

Regular Session, 2012

SENATE BILL NO. 130

BY SENATORS CROWE, ALARIO, APPEL, KOSTELKA, LONG, THOMPSON AND
WALSWORTH

CONTROL DANGER SUBSTANCE. Includes *Mitragyna speciosa* in the definition of prohibited plant for purposes of the Uniform Controlled Dangerous Substances Law.
(gov sig)

1 AN ACT

2 To enact R.S. 40:989.2(C)(5)(m), relative to crimes involving the knowing and intentional
3 possession of a compound or mixture of a certain prohibited plant; to provide for
4 certain prohibited plants; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:989.2(C)(5)(m) is hereby enacted to read as follows:

7 §989.2. Unlawful production, manufacturing, distribution, or possession of
8 prohibited plant products

9 * * *

10 C. For the purposes of this Section:

11 * * *

12 (5) "Prohibited plant" means any combination of any of the parts, leaves,
13 stems, stalks, seeds, materials, compounds, salts, derivatives, mixtures, preparations,
14 or any resin extracted from any part of the following plants:

15 * * *

16 **(m) *Mitragyna speciosa*.**

17 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne Johnston.

DIGEST

Crowe (SB 130)

Present law provides that it is unlawful for any person knowingly or intentionally to produce, manufacture, distribute, or possess with intent to produce, manufacture, distribute a material, compound, mixture, or preparation which contains a prohibited plant which is intended to either be:

- (1) Placed in the oral or nasal cavity.
- (2) Prepared in a manner to be suitable for smoking in a pipe, cigarette, or other device.
- (3) Burned and inhaled or exhaled in any manner or form.

Proposed law adds "Mitragyna speciosa" to the definition of prohibited plant.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:989.2(C)(5)(m))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Deletes all provisions making it unlawful to distribute Kratom to a person under 18 years of age and for such persons to purchase or possess Kratom, as well as the penalties for so doing.
2. Provides instead for the inclusion of "Mitragyna speciosa" in the definition of prohibited plants in current law provisions prohibiting the possession, production, manufacture, or distribution of prohibited plants and specified derivatives as provided in the Uniform Controlled Dangerous Substances Law.