

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:

- 1 **Section 4** of this bill prohibits: (1) a person from knowingly selling or offering
- 2 to sell kratom products to a child who is less than 18 years of age; (2) the sale of
- 3 certain adulterated kratom products; and (3) the sale of a kratom product that does
- 4 not include a label that clearly sets forth the ingredients and directions for the safe
- 5 and effective use of the kratom product. **Section 4** also establishes a civil penalty of
- 6 \$1,000 for violating those provisions.
- 7 **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:

- 1 **Section 1.** Chapter 597 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 and 4 of this act.
- 3 **Sec. 2.** *As used in sections 2 and 4 of this act, “kratom*
- 4 *product” means any product or ingredient containing any part of*
- 5 *the leaf of the Mitragyna Speciosa plant if the plant contains the*



1 *alkaloid mitragynine, regardless of whether the product or*
2 *ingredient is labeled or sold for human consumption.*

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** 1. *A person shall not knowingly sell or offer to sell*
5 *any material, compound, mixture or preparation containing a*
6 *kratom product to a child under the age of 18 years.*

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

16 3. *A person shall not sell a kratom product that does not have*
17 *a label that clearly sets forth the ingredients and directions for the*
18 *safe and effective use of the kratom product.*

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

