

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 16, 2018, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Schwab in the chair.

The roll was called with 119 members present.

Reps. Brim, Gallagher and Wheeler were excused on verified illness.

Reps. Claeys, Sawyer and Whitmer were excused on excused absence by the Speaker.

Prayer by Rep. Phelps:

Almighty Father, we thank you for all the blessings, both large and small, you have bestowed on us.

For spring days of sunshine and warm breezes; for family and friends who support and love us; for resilient bodies and healthy minds; and for simply having enough.

Help us today to keep our focus on the goals you have put before us. Give each of us strength to accomplish something for you and for others. We ask that you bless today's session with your presence. And Lord, please continue to give peace and strength to Chaplain Brubaker.

We pray in your holy name. Amen

The Pledge of Allegiance was led by Rep. Jones.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Taxation: **HB 2780**.

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 335**, requests a conference and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

Announcing passage of **SB 428**.

Announcing passage of **HB 2498**.

Announcing passage of **HB 2042**, as amended, **HB 2145**, as amended, and **HB 2454**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 428.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 335**.

Speaker pro tem Schwab thereupon appointed Reps. Kelly, Powell and Finney as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6052**—

By Representatives Parker, Holscher, Lusk, Neighbor, Ousley and Stogsdill

HR 6052—A RESOLUTION urging Congress to repeal the Dickey amendment and to adequately fund the Centers for Disease Control and Prevention (CDC) in order to enable research examining gun violence as a public health issue.

WHEREAS, In 1996, Congress added a policy rider amendment to the federal spending bill pertaining to CDC funding, which became known as the "Dickey amendment"; and

WHEREAS, The Dickey amendment provided that "none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control"; and

WHEREAS, In addition to the Dickey amendment, Congress redirected \$2.6 million then earmarked for gun violence research to other CDC endeavors; and

WHEREAS, The Dickey amendment has resulted in a chilling effect on gun violence research and research on the causes of gun violence and its effect on public health; and

WHEREAS, Despite attempts to remove the Dickey amendment from new federal spending bills, and executive orders directing the CDC to research this issue, Congress still fails to adequately fund the CDC to produce meaningful research on gun violence; and

WHEREAS, In light of the tragic shootings that have occurred in schools and elsewhere across the United States since the passage of the Dickey amendment, research into gun violence as a public health issue has become as imperative as ever: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge Congress to repeal the Dickey amendment and to adequately fund the CDC in order to enable research examining gun violence as a public health issue; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to each member of the Kansas congressional delegation and shall work with Kansas' legislative leaders to send a copy to the legislative leaders in other states, including the Speaker of the House of Representatives and the President of the Senate of every state legislature in the United States.

CONSENT CALENDAR

No objection was made to **SB 369, HB 2755** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2489, AN ACT concerning the multistate tax compact; relating to the apportionment of corporate income, election; amending K.S.A. 79-4301 and 79-4302 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 8; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Burroughs, Carlin, Carmichael, B. Carpenter, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Holscher, Horn, Houser, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Burris, Corbet, Garber, Hoffman, Mason, R. Powell, Schwab, Vickrey.

Present but not voting: None.

Absent or not voting: Brim, Claeys, Gallagher, Huebert, Sawyer, Wheeler, Whitmer.

The bill passed, as amended.

HB 2749, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax; rates, Jackson county, Dickinson county; amending K.S.A. 2017 Supp. 12-187 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 10; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Burroughs, Carlin, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Dierks, Dietrich, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hoffman, Holscher, Horn, Houser, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Burris, Carmichael, B. Carpenter, Delperdang, Dove, Hodge, Jacobs, K. Jones,

R. Powell, Seiwert.

Present but not voting: None.

Absent or not voting: Brim, Claey's, Gallagher, Huebert, Sawyer, Wheeler, Whitmer.

The bill passed, as amended.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Highland in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Highland, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **SB 275** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2676** be amended on page 2, in line 27, by striking all after "(g)"; by striking all in lines 28 through 42; in line 43, by striking "(h)";

On page 3, following line 5, by inserting:

"(h) No order for the suspension or revocation of a license shall be effective until such time as the secretary has approved the licensee's transition plan for moving all consumers currently receiving services from the licensee to another licensed community service provider, and such transition of consumers has been completed. The secretary shall work in cooperation with the community developmental disability organization to guarantee the orderly transition of services as described in the transition plan. The department shall provide extraordinary funding to any community service provider that begins providing services to consumers pursuant to a transition plan for at least the first 60 days after the transition is completed. The department shall provide the necessary funding for community developmental disability organizations to prepare and implement community crisis plans in order to facilitate the transition of services when necessary. Nothing in this subsection shall be construed to waive or otherwise limit the ability of a community service provider to proceed under the Kansas administrative procedure act with respect to any pending order for the suspension or revocation of such provider's license."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2774** be passed.

Committee on **Health and Human Services** recommends **SB 282**, as amended by Senate Committee, be amended on page 2, by striking all in line 33;

On page 3, by striking all in line 3;

And by renumbering paragraphs accordingly;

On page 20, following line 22, by inserting:

"New Sec. 4. (a) A CBD product, as defined in subsection (b), may be sold in this state. Any CBD product sold in this state other than by prescription shall be labeled by the manufacturer and seller. The label shall contain a description of all of the contents in the product, a statement of purity, a statement that the product does not contain tetrahydrocannabinol (THC) and the manufacturer's name and address. Whenever a CBD product is sold or otherwise supplied, the seller or supplier shall give additional printed material, approved by the board of pharmacy, to the person receiving the CBD

product that provides adequate warning against use that may be dangerous to the health of the user.

