

ATTACHMENT 1

Proposed Amendment SB 158
Carpenter Amendment
5/3/2021
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Office of Revisor of Statutes

Section 62. On and after the effective date of this act and if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, section 2 of this act, is hereby amended to read as follows: As used in the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto:

(a) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics.

(b) "Associated employee" means an owner or prospective owner, officer or board member or prospective board member of an entity seeking a retail dispensary license.

(c) "Board of healing arts" means the state board of healing arts.

(d) "Caregiver" means an individual registered pursuant to section 8, and amendments thereto, who may purchase and possess medical marijuana in accordance with section 11, and amendments thereto.

(e) "Cultivator" means a person issued a license pursuant to section 21, and amendments thereto, who may grow and sell medical marijuana in accordance with section 22, and amendments thereto.

(f) "Distributor" means a person issued a license pursuant to section 31, and amendments thereto, who may purchase and sell medical marijuana in accordance with section 33, and amendments thereto.

(g) "Electronic cigarette" means the same as defined in K.S.A. 79-3301, and amendments thereto.

(h) "Key employee" means a manager or other person responsible for the daily operation of a licensed retail dispensary.

(i) "Marijuana" means the same as defined in K.S.A. 65-4101, and amendments thereto.

(j) "Medical marijuana" means marijuana that is cultivated, processed, tested, dispensed, possessed or used for a medical purpose.

(k) "Owned and controlled" means ownership of at least 51% of the business, including corporate stock if a corporation, control over the management and day-to-day operations of the business and an interest in the capital, assets and profits and losses of the business proportionate to such owner's percentage of ownership.

(l) "Patient" means an individual registered pursuant to section 8, and amendments thereto, who may purchase and possess medical marijuana in accordance with section 10, and amendments thereto.

(m) "Postsecondary educational institution" means the same as defined in K.S.A. 74-3201b, and amendments thereto.

(n) "Processor" means a person issued a license pursuant to section 31, and amendments thereto, who may purchase, process and sell medical marijuana in accordance with section 32, and amendments thereto.

(o) "Physician" means an individual licensed to practice medicine and surgery in this state and who is certified by the board of healing arts to ~~recommend~~ prescribe treatment with medical marijuana pursuant to section 17, and amendments thereto.

(p) "Physician's designee" means:

(1) A registered nurse, licensed practical nurse, respiratory therapist, emergency medical responder, paramedic, dental hygienist, pharmacy technician or pharmacy intern who has registered for access to the program database as an agent of a practitioner or pharmacist to request program data on behalf of the practitioner or pharmacist;

(2) a death investigator who has registered for limited access to the program database as

an agent of a medical examiner, coroner or another person authorized under law to investigate or determine causes of death; or

(3) an individual authorized by rules and regulations adopted by the board of healing arts to access the prescription monitoring program database by the board of healing arts in rules and regulations.

(q) "Qualifying medical condition" means any of the following:

- (1) Acquired immune deficiency syndrome;
- (2) Alzheimer's disease;
- (3) amyotrophic lateral sclerosis;
- (4) cancer;
- (5) chronic traumatic encephalopathy;
- (6) Crohn's disease;
- (7) epilepsy or another seizure disorder;
- (8) fibromyalgia;
- (9) glaucoma;
- (10) hepatitis C;
- (11) inflammatory bowel disease;
- (12) multiple sclerosis;
- (13) Parkinson's disease;
- (14) positive status for human immunodeficiency virus;
- (15) post-traumatic stress disorder;
- (16) sickle cell anemia;
- (17) spinal cord disease or injury;

- (18) Tourette's syndrome;
- (19) traumatic brain injury;
- (20) ulcerative colitis;
- (21) a chronic medical condition that:

- (A) Causes severe, persistent pain or persistent muscle spasms; or

- (B) is normally treated with a prescription medication that could lead to physical or psychological dependence if a licensed physician determines that treatment for such condition with medical marijuana would be effective and would serve as a safer alternative;

- (22) a debilitating psychiatric disorder that is diagnosed by a physician licensed in this state who is board-certified in the practice of psychiatry, as determined by the board of healing arts; or

- (23) any other chronic, debilitating or terminal condition that, in the professional judgment of a physician licensed by in this state, would be a detriment to the patient's mental or physical health if left untreated.

(r) "Retail dispensary" means a person issued a license pursuant to section 34, and amendments thereto, who may purchase and sell medical marijuana in accordance with section 35, and amendments thereto.

