

SENATE SUBSTITUTE for HOUSE BILL No. 2049

AN ACT concerning controlled substances; amending K.S.A. 65-4107, 65-4109 and 65-4111 and K.S.A. 2010 Supp. 21-36a05, 21-36a06, 65-4105 and 65-4113 and repealing the existing sections; also repealing K.S.A. 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 65-4105, as amended by section 1 of 2011 House Bill No. 2023 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023.

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

Section 1. K.S.A. 2010 Supp. 21-36a05 is hereby amended to read as follows: 21-36a05. (a) It shall be unlawful for any person to cultivate, distribute or possess with the intent to distribute any of the following controlled substances or controlled substance analogs thereof:

(1) 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;

(2) any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

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

(4) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-4109, and amendments thereto;

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

(6) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto; *or*

(7) *any substance designated in subsection (h) of K.S.A. 65-4105, and amendments thereto.*

(b) It shall be unlawful for any person to distribute or possess with the intent to distribute a controlled substance or a controlled substance analog designated in K.S.A. 65-4113, and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 3 felony, except that:

(A) Violation of subsection (a) is a drug severity level 2 felony if the trier of fact makes a finding that the offender is 18 or more years of age and the substance was distributed to or possessed with intent to distribute to a minor or the violation occurs on or within 1,000 feet of any school property;

(B) violation of subsection (a)(1) is a drug severity level 2 felony if that person has one prior conviction under subsection (a)(1), under K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense from another jurisdiction; and

(C) violation of subsection (a)(1) is a drug severity level 1 felony if that person has two prior convictions under subsection (a)(1), under K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense from another jurisdiction.

(2) Violation of subsection (b) is a class A nonperson misdemeanor, except that, violation of subsection (b) is a drug severity level 4 felony if the substance was distributed to or possessed with the intent to distribute to a child under 18 years of age.

(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.

Sec. 2. K.S.A. 2010 Supp. 21-36a06 is hereby amended to read as follows: 21-36a06. (a) It shall be unlawful for any person to possess 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, or a controlled substance analog thereof.

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

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

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, sub-

section (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

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

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

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

(6) any substance designated in K.S.A. 65-4113, and amendments thereto; *or*

(7) *any substance designated in subsection (h) of K.S.A. 65-4105, and amendments thereto.*

(c) (1) Violation of subsection (a) is a drug severity level 4 felony;

(2) violation of subsection (b) is a class A nonperson misdemeanor, except that, violation of subsection (b)(1) through (b)(5) *or (b)(7)* is a drug severity level 4 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162 prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana ~~or tetrahydrocannabinol~~ as designated in subsection (d) of K.S.A. 65-4105, and amendments thereto, *or any substance designated in subsection (h) of K.S.A. 65-4105, and amendments thereto.*

(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.

Sec. 3. K.S.A. 2010 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) Acetylmehtadol	9601
(3) Allylprodine	9602
(4) Alphacetylmehtadol (except levo-alphacetylmehtadol also known as levo-alpha-acetylmehtadol, levomethadyl acetate or LAAM)	9603
(5) Alphameprodine	9604
(6) Alphamehtadol	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) Betacetylmehtadol	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) Betamehtadol	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) Etozeridine	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-piperidyl]-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-piperidyl]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-piperidyl]-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) Hydromorphenol .....	9301
(13) Methyldesorphine .....	9302
(14) Methyldihydromorphine .....	9304
(15) Morphine methylbromide .....	9305
(16) Morphine methylsulfonate .....	9306
(17) Morphine-N-Oxide .....	9307
(18) Myorphine .....	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-methyl-phenethylamine; 2,5-DMA.	
(3) 4-methoxyamphetamine .....	7411
Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; 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</i> Lemaire, 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
<del>(24)</del>	<del>Tetrahydrocannabinols</del>	<del>7370</del>
	<del>Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. 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.)</del>	
<del>(25)</del> (24)	Ethylamine analog of phencyclidine	7455
	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	
<del>(26)</del> (25)	Pyrrolidine analog of phencyclidine	7458
	Some trade or other names: 1-(1-phenylcyclo-hexyl)-pyrrolidine; PCPy; PHP.	
<del>(27)</del> (26)	Thiophene analog of phencyclidine	7470
	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienylanalog of phencyclidine; TPCP; TCP.	
<del>(28)</del> (27)	1-[1-(2-thienyl)-cyclohexyl] pyrrolidine	7473
	Some other names: TCPy.	
<del>(29)</del> (28)	2,5-dimethoxy-4-ethylamphetamine	7399
	Some trade or other names: DOET.	
<del>(30)</del> (29)	Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, 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.	
<del>(31)</del> (30)	Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, 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.	
(32)	<del>(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzocchromen-1-ol</del>	<del>7370</del>
	<del>Some trade or other names: HU-210.</del>	
<del>(33)</del>	<del>1-Pentyl-3-(1-naphthoyl)indole</del>	
	<del>Some trade or other names: JWH-018.</del>	
<del>(34)</del>	<del>1-Butyl-3-(1-naphthoyl)indole</del>	
	<del>Some trade or other names: JWH-073.</del>	
<del>(35)</del> (31)	N-benzylpiperazine	7493
	Some trade or other names: BZP.	
<del>(36)</del> (32)	1-(3-(trifluoromethylphenyl)piperazine	
	Some trade or other names: TFMPP.	
(33)	4-Bromo-2,5-dimethoxyphenethylamine	7392
(34)	2,5-dimethoxy-4-(n)-propylthiopenenthylamine (2C7), its optical isomers, salts and salts of optical isomers	7348
(35)	Alpha-methyltryptamine (other name: AMT)	7432
(36)	5-methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers	7439

