DEA" means the U.S. department of justice, drug enforcement
36 administration.

37 (k) "Deliver" or "delivery" means the actual, constructive or
38 attempted transfer from one person to another of a controlled substance,
39 whether or not there is an agency relationship.

40 (l) "Dispense" means to deliver a controlled substance to an ultimate
41 user or research subject by or pursuant to the lawful order of a practitioner,
42 including the packaging, labeling or compounding necessary to prepare the
43 substance for that delivery, or pursuant to the prescription of a mid-level

1 practitioner.

2 (m) "Dispenser" means a practitioner or pharmacist who dispenses, or
3 a physician assistant who has authority to dispense prescription-only drugs
4 in accordance with K.S.A. 65-28a08(b), and amendments thereto.

5 (n) "Distribute" means to deliver other than by administering or
6 dispensing a controlled substance.

7 (o) "Distributor" means a person who distributes.

8 (p) "Drug" means: (1) Substances recognized as drugs in the official
9 United States pharmacopeia, official homeopathic pharmacopeia of the
10 United States or official national formulary or any supplement to any of
11 them; (2) substances intended for use in the diagnosis, cure, mitigation,
12 treatment or prevention of disease in human or animals; (3) substances
13 (other than food) intended to affect the structure or any function of the
14 body of human or animals; and (4) substances intended for use as a
15 component of any article specified in paragraph (1), (2) or (3). It does not
16 include devices or their components, parts or accessories.

17 (q) "Immediate precursor" means a substance—~~which~~ *that* the board
18 has found to be and by rule and regulation designates as being the
19 principal compound commonly used or produced primarily for use and
20 ~~which~~ *that* is an immediate chemical intermediary used or likely to be used
21 in the manufacture of a controlled substance, the control of which is
22 necessary to prevent, curtail or limit manufacture.

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

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

30 (t) "Electronic signature" means a confidential personalized digital
31 key, code, number or other method for secure electronic data transmissions
32 ~~which~~ *that* identifies a particular person as the source of the message,
33 authenticates the signatory of the message and indicates the person's
34 approval of the information contained in the transmission.

35 (u) "Electronic transmission" means the transmission of an electronic
36 prescription, formatted as an electronic data file, from a prescriber's
37 electronic prescription application to a pharmacy's computer, where the
38 data file is imported into the pharmacy prescription application.

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

41 (w) "Facsimile transmission" or "fax transmission" means the
42 transmission of a digital image of a prescription from the prescriber or the
43 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but

1 is not limited to, transmission of a written prescription between the
2 prescriber's fax machine and the pharmacy's fax machine; transmission of
3 an electronically prepared prescription from the prescriber's electronic
4 prescription application to the pharmacy's fax machine, computer or
5 printer; or transmission of an electronically prepared prescription from the
6 prescriber's fax machine to the pharmacy's fax machine, computer or
7 printer.

8 (x) "Intermediary" means any technology system that receives and
9 transmits an electronic prescription between the prescriber and the
10 pharmacy.

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

12 (z) "Manufacture" means the production, preparation, propagation,
13 compounding, conversion or processing of a controlled substance either
14 directly or indirectly or by extraction from substances of natural origin or
15 independently by means of chemical synthesis or by a combination of
16 extraction and chemical synthesis and includes any packaging or
17 repackaging of the substance or labeling or relabeling of its container,
18 except that this term does not include the preparation or compounding of a
19 controlled substance by an individual for the individual's own lawful use
20 or the preparation, compounding, packaging or labeling of a controlled
21 substance:

22 (1) By a practitioner or the practitioner's agent pursuant to a lawful
23 order of a practitioner as an incident to the practitioner's administering or
24 dispensing of a controlled substance in the course of the practitioner's
25 professional practice; or

