

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 325

By Committee on Public Health and Welfare

1-24

1 AN ACT concerning controlled substances; relating to schedules IV and
2 V; amending K.S.A. 2011 Supp. 65-4111 and 65-4113 and repealing
3 the existing sections.
4

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

6 ~~See. 1.~~ **Section 1.** K.S.A. 2011 Supp. 65-4111 is hereby amended to
7 read as follows: 65-4111. (a) The controlled substances listed in this
8 section are included in schedule IV and the number set forth opposite each
9 drug or substance is the DEA controlled substances code which has been
10 assigned to it.

11 (b) Any material, compound, mixture or preparation which contains
12 any quantity of the following substances including its salts, isomers and
13 salts of isomers whenever the existence of such salts, isomers and salts of
14 isomers is possible within the specific chemical designation and having a
15 potential for abuse associated with a depressant effect on the central
16 nervous system:

17	(1) Alprazolam.....	2882
18	(2) Barbital	2145
19	(3) Bromazepam.....	2748
20	(4) Camazepam	2749
21	(5) Carisoprodol.....	8192
22	(5) (6) Chloral betaine	2460
23	(6) (7) Chloral hydrate	2465
24	(7) (8) Chlordiazepoxide	2744
25	(8) (9) Clobazam.....	2751
26	(9) (10) Clonazepam.....	2737
27	(10) (11) Clorazepate	2768
28	(11) (12) Clotiazepam	2752
29	(12) (13) Cloxazolam	2753
30	(13) (14) Delorazepam	2754
31	(14) (15) Diazepam	2765
32	(15) (16) Dichloralphenazone	2467
33	(16) (17) Estazolam	2756
34	(17) (18) Ethchlorvynol	2540
35	(18) (19) Ethinamate	2545
36	(19) (20) Ethyl loflazepate	2758

1	(20) (21) Fludiazepam	2759
2	(21) (22) Flunitrazepam	2763
3	(22) (23) Flurazepam	2767
4	(23) (24) Fospropofol	2138
5	(24) (25) Halazepam	2762
6	(25) (26) Haloxazolam	2771
7	(26) (27) Ketazolam	2772
8	(27) (28) Loprazolam	2773
9	(28) (29) Lorazepam	2885
10	(29) (30) Lormetazepam	2774
11	(30) (31) Mebutamate	2800
12	(31) (32) Medazepam	2836
13	(32) (33) Meprobamate	2820
14	(33) (34) Methohexital	2264
15	(34) (35) Methylphenobarbital (mephobarbital)	2250
16	(35) (36) Midazolam	2884
17	(36) (37) Nimetazepam	2837
18	(37) (38) Nitrazepam	2834
19	(38) (39) Nordiazepam	2838
20	(39) (40) Oxazepam	2835
21	(40) (41) Oxazolam	2839
22	(41) (42) Paraldehyde	2585
23	(42) (43) Petrichloral	2591
24	(43) (44) Phenobarbital	2285
25	(44) (45) Pinazepam	2883
26	(45) (46) Prazepam	2764
27	(46) (47) Quazepam	2881
28	(47) (48) Temazepam	2925
29	(48) (49) Tetrazepam	2886
30	(49) (50) Triazolam	2887
31	(50) (51) Zolpidem	2783
32	(51) (52) Zaleplon	2781
33	(52) (53) Zopiclone	2784

34 (c) Any material, compound, mixture, or preparation which contains
 35 any quantity of fenfluramine (1670), including its salts, isomers (whether
 36 optical, position or geometric) and salts of such isomers, whenever the
 37 existence of such salts, isomers and salts of isomers is possible. The
 38 provisions of this subsection (c) shall expire on the date fenfluramine and
 39 its salts and isomers are removed from schedule IV of the federal
 40 controlled substances act (21 U.S.C. § 812; 21 code of federal regulations
 41 1308.14).

42 (d) Unless specifically excepted or unless listed in another schedule,
 43 any material, compound, mixture or preparation which contains any

1 quantity of the following substances having a stimulant effect on the
 2 central nervous system, including its salts, isomers (whether optical,
 3 position or geometric) and salts of such isomers whenever the existence of
 4 such salts, isomers and salts of isomers is possible within the specific
 5 chemical designation:

6	(1) Cathine ((+)-norpseudoephedrine)	1230
7	(2) Diethylpropion	1610
8	(3) Fencamfamin	1760
9	(4) Fenproporex	1575
10	(5) Mazindol	1605
11	(6) Mefenorex	1580
12	(7) Pemoline (including organometallic complexes and	
13	chelates thereof)	1530
14	(8) Phentermine	1640

15 The provisions of this subsection (d)(8) shall expire on the date
 16 phentermine and its salts and isomers are removed from schedule IV of the
 17 federal controlled substances act (21 U.S.C. § 812; 21 code of federal
 18 regulations 1308.14).