(s) "Smoking" means the use of a lighted cigarette, cigar or pipe or otherwise burning marijuana in any other form for the purpose of consuming such marijuana.

(t) "Support employee" means an individual employed by a licensed retail dispensary who does not have authority to make operational decisions.

(u) "Vaporization" means the use of an electronic cigarette for the purpose of consuming medical marijuana in which such medical marijuana comes into direct contact with a

heating element.

(v) "Veteran" means a person who:

(1) Has served in the army, navy, marine corps, air force, coast guard, space force, any state air or army national guard or any branch of the military reserves of the United States; and

(2) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions.

Sec. 63. On and after the effective date of this act, if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, section 3 of this act, is hereby amended to read as follows: (a) No person shall grow, harvest, process, sell, barter, transport, deliver, furnish or otherwise possess any form of marijuana, except as specifically provided in the Kansas medical marijuana regulation act or the commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et seq., and amendments thereto.

(b) Nothing in the Kansas medical marijuana regulation act shall be construed to:

(1) Require a physician to ~~recommend~~ prescribe that a patient use medical marijuana to treat a qualifying medical condition;

(2) permit the use, possession or administration of medical marijuana other than as authorized by this act;

(3) permit the use, possession or administration of medical marijuana on federal land located in this state;

(4) require any public place to accommodate a registered patient's use of medical marijuana;

(5) prohibit any public place from accommodating a registered patient's use of medical marijuana;

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(6) authorize any limitation on the number of any licenses awarded under this act to otherwise qualified applicants or authorize any state agency through rules and regulations to effectively limit the number of licenses available to otherwise qualified applicants for any type of license awarded under this act; or

(7) restrict research related to marijuana conducted at a postsecondary educational institution, academic medical center or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

Sec. 64. On and after the effective date of this act, if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, section 4 of this act, is hereby amended to read as follows: (a) There is hereby established a Kansas medical marijuana regulation program.

(b) The secretary of health and environment shall administer the program in accordance with the provisions of this act and provide for the registration of patients and caregivers, including the issuance of identification cards to registered patients and caregivers.

(c) The board of healing arts shall administer the program in accordance with the provisions of this act and provide for the certification authorizing physicians to ~~recommend~~ prescribe medical marijuana.

(d) The board of pharmacy shall administer the program in accordance with the provisions of this act and provide for the registration of pharmacist consultants and the reporting to the prescription monitoring program database.

(e) The director of alcoholic beverage control shall administer the program in accordance with the provisions of this act and provide for the licensure of cultivators, laboratories that test medical marijuana, processors, distributors and retail dispensaries.

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Sec. 65. On and after the effective date of this act, if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, section 17 of this act, is hereby amended to read as follows: (a) Except as provided in subsection (j), a physician seeking to ~~recommend~~ prescribe treatment with medical marijuana shall apply to the board of healing arts for a certificate authorizing such physician to ~~recommend~~ prescribe treatment with medical marijuana. The application shall be submitted in such form and manner as prescribed by the board. The board shall grant a certificate to ~~recommend~~ prescribe if the following conditions are satisfied:

(1) The application is complete and meets the requirements established in rules and regulations adopted by the board of healing arts; and

(2) the applicant demonstrates that the applicant does not have an ownership or investment interest in or compensation arrangement with an entity licensed by the department of health and environment or the director of alcoholic beverage control under this act or an applicant for such licensure.

(b) Pursuant to rules and regulations adopted by the board of healing arts, a certificate to ~~recommend~~ prescribe shall:

(A) Expire annually unless renewed in the manner prescribed by the board; and

(B) be accompanied by an annual fee in an amount not to exceed \$175.

(2) Renewal of a certificate to ~~recommend~~ prescribe shall be conditioned upon the holder's certification of having met the requirements in subsection (a) and having completed at least two hours of continuing medical education in medical marijuana annually in accordance with subsection (g).