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

30 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis
31 whether growing or not, the seeds thereof, the resin extracted from any
32 part of the plant and every compound, manufacture, salt, derivative,
33 mixture or preparation of the plant, its seeds or resin. It does not include:
34 (1) The mature stalks of the plant, fiber produced from the stalks, oil or
35 cake made from the seeds of the plant, any other compound, manufacture,
36 salt, derivative, mixture or preparation of the mature stalks, except the
37 resin extracted therefrom, fiber, oil or cake or the sterilized seed of the
38 plant ~~which~~ that is incapable of germination; (2) any substance listed in
39 schedules II through V of the uniform controlled substances act; ~~or~~ (3)
40 cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-
41 cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); *or* (4) *industrial hemp as*
42 *defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when*
43 *cultivated, produced, possessed or used for activities authorized by the*

1 *commercial industrial hemp act.*

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

4 (cc) "Mid-level practitioner" means a certified nurse-midwife
5 engaging in the independent practice of midwifery under the independent
6 practice of midwifery act, an advanced practice registered nurse issued a
7 license pursuant to K.S.A. 65-1131, and amendments thereto, who has
8 authority to prescribe drugs pursuant to a written protocol with a
9 responsible physician under K.S.A. 65-1130, and amendments thereto, or a
10 physician assistant licensed under the physician assistant licensure act who
11 has authority to prescribe drugs pursuant to a written agreement with a
12 supervising physician under K.S.A. 65-28a08, and amendments thereto.

13 (dd) "Narcotic drug" means any of the following whether produced
14 directly or indirectly by extraction from substances of vegetable origin or
15 independently by means of chemical synthesis or by a combination of
16 extraction and chemical synthesis:

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

19 (2) any salt, compound, isomer, derivative or preparation thereof
20 ~~which~~ *that* is chemically equivalent or identical with any of the substances
21 referred to in paragraph (1) but not including the isoquinoline alkaloids of
22 opium;

23 (3) opium poppy and poppy straw;

24 (4) coca leaves and any salt, compound, derivative or preparation of
25 coca leaves, and any salt, compound, isomer, derivative or preparation
26 thereof ~~which~~ *that* is chemically equivalent or identical with any of these
27 substances, but not including decocainized coca leaves or extractions of
28 coca leaves ~~which~~ *that* do not contain cocaine or ecgonine.

29 (ee) "Opiate" means any substance having an addiction-forming or
30 addiction-sustaining liability similar to morphine or being capable of
31 conversion into a drug having addiction-forming or addiction-sustaining
32 liability. It does not include, unless specifically designated as controlled
33 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer
34 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
35 include its racemic and levorotatory forms.

36 (ff) "Opium poppy" means the plant of the species *Papaver*
37 *somniferum* L. except its seeds.

38 (gg) "Person" means an individual, corporation, government, or
39 governmental subdivision or agency, business trust, estate, trust,
40 partnership or association or any other legal entity.

41 (hh) "Pharmacist" means any natural person licensed under K.S.A.
42 65-1625 et seq., and amendments thereto, to practice pharmacy.

43 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an

1 accredited pharmacy program; (2) a graduate of an accredited pharmacy
2 program serving such person's internship; or (3) a graduate of a pharmacy
3 program located outside of the United States ~~which~~ *that* is not accredited
4 and who had successfully passed equivalency examinations approved by
5 the board.

6 (jj) "Pharmacy prescription application" means software that is used
7 to process prescription information, is installed on a pharmacy's computers
8 and servers, and is controlled by the pharmacy.

9 (kk) "Poppy straw" means all parts, except the seeds, of the opium
10 poppy, after mowing.

11 (ll) "Practitioner" means a person licensed to practice medicine and
12 surgery, dentist, podiatrist, veterinarian, optometrist, or scientific
13 investigator or other person authorized by law to use a controlled
14 substance in teaching or chemical analysis or to conduct research with
15 respect to a controlled substance.

16 (mm) "Prescriber" means a practitioner or a mid-level practitioner.

17 (nn) "Production" includes the manufacture, planting, cultivation,
18 growing or harvesting of a controlled substance.

