

1 thereof into evidence.

2 (i) No employee of the secretary shall interview any patient named in
3 any report described in subsection (h) or any relative of any such patient
4 unless otherwise provided in K.S.A. 65-2422d, and amendments thereto.
5 Nothing in this section shall prohibit publication by the secretary or a duly
6 authorized cooperating person, agency or organization of final reports or
7 statistical compilations derived from morbidity or mortality studies if such
8 reports or compilations do not identify individuals, associations,
9 corporations or institutions that were the subject of such studies and do not
10 reveal sources of information.

11 Sec. 4. K.S.A. 2022 Supp. 21-5701 is hereby amended to read as
12 follows: 21-5701. As used in K.S.A. 2022 Supp. 21-5701 through 21-
13 5717, and amendments thereto:

14 (a) "Controlled substance" means any drug, substance or immediate
15 precursor included in any of the schedules designated in K.S.A. 65-4105,
16 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

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

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

23 (B) the substance has a stimulant, depressant or hallucinogenic effect
24 on the central nervous system substantially similar to the stimulant,
25 depressant or hallucinogenic effect on the central nervous system of a
26 controlled substance included in the schedules designated in K.S.A. 65-
27 4105 or 65-4107, and amendments thereto; or

28 (C) with respect to a particular individual, such individual represents
29 or intends the substance to have a stimulant, depressant or hallucinogenic
30 effect on the central nervous system substantially similar to the stimulant,
31 depressant or hallucinogenic effect on the central nervous system of a
32 controlled substance included in the schedules designated in K.S.A. 65-
33 4105 or 65-4107, and amendments thereto.

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

35 (A) A controlled substance;

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

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

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

(f) Any person who knowingly discloses any information or record made or kept confidential pursuant to the Kansas overdose fatality review board act shall be guilty of a class A nonperson misdemeanor.