(c) A physician licensed in this state who holds a certificate to ~~recommend~~ prescribe

treatment with medical marijuana may ~~recommend~~ prescribe that a patient be treated with medical marijuana if:

- (1) The patient has been diagnosed with a qualifying medical condition;
- (2) an ongoing physician-patient relationship has been established by an initial office visit;
- (3) a review of all old medical records, particularly relating to the medical indication for the tetrahydrocannabinol ~~recommendation~~ prescription, and a physical exam have been performed;
- (4) the ~~recommending~~ prescribing physician has a certification to ~~recommend~~ prescribe pursuant to section 18, and amendments thereto;
- (5) the ~~recommending~~ prescribing physician, or physician's designee, reports all medical marijuana ~~recommendations~~ prescriptions for all patients to the prescription monitoring program in accordance with K.S.A. 65-1683, and amendments thereto; and
- (6) for a patient who has previously had medical marijuana ~~recommended~~ prescribed for use by another physician, the patient:
 - (A) Has maintained a physician-patient relationship with the new ~~recommending~~ prescribing physician for at least six months with either inpatient visits or via telephonic or electronic means; or
 - (B) no longer has the previous physician-patient relationship on account of death or discontinuance of care by the physician.
- (d) In the case of a patient who is a minor, the physician may ~~recommend~~ prescribe treatment with medical marijuana only after obtaining the consent of the patient's parent or other person responsible for providing consent to treatment.

(e) When issuing a written ~~recommendation~~ prescription to a patient, the physician shall specify any information required by rules and regulations adopted by the board of healing arts. A written ~~recommendation~~ prescription issued to a patient under this section is valid for a period of not more than 90 days. The physician may ~~renew the recommendation for~~ not more than three additional ~~periods of~~ written prescriptions for not more than 90 days each. Thereafter, the physician may issue another ~~recommendation~~ prescription to the patient only upon a physical examination of the patient.

(f) Each year a physician holding a certificate to ~~recommend~~ prescribe treatment with medical marijuana shall submit to the board of healing arts a report that describes the physician's observations regarding the effectiveness of medical marijuana in treating the physician's patients during the year covered by the report. When submitting reports, a physician shall not include any information that identifies or would tend to identify any specific patient.

(g) Annually, each physician who holds a certificate to ~~recommend~~ prescribe treatment with medical marijuana shall complete at least two hours of continuing medical education in the treatment with and use of medical marijuana as approved by the board of healing arts.

(h) A physician shall not issue a ~~recommendation~~ prescription for treatment with medical marijuana for a family member or the physician's self, or personally furnish or otherwise dispense medical marijuana.

(i) A physician who holds a certificate to ~~recommend~~ prescribe treatment with medical marijuana shall be immune from civil liability, shall not be subject to professional disciplinary action by the board of healing arts and shall not be subject to criminal prosecution for any of the following actions:

(1) Advising a patient, patient representative or caregiver about the benefits and risks of

medical marijuana to treat a qualifying medical condition;

(2) ~~recommending that~~ writing a prescription for a patient to use medical marijuana to treat or alleviate a qualifying medical condition; and

(3) monitoring a patient's treatment with medical marijuana.

(j) This section shall not apply to a physician who ~~recommends~~ prescribes treatment with marijuana or a drug derived from marijuana under any of the following that is approved by an institutional review board or equivalent entity, the United States food and drug administration or the national institutes of health or one of its cooperative groups or centers under the United States department of health and human services:

- (1) A research protocol;
- (2) a clinical trial;
- (3) an investigational new drug application; or
- (4) an expanded access submission.

Sec. 66. On and after the effective date of this act, if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, section 18 of this act, is hereby amended to read as follows: (a) On or before July 1, 2022, the board of healing arts shall adopt rules and regulations to implement and enforce the provisions of section 17, and amendments thereto. Such rules and regulations shall include:

(1) The procedures and fees for applying for a certificate to ~~recommened~~ prescribe treatment with medical marijuana;

(2) the conditions for eligibility for a certificate to ~~recommened~~ prescribe treatment with medical marijuana;

(3) the schedule, fees and procedures for renewing such a certificate;

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(4) the reasons for which a certificate may be suspended or revoked;

(5) the standards under which a certificate suspension may be lifted; and

(6) the minimum standards of care when ~~recommending~~ prescribing treatment with medical marijuana.

(b) The board of healing arts shall approve one or more continuing medical education courses of study that assist physicians holding certificates to ~~recommend~~ prescribe treatment with medical marijuana in diagnosing and treating qualifying medical conditions with medical marijuana.

Sec. 67. On and after the effective date of this act, if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, section 35 of this act, is hereby amended to read as follows: (a) A retail dispensary licensee may:

(1) Obtain medical marijuana from one or more licensed cultivators, processors or distributors; and

(2) dispense or sell medical marijuana in accordance with subsection (b).