19 (oo) "Readily retrievable" means that records kept by automatic data
20 processing applications or other electronic or mechanized recordkeeping
21 systems can be separated out from all other records within a reasonable
22 time not to exceed 48 hours of a request from the board or other authorized
23 agent or that hard-copy records are kept on which certain items are
24 asterisked, redlined or in some other manner visually identifiable apart
25 from other items appearing on the records.

26 (pp) "Ultimate user" means a person who lawfully possesses a
27 controlled substance for such person's own use or for the use of a member
28 of such person's household or for administering to an animal owned by
29 such person or by a member of such person's household.

30 Sec. 13. K.S.A. 65-4105 is hereby amended to read as follows: 65-
31 4105. (a) The controlled substances listed in this section are included in
32 schedule I and the number set forth opposite each drug or substance is the
33 DEA controlled substances code ~~which~~ *that* has been assigned to it.

34 (b) Any of the following opiates, including their isomers, esters,
35 ethers, salts, and salts of isomers, esters and ethers, unless specifically
36 excepted, whenever the existence of these isomers, esters, ethers and salts
37 is possible within the specific chemical designation:

- 38 (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
39 phenylacetamide).....9821
- 40 (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
41 piperidinyl]-N-phenylacetamide).....9815
- 42 (3) Acetylmethadol.....9601
- 43 (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide;

| | | |
|----|---|------|
| 1 | acryloylfentanyl)..... | 9811 |
| 2 | (5) AH-7921 (3,4-dichloro-N-[(1- | |
| 3 | dimethylamino)cyclohexylmethyl]benzamide)..... | 9551 |
| 4 | (6) Allyprodine..... | 9602 |
| 5 | (7) Alphacetylmethadol..... | 9603 |
| 6 | (except levo-alphacetylmethadol also known as levo-alpha- | |
| 7 | acetylmethadol, levomethadyl acetate or LAAM) | |
| 8 | (8) Alphameprodine..... | 9604 |
| 9 | (9) Alphamethadol..... | 9605 |
| 10 | (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- | |
| 11 | piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N- | |
| 12 | propanilido) piperidine)..... | 9814 |
| 13 | (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- | |
| 14 | piperidinyl]-N-phenylpropanamide)..... | 9832 |
| 15 | (12) Benzethidine..... | 9606 |
| 16 | (13) Betacetylmethadol..... | 9607 |
| 17 | (14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]- | |
| 18 | N-phenylpropanamide)..... | 9830 |
| 19 | (15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- | |
| 20 | phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide)..... | 9831 |
| 21 | (16) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2- | |
| 22 | yl)ethyl]piperidin-4-yl]-N-phenylpropionamide)..... | 9836 |
| 23 | (17) Betameprodine..... | 9608 |
| 24 | (18) Betamethadol..... | 9609 |
| 25 | (19) Betaprodine..... | 9611 |
| 26 | (20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N- | |
| 27 | phenylbutyramide)..... | 9822 |
| 28 | (21) Clonitazene..... | 9612 |
| 29 | (22) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N- | |
| 30 | phenylcyclopentanecarboxamide) | |
| 31 | (23) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N- | |
| 32 | phenylcyclopropanecarboxamide)..... | 9845 |
| 33 | (24) Dextromoramide..... | 9613 |
| 34 | (25) Diampromide..... | 9615 |
| 35 | (26) Diethylthiambutene..... | 9616 |
| 36 | (27) Difenoxy..... | 9168 |
| 37 | (28) Dimenoxadol..... | 9617 |
| 38 | (29) Dimepheptanol..... | 9618 |
| 39 | (30) Dimethylthiambutene..... | 9619 |
| 40 | (31) Dioxaphetyl butyrate..... | 9621 |
| 41 | (32) Dipipanone..... | 9622 |
| 42 | (33) Ethylmethylthiambutene..... | 9623 |
| 43 | (34) Etonitazene..... | 9624 |

