

Amendment No. 800

Senate Amendment to Assembly Bill No. 303 First Reprint	(BDR 52-1055)
Proposed by: Senator Hardy	
Amends: Summary: No Title: No 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.



ASSEMBLY BILL NO. 303—ASSEMBLYMEN
WHEELER AND YEAGER

MARCH 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to kratom products. (BDR 52-1055)

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

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

AN ACT relating to public health; 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 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; (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 of \$1,000 for violating those provisions. ~~Section 2 of this bill~~ **and** defines a “kratom product.”

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

Section 1. ~~[Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[As used in sections 2 and 4 of this act, “kratom product” means any product or 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.]~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 4. **Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not knowingly sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

1 2. A person shall not knowingly prepare, distribute, advertise, sell or offer
2 to sell a kratom product that is adulterated with a substance that affects the
3 quality or strength of the kratom product to such a degree as to render the kratom
4 product injurious to a consumer. A person has not violated the provisions of this
5 subsection if he or she can show by a preponderance of evidence that he or she
6 relied in good faith upon the representations of a manufacturer, processor,
7 packer or distributor of the kratom product.

8 3. A person shall not sell a kratom product that does not have a label that
9 clearly sets forth the ingredients and directions for the safe and effective use of
10 the kratom product.

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

13 5. As used in this section, "kratom product" means any product or
14 ingredient containing:

15 (a) Any part of the leaf of the Mitragna Speciosa plant if the plant contains
16 the alkaloid mitragynine or 7-hydroxymitragynine; or

17 (b) A synthetic material that contains the alkaloid mitragynine or 7-
18 hydroxymitragynine,

19 ↪ regardless of whether the product or ingredient is labeled or sold for human
20 consumption.