

HOUSE BILL No. 2098

By Committee on Corrections and Juvenile Justice

1-26

1 AN ACT concerning controlled substances; relating to methamphetamine
2 precursors; amending K.S.A. 65-4109 and 65-4123 and K.S.A. 2010
3 Supp. 65-4113 and repealing the existing sections; also repealing
4 K.S.A. 2010 Supp. 65-16,101, 65-16,102, 65-16,103, 65-16,104, 65-
5 16,105, 65-16,106, 65-16,107 and 65-16,108.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 65-4109 is hereby amended to read as follows: 65-
9 4109. (a) The controlled substances listed in this section are included in
10 schedule III and the number set forth opposite each drug or substance is
11 the DEA controlled substances code which has been assigned to it.

12 (b) Unless listed in another schedule, any material, compound,
13 mixture, or preparation which contains any quantity of the following
14 substances having a potential for abuse associated with a depressant
15 effect on the central nervous system:

16 (1) Any compound, mixture or preparation containing:

17 (A) Amobarbital.....2126

18 (B) Secobarbital.....2316

19 (C) Pentobarbital.....2271

20 or any salt thereof and one or more other active medicinal ingredients
21 which are not listed in any schedule.

22 (2) Any suppository dosage form containing:

23 (A) Amobarbital..... 2126

24 (B) Secobarbital..... 2316

25 (C) Pentobarbital..... 2271

26 or any salt of any of these drugs and approved by the Food and Drug
27 Administration for marketing only as a suppository.

28 (3) Any substance which contains any quantity of a derivative of
29 barbituric acid, or any salt of a derivative of barbituric acid, except those
30 substances which are specifically listed in other schedules.....2100

31 (4) Chlorhexadol.....2510

32 (5) Lysergic acid.....7300

33 (6) Lysergic acid amide.....7310

34 (7) Methyprylon.....2575

35 (8) Sulfondiethylmethane.....2600

36 (9) Sulfonethylmethane.....2605

1 (10) Sulfonmethane.....2610
2 (11) Tiletamine and zolazepam or any salt thereof.....7295
3 Some trade or other names for a tiletamine-zolazepam combination
4 product: Telazol
5 Some trade or other names for tiletamine: 2- (ethylamino)-2-(2-thienyl)-
6 cyclohexanone
7 Some trade or other names for zolazepam: 4- (2-fluorophenyl)-6,8-
8 dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one,
9 flupyrazapon
10 (12) Ketamine, its salts, isomers, and salts of isomers.....7285
11 Some other names for ketamine: (±) -2-(2-chlorophenyl)-2-
12 (methylamino)-cyclohexanone
13 (13) Gamma hydroxybutyric acid, any salt, hydroxybutyric compound,
14 derivative or preparation of gamma hydroxybutyric acid contained in a
15 drug product for which an application has been approved under section
16 505 of the federal food, drug and cosmetic act
17
18 (c) Nalorphine.....9400
19 (d) Any material, compound, mixture or preparation containing any
20 of the following narcotic drugs or any salts calculated as the free
21 anhydrous base or alkaloid, in limited quantities as set forth below:
22 (1) Not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more
23 than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline
24 alkaloid of opium.....9803
25 (2) not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more
26 than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in
27 recognized therapeutic amounts.....9804
28 (3) not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts
29 per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater
30 quantity of an isoquinoline alkaloid of opium.....9805
31 (4) not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts
32 per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active,
33 nonnarcotic ingredients in recognized therapeutic amounts.....9806
34 (5) not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not
35 more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in
36 recognized therapeutic amounts.....9807
37 (6) not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or
38 not more than 15 milligrams per dosage unit with one or more active, nonnarcotic
39 ingredients in recognized therapeutic amounts.....9808
40 (7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not
41 more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in
42 recognized therapeutic amounts.....9809
43 (8) not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per
44 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic
45 amounts.....9810
46
47 (e) Unless specifically excepted or unless listed in another schedule,
48 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
 4 of such salts, isomers and salts of isomers is possible within the specific
 5 chemical designation:

