

HOUSE BILL No. 2486

By Joint Committee on Corrections and Juvenile Justice Oversight

1-6

AN ACT concerning chemicals; relating to the registration of wholesalers, manufacturers and distributors; amending K.S.A. 65-7003 and repealing the existing section.

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

New Section 1. (a) Any wholesaler, manufacturer or distributor of drug products containing ephedrine or pseudoephedrine, or their salts, isomers, or salts of isomers shall obtain a registration annually from the Kansas bureau of investigation. Any such wholesaler, manufacturer or distributor shall keep complete records of all transactions involving such drug products including the names of all parties involved in the transaction and amount of the drug products involved. The records shall be kept readily retrievable and separate from all other invoices or records of transactions not involving such drug products, and shall be maintained for not less than three years.

(b) In addition to any civil penalties provided by law, a violation of this section shall be a misdemeanor, and upon conviction thereof be punished by a fine not to exceed \$10,000.

(c) This section shall be a part of and supplemental to the Kansas chemical control act.

Sec. 2. K.S.A. 65-7003 is hereby amended to read as follows: 65-7003. As used in K.S.A. 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;

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

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

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

10 (h) “distribute” means to deliver other than by administering or dis-
11 pensing a regulated chemical;

12 (i) “manufacture” means to produce, prepare, propagate, compound,
13 convert or process a regulated chemical directly or indirectly, by extrac-
14 tion from substances of natural origin, chemical synthesis or a combina-
15 tion of extraction and chemical synthesis, and includes packaging or re-
16 packaging of the substance or labeling or relabeling of its container. The
17 term excludes the preparation, compounding, packaging, repackaging, la-
18 beling or relabeling of a regulated chemical:

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

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

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

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

34 (l) “regulated chemical” means a chemical that is used directly or
35 indirectly to manufacture a controlled substance or other regulated chem-
36 ical, or is used as a controlled substance analog, in violation of the state
37 controlled substances act or this act. The fact that a chemical may be used
38 for a purpose other than the manufacturing of a controlled substance or
39 regulated chemical does not exempt it from the provisions of this act.

40 Regulated chemical includes:

41 (1) Acetic anhydride (CAS No. 108-24-7);

42 (2) benzaldehyde (CAS No. 100-52-7);

43 (3) benzyl chloride (CAS No. 100-44-7);

- 1 (4) benzyl cyanide (CAS No. 140-29-4);
- 2 (5) diethylamine and its salts (CAS No. 109-89-7);
- 3 (6) ephedrine, its salts, optical isomers and salts of optical isomers
- 4 (CAS No. 299-42-3), except products containing ephedra or ma huang,
- 5 which do not contain any chemically synthesized ephedrine alkaloids, and
- 6 are lawfully marketed as dietary supplements under federal law;
- 7 (7) hydriodic acid (CAS No. 10034-85-2);
- 8 (8) iodine (CAS No. 7553-56-2);
- 9 (9) lithium (CAS No. 7439-93-2);
- 10 (10) methylamine and its salts (CAS No. 74-89-5);
- 11 (11) nitroethane (CAS No. 79-24-3);
- 12 (12) chloroephedrine, its salts, optical isomers, and salts of optical
- 13 isomers (CAS No. 30572-91-9);
- 14 (13) phenylacetic acid, its esters and salts (CAS No. 103-82-2);
- 15 (14) phenylpropanolamine, its salts, optical isomers, and salts of op-
- 16 tical isomers (CAS No. 14838-15-4);
- 17 (15) piperidine and its salts (CAS No. 110-89-4);
- 18 (16) pseudoephedrine, its salts, optical isomers, and salts of optical
- 19 isomers (CAS No. 90-82-4);
- 20 (17) red phosphorous (CAS No. 7723-14-0);
- 21 (18) sodium (CAS No. 7440-23-5); and
- 22 (19) thionylchloride (CAS No. 7719-09-7);
- 23 (20) gamma butyrolactone (GBL), including butyrolactone; butyro-
- 24 lactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-
- 25 2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide;
- 26 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid
- 27 lactone and 4-hydroxybutanoic acid lactone; CAS No. 96-48-0; and
- 28 (21) 1,4 butanediol, including butanediol; butane-1,4-diol; 1,4-butyl-
- 29 ene glycol; butylene glycol; 1,4-dihydroxybutane; 1,4-tetramethylene gly-
- 30 col; tetramethylene glycol; tetramethylene 1,4-diol; CAS No. 110-63-4;
- 31 (m) “regulated chemical distributor” means any person subject to the
- 32 provisions of the Kansas chemical control act who manufactures or dis-
- 33 tributes a regulated chemical;
- 34 (n) “regulated chemical retailer” means any person who sells regu-
- 35 lated chemicals directly to the public;
- 36 (o) “regulated chemical transaction” means the manufacture of a reg-
- 37 ulated chemical or the distribution, sale, exchange or other transfer of a
- 38 regulated chemical within or into the state or from this state into another
- 39 state; ~~and~~
- 40 (p) “secretary” means the secretary of health and environment;
- 41 (q) “*manufacturer*” means any person within this state who manu-
- 42 factures or in any manner initially prepares for sale or use any drug
- 43 product described in new section 1, and amendments thereto, or any such

1 person in another state if they cause the products to be compounded,
2 packaged, or transported into this state;

3 (r) "wholesaler" means any person within this state or another state,
4 other than a manufacturer, who sells, transfers, or in any manner fur-
5 nishes a drug product described in new section 1, and amendments
6 thereto, to any other person in this state for the purpose of being resold;

7 (s) "distributor" means any person within this state or another state,
8 other than a manufacturer or wholesaler, who distributes or in any man-
9 ner furnishes a drug product described in new section 1, and amendments
10 thereto, to any person who is not the ultimate user or consumer of the
11 product; and

12 (t) "readily retrievable" means available for inspection without prior
13 notice at the registration address if that address is within the state. If the
14 registration address is in a state other than Kansas, it means records must
15 be furnished within three working days by courier, facsimile, mail or
16 electronic mail.

17 Sec. 3. K.S.A. 65-7003 is hereby repealed.

18 Sec. 4. This act shall take effect and be in force from and after its
19 publication in the statute book.

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