| | | |
|----|--|------|
| 1 | (35) Etoperidine..... | 9625 |
| 2 | (36) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2- | |
| 3 | carboxamide)..... | 9834 |
| 4 | (37) Furethidine..... | 9626 |
| 5 | (38) Hydroxypethidine..... | 9627 |
| 6 | (39) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N- | |
| 7 | phenylisobutyramide) | |
| 8 | (40) Ketobemidone..... | 9628 |
| 9 | (41) Levomoramide..... | 9629 |
| 10 | (42) Levophenacylmorphan..... | 9631 |
| 11 | (43) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)- | |
| 12 | N-phenylacetamide)..... | 9825 |
| 13 | (44) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- | |
| 14 | phenylpropanamide)..... | 9813 |
| 15 | (45) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4- | |
| 16 | piperidinyl]-N-phenylpropanamide)..... | 9833 |
| 17 | (46) Morpheridine..... | 9632 |
| 18 | (47) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin- | |
| 19 | 4-yl)acetamide) | |
| 20 | (48) O-desmethyltramadol | |
| 21 | Some trade or other names: 2-((dimethylamino)methyl-1-(3- | |
| 22 | hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1- | |
| 23 | hydroxycyclohexyl)phenol | |
| 24 | (49) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)..... | 9661 |
| 25 | (50) MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine) | |
| 26 | (51) Noracymethadol..... | 9633 |
| 27 | (52) Norlevorphanol..... | 9634 |
| 28 | (53) Normethadone..... | 9635 |
| 29 | (54) Norpipanone..... | 9636 |
| 30 | (55) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin- | |
| 31 | 4-yl)propionamide; 2-fluorofentanyl)..... | 9816 |
| 32 | (56) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1- | |
| 33 | phenethylpiperidin-4-yl)isobutyramide) | |
| 34 | (57) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1- | |
| 35 | phenethylpiperidin-4-yl)butyramide) | |
| 36 | (58) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- | |
| 37 | piperidinyl]propanamide)..... | 9812 |
| 38 | (59) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1- | |
| 39 | phenethylpiperidin-4-yl)isobutyramide, | |
| 40 | 4-fluoroisobutyryl fentanyl)..... | 9824 |
| 41 | (60) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1- | |
| 42 | phenethylpiperidin-4-yl)butyramide) | |
| 43 | (61) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine)..... | 9663 |

| | | |
|----|--|------|
| 1 | (62) Phenadoxone..... | 9637 |
| 2 | (63) Phenampromide..... | 9638 |
| 3 | (64) Phenomorphan..... | 9647 |
| 4 | (65) Phenoperidine..... | 9641 |
| 5 | (66) Piritramide..... | 9642 |
| 6 | (67) Proheptazine..... | 9643 |
| 7 | (68) Properidine..... | 9644 |
| 8 | (69) Propiram..... | 9649 |
| 9 | (70) Racemoramide..... | 9645 |
| 10 | (71) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide)..... | 9843 |
| 11 | (72) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide)..... | 9835 |
| 12 | (73) Tilidine..... | 9750 |
| 13 | (74) Trimeperidine..... | 9646 |
| 14 | (75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)..... | 9547 |
| 15 | (76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide) | |
| 16 | (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: | |
| 17 | (1) Acetorphine..... | 9319 |
| 18 | (2) Acetyldihydrocodeine..... | 9051 |
| 19 | (3) Benzylmorphine..... | 9052 |
| 20 | (4) Codeine methylbromide..... | 9070 |
| 21 | (5) Codeine-N-Oxide..... | 9053 |
| 22 | (6) Cyprenorphine..... | 9054 |
| 23 | (7) Desomorphine..... | 9055 |
| 24 | (8) Dihydromorphine..... | 9145 |
| 25 | (9) Drotebanol..... | 9335 |
| 26 | (10) Etorphine (except hydrochloride salt)..... | 9056 |
| 27 | (11) Heroin..... | 9200 |
| 28 | (12) Hydromorphenol..... | 9301 |
| 29 | (13) Methyldesorphine..... | 9302 |
| 30 | (14) Methyldihydromorphine..... | 9304 |
| 31 | (15) Morphine methylbromide..... | 9305 |
| 32 | (16) Morphine methylsulfonate..... | 9306 |
| 33 | (17) Morphine-N-Oxide..... | 9307 |
| 34 | (18) Myrophine..... | 9308 |
| 35 | (19) Nicocodeine..... | 9309 |
| 36 | (20) Nicomorphine..... | 9312 |

