

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 and defines a “kratom product.”

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

1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** (Deleted by amendment.)
3 **Sec. 3.** (Deleted by amendment.)



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

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

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

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

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

21 5. *As used in this section, "kratom product" means any*
22 *product or ingredient containing:*

23 (a) *Any part of the leaf of the Mitragyna Speciosa plant if the*
24 *plant contains the alkaloid mitragynine or 7-hydroxymitragynine;*
25 *or*

26 (b) *A synthetic material that contains the alkaloid mitragynine*
27 *or 7-hydroxymitragynine,*
28 *↪ regardless of whether the product or ingredient is labeled or*
29 *sold for human consumption.*

