

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2018**

As Amended by Senate Committee of the Whole

Brief*

Senate Sub. for HB 2018 would add several additional drugs or drug classes to the schedules of controlled substances in the Uniform Controlled Substances Act (UCSA) and make other technical changes to the UCSA. Specifically, the bill would add an opiate drug, a hallucinogenic compound, and a type of carboximade compound to schedule I and add eluxadoline to schedule IV. The bill also would clarify the spelling of psilocyn throughout the UCSA.

The bill also would amend the Kansas Healing Arts Act to add binge eating disorder (BED) to the list of disorders that may be treated with drugs designated as schedule II, III, or IV under the UCSA. In the same statute, the bill would update the term “hyperkinesis” to “attention-deficit/hyperactivity disorder” and make technical changes.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Gonzalez. As introduced, amended by the House Committee, and passed by the House of Representatives, the bill would have created the new crimes of unlawful transmission of a visual depiction of a child,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

aggravated unlawful transmission of a visual depiction of a child, and unlawful possession of a visual depiction of a child.

The Senate Committee on Corrections and Juvenile Justice recommended a substitute bill removing the contents of HB 2018, as passed by the House of Representatives, and replacing them with the contents of SB 483, adding and amending substances in the UCSA. Further background for SB 483 is provided below.

The Senate Committee of the Whole amended the substitute bill to restore the term “synthetic” (deleted by the substitute bill) following the term “dronabinol” in schedule III. The Senate Committee of the Whole also amended the substitute bill to add the language of SB 465, regarding the Kansas Healing Arts Act. Further background for SB 465 is provided below.

SB 483 Background

SB 483 was introduced by the Senate Committee on Federal and State Affairs. In the hearing before the Senate Committee on Corrections, representatives of the Kansas Bureau of Investigation and the Kansas Board of Pharmacy testified in support of the bill. A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs’ Association submitted written testimony supporting the bill. A citizen testified in opposition to the bill.

According to the fiscal note prepared by the Division of the Budget, the Board of Pharmacy indicates SB 483 would have no effect on its operation, but could have an effect on other state agencies and local units of government because making more drugs illegal has the potential to result in more arrests. The Kansas Sentencing Commission indicates any increase in prison beds, prison admissions, and journal entries cannot be determined at this time. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor’s Budget Report*.

SB 465 Background

SB 465 was introduced by the Senate Committee on Ways and Means at the request of Shire, a pharmaceutical company. The bill was then referred to the Senate Committee on Public Health and Welfare. At the Senate Committee hearing, two representatives of Shire spoke in favor of the bill. The representatives generally stated the Food and Drug Administration approved Vyvanse, a drug developed by Shire, in January 2015 for the treatment of moderate to severe BED in adults. This drug has been prescribed for the treatment of moderate to severe BED in all but five states, including Kansas. Written proponent testimony was provided by representatives of the Kansas Association of Osteopathic Medicine, the Kansas Psychiatric Society, the National Alliance on Mental Illness – Johnson County, and Pathway to Hope. No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on SB 465, the Board of Healing Arts (Board) indicates enactment of the bill could increase the number of reports or complaints regarding practitioners violating the provisions of the bill. Any increase in complaints resulting in investigations would increase operational expenses; however, the Board is unable to estimate what the increase would be. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.