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Office of the Governor

June 16, 2023

The Honorable Francisco Aguilar
Nevada Secretary of State
101 North Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 322 of the 82nd Legislative Session

Dear Secretary of State Aguilar:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 322 ("AB 322"), which is titled as follows:

AN ACT relating to public health; prohibiting a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the Division of Public and Behavioral Health of the Department of Health and Human Services; setting forth requirements for the registration of a kratom product with the Division; requiring a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the Division; authorizing the Division to adopt certain regulations governing kratom products; revising provisions establishing certain prohibited acts relating to kratom products; exempting a person who engages in certain acts relating to kratom products from certain criminal or legal penalties if certain substances in those products are designated as controlled substances; providing penalties; making an appropriation; and providing other matters properly relating thereto.

Though this bill is partially well-intended in its aim to provide regulatory clarity for an existing market, this bill is fundamentally flawed. There are no approved uses of kratom by the U.S. Food and Drug Administration. Moreover, there is significant concern regarding the psychiatric, cardiovascular, gastrointestinal, and respiratory issues this substance is known to cause. Kratom is unsafe. Though an outright ban on this readily available product would be appropriate, that is not what this legislation does. Instead, it creates a regulatory structure for this product, suggesting that the state approves of its use. I cannot support that suggestion.

There is simply not enough evidence to support standing up a kratom regulatory structure that cannot ensure user safety when purchasing and consuming products regulated through the provisions in this bill.

Due to the considerable safety concerns associated with kratom and its lack of any federally approved therapeutic use, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,



JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel Bureau, Director (without enclosure)
Bryan Fernley, Esq., Legislative Counsel (without enclosure)