

ASSEMBLY BILL NO. 303—ASSEMBLYMAN WHEELER

MARCH 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Provides for the regulation of kratom products. (BDR 40-1055)

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; requiring the State Board of Pharmacy to regulate the production, sale, distribution and advertisement of certain kratom products; prohibiting the sale of certain kratom products to a minor; prohibiting the preparation, distribution, advertising or sale of certain adulterated kratom products; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 3** of this bill requires the State Board of Pharmacy to adopt regulations
- 2 governing the production, sale, distribution and advertising of kratom products.
- 3 **Section 2** of this bill defines a “kratom product.”
- 4 **Section 4** of this bill prohibits: (1) a person from knowingly selling or offering
- 5 to sell kratom products to a child who is less than 18 years of age; and (2) the sale
- 6 of certain adulterated kratom products. **Section 4** also establishes a civil penalty
- 7 and a fine for violating those provisions of \$1,000 respectively.

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

- 1 **Section 1.** Chapter 454 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2, 3 and 4 of this act.
- 3 **Sec. 2.** *As used in sections 2, 3 and 4 of this act, “kratom*
- 4 *product” means any food product or dietary ingredient containing*
- 5 *any part of the leaf of the Mitragyna Speciosa plant.*
- 6 **Sec. 3.** *The Board shall adopt regulations governing the*
- 7 *production, sale, distribution and advertising of kratom products.*



1 *The regulations shall include, without limitation, requirements for*
2 *the labeling of any kratom product sold in the State.*

3 **Sec. 4.** 1. *It is unlawful for a person to knowingly sell or*
4 *offer to sell any material, compound, mixture or preparation*
5 *containing a kratom product to a child under the age of 18 years.*

6 2. *Except as otherwise provided in this subsection, it is*
7 *unlawful for a person to 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 who violates this section shall be punished by a*
17 *fine of not more than \$1,000 and a civil penalty of not more than*
18 *\$1,000.*