19	(9) Pipradrol	1750
20	(10) SPA((-)-1-dimethylamino-1, 2-diphenylethane)	1635
21	(11) Sibutramine	1675
22	(12) Mondafinil	1680

23 (e) Unless specifically excepted or unless listed in another schedule,
 24 any material, compound, mixture or preparation which contains any
 25 quantity of the following, including salts thereof:

26	(1) Pentazocine	9709
27	(2) Butorphanol (including its optical isomers)	9720

28 (f) Unless specifically excepted or unless listed in another schedule,
 29 any material, compound, mixture or preparation containing any of the
 30 following narcotic drugs, or their salts calculated as the free anhydrous
 31 base or alkaloid, in limited quantities as set forth below:

32	(1) Not more than 1 milligram of difenoxin and not less than 25	
33	micrograms of atropine sulfate per dosage unit	9167
34	(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,	
35	2-diphenyl-3-methyl-2-propion-oxybutane)	9278

36 (g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

37 (h) The board may except by rule and regulation any compound,
 38 mixture or preparation containing any depressant substance listed in
 39 subsection (b) from the application of all or any part of this act if the
 40 compound, mixture or preparation contains one or more active medicinal
 41 ingredients not having a depressant effect on the central nervous system,
 42 and if the admixtures are included therein in combinations, quantity,
 43 proportion or concentration that vitiate the potential for abuse of the

1 substances which have a depressant effect on the central nervous system.

2 Sec. 2. K.S.A. 2011 Supp. 65-4113 is hereby amended to read as
3 follows: 65-4113. (a) The controlled substances or drugs, by whatever
4 official name, common or usual name, chemical name or brand name
5 designated, listed in this section are included in schedule V.

6 (b) Any compound, mixture or preparation containing limited
7 quantities of any of the following narcotic drugs which also contains one
8 or more nonnarcotic active medicinal ingredients in sufficient proportion
9 to confer upon the compound, mixture or preparation valuable medicinal
10 qualities other than those possessed by the narcotic drug alone:

11 (1) Not more than 200 milligrams of codeine or any of its salts per
12 100 milliliters or per 100 grams.

13 (2) Not more than 100 milligrams of dihydrocodeine or any of its
14 salts per 100 milliliters or per 100 grams.

15 (3) Not more than 100 milligrams of ethylmorphine or any of its salts
16 per 100 milliliters or per 100 grams.

17 (4) Not more than 2.5 milligrams of diphenoxylate and not less than
18 25 micrograms of atropine sulfate per dosage unit.

19 (5) Not more than 100 milligrams of opium per 100 milliliters or per
20 100 grams.

21 (6) Not more than .5 milligram of difenoxin (9168) and not less than
22 25 micrograms of atropine sulfate per dosage unit.

23 (c) Unless specifically excepted or unless listed in another schedule,
24 any material, compound, mixture or preparation which contains any
25 quantity of the following substances having a stimulant effect on the
26 central nervous system, including its salts, isomers (whether optical,
27 position or geometric) and salts of such isomers whenever the existence of
28 such salts, isomers and salts of isomers is possible within the specific
29 chemical designation:

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

34 (2) Pyrovalerone.....1485

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

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

41 (f) Unless specifically exempted or excluded or unless listed in
42 another schedule, any material, compound, mixture, or preparation which
43 contains any quantity of the following substances having a depressant

1 effect on the central nervous system, including its salts:
2 (1) Ezogabine N-[2-amino-4(4-fluorobenzylamino)-phenyl]-
3 carbamic acid ethyl ester2779
4 (±)(2) Lacosamide [(R)-2-acetoamido-N-benzyl-
5 3-methoxy-propionamide].....2746
6 (±)(3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]. 2782

7 ***New Sec. 3. A controlled substance listed in schedules II through V,***
8 ***excluding schedule V nonnarcotic depressants that have an effect on the***
9 ***central nervous system, shall not be distributed on a gratuitous basis by***
10 ***a manufacturer or distributor to a practitioner, mid-level practitioner,***
11 ***pharmacist or any other person.***

12 ~~Sec.—3.~~ 4. K.S.A. 2011 Supp. 65-4111 and 65-4113 are hereby
13 repealed.

14 ~~Sec.—4.~~ 5. This act shall take effect and be in force from and after its
15 publication in the statute book.