

# Journal of the Senate

FIFTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, April 29, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine Senators present.

Senator Donovan was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Our hearts go out to sections of the South where an incredibly powerful tornado left unbelievable destruction in the South Wednesday night. The state hardest hit was Alabama where much of Tuscaloosa was destroyed.

This great tragedy reminds us of the earthquakes and tsunamis which have reeked havoc throughout the world in this year and the last.

Lord, we pray for the survivors who have lost loved ones in these disasters and also in the revolutions being carried on in the middle east.

We pray for healing for the injured and for those who have lost their homes and their businesses.

Remind us of those who have suffered losses in the tornadoes in Kansas in the past years.

Where possible, lead us to offer help. I pray in the name of Jesus Christ, AMEN

The pledge of allegiance was led by President Stephen Morris.

## MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Senate Substitute for HB 2133**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2282**, and requests return of the bill.

## ORIGINAL MOTION

Senator Emler moved that subsection 4(k) of the Joint Rules of the Senate and the House of Representatives be suspended for the purpose of considering the following bills: **SB 170, SB 216; S Sub for HB 2049, HB 2119, HB 2392.**

## CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Teichman moved the Senate concur in House amendments to **SB 170.**

**SB 170, AN ACT** enacting the portable electronics insurance act.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2049**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate substitute for HB 2049, as follows:

On page 7, by striking all in lines in 20 through 22; following line 30, by inserting the following:

- "(33) 4-Bromo-2,5-dimethoxyphenethylamine.....7392
- (34) 2,5-dimethoxy-4-(n)-propylthiopenenthylamine (2C-7), its optical isomers, salts and salts of optical isomers.....7348
- (35) Alpha-methyltryptamine (other name: AMT).....7432
- (36) 5-methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....7439";

And redesignating remaining paragraphs accordingly;

On page 10, following line 5, by inserting the following:

“(10) 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.

Sec. 4. 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, nalmeffene, 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) <i>Dihydroetorphine</i> .....	9334
(R) <i>Oripavine</i> .....	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 dextropropfan 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
- (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
- (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:
- 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]
- Sec. 5. K.S.A. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number

set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

- (1) Any compound, mixture or preparation containing:
  - (A) Amobarbital.....2126
  - (B) Secobarbital.....2316
  - (C) Pentobarbital.....2271
 or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
- (2) Any suppository dosage form containing:
  - (A) Amobarbital..... 2126
  - (B) Secobarbital..... 2316
  - (C) Pentobarbital..... 2271
 or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
- (3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.....2100
- (4) Chlorhexadol.....2510
- (5) Lysergic acid.....7300
- (6) Lysergic acid amide.....7310
- (7) Methyprylon.....2575
- (8) Sulfondiethylmethane.....2600
- (9) Sulfonethylmethane.....2605
- (10) Sulfonmethane.....2610
- (11) Tiletamine and zolazepam or any salt thereof.....7295
 

Some trade or other names for a tiletamine-zolazepam combination product:  
Telazol

Some trade or other names for tiletamine: 2- (ethylamino)-2-(2-thienyl)-cyclohexanone

Some trade or other names for zolazepam: 4- (2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon
- (12) Ketamine, its salts, isomers, and salts of isomers.....7285
 

Some other names for ketamine: (±) -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone
- (13) Gamma hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma hydroxybutyric acid contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act
- (14) *Embutramide*.....2020
- (c) Nalorphine.....9400
- (d) 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 1.8 grams of codeine or any of its salts per 100 milliliters

or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium.....9803

(2) not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9804

(3) 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

(4) 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

(5) not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9807

(6) not more than 300 milligrams of ethylmorphine 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.....9808

(7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9809

(8) not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9810

(9) *any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, as set forth below:*

(A) *Buprenorphine*.....9064

(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 stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances.....1405

(2) Benzphetamine.....1228

(3) Chlorphentermine.....1645

(4) Chlorfentermine.....1647

(5) Phendimetrazine.....1615

(f) Anabolic steroids.....4000

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and

corticosteroids) that promotes muscle growth, and includes:

- (1) boldenone
- (2) chlorotestosterone (4-chlorotestosterone)
- (3) clostebol
- (4) dehydrochlormethyltestosterone
- (5) dihydrotestosterone (4-dihydrotestosterone)
- (6) drostanolone
- (7) ethylestrenol
- (8) fluoxymesterone
- (9) formebulone (formebolone)
- (10) mesterolone
- (11) methandienone
- (12) methandranone
- (13) methandriol
- (14) methandrostenolone
- (15) methenolone
- (16) methyltestosterone
- (17) mibolerone
- (18) nandrolone
- (19) norethandrolone
- (20) oxandrolone
- (21) oxymesterone
- (22) oxymetholone
- (23) stanolone
- (24) stanozolol
- (25) testolactone
- (26) testosterone
- (27) trenbolone

(28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

(A) Except as provided in (B), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States' secretary of health and human services for such administration.