1 (21) Normorphine.....9313
 2 (22) Pholcodine.....9314
 3 (23) Thebacon.....9315
 4 (d) Any material, compound, mixture or preparation—~~which~~ *that*
 5 contains any quantity of the following hallucinogenic substances, their
 6 salts, isomers and salts of isomers, unless specifically excepted, whenever
 7 the existence of these salts, isomers and salts of isomers is possible within
 8 the specific chemical designation:
 9 (1) Alpha-ethyltryptamine 7249 Some trade or other names:
 10 etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-
 11 aminobutyl) indole; α -ET; and AET.
 12 (2) 4-bromo-2,5-dimethoxy-amphetamine.....7391
 13 Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-
 14 methylphenethylamine; 4-bromo-2,5-DMA.
 15 (3) 2,5-dimethoxyamphetamine.....7396
 16 Some trade or other names: 2,5-dimethoxy-alpha-methyl-
 17 phenethylamine; 2,5-DMA.
 18 (4) 4-methoxyamphetamine.....7411
 19 Some trade or other names: 4-methoxy-alpha-methylphene-
 20 thylamine; paramethoxyamphetamine; PMA.
 21 (5) 5-methoxy-3,4-methylenedioxy-amphetamine.....7401
 22 (6) 4-methyl-2,5-dimethoxy-amphetamine.....7395
 23 Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-
 24 methylphenethylamine; "DOM"; and "STP".
 25 (7) 3,4-methylenedioxy amphetamine.....7400
 26 (8) 3,4-methylenedioxymethamphetamine (MDMA).....7405
 27 (9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-
 28 alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA,
 29 MDE, and MDEA).....7404
 30 (10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-
 31 hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and
 32 N-hydroxy MDA).....7402
 33 (11) 3,4,5-trimethoxy amphetamine.....7390
 34 (12) Bufotenine.....7433
 35 Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-
 36 hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-
 37 dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.
 38 (13) Diethyltryptamine.....7434
 39 Some trade or other names: N,N-Diethyltryptamine; DET.
 40 (14) Dimethyltryptamine.....7435
 41 Some trade or other names: DMT.
 42 (15) Ibogaine.....7260
 43 Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-