(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) Gamma hydroxybutyric acid

(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-trimethylbenzeneethanamine; N,N-alpha-trimethylphenethylamine) ..... 1480
- (5) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone) ..... 1235
- (6) *Substituted cathinones*  
*Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2aminopropanone by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:*
  - (A) *By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;*
  - (B) *by substitution at the 3-position with an acyclic alkyl substituent;*
  - (C) *by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or*
  - (D) *by inclusion of the 2-amino nitrogen atom in a cyclic structure.*

(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-phenylpropan-1-one; Ephedrone; Monomethylpropion; UR1431, 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, optical isomers and salts of optical isomers) ..... 1585
- (5) (4) Alpha-ethyltryptamine, its optical isomers, salts and salts of isomers ..... 7249  
 Some other names: etryptamine, alpha-methyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole.

(h) Any of the following cannabinoids, 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) *Tetrahydrocannabinols* ..... 7370  
*Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. 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.)*
- (2) *Naphthoylindoles*  
*Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.*
- (3) *Naphthylmethylindoles*  
*Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.*
- (4) *Naphthoylpyrroles*  
*Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.*

- (5) *Naphthylmethylindenes*  
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.
- (6) *Phenylacetylindoles*  
Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.
- (7) *Cyclohexylphenols*  
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.
- (8) *Benzoylindoles*  
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.
- (9) *2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.*  
Some trade or other names: WIN 55,212-2.
- (10) *9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.*  
Some trade or other names: HU-210, HU-211.

Sec. 4. K.S.A. 65-4107 is hereby amended to read as follows: 65-4107.

(a) The controlled substances listed in this section are included in schedule II 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 substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

(A) Raw opium .....	9600
(B) Opium extracts .....	9610
(C) Opium fluid .....	9620
(D) Powdered opium .....	9639
(E) Granulated opium .....	9640
(F) Tincture of opium .....	9630
(G) Codeine .....	9050
(H) Ethylmorphine .....	9190
(I) Etorphine hydrochloride .....	9059
(J) Hydrocodone .....	9193
(K) Hydromorphone .....	9150
(L) Metopon .....	9260
(M) Morphine .....	9300
(N) Oxycodone .....	9143
(O) Oxymorphone .....	9652
(P) Thebaine .....	9333
(Q) Dihydroetorphine .....	9334
(R) Oripavine .....	9330

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

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these

isomers, esters, ethers and salts is possible within the specific chemical designation dextrorphan and levopropoxyphene excepted:

(1) Alfentanil .....	9737
(2) Alphaprodine .....	9010
(3) Anileridine .....	9020
(4) Bezitramide .....	9800
(5) Bulk dextropropoxyphene (nondosage forms) .....	9273
(6) Carfentanil .....	9743
(7) Dihydrocodeine .....	9120
(8) Diphenoxylate .....	9170
(9) Fentanyl .....	9801
(10) Isomethadone .....	9226
(11) Levomethorphan .....	9210
(12) Levorphanol .....	9220
(13) Metazocine .....	9240
(14) Methadone .....	9250
(15) Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-diphenyl butane .....	9254
(16) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid .....	9802
(17) Pethidine (meperidine) .....	9230
(18) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine .....	9232
(19) Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-carboxylate .....	9233
(20) Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid .....	9234
(21) Phenazocine .....	9715
(22) Piminodine .....	9730
(23) Racemethorphan .....	9732
(24) Racemorphan .....	9733
(25) Sufentanil .....	9740
(26) Levo-alpha-acetyl methadol .....	9648
Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.	
(27) Remifentanil .....	9739
(28) Tapentadol .....	9780

