

HOUSE BILL No. 2178

AN ACT concerning controlled substances; relating to gamma hydroxybutyric acid; amending K.S.A. 2000 Supp. 21-3445, 65-4101, as amended by Section 3 of 2001 House Bill No. 2457, 65-4105, 65-4109, 65-4111 and 65-7003 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 21-3445 is hereby amended to read as follows: 21-3445. (a) Unlawful administration of a substance is the intentional and knowing administration of a substance to another person without consent for the purpose of impairing such other person's physical or mental ability to appraise or control such person's conduct.

(b) "Unlawful administration of a substance" means any method of causing the ingestion by another person of a controlled substance, ~~including gamma hydroxybutyric acid, or its salts, or butyrolactone~~ *any controlled substance analog, as defined in K.S.A. 65-4101, of gamma hydroxybutyric acid, including gamma butyrolactone; butyrolactone; butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic acid lactone with CAS No. 96-48-0; 1,4 butanediol; butanediol; butane-1,4-diol; 1,4-butylene glycol; butylene glycol; 1,4-dihydroxybutane; 1,4-tetramethylene glycol; tetramethylene glycol; tetramethylene 1,4-diol*, into any food, beverage or other consumable that the person knows, or should know, would be consumed by such other person.

(c) This section shall not prohibit administration of any substance described in subsection (b) for lawful medical or therapeutic treatment.

(d) Unlawful administration of a substance is a class A person misdemeanor.

Sec. 2. K.S.A. 2000 Supp. 65-4101 as amended by section 3 of 2001 House Bill No. 2457 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by: (1) A practitioner or pursuant to the lawful direction of a practitioner; or

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

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

(c) "Board" means the state board of pharmacy.

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

(e) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments to these sections.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

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

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

(i) "Dispenser" means a practitioner or pharmacist who dispenses.

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

(k) "Distributor" means a person who distributes.

(l) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation,

treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2) or (3) of this subsection. It does not include devices or their components, parts or accessories.

(m) “Immediate precursor” means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(n) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual’s own lawful use or the preparation, compounding, packaging or labeling of a controlled substance: (1) By a practitioner or the practitioner’s agent pursuant to a lawful order of a practitioner as an incident to the practitioner’s administering or dispensing of a controlled substance in the course of the practitioner’s professional practice; or

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

(o) “Marijuana” means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(p) “Narcotic drug” means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

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

(3) opium poppy and poppy straw;

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

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

(r) “Opium poppy” means the plant of the species *Papaver somniferum l.* except its seeds.

(s) “Person” means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(t) “Poppy straw” means all parts, except the seeds, of the opium poppy, after mowing.

(u) “Pharmacist” means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(v) “Practitioner” means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(w) “Production” includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(x) “Ultimate user” means a person who lawfully possesses a controlled substance for such person’s own use or for the use of a member of such person’s household or for administering to an animal owned by such person or by a member of such person’s household.

(y) “Isomer” means all enantiomers and diastereomers.

(z) “Medical care facility” shall have the meaning ascribed to that term in K.S.A. 65-425 and amendments thereto.

(aa) “Cultivate” means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(bb) (1) “Controlled substance analog” means a substance *that is intended for human consumption, and:*

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

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

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

(2) “Controlled substance analog” does not include:

(A) A controlled substance;

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

or

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

~~(D) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.~~

(cc) “Mid-level practitioner” means an advanced registered nurse practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131 and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 2000 Supp. 65-28a08 and amendments thereto.