(B) If any person prescribes, dispenses or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).

(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 (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved product...7369  
Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro -6-6-9-trimethyl-3-pentyl-6H-dibenzo(b,d)pyran-1-0l, or (-)-delta-9- (trans)-tetrahydrocannabinol.
- (h) The board may except by rule any compound, mixture or preparation containing

any stimulant or depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Sec. 6. K.S.A. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

(1) Alprazolam.....	2882
(2) Barbital.....	2145
(3) Bromazepam.....	2748
(4) Camazepam.....	2749
(5) Chloral betaine.....	2460
(6) Chloral hydrate.....	2465
(7) Chlordiazepoxide.....	2744
(8) Clobazam.....	2751
(9) Clonazepam.....	2737
(10) Clorazepate.....	2768
(11) Clotiazepam.....	2752
(12) Cloxazolam.....	2753
(13) Delorazepam.....	2754
(14) Diazepam.....	2765
(15) <i>Dichloralphenazone</i> .....	2467
<del>(15)</del> (16) Estazolam.....	2756
<del>(16)</del> (17) Ethchlorvynol.....	2540
<del>(17)</del> (18) Ethinamate.....	2545
<del>(18)</del> (19) Ethyl loflazepate.....	2758
<del>(19)</del> (20) Fludiazepam.....	2759
<del>(20)</del> (21) Flunitrazepam.....	2763
<del>(21)</del> (22) Flurazepam.....	2767
(23) <i>Fospropofol</i> .....	2138
<del>(22)</del> (24) Halazepam.....	2762
<del>(23)</del> (25) Haloxazolam.....	2771
<del>(24)</del> (26) Ketazolam.....	2772
<del>(25)</del> (27) Loprazolam.....	2773
<del>(26)</del> (28) Lorazepam.....	2885
<del>(27)</del> (29) Lormetazepam.....	2774
<del>(28)</del> (30) Mebutamate.....	2800
<del>(29)</del> (31) Medazepam.....	2836
<del>(30)</del> (32) Meprobamate.....	2820



(31)(33) Methohexital.....2264  
 (32)(34) Methylphenobarbital (mephobarbital).....2250  
 (33)(35) Midazolam.....2884  
 (34)(36) Nimetazepam.....2837  
 (35)(37) Nitrazepam.....2834  
 (36)(38) Nordiazepam.....2838  
 (37)(39) Oxazepam.....2835  
 (38)(40) Oxazolam.....2839  
 (39)(41) Paraldehyde.....2585  
 (40)(42) Petrichloral.....2591  
 (41)(43) Phenobarbital.....2285  
 (42)(44) Pinazepam.....2883  
 (43)(45) Prazepam.....2764  
 (44)(46) Quazepam.....2881  
 (45)(47) Temazepam.....2925  
 (46)(48) Tetrazepam.....2886  
 (47)(49) Triazolam.....2887  
 (48)(50) Zolpidem.....2783  
 (49)(51) Zaleplon.....2781  
 (52) Zopiclone.....2784

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act (~~21 United States code 81221 U.S.C. § 812~~; 21 code of federal regulations 1308.14).

(d) 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 stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine).....1230  
 (2) Diethylpropion.....1610  
 (3) Fencamfamin.....1760  
 (4) Fenproporex.....1575  
 (5) Mazindol.....1605  
 (6) Mefenorex.....1580  
 (7) Pemoline (including organometallic complexes and chelates thereof).....1530  
 (8) Phentermine.....1640

The provisions of this subsection (d)(8) shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act (~~21 United States code 81221 U.S.C. § 812~~; 21 code of federal regulations 1308.14).

(9) Pipradrol.....1750  
 (10) SPA((-)-1-dimethylamino-1,2-diphenylethane).....1635  
 (11) Sibutramine.....1675

(12) Mondafinil.....1680  
(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

- (1) Pentazocine.....9709
- (2) Butorphanol (including its optical isomers).....9720

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....9167
- (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3- methyl-2-propionoxybutane).....9278
- (g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(h) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Sec. 7. K.S.A. 2010 Supp. 65-4113 is hereby amended to read as follows: 65-4113.

