

Amendment No. 611

Assembly Amendment to Assembly Bill No. 303
(BDR 40-1055)

Proposed by: Assembly Committee on Health and Human Services

Amendment Box: Replaces Amendment Nos. 431, 555.

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC



Date: 4/22/2019

A.B. No. 303—Provides for the regulation of kratom products. (BDR 40-1055)



ASSEMBLY BILL NO. 303 ~~[ASSEMBLYMAN]~~ ASSEMBLYMEN WHEELER AND YEAGER

MARCH 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—~~[Provides for the regulation of]~~ Revises provisions relating to
kratom products. (BDR ~~[40-1055]~~ 52-1055)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to public health; ~~[requiring the State Board of Pharmacy to regulate the production, sale, distribution and advertisement of certain kratom products;]~~ prohibiting the sale of certain kratom products to a minor; prohibiting the preparation, distribution, advertising or sale of certain adulterated kratom products; prohibiting the sale of a kratom product that does not have a label that contains certain information; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[—Section 3 of this bill requires the State Board of Pharmacy to adopt regulations governing the production, sale, distribution and advertising of kratom products. Section 2 of this bill defines a “kratom product.”]~~

Section 4 of this bill prohibits: (1) a person from knowingly selling or offering to sell kratom products to a child who is less than 18 years of age; ~~[and]~~ (2) the sale of certain adulterated kratom products ~~[;]~~ and (3) the sale of a kratom product that does not include a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product. **Section 4** also establishes a civil penalty ~~[and a fine]~~ of \$1,000 for violating those provisions. ~~[of \$1,000 respectively.]~~

Section 2 of this bill defines a “kratom product.”

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[454]~~ 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~[3]~~ and 4 of this act.

Sec. 2. As used in sections 2, ~~[3]~~ and 4 of this act, “kratom product” means any ~~[food]~~ product or ~~[dietary]~~ ingredient containing any part of the leaf of the *Mitragyna Speciosa* plant ~~[;]~~ if the plant contains the alkaloid mitragynine, regardless of whether the product or ingredient is labeled or sold for human consumption.

1 Sec. 3. ~~[The Board shall adopt regulations governing the production, sale,~~
2 ~~distribution and advertising of kratom products. The regulations shall include,~~
3 ~~without limitation, requirements for the labeling of any kratom product sold in~~
4 ~~the State.] (Deleted by amendment.)~~

5 Sec. 4. 1. ~~[It is unlawful for a]~~ A person ~~[to]~~ shall not knowingly sell or
6 offer to sell any material, compound, mixture or preparation containing a kratom
7 product to a child under the age of 18 years.

8 2. ~~[Except as otherwise provided in this subsection, it is unlawful for a]~~ A
9 person ~~[to]~~ shall not knowingly prepare, distribute, advertise, sell or offer to sell a
10 kratom product that is adulterated with a substance that affects the quality or
11 strength of the kratom product to such a degree as to render the kratom product
12 injurious to a consumer. A person has not violated the provisions of this
13 subsection if he or she can show by a preponderance of evidence that he or she
14 relied in good faith upon the representations of a manufacturer, processor,
15 packer or distributor of the kratom product.

16 3. A person ~~[who violates this section shall be punished by a fine of not~~
17 ~~more than \$1,000 and]~~ shall not sell a kratom product that does not have a label
18 that clearly sets forth the ingredients and directions for the safe and effective use
19 of the kratom product.

20 4. A person who violates any provision of this section is subject to a civil
21 penalty of not more than \$1,000 ~~[to]~~ for each violation.