

SF0056H3001

1 Delete the House standing committee amendment (SF0056HS001.01/AC)
2 and the Bear committee of the whole amendment (SF0056HW001/A)
3 entirely and further amend as follows:

4
5 Page 1-above line 1 In the catch title, after "Kratom" insert
6 "and tianeptine"; delete "regulation" and
7 insert "prohibition".
8

9 Page 1-line 1 Delete "regulating" and insert "prohibiting".

10
11 Page 1-line 2 Delete "testing and use" and insert
12 "dispensing, distributing, manufacturing or
13 producing"; after "kratom" insert "and
14 tianeptine".
15

16 Page 1-lines 3 and 4 Delete entirely.

17
18 Page 1-line 5 Delete "regulation as specified;".

19
20 Page 1-line 6 After "criminal" insert "and civil".

21
22 Page 1-line 11 Delete "35-7-2203" and insert "35-7-2204".
23

24 Page 1-line 15 After "KRATOM" insert "AND TIANEPTINE"; delete
25 "REGULATION" and insert "PROHIBITION".
26

27 Pages 2 through 15 Delete entirely.
28

29 Page 16-lines 1 through 20 Delete entirely and insert:

30
31 **"35-7-2201. Short title.**

32
33 This act shall be known and may be cited as the "Act to Protect
34 Communities from Unregulated Substances."
35

36 **35-7-2202. Legislative findings.**

37
38 (a) The legislature finds and declares that:

39
40 (i) Unregulated kratom and tianeptine products are
41 dangerous substances and present serious public health concerns;
42

43 (ii) The United States Food and Drug Administration
44 (FDA) has determined that kratom is not appropriate for use as a

1 dietary supplement and there are no FDA-approved drug products
2 containing kratom or its known alkaloids sold in the United States;

3
4 (iii) An estimated one million seven hundred thousand
5 (1,700,000) Americans used kratom in 2021;

6
7 (iv) Tianeptine, also referred to as "gas station
8 heroin", is not approved by the FDA for any medical use;

9
10 (v) The FDA has warned that tianeptine can lead to
11 symptoms of varying severity, including agitation, drowsiness,
12 confusion, sweating, rapid heartbeat, high blood pressure, nausea,
13 vomiting, slowed or stopped breathing, coma and death.

14
15 **35-7-2203. Definitions.**

16
17 (a) As used in this article:

18
19 (i) "Kratom" means any part of the leaf of the plant
20 mitragyna speciosa in any form or derivative of, such as
21 7-hydroxymitragynine;

22
23 (ii) "Kratom product" means a finished product
24 containing kratom that is intended for human use and is in any
25 form;

26
27 (iii) "Tianeptine product" means a finished product
28 containing tianeptine that is intended for human use and is in any
29 form.

30
31 **35-7-2204. Consumer protection against unregulated**
32 **products.**

33
34 (a) It shall be unlawful for any person to dispense,
35 distribute, manufacture, produce or sell a kratom or tianeptine
36 product if the product has not been approved by the FDA.

37
38 (b) The attorney general and local law enforcement shall be
39 authorized to:

40
41 (i) Impose a criminal penalty of not more than seven
42 hundred fifty dollars (\$750.00) upon any person who is found guilty
43 of a violation of subsection (a) of this section;

44
45 (ii) Seize kratom and tianeptine products;

1 (iii) Conduct or initiate forfeiture actions against
2 persons who violate subsection (a) of this section;

3
4 (iv) Refer a person for suspension or revocation of a
5 professional or retail license if applicable;

6
7 (v) Require persons who violate subsection (a) of this
8 section to complete corrective action plans as specified by rule
9 of the attorney general."

10
11 Page 16-line 22 Delete "**Section 3.**" and insert "**Section 2.**".

12
13 Page 17-line 1 Delete "department of agriculture" and insert
14 "division of criminal investigation".

15
16 Page 17-line 5 Delete "department of".

17
18 Page 17-line 6 Delete "agriculture" and insert "division of
19 criminal investigation".

20
21 Page 17-line 8 Delete "July 1, 2026" and insert "with the
22 effective date of this act".

23
24 Page 17-line 14 Delete "department of agriculture's" and
25 insert "division of criminal
26 investigation's".

27
28 Page 17-lines 17 through 23 Delete entirely.

29
30 Page 18-lines 1 through 9 Delete entirely and insert:

31
32 (b) There is appropriated five hundred thousand dollars
33 (\$500,000.00) from the general fund to the division of criminal
34 investigation for purposes of purchasing equipment necessary for
35 the testing of kratom and tianeptine products as required by this
36 act. This appropriation shall be for the period beginning with the
37 effective date of this act and ending June 30, 2028. This
38 appropriation shall not be transferred or expended for any other
39 purpose and any unexpended, unobligated funds remaining from this
40 appropriation shall revert as provided by law on June 30, 2028. It
41 is the intent of the legislature that this appropriation not be
42 included in the division of criminal investigation's standard
43 budget for the immediately succeeding fiscal biennium.

44
45 (c) There is appropriated one hundred fifty thousand dollars
46 (\$150,000.00) from the general fund to the division of criminal
47 investigation for purposes of maintenance for equipment purchased

1 pursuant to subsection (b) of this section. This appropriation
2 shall be for the period beginning with the effective date of this
3 act and ending June 30, 2028. This appropriation shall not be
4 transferred or expended for any other purpose and any unexpended,
5 unobligated funds remaining from this appropriation shall revert
6 as provided by law on June 30, 2028.

7
8 **Section 3.** The division of criminal investigation shall
9 promulgate all rules necessary to implement this act.".

10
11 Page 18-line 11 Delete "**Section 5.**" and insert "**Section 4.**".

12
13 Page 18-line 16 Delete "Sections 4 and 5" and insert "Sections
14 2 through 4". RODRIGUEZ-WILLIAMS, LIEN
15