

## SENATE BILL No. 560

By Committee on Judiciary

2-11

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AN ACT concerning controlled substances; relating to certain unlawful acts; penalties; amending K.S.A. 2001 Supp. 65-4160 and repealing the existing section.

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

Section 1. K.S.A. 2001 Supp. 65-4160 is hereby amended to read as follows: 65-4160. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107 and amendments thereto. Except as provided in subsections (b) and (c), any person who violates this subsection shall be guilty of a drug severity level 4 felony.

(b) If any person who violates this section has one prior conviction under this section *or K.S.A. 2001 Supp. 65-4161, and amendments thereto*, or a conviction for a substantially similar offense from another jurisdiction, then that person shall be guilty of a drug severity level 2 felony.

(c) If any person who violates this section has two or more prior convictions under this section *or K.S.A. 2001 Supp. 65-4161, and amendments thereto*, or substantially similar offenses under the laws of another jurisdiction, then such person shall be guilty of a drug severity level 1 felony.

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

(e) For purposes of the uniform controlled substances act, the prohibitions contained in this section shall apply to controlled substance analogs as defined in subsection (bb) of K.S.A. 65-4101 and amendments thereto.

(f) The provisions of this section shall be part of and supplemental to the uniform controlled substances act.

Sec. 2. K.S.A. 2001 Supp. 65-4160 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.