1 octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2] azepino
2 [5,4-b]indole; Tabernanthe iboga
3 (16) Lysergic acid diethylamide.....7315
4 (17) Marijuana.....7360
5 (18) Mescaline.....7381
6 (19) Parahexyl.....7374
7 Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-
8 6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.
9 (20) Peyote.....7415
10 Meaning all parts of the plant presently classified botanically as
11 Lophophora williamsii Lemaire, whether growing or not, the seeds
12 thereof, any extract from any part of such plant, and every
13 compound, manufacture, salts, derivative, mixture or preparation of
14 such plant, its seeds or extracts.
15 (21) N-ethyl-3-piperidyl benzilate.....7482
16 (22) N-methyl-3-piperidyl benzilate.....7484
17 (23) Psilocybin.....7437
18 (24) Psilocyn.....7438
19 Some trade or other names: Psilocin.
20 (25) Ethylamine analog of phencyclidine.....7455
21 Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-
22 phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
23 cyclohexamine; PCE.
24 (26) Pyrrolidine analog of phencyclidine.....7458
25 Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine;
26 PCPy; PHP.
27 (27) Thiophene analog of phencyclidine.....7470
28 Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;
29 2-thienyl analog of phencyclidine; TPCP; TCP.
30 (28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....7473
31 Some other names: TCPy.
32 (29) 2,5-dimethoxy-4-ethylamphetamine.....7399
33 Some trade or other names: DOET.
34 (30) Salvia divinorum or salvinorum A; all parts of the plant presently
35 classified botanically as salvia divinorum, whether growing or not,
36 the seeds thereof, any extract from any part of such plant, and every
37 compound, manufacture, salts, derivative, mixture or preparation of
38 such plant, its seeds or extracts.
39 (31) Datura stramonium, commonly known as gypsum weed or jimson
40 weed; all parts of the plant presently classified botanically as datura
41 stramonium, whether growing or not, the seeds thereof, any extract
42 from any part of such plant, and every compound, manufacture, salts,
43 derivative, mixture or preparation of such plant, its seeds or extracts.

- 1 (32) N-benzylpiperazine.....7493
 2 Some trade or other names: BZP.
- 3 (33) 1-(3-[trifluoromethylphenyl])piperazine
 4 Some trade or other names: TFMPP.
- 5 (34) 4-Bromo-2,5-dimethoxyphenethylamine.....7392
- 6 (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical
 7 isomers, salts and salts of optical isomers.....7348
- 8 (36) Alpha-methyltryptamine (other name: AMT).....7432
- 9 (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers,
 10 salts and salts of isomers.....7439
- 11 (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....7509
- 12 (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....7508
- 13 (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....7519
- 14 (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....7518
- 15 (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....7385
- 16 (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4) 7532
- 17 (44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....7517
- 18 (45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....7521
- 19 (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....7524
- 20 (47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....7431
 21 Some trade or other names: 5-methoxy-3-[2-(dimethylamino)
 22 ethyl]indole.
- 23 (48) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
 24 ethanamine.....7538
 25 Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I;
 26 Cimbi-5.
- 27 (49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
 28 ethanamine.....7537
 29 Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C;
 30 Cimbi-82.
- 31 (50) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-
 32 methoxybenzyl)ethanamine.....7536
 33 Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B;
 34 Cimbi-36.
- 35 (51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
 36 Some trade or other names: 25H-NBOMe.
- 37 (52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine
 38 Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
- 39 (53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine
 40 Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.
- 41 (e) Any material, compound, mixture or preparation ~~which~~ *that*
 42 contains any quantity of the following substances having a depressant
 43 effect on the central nervous system, including its salts, isomers, and salts

1 of isomers whenever the existence of such salts, isomers, and salts of
 2 isomers is possible within the specific chemical designation:

- 3 (1) Etizolam
 4 Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-
 5 6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
 6 (2) Mecloqualone.....2572
 7 (3) Methaqualone.....2565
 8 (4) Gamma hydroxybutyric acid
 9 (f) Unless specifically excepted or unless listed in another schedule,
 10 any material, compound, mixture or preparation ~~which~~ *that* contains any
 11 quantity of the following substances having a stimulant effect on the
 12 central nervous system, including its salts, isomers and salts of isomers:
 13 (1) Aminorex.....1585
 14 Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or
 15 4,5-dihydro-5-phenyl-2-oxazolamine
 16 (2) Fenethylamine.....1503
 17 (3) N-ethylamphetamine.....1475
 18 (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-
 19 oxazolamine).....1590
 20 (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-
 21 benzeneethanamine; N,N-alpha-trimethylphenethylamine).....1480
 22 (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone,
 23 alpha-amino propiophenone, 2-amino propiophenone and
 24 norphedrone).....1235
 25 (7) Substituted cathinones
 26 Any compound, except bupropion or compounds listed under a
 27 different schedule, structurally derived from 2-aminopropan-1-one
 28 by substitution at the 1-position with either phenyl, naphthyl, or
 29 thiophene ring systems, whether or not the compound is further
 30 modified in any of the following ways:
 31 (A) By substitution in the ring system to any extent with alkyl,
 32 alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide
 33 substituents, whether or not further substituted in the ring
 34 system by one or more other univalent substituents;
 35 (B) by substitution at the 3-position with an acyclic alkyl
 36 substituent;
 37 (C) by substitution at the 2-amino nitrogen atom with alkyl,
 38 dialkyl, benzyl, or methoxybenzyl groups; or
 39 (D) by inclusion of the 2-amino nitrogen atom in a cyclic
 40 structure.
 41 (g) Any material, compound, mixture or preparation ~~which~~ *that*
 42 contains any quantity of the following substances:
 43 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its

