

Proposed

State of Kansas
Kansas Bureau of Investigation

Notice of Public Hearing on Proposed Administrative Regulation

April 30, 2026

A public hearing will be conducted on Wednesday, July 8, 2026, at 9:00 a.m. in the auditorium at Kansas Bureau of Investigation (KBI) Forensic Science Center 2001 SW Washburn Avenue, Topeka, Kansas 66604 to consider the adoption of a proposed rule and regulation of the KBI on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to KBI - Attn: Legal Division, 1620 SW Tyler, Topeka, Kansas 66612 or by email to LegalDivision@kbi.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting KBI Legal Division at 785-296-8200 (or TTY 1-800-766-3777). Handicapped parking is located on the northwest corner of 2001 SW Washburn Avenue, Topeka, Kansas 66604, outside the main entrance.

A copy of the proposed regulation and the economic impact statement for the proposed regulation can be requested from LegalDivision@kbi.ks.gov, or by writing to KBI - Attn: Legal Division, 1620 SW Tyler, Topeka, Kansas 66612.

A summary of the proposed regulation and its economic impact follows. (Note: Statements indicating that a regulation is not anticipated to have any economic impact are intended to indicate that no economic impact on the KBI, other state agencies, state employees, or the general public has been identified.)

K.A.R. 10-22-1 – Approved field tests. This regulation lists approved field tests for controlled substances. For admission of field test results at a preliminary examination, law enforcement officers are required to use the field tests specified in this regulation. The proposed amendment to K.A.R. 10-22-1 will add an instrument-based field test approved by the Director of

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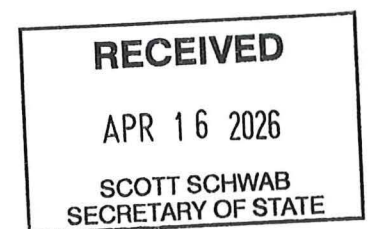
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the Kansas Bureau of Investigation, specifically DetectaChem Inc.'s APEX R7 Raman Spectrometer.

The proposed amendment to this regulation is not anticipated to have any economic impact.

Tony Mattivi, Director
Kansas Bureau of Investigation



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10-22-1. Approved field tests. (a) Law enforcement officers shall use only the field tests specified in this regulation on suspected controlled substances for admission of the field test results at any preliminary examination pursuant to K.S.A. 22-2902, and amendments thereto.

(b) The following reagents shall be the only reagents approved by the director of the Kansas bureau of investigation (KBI) for reagent-based field tests:

- (1) Chen's reagent;
- (2) cobalt thiocyanate reagent;
- (3) Dille-Koppanyi reagent;
- (4) Duquenois-Levine reagent;
- (5) Ehrlich's reagent;
- (6) fast blue B or BB reagent or the salts of either reagent;
- (7) Fröhdes reagent;
- (8) Mandelin reagent;
- (9) Marquis reagent;
- (10) Mecke's reagent;
- (11) nitric acid reagent;
- (12) Sanchez reagent;
- (13) Scott reagent;
- (14) sodium nitroprusside reagent, which is also known as nitrosylpentacyanoferrate, nitroprussidnatrium, sodium nitroprussate, sodium nitrosylpentacyanoferrate, or disodium pentacyanonitrosylferrate. This reagent may be used only in conjunction with the Marquis reagent; and

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(15) Zwikker reagent.

(c) The following instruments shall be the only instruments approved by the director of the KBI for instrument-based field tests:

(1) B&W Tek TacticID®-N handheld Raman analyzer, without utilizing the "mixture ID" software feature;

(2) Thermo Scientific TruNarc™ handheld narcotics analyzer;

(3) Thermo Scientific FirstDefender™ RM chemical identification system handheld Raman analyzer;

(4) Thermo Scientific Gemini™ analyzer handheld Raman and Fourier transform infrared (FTIR) analyzer; and

(5) Smiths Detection HazMatID™ Elite handheld FTIR analyzer; and

(6) DetectaChem Inc.'s APEX R7 Raman Spectrometer.

(d) The following test shall be the only immunoassay test approved by the director of the KBI for immunoassay-based field tests:

(1) DetectaChem Inc.'s MobileDetect™ Fentanyl Test Strip Kit. (Authorized by and implementing K.S.A. 22-2902c; effective March 11, 2005; amended June 17, 2005; amended Sept. 20, 2019; amended Feb. 11, 2022; amended Jan. 5, 2024; amended P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Bureau of Investigation
Agency

Bryan A. Ross
Agency Contact

785-296-6782
Contact Phone Number

10-22-1
K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?
- ☐ Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-422, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

K.A.R. 10-22-1 is a regulation listing approved field tests for controlled substances. For admission of field test results at a preliminary examination, law enforcement officers are required to use the field tests specified in this regulation. The proposed amendment to K.A.R. 10-22-1 will add an instrument-based field test approved by the Director of the Kansas Bureau of Investigation as an additional option for preliminary field testing. It does not mandate the purchase or implementation of any test equipment.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

Not applicable.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed regulation will not enhance or restrict business activities and growth.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The proposed regulation will not have an economic effect on businesses, sectors, public utility ratepayers, individuals, and local governments, or on the state economy as a whole.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

The proposed regulation will not affect businesses.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

This additional tool for law enforcement agencies is purely optional. There is no requirement for law enforcement agencies to acquire or implement this tool, and thus there is no direct or

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derivative economic impact to any entity via this regulation alone. The addition of this tool to the approved field test list contributes to completion in the market.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

No such measures were necessary. The proposed regulation will not affect business and economic development within the State of Kansas, local government, and individuals.

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0.00

Costs to Local Governmental Units – \$0.00

Costs to Individuals – \$0.00

Total Annual Costs – \$0.00
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Not applicable, as the cost estimate is \$0.00

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable, as the implementation of the proposed regulation will not change aggregate state revenues and expenditures.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate

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can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

No dollar estimate can be provided because the proposed regulation will have no economic impact on individuals, small employers, and the general public.

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed regulation will not increase or decrease revenues or impose functions or responsibilities on cities, counties, or school districts, nor will the proposed regulation impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability.

H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

The KBI has not consulted with or solicited information from other entities or agencies because the proposed regulation will not have any direct or indirect effect on such entities or agencies as a result of the proposed regulation. There is no requirement for law enforcement agencies to acquire or implement this additional tool, and thus there is no direct or derivative economic impact to any entity via this regulation alone.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.

Click here to enter agency response.

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.

Click here to enter agency response.

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- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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