(b) As used in this section, "CBD product" means a nonpsychoactive cannabinoid in the form of oils, powders, pills or lotions sold as an herbal supplement with a tetrahydrocannabinol (THC) concentration of 0% on a dry weight basis.

(c) The section shall be part of and supplemental to the uniform controlled substances act.

Sec. 5. K.S.A. 2017 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto: (a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or

prevention of disease in man or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of man or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind which are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant ~~which~~ that is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

- (E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (F) miniature cocaine spoons and cocaine vials;
- (G) chamber smoking pipes;
- (H) carburetor smoking pipes;
- (I) electric smoking pipes;
- (J) air-driven smoking pipes;
- (K) chillums;
- (L) bongs;
- (M) ice pipes or chillers;
- (N) any smoking pipe manufactured to disguise its intended purpose;
- (O) wired cigarette papers; or
- (P) cocaine freebase kits.

"Drug paraphernalia" shall not include any products, chemicals or materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments thereto.

(g) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(B) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose, which are intended for use in cutting a controlled substance.

(j) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; ~~or~~ (2) any substance listed in schedules II through V

of the uniform controlled substances act; or (3) any substance authorized for use under section 4, and amendments thereto.

- (k) "Minor" means a person under 18 years of age.
- (l) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:
- (1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;
 - (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 and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.
- (m) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.
- (n) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.
- (o) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.
- (p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- (q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.
- (r) "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.
- (s) "Simulated controlled substance" means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.
- Sec. 6. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled

substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or
(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer

from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's

electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; ~~or~~ (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) any substance authorized for use under section 4, and amendments thereto.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(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 and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.";

Also on page 20, in line 23, after "Supp." by inserting "21-5701, 65-4101,";
And by renumbering sections accordingly;
On page 1, in the title, in line 2, after the semicolon by inserting "concerning CBD products;"; in line 3, after "Supp." by inserting "21-5701, 65-4101,"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 57, by Representative Roger Elliott, congratulating Maureen Bostros for receiving a 2018 Prudential Spirit of Community Award;

Request No. 58, by Representative Gail Finney, recognizing Topeka Mayor Michelle De La Isla as a female, Hispanic, employed and single parent mayor;

Request No. 59, by Representative Doug Blex , congratulating Laird and Marilyn Eidson on their 50th Wedding Anniversary;

Request No. 60, by Representative Doug Blex , congratulating Larry and Glenda Jacobs on their 50th Wedding Anniversary;

Request No. 61, by Representative Ed Trimmer, congratulating John Andrew Stout on achieving the rank of Eagle Scout;

Request No. 62, by Representative Susan Concannon, congratulating Noah Gersnter on winning the Knights of Columbus State Free Throw Championship, 11 yr. old boys division;

Request No. 63, by Representative Cindy Holscher, honoring Alice Craig and the Midwest Innocence Project for their role in exonerating the wrongly convicted;

Request No. 64, by Representative Joy Koesten, congratulating James Reid Mendel on achieving the rank of Eagle Scout;

Request No. 65, by Representative Joy Koesten, congratulating Aidan Joseph Hohanadel on achieving the rank of Eagle Scout;

Request No. 66, by Representative Virgil Weigel, congratulating Mindy Toy on receiving the American Ambulance Association Star of Life Award;

Request No. 67, by Representative Jim Gartner, congratulating Hayden High School Boy's Basketball Team for being 2018 State Champions;

Request No. 68, by Representative Eber Phelps, congratulating Kimberly S. Schneweis for being named a 2018 Kansas Master Teacher;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hineman, the committee report was adopted.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2781, AN ACT concerning elections; relating to voter registration; creating the interstate voter registration crosscheck fund, by Committee on Taxation.

HB 2782, AN ACT concerning criminal procedure; relating to disposition of firearms seized by law enforcement; amending K.S.A. 2017 Supp. 22-2512 and repealing the existing section, by Committee on Taxation.

HB 2783, AN ACT concerning sales taxation; relating to exemptions, kids need to eat, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2784, AN ACT concerning the Kansas state employees health care commission; providing for payroll deductions for indemnity insurance; amending K.S.A. 75-6521, 75-6522 and 75-6523 and repealing the existing sections, by Committee on Appropriations.

HB 2785, AN ACT concerning unemployment benefits; regarding the period of disqualification upon false statement or representation, or knowing failure to disclose a material fact; amending K.S.A. 2017 Supp. 44-706 and repealing the existing section, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Davis to replace Rep. Claeys on Committee on Appropriations on March 16 and March 19, 2018.

Also, the appointment of Rep. Schwab to replace Rep. Hoffman on Committee on Appropriations on March 19, 2018.

Also, the appointment of Rep. Crum to replace Rep. Sawyer on Committee on K-12 Education Budget on March 16, 2018.

REPORT ON ENGROSSED BILLS

HB 2489, **HB 2749** reported correctly engrossed March 15, 2018.

REPORT ON ENROLLED BILLS

HB 2106, **HB 2362**, **HB 2435** reported correctly enrolled, properly signed and presented to the Governor on March 16, 2018.

REPORT ON ENROLLED RESOLUTIONS

HR 6051 reported correctly enrolled and properly signed on March 16, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Monday, March 19, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