Sec. 3. K.S.A. 2000 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

- (1) Acetyl-alpha-methylfentanyl
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]
-N-phenylacetamide 9815
- (2) Acetylmethadol 9601
- (3) Allylprodine 9602
- (4) Alphacetylmethadol 9603
(except levo-alphacetylmethadol also known as
levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)

(5)	Alphameprodine	9604
(6)	Alphamethadol	9605
(7)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine)	9814
(8)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide).....	9832
(9)	Benzethidine	9606
(10)	Betacetylmethadol	9607
(11)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide	9830
(12)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide	9831
(13)	Betameprodine	9608
(14)	Betamethadol.....	9609
(15)	Betaprodine	9611
(16)	Clonitazene	9612
(17)	Dextromoramide	9613
(18)	Diampromide.....	9615
(19)	Diethylthiambutene	9616
(20)	Difenoxin	9168
(21)	Dimenoxadol	9617
(22)	Dimepheptanol.....	9618
(23)	Dimethylthiambutene.....	9619
(24)	Dioxaphetyl butyrate.....	9621
(25)	Dipipanone	9622
(26)	Ethylmethylthiambutene.....	9623
(27)	Etonitazene.....	9624
(28)	Etoxidine	9625
(29)	Furethidine.....	9626
(30)	Hydroxypethidine	9627
(31)	Ketobemidone.....	9628
(32)	Levomoramide	9629
(33)	Levophenacymorphan.....	9631
(34)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl] -N-phenylpropanamide)	9813
(35)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]- N-phenylpropanamide)	9833
(36)	Morpheridine.....	9632
(37)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(38)	Noracymethadol.....	9633
(39)	Norlevorphanol.....	9634
(40)	Normethadone	9635
(41)	Norpipanone.....	9636
(42)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl) -4-piperidinyl] propanamide	9812
(43)	PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine)	9663
(44)	Phenadoxone	9637
(45)	Phenampromide.....	9638
(46)	Phenomorphan	9647
(47)	Phenoperidine	9641
(48)	Piritramide.....	9642
(49)	Proheptazine.....	9643
(50)	Properidine	9644
(51)	Propiram.....	9649
(52)	Racemoramide	9645
(53)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]- propanamide	9835
(54)	Tilidine.....	9750
(55)	Trimeperidine	9646

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

(1)	Acetorphine.....	9319
(2)	Acetyldihydrocodeine	9051
(3)	Benzylmorphine	9052
(4)	Codeine methylbromide	9070
(5)	Codeine-N-Oxide	9053
(6)	Cyprenorphine	9054
(7)	Desomorphine.....	9055
(8)	Dihydromorphine	9145
(9)	Drotebanol	9335
(10)	Etorphine (except hydrochloride salt).....	9056
(11)	Heroin	9200
(12)	Hydromorphanol.....	9301
(13)	Methyldesorphine	9302
(14)	Methyldihydromorphine	9304

(15)	Morphine methylbromide	9305
(16)	Morphine methylsulfonate.....	9306
(17)	Morphine-N-Oxide.....	9307
(18)	Myrophine.....	9308
(19)	Nicocodeine	9309
(20)	Nicomorphine	9312
(21)	Normorphine	9313
(22)	Pholcodine.....	9314
(23)	Thebacon	9315

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

(1)	4-bromo-2,5-dimethoxy-amphetamine	7391
	Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.	
(2)	2,5-dimethoxyamphetamine	7396
	Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.	
(3)	4-methoxyamphetamine.....	7411
	Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA.	
(4)	5-methoxy-3,4-methylenedioxy-amphetamine	7401
(5)	4-methyl-2,5-dimethoxy-amphetamine	7395
	Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".	
(6)	3,4-methylenedioxy amphetamine.....	7400
(7)	3,4-methylenedioxymethamphetamine (MDMA).....	7405
(8)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....	7404
(9)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA)	7402
(10)	3,4,5-trimethoxy amphetamine	7390
(11)	Bufotenine.....	7433
	Some trade or other names: 3-(Beta-Dimethyl- aminoethyl)-5-hydroxyindole; 3-(2-dimethyl- aminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.	
(12)	Diethyltryptamine.....	7434
	Some trade or other names: N,N-Diethyltryptamine; DET.	
(13)	Dimethyltryptamine.....	7435
	Some trade or other names: DMT.	
(14)	Ibogaine	7260
	Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13 octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2] azepino [5,4-b]indole; Tabernanthe iboga.	
(15)	Lysergic acid diethylamide.....	7315
(16)	Marihuana	7360
(17)	Mescaline	7381
(18)	Parahexyl	7374
	Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9- trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
(19)	Peyote.....	7415
	Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii Lemaire</i> , whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(20)	N-ethyl-3-piperidyl benzilate	7482
(21)	N-methyl-3-piperidyl benzilate	7484
(22)	Psilocybin	7437
(23)	Psilocyn	7438
(24)	Tetrahydrocannabinols.....	7370
	Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of <i>Cannabis, sp.</i> and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)	
(25)	Ethylamine analog of phencyclidine	7455
	Some trade or other names: N-ethyl-1-phenyl- cyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	