(b) When dispensing or selling medical marijuana, a retail dispensary shall:

(1) Dispense or sell medical marijuana only to a person who shows a current, valid identification card and only in accordance with a written ~~recommendation~~ prescription issued by a physician;

(2) report to the prescription monitoring program database the information required by K.S.A. 65-1683, and amendments thereto, and rules and regulations adopted by the board of pharmacy pursuant to section 43, and amendments thereto;

(3) ensure that the package containing medical marijuana is labeled with the following information:

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(A) The name and address of the licensed processor that produced the product and the retail dispensary;

(B) the name of the patient and caregiver, if any;

(C) the name of the physician who ~~recommended~~ prescribed treatment with medical marijuana;

(D) the directions for use, if any, as ~~recommended~~ prescribed by the physician;

(E) a health warning as specified in rules and regulations adopted by the secretary of health and environment;

(F) the date on which the medical marijuana was dispensed; and

(G) the quantity, strength, kind or form of medical marijuana contained in the package;

(4) package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. § 1700.15(b), as in effect on July 1, 2021; and

(5) dispense or sell medical marijuana in an official tamper-proof Kansas specific package that is clearly marked and approved by the director.

(c) A retail dispensary shall employ only those individuals who hold a current, valid employee license issued pursuant to section 34, and amendments thereto, and who have completed the training requirements established by rules and regulations adopted by the secretary of revenue.

(d) A retail dispensary shall designate a pharmacist consultant who is a pharmacist licensed in this state and registered pursuant to section 44, and amendments thereto.

(e) A retail dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.

Sec. 68. On and after the effective date of this act, if marijuana is rescheduled from

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schedule I of the controlled substances act, 21 U.S.C. § 812, section 44 of this act, is hereby amended to read as follows: (a) Any pharmacist that seeks to operate as a pharmacist consultant for a retail dispensary shall register with the board of pharmacy in accordance with rules and regulations adopted by the board.

(b) In operating as a pharmacist consultant for a retail dispensary, such pharmacist shall:

(1) Not charge a fee for the pharmacist's services that exceeds 1% of the gross receipts of the retail dispensary;

(2) audit each ~~recommendation~~ prescription for use of medical marijuana and ensure that each such ~~recommendation~~ prescription is reported to the prescription monitoring system in accordance with K.S.A. 65-1683, and amendments thereto, and rules and regulations adopted by the board of pharmacy;

(3) develop and provide training to other retail dispensary employees at least once every 12 months that:

(A) Establishes guidelines for providing information to registered patients related to risks, benefits and side effects associated with medical marijuana;

(B) explains how to identify the signs and symptoms of substance abuse;

(C) establishes guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana; and

(D) assists in the development and implementation of review and improvement processes for patient education and support provided by the retail dispensary;

(4) provide oversight for the development and dissemination of:

(A) Education materials for qualifying patients and designated caregivers that include:

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- (i) Information about possible side effects and contraindications of medical marijuana;
 - (ii) guidelines for notifying the physician who provided the written ~~certification~~ prescription for medical marijuana if side effects or contraindications occur;
 - (iii) a description of the potential effects of differing strengths of medical marijuana strains and products;
 - (iv) information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, nonprescription drugs and supplements;
 - (v) techniques for the use of medical marijuana and marijuana paraphernalia; and
 - (vi) information about different methods, forms and routes of medical marijuana administration;
- (B) systems for documentation by a registered patient or designated caregiver of the symptoms of a registered patient that includes a logbook, rating scale for pain and symptoms and guidelines for a patient's self-assessment; and
- (C) policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana; and
- (5) be accessible by the retail dispensary or dispensary agent through:
- (A) Telephonic means at all times during operating hours; and
 - (B) telephone or video conference for a patient consultation during operating hours.

Sec. 69. On and after the effective date of this act, if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, K.S.A. 2020 Supp. 21-5706, as amended by section 72 of this act, is hereby amended to read as follows: 21-5706.(a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled

substance analog thereof.

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

(1) Any depressant designated in K.S.A. 65-4105(e), 65-4107(e), 65-4109(b) or (c) or 65-4111(b), and amendments thereto;

(2) any stimulant designated in K.S.A. 65-4105(f), 65-4107(d)(2), (d)(4), (d)(5) or (f) (2) or 65-4109(e), and amendments thereto;

(3) any hallucinogenic drug designated in K.S.A. 65-4105(d), 65-4107(g) or 65-4109(g), and amendments thereto;

(4) any substance designated in K.S.A. 65-4105(g) and 65-4111(c), (d), (e), (f) or (g), and amendments thereto;

(5) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto;

(6) any substance designated in K.S.A. 65-4113, and amendments thereto; or

(7) any substance designated in K.S.A. 65-4105(h), and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 5 felony.

