

HOUSE BILL No. 2486

By Committee on Judiciary

2-9

AN ACT concerning controlled substances; relating to drug paraphernalia; amending K.S.A. 2000 Supp. 65-4153 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 65-4153 is hereby amended to read as follows: 65-4153. (a) No person shall deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within this state:

(1) Any simulated controlled substance;

(2) any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of K.S.A. 2000 Supp. 65-4162, and amendments thereto;

(3) any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the uniform controlled substances act, except K.S.A. 2000 Supp. 65-4162, and amendments thereto; or

(4) any drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, sell or distribute a controlled substance in violation of the uniform controlled substances act.

(b) Violation of subsection (a)(1) is a nondrug severity level 9, nonperson felony.

(c) Violation of subsection (a)(2) is a class A nonperson misdemeanor. Any person who violates subsection (a)(2) by delivering or causing to be delivered within this state drug paraphernalia to a person under 18 years of age is guilty of a nondrug severity level 9, nonperson felony.

(d) Violation of subsection (a)(3) is a nondrug severity level 9, nonperson felony. Any person who violates subsection (a)(3) by delivering or causing to be delivered within this state drug paraphernalia to a person under 18 years of age is guilty of a drug severity level 4 felony.

1 (e) Violation of subsection (a)(4) is a drug severity level 4 felony.

2 (f) *This section shall not apply to a person licensed to practice med-*
3 *icine and surgery, a licensed physician's assistant or advanced registered*
4 *nurse practitioner who holds a valid certificate of qualification who pre-*
5 *scribes hypodermic syringes or to a licensed pharmacist who dispenses*
6 *hypodermic syringes pursuant to a valid prescription.*

7 Sec. 2. K.S.A. 2000 Supp. 65-4153 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.

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