(26)	Pyrrrolidine analog of phencyclidine Some trade or other names: 1-(1-phenylcyclo- hexyl)- pyrrrolidine; PCPy; PHP.	7458
(27)	Thiophene analog of phencyclidine Some trade or other names: 1-[1-(2-thienyl)- cyclohexyl] -piperidine; 2-thienylanalog of phencyclidine; TPCP; TCP.	7470
(28)	1-[1-(2-thienyl)-cyclohexyl] pyrrolidine Some other names: TCPy	7473
(29)	2,5-dimethoxy-4-ethylamphetamine Some trade or other names: DOET	7399

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

(1)	Mecloqualone.....	2572
(2)	Methaqualone	2565
(3)	<i>Gamma hydroxybutyric acid</i>	

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

(1)	Fenethylamine.....	1503
(2)	N-ethylamphetamine	1475
(3)	(+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl- 2-oxazolamine).....	1590
(4)	N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl- benzeneethanamine; N,N-alpha-trimethylphenethylamine).....	1480
(5)	Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norpheдрone).....	1235

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

(1)	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers.....	9818
(2)	N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers....	9834
(3)	Methcathinone (some other names: 2-methylamino-1-phenylpro- pan-1-one; Ephedrone; Monomethylpropion; UR 1431, its salts, optical isomers and salts of optical isomers)	1237
(4)	Aminorex (some other names: Aminoxaphen 2-amino-5-phenyl- 2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine, its salts, op- tical isomers and salts of optical isomers).....	1585
(5)	Alpha-ethyltryptamine, its optical isomers, salts and salts of isomers..... Some other names: etryptamine, alpha-methyl-1H-indole-3- ethanamine; 3-(2-aminobutyl) indole.	7249

Sec. 4. K.S.A. 2000 Supp. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

(1)	Any compound, mixture or preparation containing:	
(A)	Amobarbital	2126
(B)	Secobarbital	2316
(C)	Pentobarbital.....	2271

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

(2)	Any suppository dosage form containing:	
(A)	Amobarbital	2126
(B)	Secobarbital	2316
(C)	Pentobarbital	2271

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

(3)	Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, ex- cept those substances which are specifically listed in other schedules	2100
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(4)	Chlorhexadol	2510
(5)	Lysergic acid	7300
(6)	Lysergic acid amide	7310
(7)	Methyprylon	2575
(8)	Sulfondiethylmethane	2600
(9)	Sulfonethylmethane	2605
(10)	Sulfonmethane	2610
(11)	Tiletamine and zolazepam or any salt thereof	7295
	Some trade or other names for a tiletamine-zolazepam combination product: Telazol	
	Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone	
	Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon	
(12)	Ketamine, its salts, isomers, and salts of isomers	7285
	Some other names for ketamine: (<plus-minus>) -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone	
(13)	<i>Gamma hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma hydroxybutyric acid contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act</i>	
(c)	Nalorphine	9400
(d)	Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	
(1)	Not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium ...	9803
(2)	not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9804
(3)	not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium	9805
(4)	not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9806
(5)	not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9807
(6)	not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9808
(7)	not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9809
(8)	not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9810
(e)	Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:	
(1)	Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances	1405
(2)	Benzphetamine	1228
(3)	Chlorphentermine	1645
(4)	Chlortermine	1647
(5)	Phendimetrazine	1615
(f)	Anabolic steroids	4000