(2) Except as provided in subsection (c)(3):

(A) Violation of subsection (b) is a class A nonperson misdemeanor, except as provided in subparagraph (B); and

(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d),

and amendments thereto, or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.

(3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as designated in K.S.A. 65-4105(h), and amendments thereto, violation of subsection (b) is a:

(A) Class B nonperson misdemeanor, except as provided in subparagraphs (B), (C) and (D);

(B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense;

(C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and

(D) nonperson misdemeanor punishable by a fine not to exceed \$400, if that person is not a registered patient or caregiver under the Kansas medical marijuana regulation act, section 1 et seq., and amendments thereto, is found in possession of not more than 1.5 ounces of marijuana and provides a statement from such person's physician ~~recommending~~ prescribing the use of medical marijuana to treat such person's symptoms.

(d) If the substance involved is medical marijuana, as defined in section 2, and amendments thereto, the provisions of subsections (b) and (c) shall not apply to any person who is registered or licensed pursuant to the Kansas medical marijuana regulation act, section 1 et

seq., and amendments thereto, whose possession is authorized by such act.

(e) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.

Sec. 70. ATTACHMENT 2

2020 Kansas Statutes

- 19-101a. Home rule powers; limitations, restrictions and prohibitions; procedure.** (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:
- (1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.
 - (2) Counties may not affect the courts located therein.
 - (3) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.
 - (4) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.
 - (5) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271 - 74th congress, or amendments thereof.
 - (6) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.
 - (7) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 through 12-195, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.
 - (8) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.
 - (9) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.
 - (10) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.
 - (11) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.
 - (12) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.
 - (13) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.
 - (14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.
 - (15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.
 - (16) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.
 - (17) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.
 - (18) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.
 - (19) Counties may not regulate the production or drilling of any oil or gas well in any

manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(20) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(21) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(22) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(23) Counties may not exempt from or effect changes in K.S.A. 19-202(b), and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 19-204(b), and amendments thereto.

(25) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(26) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(27) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, 65-3001 through 65-3028, and amendments thereto.

(28) Counties may not exempt from or effect changes in K.S.A. 80-121, and amendments thereto.

(29) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(30) Counties may not exempt from or effect changes in the Kansas 911 act.

(31) Counties may not exempt from or effect changes in K.S.A. 2020 Supp. 26-601, and amendments thereto.

(32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas liquor control act.

(33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.

(34) Counties may not exempt from or effect changes in the Kansas lottery act.

(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.

(36) Counties may neither exempt from nor effect changes to the eminent domain procedure act.

(37) Any county granted authority pursuant to the provisions of K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be subject to the limitations and prohibitions imposed under K.S.A. 19-5001 through 19-5005, and amendments thereto.

(38) Except as otherwise specifically authorized by K.S.A. 19-5001 through 19-5005, and amendments thereto, counties may not exercise any authority granted pursuant to K.S.A. 19-5001 through 19-5005, and amendments thereto, including the imposition or levy of any retailers' sales tax.

(39) Counties may not exempt from or effect changes in K.S.A. 65-201 and 65-202, and amendments thereto.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a

(40) Counties may not exempt from or effect changes in the medical marijuana regulation act except as provided in section 35, and amendments thereto.

resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

History: L. 1974, ch. 110, § 2; L. 1975, ch. 152, § 1; L. 1976, ch. 121, § 1; L. 1978, ch. 56, § 10; L. 1979, ch. 52, § 9; L. 1980, ch. 84, § 3; L. 1980, ch. 85, § 1; L. 1982, ch. 114, § 1; L. 1982, ch. 63, § 11; L. 1982, ch. 115, § 1; L. 1983, ch. 91, § 1; L. 1983, ch. 92, § 1; L. 1984, ch. 97, § 1; L. 1984, ch. 98, § 27; L. 1984, ch. 69, § 8; L. 1984, ch. 69, § 9; L. 1985, ch. 208, § 1; L. 1985, ch. 95, § 2; L. 1986, ch. 98, § 4; L. 1986, ch. 203, § 1; L. 1990, ch. 89, § 3; L. 1990, ch. 358, § 2; L. 1992, ch. 133, § 13; L. 1993, ch. 95, § 1; L. 1994, ch. 109, § 1; L. 1996, ch. 68, § 2; L. 1998, ch. 188, § 10; L. 1999, ch. 146, § 4; L. 2000, ch. 159, § 2; L. 2001, ch. 103, § 14; L. 2001, ch. 211, § 3; L. 2002, ch. 108, § 9; L. 2003, ch. 35, § 9; L. 2004, ch. 72, § 20; L. 2004, ch. 180, § 4; L. 2005, ch. 186, § 8; L. 2005, ch. 201, § 1; L. 2006, ch. 207, § 4; L. 2007, ch. 110, § 57; L. 2009, ch. 141, § 41; L. 2012, ch. 170, § 3; L. 2014, ch. 127, § 4; L. 2019, ch. 39, § 18; L. 2020, ch. 1, § 25 (Special Session); June 9.