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers .....	1100
(2) Phenmetrazine and its salts .....	1631
(3) Methamphetamine, including its salts, isomers and salts of isomers .....	1105
(4) Methylphenidate .....	1724
(5) <i>Lisdexanfetamine, its salts, isomers, and salts of its isomers</i> .....	1205

(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 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) Amobarbital .....	2125
(2) Glutethimide .....	2550
(3) Secobarbital .....	2315
(4) Pentobarbital .....	2270
(5) Phencyclidine .....	7471

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

(1) Immediate precursor to amphetamine and methamphetamine:	
(A) Phenylacetone .....	8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.	
(2) Immediate precursors to phencyclidine (PCP):	
(A) 1-phenylcyclohexylamine .....	7460
(B) 1-piperidinocyclohexanecarbonitrile (PCC) .....	8603

(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:

Nabilone .....	7379
[Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]	

Sec. 5. K.S.A. 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, except those substances which are specifically listed in other schedules ..... 2100
- (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: (±)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone
- (13) 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
- (14) *Embutramide* ..... 2020
- (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
  - (9) any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, as set forth below:
    - (A) *Buprenorphine* ..... 9064
- (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-chlorotestosterone)
- (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. 6. K.S.A. 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) Clordiazepoxide .....	2744
(8) Clobazam .....	2751
(9) Clonazepam .....	2737
(10) Clorazepate .....	2768
(11) Clotiazepam .....	2752
(12) Cloxazolam .....	2753
(13) Delorazepam .....	2754
(14) Diazepam .....	2765
(15) <i>Dichloralphenazone</i> .....	2467
<del>(15)</del> (16) Estazolam .....	2756
<del>(16)</del> (17) Ethchlorvynol .....	2540
<del>(17)</del> (18) Ethinamate .....	2545
<del>(18)</del> (19) Ethyl loflazepate .....	2758
<del>(19)</del> (20) Fludiazepam .....	2759
<del>(20)</del> (21) Flunitrazepam .....	2763
<del>(21)</del> (22) Flurazepam .....	2767
(23) <i>Fospropofol</i> .....	2138
<del>(22)</del> (24) Halazepam .....	2762
<del>(23)</del> (25) Haloxazolam .....	2771
<del>(24)</del> (26) Ketazolam .....	2772
<del>(25)</del> (27) Loprazolam .....	2773
<del>(26)</del> (28) Lorazepam .....	2885
<del>(27)</del> (29) Lormetazepam .....	2774
<del>(28)</del> (30) Mebutamate .....	2800
<del>(29)</del> (31) Medazepam .....	2836
<del>(30)</del> (32) Meprobamate .....	2820
<del>(31)</del> (33) Methohexital .....	2264
<del>(32)</del> (34) Methylphenobarbital (mephobarbital) .....	2250
<del>(33)</del> (35) Midazolam .....	2884
<del>(34)</del> (36) Nimetazepam .....	2837
<del>(35)</del> (37) Nitrazepam .....	2834
<del>(36)</del> (38) Nordiazepam .....	2838
<del>(37)</del> (39) Oxazepam .....	2835
<del>(38)</del> (40) Oxazolam .....	2839
<del>(39)</del> (41) Paraldehyde .....	2585
<del>(40)</del> (42) Petrichloral .....	2591
<del>(41)</del> (43) Phenobarbital .....	2285
<del>(42)</del> (44) Pinazepam .....	2883
<del>(43)</del> (45) Prazepam .....	2764
<del>(44)</del> (46) Quazepam .....	2881
<del>(45)</del> (47) Temazepam .....	2925
<del>(46)</del> (48) Tetrazepam .....	2886
<del>(47)</del> (49) Triazolam .....	2887
<del>(48)</del> (50) Zolpidem .....	2783
<del>(49)</del> (51) Zaleplon .....	2781
(52) <i>Zopiclone</i> .....	2784

(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 U.S.C. § 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 ( <del>21 United States code 812</del> 21 U.S.C. § 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. 7. K.S.A. 2010 Supp. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

~~(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing the following narcotic drug or its salts:~~

<del>Buprenorphine .....</del>	<del>9064</del>
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~~(b)~~ (b) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.
- (3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(c)~~ (c) 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) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose) .....	8161
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(2) Pyrovalerone ..... 1485

(d) Any compound, mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.

(e) Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

(f) Unless specifically exempted or excluded or unless listed in another schedule, 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:

- (1) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide] ..... 2746
- (2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] ..... 2782

Sec. 8. K.S.A. 65-4107, 65-4109, 65-4111 and K.S.A. 2010 Supp. 21-36a05, 21-36a06, 65-4105 and 65-4113 are hereby repealed.

Sec. 9. On and after July 1, 2011, K.S.A. 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, and 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 65-4105, as amended by section 1 of 2011 House Bill No. 2023 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

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.*