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

- (1) boldenone
- (2) chlorotestosterone (4-chlortestosterone)
- (3) clostebol
- (4) dehydrochlormethyltestosterone
- (5) dihydrotestosterone (4-dihydrotestosterone)
- (6) drostanolone
- (7) ethylestrenol
- (8) fluoxymesterone
- (9) formebolone (formebolone)
- (10) mesterolone
- (11) methandienone
- (12) methandranone
- (13) methandriol
- (14) methandrostenolone
- (15) methenolone
- (16) methyltestosterone
- (17) mibolerone
- (18) nandrolone
- (19) norethandrolone
- (20) oxandrolone
- (21) oxymesterone
- (22) oxymetholone
- (23) stanolone
- (24) stanozolol
- (25) testolactone
- (26) testosterone
- (27) trenbolone
- (28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

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

(B) If any person prescribes, dispenses or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).

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

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

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

Sec. 5. K.S.A. 2000 Supp. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a

potential for abuse associated with a depressant effect on the central nervous system:

(1) Alprazolam.....	2882
(2) Barbital.....	2145
(3) Bromazepam.....	2748
(4) Camazepam.....	2749
(5) Chloral betaine.....	2460
(6) Chloral hydrate.....	2465
(7) Chlordiazepoxide.....	2744
(8) Clobazam.....	2751
(9) Clonazepam.....	2737
(10) Clorazepate.....	2768
(11) Clotiazepam.....	2752
(12) Cloxazolam.....	2753
(13) Delorazepam.....	2754
(14) Diazepam.....	2765
(15) Estazolam.....	2756
(16) Ethchlorvynol.....	2540
(17) Ethinamate.....	2545
(18) Ethyl loflazepate.....	2758
(19) Fludiazepam.....	2759
(20) Flunitrazepam.....	2763
(21) Flurazepam.....	2767
(22) Halazepam.....	2762
(23) Haloxazolam.....	2771
(24) Ketazolam.....	2772
(25) Loprazolam.....	2773
(26) Lorazepam.....	2885
(27) Lormetazepam.....	2774
(28) Mebutamate.....	2800
(29) Medazepam.....	2836
(30) Meprobamate.....	2820
(31) Methohexital.....	2264
(32) Methylphenobarbital (mephobarbital).....	2250
(33) Midazolam.....	2884
(34) Nimetazepam.....	2837
(35) Nitrazepam.....	2834
(36) Nordiazepam.....	2838
(37) Oxazepam.....	2835
(38) Oxazolam.....	2839
(39) Paraldehyde.....	2585
(40) Petrichloral.....	2591
(41) Phenobarbital.....	2285
(42) Pinazepam.....	2883
(43) Prazepam.....	2764
(44) Quazepam.....	2881
(45) Temazepam.....	2925
(46) Tetrazepam.....	2886
(47) Triazolam.....	2887
(48) Zolpidem.....	2783
(49) Gamma hydroxybutyric acid	
(50) Zaleplon.....	2781

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

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

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

The provisions of this subsection (d)(8) shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 United States code 812; 21 code of federal regulations 1308.14).

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

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

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

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

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

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

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

Sec. 6. K.S.A. 2000 Supp. 65-7003 is hereby amended to read as follows: 65-7003. As used in K.S.A. 2000 Supp. 65-7001 through 65-7015 and amendments thereto:

(a) “Act” means the Kansas chemical control act;

(b) “administer” means the application of a regulated chemical whether by injection, inhalation, ingestion or any other means, directly into the body of a patient or research subject, such administration to be conducted by: (1) A practitioner, or in the practitioner’s presence, by such practitioner’s authorized agent; or

(2) the patient or research subject at the direction and in the presence of the practitioner;

(c) “agent or representative” means a person who is authorized to receive, possess, manufacture or distribute or in any other manner control or has access to a regulated chemical on behalf of another person;

(d) “bureau” means the Kansas bureau of investigation;

(e) “department” means the Kansas department of health and environment;

(f) “director” means the director of the Kansas bureau of investigation;

(g) “dispense” means to deliver a regulated chemical to an ultimate user, patient or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the regulated chemical for that delivery;