Revisor's Note:

Section was also amended by L. 2009, ch. 143, § 7, but that version was repealed by L. 2009, ch. 141, § 45.

CAUTION: Section was amended effective July 1, 2016, see L. 2014, ch. 127, § 4.

ATTACHMENT 3

Sec. 83. On and after the effective date of this act, if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, K.S.A. 2020 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1)	Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9821
(2)	Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).....	9815
(3)	Acetylmethadol.....	9601
(4)	Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl).....	9811
(5)	AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide).....	9551
(6)	Allylprodine.....	9602
(7)	Alphacetylmethadol..... (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)	9603
(8)	Alphameprodine.....	9604
(9)	Alphamethadol.....	9605
(10)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).....	9814
(11)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9832
(12)	Benzethidine.....	9606
(13)	Betacetylmethadol.....	9607
(14)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).....	9830

(15)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
(16)	Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
(17)	Betameprodine.....	9608
(18)	Betamethadol.....	9609
(19)	Betaprodine.....	9611
(20)	Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide).....	9822
(21)	Clonitazene.....	9612
(22)	Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide)	
(23)	Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide).....	9845
(24)	Dextromoramide.....	9613
(25)	Diampromide.....	9615
(26)	Diethylthiambutene.....	9616
(27)	Difenoxin.....	9168
(28)	Dimenoxadol.....	9617
(29)	Dimepheptanol.....	9618
(30)	Dimethylthiambutene.....	9619
(31)	Dioxaphetyl butyrate.....	9621
(32)	Dipipanone.....	9622
(33)	Ethylmethylthiambutene.....	9623
(34)	Etonitazene.....	9624
(35)	Etoxeridine.....	9625
(36)	Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide). .	9834
(37)	Furethidine.....	9626
(38)	Hydroxypethidine.....	9627
(39)	Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide)	
(40)	Ketobemidone.....	9628
(41)	Levomoramide.....	9629
(42)	Levophenacilmorphan.....	9631
(43)	Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9825
(44)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide)	9813
(45)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9833
(46)	Morpheridine.....	9632
(47)	Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide)	
(48)	O-desmethyltramadol Some trade or other names: 2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
(49)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(50)	MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine)	

(51)	Noracymethadol.....	9633
(52)	Norlevorphanol.....	9634
(53)	Normethadone.....	9635
(54)	Norpipanone.....	9636
(55)	Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl).....	9816
(56)	Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	
(57)	Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	
(58)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide).....	9812
(59)	Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl).....	9824
(60)	Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	
(61)	PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
(62)	Phenadoxone.....	9637
(63)	Phenampromide.....	9638
(64)	Phenomorphane.....	9647
(65)	Phenoperidine.....	9641
(66)	Piritramide.....	9642
(67)	Proheptazine.....	9643
(68)	Properidine.....	9644
(69)	Propiram.....	9649
(70)	Racemoramide.....	9645
(71)	Tetrahydrofuranlyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide).....	9843
(72)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide).....	9835
(73)	Tilidine.....	9750
(74)	Trimeperidine.....	9646
(75)	U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)...	9547
(76)	Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide)	

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Acetorphine.....	9319
(2)	Acetyldihydrocodeine.....	9051
(3)	Benzylmorphine.....	9052
(4)	Codeine methylbromide.....	9070
(5)	Codeine-N-Oxide.....	9053

(6)	Cyprenorphine.....	9054
(7)	Desomorphine.....	9055
(8)	Dihydromorphine.....	9145
(9)	Drotebanol.....	9335
(10)	Etorphine (except hydrochloride salt).....	9056
(11)	Heroin.....	9200
(12)	Hydromorphanol.....	9301
(13)	Methyldesorphine.....	9302
(14)	Methyldihydromorphine.....	9304
(15)	Morphine methylbromide.....	9305
(16)	Morphine methylsulfonate.....	9306
(17)	Morphine-N-Oxide.....	9307
(18)	Myrophine.....	9308
(19)	Nicocodeine.....	9309
(20)	Nicomorphine.....	9312
(21)	Normorphine.....	9313
(22)	Pholcodine.....	9314
(23)	Thebacon.....	9315

