



# Kansas Bureau of Investigation

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**Testimony in Support of Senate Bill 282  
Before the Senate Standing Committee on Public Health and Welfare  
Katie Whisman, Executive Officer  
Kansas Bureau of Investigation  
January 24, 2018**

Chairwoman Schmidt and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 282, which would update the drug schedules included in the Kansas uniform controlled substances act.

Each year, the Kansas Bureau of Investigation works very closely with the Kansas Board of Pharmacy and a multidisciplinary group of individuals to identify and address emerging drug threats in Kansas. This year, Senate Bill 282 is the product of that collaboration.

Under both the federal and state uniform controlled substances acts, there are five schedules, or lists of drugs. Schedule I drugs are those determined to have a high potential for abuse with no currently accepted medical use while Schedule V drugs are those with a low potential for abuse and a currently accepted medical use. Working closely with the Kansas Board of Pharmacy, we take great care to ensure our schedule update appropriately classifies each drug.

It is no secret that jurisdictions across the country are experiencing, firsthand, a rapidly emerging and very serious public safety threat which is commonly being referred to as “the opioid epidemic”. According to the Centers for Disease Control, opioids – including prescription opioids, heroin, and fentanyl – killed more than 42,000 Americans in 2016. This surpassed any year on record. Kansas is not immune from this public health crisis.

While issues regarding prescription opioid abuse and overdose will not be addressed by SB 282, this legislation is critically important as it seeks to add several illicit and dangerous synthetic opioids to the list of controlled substances. When prescription drug abusers are unable to obtain the pharmaceuticals upon which they have become dependent, they often turn to counterfeit prescription pills or illicit drugs such as heroin. Unfortunately, these illicit drugs often contain fentanyl and/or fentanyl analogs, sometimes in deadly amounts. They pose significant risks to illicit drug users, law enforcement officers, and forensic scientists that come in contact with them.

In order to avoid an imminent hazard to the public safety, we propose adding the following synthetic opioid fentanyl compounds to Schedule I in K.S.A. 65-4105(b):

acryl fentanyl, cyclopentyl fentanyl, cyclopropyl fentanyl, isobutyryl fentanyl, methoxyacetyl fentanyl, ocfentanil, ortho-fluorofentanyl, para-chloroisobutyryl fentanyl, para-fluorobutyryl fentanyl, para-methoxybutyryl fentanyl, tetrahydrofuranyl fentanyl, and valeryl fentanyl

We have also proposed the inclusion of MT-45, an opioid analgesic drug with pharmacological effects similar to morphine, as well as mitragynine and 7-hydroxymitragynine, which act on opioid receptor antagonists to create analgesic and euphoric effects, to Schedule I in K.S.A. 65-4105(b). An immediate precursor to fentanyl, commonly referred to as 4-ANPP, is being added to Schedule II in K.S.A. 65-4107(f).

In addition to strengthening our ability to combat fentanyl compounds and opioids, Senate Bill 282 will also help us continue our efforts to address “Designer Drugs”, or those that are synthesized with the specific intent of circumventing existing drug laws by slightly altering the molecular structure of a currently controlled substance. These alterations, although often slight, produce analog substances that are equally potent in their effect on the human central nervous system. A cocktail of chemicals is often sprayed onto botanical substances and marketed as “potpourri” or “spice”. When smoked, they cause users to become violently ill or lose consciousness.

Several years ago, in response to the growing trends in the use of Designer Drugs and the challenges they present in scheduling, Kansas adopted a “class” approach to drug scheduling. This year, we propose updating some existing synthetic cannabinoid class definitions to include a cyanoalkyl substitution in several classes, cyanoalkyl and an additional benzyl substitution in the indazole-3-carboxamide class. Additionally, we propose the creation of a new indole-3-carboxamide synthetic cannabinoid class that includes a variety of potential substitutions.

There are a few “clean-up” amendments proposed to strike federal drug code numbers no longer in use and add federal drug code numbers where newly created. In accordance with Federal law, oral solutions of Dronabinol are being added to Schedule II in K.S.A. 65-4107(g). We support the Kansas Board of Pharmacy’s recommendation that several anabolic steroids be added to K.S.A. 65-4109(f) in accordance with Federal law.

I would ask the Committee to consider amending Section 5 to make SB 282 effective upon publication in the Kansas Register, as we have done in years past. This was an oversight of mine in reviewing the Revisor’s draft.

In closing, I’d like to emphasize that timely passage of SB 282 is important to our state’s ability to manage the threats dangerous substances pose to the health and safety of our citizens. For that reason, we kindly ask that the contents of SB 282 not be confused with or married to other public policy matters.

Thank you for your time. I would be happy to stand for questions.

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