(h) “distribute” means to deliver other than by administering or dispensing a regulated chemical;

(i) “manufacture” means to produce, prepare, propagate, compound, convert or process a regulated chemical directly or indirectly, by extraction from substances of natural origin, chemical synthesis or a combination of extraction and chemical synthesis, and includes packaging or repackaging of the substance or labeling or relabeling of its container. The term excludes the preparation, compounding, packaging, repackaging, labeling or relabeling of a regulated chemical:

(1) By a practitioner as an incident to the practitioner’s administering or dispensing of a regulated chemical in the course of the practitioner’s professional practice; or

(2) by a practitioner, or by the practitioner’s authorized agent under the practitioner’s supervision, for the purpose of, or as an incident to research, teaching or chemical analysis and not for sale;

(j) “person” means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity;

(k) “practitioner” means a person licensed to practice medicine and surgery, pharmacist, dentist, podiatrist, veterinarian, optometrist licensed under the optometry laws as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance;

(l) “regulated chemical” means a chemical that is used directly or indirectly to manufacture a controlled substance or other regulated chemical, *or is used as a controlled substance analog*, in violation of the state controlled substances act or this act. The fact that a chemical may be used for a purpose other than the manufacturing of a controlled substance or regulated chemical does not exempt it from the provisions of this act. Regulated chemical includes:

- (1) Acetic anhydride (CAS No. 108-24-7);
 - (2) benzaldehyde (CAS No. 100-52-7);
 - (3) benzyl chloride (CAS No. 100-44-7);
 - (4) benzyl cyanide (CAS No. 140-29-4);
 - (5) diethylamine and its salts (CAS No. 109-89-7);
 - (6) ephedrine, its salts, optical isomers and salts of optical isomers (CAS No. 299-42-3), except products containing ephedra or ma huang, which do not contain any chemically synthesized ephedrine alkaloids, and are lawfully marketed as dietary supplements under federal law;
 - (7) hydriodic acid (CAS No. 10034-85-2);
 - (8) iodine (CAS No. 7553-56-2);
 - (9) lithium (CAS No. 7439-93-2);
 - (10) methylamine and its salts (CAS No. 74-89-5);
 - (11) nitroethane (CAS No. 79-24-3);
 - (12) chloroephedrine, its salts, optical isomers, and salts of optical isomers (CAS No. 30572-91-9);
 - (13) phenylacetic acid, its esters and salts (CAS No. 103-82-2);
 - (14) phenylpropanolamine, its salts, optical isomers, and salts of optical isomers (CAS No. 14838-15-4);
 - (15) piperidine and its salts (CAS No. 110-89-4);
 - (16) pseudoephedrine, its salts, optical isomers, and salts of optical isomers (CAS No. 90-82-4);
 - (17) red phosphorous (CAS No. 7723-14-0);
 - (18) sodium (CAS No. 7440-23-5); and
 - (19) thionylchloride (CAS No. 7719-09-7);
 - (20) *gamma butyrolactone (GBL), including butyrolactone; butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic acid lactone; CAS No. 96-48-0; and*
 - (21) *1,4 butanediol, including butanediol; butane-1,4-diol; 1,4-butylene glycol; butylene glycol; 1,4-dihydroxybutane; 1,4-tetramethylene glycol; tetramethylene glycol; tetramethylene 1,4-diol; CAS No. 110-63-4;*
- (m) “regulated chemical distributor” means any person subject to the provisions of the Kansas chemical control act who manufactures or distributes a regulated chemical;
- (n) “regulated chemical retailer” means any person who sells regulated chemicals directly to the public;
- (o) “regulated chemical transaction” means the manufacture of a regulated chemical or the distribution, sale, exchange or other transfer of a

regulated chemical within or into the state or from this state into another state; and

(p) “secretary” means the secretary of health and environment.

Sec. 7. K.S.A. 2000 Supp. 21-3445, 65-4101, as amended by Section 3 of 2001 House Bill No. 2457, 65-4105, 65-4109, 65-4111 and 65-7003 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.