(d) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Alpha-ethyltryptamine 7249 Some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET.
- (2) 4-bromo-2,5-dimethoxy-amphetamine..... 7391
Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.
- (3) 2,5-dimethoxyamphetamine..... 7396
Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.
- (4) 4-methoxyamphetamine..... 7411
Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; paramethoxyamphetamine; PMA.
- (5) 5-methoxy-3,4-methylenedioxy-amphetamine..... 7401
- (6) 4-methyl-2,5-dimethoxy-amphetamine..... 7395
Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".
- (7) 3,4-methylenedioxy amphetamine..... 7400
- (8) 3,4-methylenedioxymethamphetamine (MDMA)..... 7405
- (9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA)..... 7404
- (10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-

	methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA).....	7402
(11)	3,4,5-trimethoxy amphetamine.....	7390
(12)	Bufotenine.....	7433
	Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.	
(13)	Diethyltryptamine.....	7434
	Some trade or other names: N,N-Diethyltryptamine; DET.	
(14)	Dimethyltryptamine.....	7435
	Some trade or other names: DMT.	
(15)	Ibogaine.....	7260
	Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2]azepino[5,4-b]indole; Tabernanthe iboga	
(16)	Lysergic acid diethylamide.....	7315
(17)	Marijuana	7360
(18) (17)	Mescaline.....	7381
(19) (18)	Parahexyl.....	7374
	Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
(20) (19)	Peyote.....	7415
	Meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(21) (20)	N-ethyl-3-piperidyl benzilate.....	7482
(22) (21)	N-methyl-3-piperidyl benzilate.....	7484
(23) (22)	Psilocybin.....	7437
(24) (23)	Psilocyn.....	7438
	Some trade or other names: Psilocin.	
(25) (24)	Ethylamine analog of phencyclidine.....	7455
	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	
(26) (25)	Pyrrolidine analog of phencyclidine.....	7458
	Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.	
(27) (26)	Thiophene analog of phencyclidine.....	7470
	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.	
(28) (27)	1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....	7473
	Some other names: TCPy.	
(29) (28)	2,5-dimethoxy-4-ethylamphetamine.....	7399
	Some trade or other names: DOET.	
(30) (29)	Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	

(31) (30)	Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(32) (31)	N-benzylpiperazine.....	7493
	Some trade or other names: BZP.	
(33) (32)	1-(3-[trifluoromethylphenyl])piperazine	
	Some trade or other names: TFMPP.	
(34) (33)	4-Bromo-2,5-dimethoxyphenethylamine.....	7392
(35) (34)	2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.....	7348
(36) (35)	Alpha-methyltryptamine (other name: AMT).....	7432
(37) (36)	5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....	7439
(38) (37)	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
(39) (38)	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
(40) (39)	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
(41) (40)	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
(42) (41)	2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....	7385
(43) (42)	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).....	7532
(44) (43)	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
(45) (44)	2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
(46) (45)	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....	7524
(47) (46)	5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....	7431
	Some trade or other names: 5-methoxy-3-[2-(dimethylamino) ethyl]indole.	
(48) (47)	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7538
	Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5.	
(49) (48)	2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7537
	Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82.	
(50) (49)	2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7536
	Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36.	
(51) (50)	2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	
	Some trade or other names: 25H-NBOMe.	
(52) (51)	2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine	
	Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.	
(53) (52)	2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine	
	Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.	

(e) Any material, compound, mixture or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Etizolam
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
- (2) Mecloqualone.....2572
- (3) Methaqualone.....2565
- (4) Gamma hydroxybutyric acid

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Aminorex.....1585
Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine
- (2) Fenethylamine.....1503
- (3) N-ethylamphetamine.....1475
- (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine). 1590
- (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).....1480
- (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone).....1235
- (7) Substituted cathinones

Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

- (A) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
- (B) by substitution at the 3-position with an acyclic alkyl substituent;
- (C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
- (D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(g) Any material, compound, mixture or preparation that contains any quantity of the following substances:

- (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers
- (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers

(h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless

specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) ~~Tetrahydrocannabinols.....7370~~
~~Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.); except tetrahydrocannabinols in any of the following:~~
 - ~~(A) — Industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto;~~
 - ~~(B) — solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or~~
 - ~~(C) — hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2020 Supp. 2-3908, and amendments thereto.~~
- (2) Naphthoylindoles
Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (3)(2) Naphthylmethylindoles
Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (4)(3) Naphthoylpyrroles
Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (5)(4) Naphthylmethylindenenes
Any compound containing a naphthylideneindene structure with substitution at the 3-

position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.