(a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

~~(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing the following narcotic drug or its salts:~~

~~Buprenorphine.....9064~~

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

- (1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.
- (3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(c)~~(c) 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 stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose).....8161
- (2) Pyrovalerone.....1485
- (d) Any compound, mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.
- (e) Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.
- (f) *Unless specifically exempted or excluded 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:*

- (1) *Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]*.....2746
- (2) *Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]*.....2782";

Also on page 10, in line 6, by striking all following "K.S.A." and inserting "65-4107, 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111 and 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 21-36a05, 21-36a06, 65-4105, 65-4105, as amended by section 1 of 2011 House Bill No. 2023, 65-4113 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023 are"; in line 9, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, after "K.S.A." by inserting "65-4107, 65-4109 and 65-4111 and K.S.A."; in line 2, by striking all following "21-36a06" and inserting ", 65-4105 and 65-4113 and repealing the existing sections; also repealing K.S.A. 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 65-4105, as amended by section 1 of 2011 House Bill No. 2023 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023.";

And your committee on conference recommends the adoption of this report.

VICKI SCHMIDT  
PETE BRUNGARDT  
LAURA KELLY

*Conferees on part of Senate*

PAT COLLOTON  
LANCE KINZER  
MELODY McCRAY-MILLER

*Conferees on part of House*

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub HB 2049**.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Steineger.

Present and Passing: Francisco.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

MR. PRESIDENT: For the third time this session (2011) on "K-3", etc. as well as thrice last session (2010) on K-2, once again I proudly remain this Senate's most consistent civil libertarian on the issue of the failed war on relatively benign drugs. Quit wasting time and money; attempting, and unsuccessfully, to prevent people's flights of fancy. Regulate them; tax them; put them behind the counters of drug stores but stop criminalizing substances less toxic to the human body than abused prescription drugs, tobacco and alcohol. Explore medicinal values to authentic and manufactured substances. Let us quit driving these people to inhaling more dangerous substances that can not be made illegal and find after these hard, very expensive failed lessons of history, at long last, realistic drug policies that work with public health and safety. —

DAVID HALEY

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to HB 2119, submits the following report:

The House accedes to all Senate amendments to the bill and your committee on conference further agrees to amend this bill as printed with Senate Committee of the Whole amendments as follows:

On page 2, in line 36, by striking "the" where it appears for the first time;

On page 3, in line 1, after "response" by inserting "service"; in line 4 by striking "service" and inserting "services"; by striking all in lines 16 through 43;

By striking all in pages 4 through 22;

On page 23, by striking all in lines 1 through 14 and inserting:

"Sec. 3. K.S.A. 8-305 is hereby repealed";

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all after "concerning"; by striking all in lines 4 through 9 and inserting "political subdivisions; pertaining to accident response service fees; pertaining to marking of motor vehicles; amending K.S.A. 8-305 and repealing the existing section.";

And your committee on conference recommends the adoption of this report.

RUTH TEICHMAN

TY MASTERSON

ALLEN C. SCHMIDT

*Conferees on part of Senate*

STEVE HUEBERT

JOE SEIWERT

ANN E. MAH

*Conferees on part of House*

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2119**.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Bruce, Lynn, Owens, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

**COMMITTEE OF THE WHOLE**

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Owens in the chair.

On motion of Senator Owens the following report was adopted:

Recommended **HB 2392** be passed.

**SB 216** be amended by the adoption of the committee amendments, and further amended by motion of Senator V. Schmidt, on page 2, in line 12, after "governor" by inserting "on and";

On page 3, in line 4, by striking "(7) staffing"; by striking all in line 5; in line 6, by striking "and vehicles; and (8)" and inserting "and (7)";

On page 4, in line 18, by striking "courses of certification of instruction" and inserting "certification";

On page 6, in line 14, by striking "following"; in line 15, by striking all before the period;

On page 7, in line 16, by striking "ECG" and inserting "electrocardiogram"; in line 34, by striking "(f)" and inserting "(g)";

On page 9, in line 43, by striking "following the effective date of this act";

On page 11, in line 39, by striking "following the effective date of this act"; in line 40, by striking "EMT-D" and inserting "Emergency medical technician-defibrillator";

On page 12, following line 20, by inserting:

"Sec. 7. K.S.A. 2010 Supp. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced registered nurse practitioner or licensed professional nurse, who gives emergency instructions to an attendant as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.

(b) No attendant as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the responsible physician for a physician assistant, advanced registered nurse practitioner or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such attendant as

defined by K.S.A. 65-6112, and amendments thereto.

