

SENATE BILL No. 161

By Committee on Judiciary

1-23

9 AN ACT concerning crimes and punishment relating to criminal penal-
10 ties; amending K.S.A. 65-4162 and repealing the existing section.

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

13 Section 1. K.S.A. 65-4162 is hereby amended to read as follows: 65-
14 4162. (a) Except as authorized by the uniform controlled substances act,
15 it shall be unlawful for any person to possess or have under such person's
16 control:

17 (1) Any depressant designated in subsection (e) of K.S.A. 65-4105,
18 subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109
19 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

20 (2) any stimulant designated in subsection (f) of K.S.A. 65-4105, sub-
21 section (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A.
22 65-4109, and amendments thereto;

23 (3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-
24 4105 and amendments thereto or designated in subsection (g) of K.S.A.
25 65-4107 and amendments thereto or designated in subsection (g) of
26 K.S.A. 65-4109 and amendments thereto;

27 (4) any substance designated in subsection (g) of K.S.A. 65-4105, and
28 amendments thereto, and designated in subsection (c), (d), (e), (f) or (g)
29 of K.S.A. 65-4111 and amendments thereto; or

30 (5) any anabolic steroids as defined in subsection (f) of K.S.A. 65-
31 4109, and amendments thereto.

32 Except as otherwise provided, any person who violates this subsection
33 shall be guilty of a class A nonperson misdemeanor. If any person has a
34 prior conviction *or juvenile adjudication* under this section, a conviction
35 *or juvenile adjudication* for a substantially similar offense from another
36 jurisdiction or a conviction *or juvenile adjudication* of a violation of an
37 ordinance of any city or resolution of any county for a substantially similar
38 offense if the substance involved was marijuana or tetrahydrocannabinol
39 as designated in subsection (d) of K.S.A. 65-4105 and amendments
40 thereto, then such person shall be guilty of a drug severity level 4 felony.

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

1 (c) For purposes of the uniform controlled substances act, the pro-
2 hibitions contained in this section shall apply to controlled substance an-
3 alogs as defined in subsection (bb) of K.S.A. 65-4101 and amendments
4 thereto.

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

7 Sec. 2. K.S.A. 65-4162 is hereby repealed.

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