~~(6)~~(5)

Phenylacetylindoles

Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the benzyl or phenyl ring to any extent.

~~(7)~~(6)

Cyclohexylphenols

Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.

~~(8)~~(7)

Benzoylindoles

Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.

~~(9)~~(8)

2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.

Some trade or other names: WIN 55,212-2.

~~(10)~~(9)

9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-210, HU-211.

~~(11)~~(10)

Tetramethylcyclopropanoylindoles

Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.

~~(12)~~(11)

Indole-3-carboxylate esters

Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.

~~(13)~~(12)

Indazole-3-carboxamides

Any compound containing a 1H-indazole-3-carboxamide structure with substitution at

the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

~~(14)~~(13) Indole-3-carboxamides

Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

~~(15)~~(14) (1H-indazol-3-yl)methanones

Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

Sec. 84. On and after the effective date of this act, if marijuana is rescheduled from schedule I of the controlled substances act, 21 U.S.C. § 812, K.S.A. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

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

opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

(A)	Raw opium.....	9600
(B)	Opium extracts.....	9610
(C)	Opium fluid.....	9620
(D)	Powdered opium.....	9639
(E)	Granulated opium.....	9640
(F)	Tincture of opium.....	9630
(G)	Codeine.....	9050
(H)	Ethylmorphine.....	9190
(I)	Etorphine hydrochloride.....	9059
(J)	Hydrocodone.....	9193
(K)	Hydromorphone.....	9150
(L)	Metopon.....	9260
(M)	Morphine.....	9300
(N)	Oxycodone.....	9143
(O)	Oxymorphone.....	9652
(P)	Thebaine.....	9333
(Q)	Dihydroetorphine.....	9334
(R)	Oripavine.....	9330

(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 (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts

of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextrophan and levopropoxyphene excepted:

(1)	Alfentanil.....	9737
(2)	Alphaprodine.....	9010
(3)	Anileridine.....	9020
(4)	Bezitramide.....	9800
(5)	Bulk dextropropoxyphene (nondosage forms).....	9273
(6)	Carfentanil.....	9743
(7)	Dihydrocodeine.....	9120
(8)	Diphenoxylate.....	9170
(9)	Fentanyl.....	9801
(10)	Isomethadone.....	9226
(11)	Levomethorphan.....	9210
(12)	Levorphanol.....	9220
(13)	Metazocine.....	9240
(14)	Methadone.....	9250
(15)	Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-diphenyl butane.....	9254
(16)	Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid	9802
(17)	Pethidine (meperidine).....	9230
(18)	Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.....	9232
(19)	Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-carboxylate.....	9233
(20)	Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid.....	9234
(21)	Phenazocine.....	9715
(22)	Piminodine.....	9730
(23)	Racemethorphan.....	9732
(24)	Racemorphan.....	9733
(25)	Sufentanil.....	9740
(26)	Levo-alphaacetyl methadol.....	9648
	Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.	
(27)	Remifentanil.....	9739
(28)	Tapentadol.....	9780
(29)	Thiafentanil.....	9729

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1)	Amphetamine, its salts, optical isomers and salts of its optical isomers.....	1100
(2)	Phenmetrazine and its salts.....	1631
(3)	Methamphetamine, including its salts, isomers and salts of isomers.....	1105
(4)	Methylphenidate.....	1724

(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.....1205

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital.....2125
- (2) Glutethimide.....2550
- (3) Secobarbital.....2315
- (4) Pentobarbital.....2270
- (5) Phencyclidine.....7471

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine:
 - (A) Phenylacetone.....8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone;
methyl benzyl ketone.
- (2) Immediate precursors to phencyclidine (PCP):
 - (A) 1-phenylcyclohexylamine.....7460
 - (B) 1-piperidinocyclohexanecarbonitrile (PCC).....8603
- (3) Immediate precursor to fentanyl:
 - (A) 4-anilino-N-phenethyl-4-piperidine (ANPP).....8333

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration.....7365
- (2) Marijuana.....7360
- (3) Nabilone.....7379
[Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]

(h) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium.....9805
- (2) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9806

(i) Any tetrahydrocannabinols.....7370

Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:

(A) Industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto;

(B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or

(C) hemp products, as defined in K.S.A. 2020 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2020 Supp. 2-3908, and amendments thereto.