- 6 (1) Those compounds, mixtures or preparations in dosage unit form containing any
 7 stimulant substance listed in schedule II, which compounds, mixtures or preparations were
 8 listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the
 9 code of federal regulations, and any other drug of the quantitative composition shown in that
 10 list for those drugs or which is the same, except that it contains a lesser quantity of
 11 controlled substances.....1405
- 12 (2) Benzphetamine.....1228
- 13 (3) Chlorphentermine.....1645
- 14 (4) Chlorlertamine.....1647
- 15 (5) Phendimetrazine.....1615

16 (6) *Ephedrine*

17 (7) *Pseudoephedrine*

18
 19 (f) Anabolic steroids.....4000

20 "Anabolic steroid" means any drug or hormonal substance, chemically
 21 and pharmacologically related to testosterone (other than estrogens,
 22 progestins, and corticosteroids) that promotes muscle growth, and
 23 includes:

- 24 (1) boldenone
- 25 (2) chlorotestosterone (4-chlortestosterone)
- 26 (3) clostebol
- 27 (4) dehydrochlormethyltestosterone
- 28 (5) dihydrotestosterone (4-dihydrotestosterone)
- 29 (6) drostanolone
- 30 (7) ethylestrenol
- 31 (8) fluoxymesterone
- 32 (9) formebulone (formebolone)
- 33 (10) mesterolone
- 34 (11) methandienone
- 35 (12) methandranone
- 36 (13) methandriol
- 37 (14) methandrostenolone
- 38 (15) methenolone
- 39 (16) methyltestosterone
- 40 (17) mibolerone
- 41 (18) nandrolone
- 42 (19) norethandrolone
- 43 (20) oxandrolone
- 44 (21) oxymesterone
- 45 (22) oxymetholone
- 46 (23) stanolone

- 1 (24) stanozolol
- 2 (25) testolactone
- 3 (26) testosterone
- 4 (27) trenbolone
- 5 (28) any salt, ester, or isomer of a drug or substance described or listed
- 6 in this paragraph, if that salt, ester, or isomer promotes muscle growth.

7

8 (A) Except as provided in (B), such term does not include an

9 anabolic steroid which is expressly intended for administration through

10 implants to cattle or other nonhuman species and which has been

11 approved by the United States' secretary of health and human services for

12 such administration.

13 (B) If any person prescribes, dispenses or distributes such steroid for

14 human use, such person shall be considered to have prescribed, dispensed

15 or distributed an anabolic steroid within the meaning of this subsection

16 (f).

17 (g) Any material, compound, mixture or preparation which contains

18 any quantity of the following hallucinogenic substance, its salts, isomers

19 and salts of isomers, unless specifically excepted, whenever the existence

20 of these salts, isomers and salts of isomers is possible within the specific

21 chemical designation:

22 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a

23 United States food and drug administration approved product.....7369

24 Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro -6-6-9-trimethyl-3-

25 pentyl-6H-dibenzo(b,d)pyran-1-0l, or (-)-delta-9- (trans)-tetrahydrocannabinol.

26

27 (h) *Excluding ephedrine and pseudoephedrine*, the board may

28 except by rule any compound, mixture or preparation containing any

29 stimulant or depressant substance listed in subsection (b) from the

30 application of all or any part of this act if the compound, mixture or

31 preparation contains one or more active medicinal ingredients not having

32 a stimulant or depressant effect on the central nervous system and if the

33 admixtures are included therein in combinations, quantity, proportion or

34 concentration that vitiate the potential for abuse of the substances which

35 have a stimulant or depressant effect on the central nervous system.

36 Sec. 2. K.S.A. 2010 Supp. 65-4113 is hereby amended to read as

37 follows: 65-4113. (a) The controlled substances or drugs, by whatever

38 official name, common or usual name, chemical name or brand name

39 designated, listed in this section are included in schedule V.