(c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator's or training officer's course of instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator or training officer.

(d) No medical ~~adviser~~ *director* who reviews, approves and monitors the activities of attendants shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring.";

And by renumbering sections accordingly;

Also on page 12, in line 23, by striking the comma; in line 40, by striking "a" and inserting "an application";

On page 14, in line 37, by striking "promulgated thereunder" and inserting "adopted by the board";

On page 16, in line 8, by striking "following the effective date of this act"; in line 34, after "65-6123," by inserting "65-6124,";

On page 1, in the title, in line 3, after "65-6123," by inserting "65-6124," and **SB 216** be passed as further amended.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 216**; **HB 2392** were advanced to Final Action and roll call.

**SB 216**, AN ACT concerning emergency medical services; amending K.S.A. 65-102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-124, 65-6129 and 65-6144 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**HB 2392**, AN ACT concerning setoff against certain debtors; relating to federal department of the treasury, agreements, procedure and fees; amending K.S.A. 75-6204 and K.S.A. 2010 Supp. 75-6202 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1852—

A RESOLUTION congratulating and commending Columbus Unified High School for being named a 2011 MetLife Foundation-NASSP Breakthrough School.

WHEREAS, Columbus Unified High School of Columbus, Kansas, recently received recognition as a 2011 MetLife Foundation-NASSP Breakthrough School for its academic success; and

WHEREAS, Columbus Unified High School was one of only five high schools in the country to be named a Breakthrough School and was honored at the 2011 NASSP Conference, which was held in San Francisco, California, February 24 to 27, 2011; and

WHEREAS, Columbus Unified High School, and the other four high schools and five middle level schools honorees, will receive a \$5,000 grant and be featured in the National Association of Secondary School Principals' monthly magazine, *Principal Leadership*; and

WHEREAS, The MetLife Foundation-NASSP Breakthrough Schools program was established in 2007 and is funded through a generous grant provided by MetLife Foundation. The goal of the project is to identify, recognize and showcase middle level and high schools that serve large numbers of students living in poverty and are high achieving or dramatically improving student achievement; and

WHEREAS, Nominated schools must demonstrate continuous growth on state assessments over time, including graduation rate for high schools, specific efforts towards reducing the achievement gap and 40% or more students eligible for free or reduced price meals. Additional success indicators include equity of student participation in challenging courses, academic and career focused personal learning plans for all students, school community connections and leadership development and mentoring; and

WHEREAS, Columbus Unified High School was selected for its documented success and for implementing strategies aligned with the three core areas of NASSP's Breaking Ranks framework for middle level and high schools that have led to improved student achievement. These three core areas are: (1) Collaborate leadership: Professional learning communities, shared leadership and student and staff leadership development; (2) Personalization: Attention to all students, mentoring and school/community connections; and (3) Curriculum, instruction and assessment: Access to rigorous coursework for all students, differentiated instruction with multiple assessments, data-based decision making and opportunities for career development; and

WHEREAS, The superintendent of Columbus USD 493 is David Carriger. The principal of Columbus Unified High School is Steve Jameson. The interim principal and assistant principal of Columbus Unified High School is Tony Shearburn. The interim assistant principal of Columbus Unified High School is Dan Grundy: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the administration, teachers and staff of Columbus Unified High School for being recognized as a 2011 MetLife Foundation-NASSP Breakthrough School and for their diligent work in making gains in academic achievement by providing rigorous instruction and personalizing their school to meet the needs of each and every student.

We wish them and their students continued success; and

*Be it further resolved:* That the Secretary of the Senate shall send eight enrolled copies of this resolution to Senator Umbarger.

On emergency motion of Senator Umbarger **SR 1852** was adopted unanimously.

### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Employment Security Board of Review, Member: K.S.A. 44-709

Patricia Bossert, term expires March 15, 2014

Also, the following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Development Finance Authority, Member: K.S.A. 74-8903

Donald Linville, term expires January 15, 2015

Also, the following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Employment Security Board of Review, Member: K.S.A. 44-709

Hylaurd Wayne Maichel, term expires March 15, 2015

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Kansas National Guard, Brigadier General: K.S.A. 48-208

Keith Lang, serves at the pleasure of the Governor

Committee on **Natural Resources** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Wildlife and Parks, Secretary: K.S.A. 2010 Supp. 32-801

Robin Jennison, serves at the pleasure of the Governor

### REPORT ON ENROLLED BILLS

**SR 1846, SR, 1847, SR 1848, SR 1849, SR 1850, SR 1851** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 29, 2011.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Monday, May 2, 2011.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