- 1 optical isomers, salts and salts of isomers
- 2 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
- 3 (thenylfentanyl), its optical isomers, salts and salts of isomers
- 4 (h) Any of the following cannabinoids, their salts, isomers and salts
- 5 of isomers, unless specifically excepted, whenever the existence of these
- 6 salts, isomers and salts of isomers is possible within the specific chemical
- 7 designation:
- 8 (1) Tetrahydrocannabinols.....7370
- 9 Meaning tetrahydrocannabinols naturally contained in a plant of the
- 10 genus Cannabis (cannabis plant), as well as synthetic equivalents of
- 11 the substances contained in the plant, or in the resinous extractives of
- 12 Cannabis, sp. and/or synthetic substances, derivatives, and their
- 13 isomers with similar chemical structure and pharmacological activity
- 14 such as the following: Delta 1 cis or trans tetrahydrocannabinol, and
- 15 their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and
- 16 their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and
- 17 its optical isomers (Since nomenclature of these substances is not
- 18 internationally standardized, compounds of these structures,
- 19 regardless of numerical designation of atomic positions covered.),
- 20 *except tetrahydrocannabinols in any of the following:*
- 21 (A) *Industrial hemp, as defined in K.S.A. 2018 Supp. 2-3901, and*
- 22 *amendments thereto;*
- 23 (B) *solid waste, as defined in K.S.A. 65-3402, and amendments*
- 24 *thereto, and hazardous waste, as defined in K.S.A. 65-3430,*
- 25 *and amendments thereto, if such waste is the result of the*
- 26 *cultivation, production or processing of industrial hemp, as*
- 27 *defined in K.S.A. 2018 Supp. 2-3901, and amendments*
- 28 *thereto, and such waste contains a delta-9*
- 29 *tetrahydrocannabinol concentration of not more than 0.3% on*
- 30 *a dry weight basis; or*
- 31 (C) *hemp products, as defined in K.S.A. 2018 Supp. 2-3901, and*
- 32 *amendments thereto, unless otherwise deemed unlawful*
- 33 *pursuant to section 5, and amendments thereto.*
- 34 (2) Naphthoylindoles
- 35 Any compound containing a 3-(1-naphthoyl)indole structure with
- 36 substitution at the nitrogen atom of the indole ring by an alkyl,
- 37 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 38 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl
- 39 group, whether or not further substituted in the indole ring to any
- 40 extent and whether or not substituted in the benzyl or naphthyl ring
- 41 to any extent.
- 42 (3) Naphthylmethylindoles
- 43 Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane

- 1 structure with substitution at the nitrogen atom of the indole ring by
2 an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
3 cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
4 morpholinyl)ethyl group whether or not further substituted in the
5 indole ring to any extent and whether or not substituted in the benzyl
6 or naphthyl ring to any extent.
- 7 (4) Naphthoylpyrroles
8 Any compound containing a 3-(1-naphthoyl)pyrrole structure with
9 substitution at the nitrogen atom of the pyrrole ring by an alkyl,
10 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
11 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
12 group whether or not further substituted in the pyrrole ring to any
13 extent, whether or not substituted in the benzyl or naphthyl ring to
14 any extent.
- 15 (5) Naphthylmethylindenes
16 Any compound containing a naphthylideneindene structure with
17 substitution at the 3-position of the indene ring by an alkyl,
18 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
19 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
20 group whether or not further substituted in the indene ring to any
21 extent, whether or not substituted in the benzyl or naphthyl ring to
22 any extent.
- 23 (6) Phenylacetylindoles
24 Any compound containing a 3-phenylacetylindole structure with
25 substitution at the nitrogen atom of the indole ring by an alkyl,
26 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
27 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
28 group whether or not further substituted in the indole ring to any
29 extent, whether or not substituted in the benzyl or phenyl ring to any
30 extent.
- 31 (7) Cyclohexylphenols
32 Any compound containing a 2-(3-hydroxycyclohexyl)phenol
33 structure with substitution at the 5-position of the phenolic ring by an
34 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
35 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
36 morpholinyl)ethyl group whether or not substituted in the cyclohexyl
37 ring to any extent.
- 38 (8) Benzoylindoles
39 Any compound containing a 3-(benzoyl)indole structure with
40 substitution at the nitrogen atom of the indole ring by an alkyl,
41 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
42 benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
43 group whether or not further substituted in the indole ring to any

- 1 extent and whether or not substituted in the benzyl or phenyl ring to
2 any extent.
- 3 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-
4 1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.
5 Some trade or other names: WIN 55,212-2.
- 6 (10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-
7 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
8 Some trade or other names: HU-210, HU-211.
- 9 (11) Tetramethylcyclopropanoylindoles
10 Any compound containing a 3-tetramethylcyclopropanoylindole
11 structure with substitution at the nitrogen atom of the indole ring by
12 an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
13 cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
14 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-
15 3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or
16 not further substituted in the indole ring to any extent and whether or
17 not substituted in the benzyl or tetramethylcyclopropyl rings to any
18 extent.
- 19 (12) Indole-3-carboxylate esters
20 Any compound containing a 1H-indole-3-carboxylate ester structure
21 with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or
22 adamantyl group and substitution at the 1 position of the indole ring
23 by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
24 cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-
25 morpholinyl)ethyl group, whether or not further substituted on the
26 indole ring to any extent and whether or not substituted on the
27 naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to
28 any extent.
- 29 (13) Indazole-3-carboxamides
30 Any compound containing a 1H-indazole-3-carboxamide structure
31 with substitution at the nitrogen of the carboxamide by a naphthyl,
32 quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-
33 yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1
34 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl,
35 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
36 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
37 further substituted on the indazole ring to any extent and whether or
38 not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl,
39 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl
40 groups to any extent.
- 41 (14) Indole-3-carboxamides
42 Any compound containing a 1H-indole-3-carboxamide structure with
43 substitution at the nitrogen of the carboxamide by a naphthyl,

1 quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-
2 yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1
3 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
4 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
5 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
6 further substituted on the indole ring to any extent and whether or not
7 further substituted on the naphthyl, quinolinyl, isoquinolinyl,
8 adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or
9 benzyl groups to any extent.

10 (15) (1H-indazol-3-yl)methanones

11 Any compound containing a (1H-indazol-3-yl)methanone structure
12 with the carbonyl carbon bearing a naphthyl group and substitution at
13 the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl,
14 cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-
15 piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not
16 further substituted on the indazole ring to any extent and whether or
17 not substituted on the naphthyl or benzyl groups to any extent.

18 Sec. 14. K.S.A. 65-4101, 65-4101c, 65-4105 and 65-4105b and
19 K.S.A. 2018 Supp. 2-3901, 2-3903, 21-5701, 21-5701a and 21-5702 are
20 hereby repealed.

21 Sec. 15. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is
22 hereby repealed.

23 Sec. 16. This act shall take effect and be in force from and after its
24 publication in the Kansas register.