40 (b) Unless specifically excepted or unless listed in another schedule,

41 any material, compound, mixture or preparation containing the following

42 narcotic drug or its salts:

43 Buprenorphine.....9064

44

1 (c) Any compound, mixture or preparation containing limited
2 quantities of any of the following narcotic drugs which also contains one
3 or more nonnarcotic active medicinal ingredients in sufficient proportion
4 to confer upon the compound, mixture or preparation valuable medicinal
5 qualities other than those possessed by the narcotic drug alone:

6 (1) Not more than 200 milligrams of codeine or any of its salts per
7 100 milliliters or per 100 grams.

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

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

12 (4) Not more than 2.5 milligrams of diphenoxylate and not less than
13 25 micrograms of atropine sulfate per dosage unit.

14 (5) Not more than 100 milligrams of opium per 100 milliliters or per
15 100 grams.

16 (6) Not more than .5 milligram of difenoxin (9168) and not less than
17 25 micrograms of atropine sulfate per dosage unit.

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

26 (1) Propylhexedrine (except when part of a compound used for nasal
27 decongestion which is authorized to be sold lawfully over the
28 counterwithout a prescription under the federal food, drug and cosmetic
29 act, so long as it is used only for such purpose).....8161

30 (2) Pyrovalerone.....1485

31
32 ~~(e) Any compound, mixture or preparation containing any detectable~~
33 ~~quantity of ephedrine, its salts or optical isomers, or salts of optical~~
34 ~~isomers.~~

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

38 Sec. 3. K.S.A. 65-4123 is hereby amended to read as follows: 65-
39 4123. (a) Except as otherwise provided in K.S.A. 65-4117, and
40 amendments thereto, or in this subsection (~~a~~), no schedule I controlled
41 substance ~~may~~ shall be dispensed. The board, by rules and regulations,
42 may designate, in accordance with the provisions of this subsection, (~~a~~) a
43 schedule I controlled substance as a schedule I designated prescription

1 substance. A schedule I controlled substance designated as a schedule I
2 designated prescription substance ~~may~~ shall be dispensed only upon the
3 written prescription of a practitioner. ~~Prior to designating a~~ *The board*
4 *shall not designate a* schedule I controlled substance as a schedule I
5 designated prescription substance; *unless the board shall find finds that:*
6 (1) ~~That the~~ *The* schedule I controlled substance has an accepted medical
7 use in treatment in the United States; (2) ~~that~~ the public health will
8 benefit *by from* the designation of the substance as a schedule I
9 designated prescription substance; and (3) ~~that~~ the substance may be sold
10 lawfully under federal law pursuant to a prescription. No prescription for
11 a schedule I designated prescription substance ~~may~~ shall be refilled.

12 (b) Except *in emergency situations, or* when dispensed by a
13 practitioner, other than a pharmacy, to an ultimate user, no controlled
14 substance in schedule II ~~may~~ shall be dispensed without the written
15 prescription of a practitioner or a mid-level practitioner. In emergency
16 situations, as defined by rules and regulations of the board, schedule II
17 drugs may be dispensed upon oral prescription of a practitioner or a mid-
18 level practitioner reduced promptly to writing and filed by the pharmacy.
19 No prescription for a schedule II substance ~~may~~ shall be refilled.

20 (c) Except when dispensed by a practitioner, other than a pharmacy,
21 to an ultimate user, *a no* controlled substance included in schedule III or
22 IV ~~which is a prescription drug~~ shall ~~not~~ be dispensed without a written
23 or oral prescription of a practitioner or a mid-level practitioner. The
24 prescription shall not be filled or refilled more than six months after the
25 date thereof or be refilled more than five times.

26 (d) A controlled substance shall not be distributed or dispensed other
27 than for a medical purpose. Prescriptions shall be retained in conformity
28 with the requirements of K.S.A. 65-4121, and amendments thereto.

29 Sec. 4. K.S.A. 65-4109 and 65-4123 and K.S.A. 2010 Supp. 65-
30 16,101, 65-16,102, 65-16,103, 65-16,104, 65-16,105, 65-16,106, 65-
31 16,107, 65-16,108 and 65-4113 are hereby repealed.

32 Sec. 5. This act shall take effect and be in force from and after its
33 publication in the statute book.