

SF0056SS001

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

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

Page 1-line 2 Delete "testing and use" and insert
"dispensing, distributing, manufacturing or
producing"; after "kratom" insert "and
tianeptine".

Page 1-lines 3 and 4 Delete entirely.

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

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

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

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

Pages 2 through 15 Delete entirely.

Page 16-lines 1 through 7 Delete entirely and insert:

"35-7-2201. Short title.

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

35-7-2202. Legislative findings.

(a) The legislature finds and declares that:

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

(ii) The United States Food and Drug Administration
(FDA) has determined that kratom is not appropriate for use as a
dietary supplement and there are no FDA-approved drug products
containing kratom or its known alkaloids sold in the United States;

1 (iii) An estimated one million seven hundred thousand
2 (1,700,000) Americans used kratom in 2021;

3
4 (iv) Tianeptine, also referred to as "gas station
5 heroin", is not approved by the FDA for any medical use;

6
7 (v) The FDA has warned that tianeptine can lead to
8 symptoms of varying severity, including agitation, drowsiness,
9 confusion, sweating, rapid heartbeat, high blood pressure, nausea,
10 vomiting, slowed or stopped breathing, coma and death.

11
12 **35-7-2203. Definitions.**

13
14 (a) As used in this article:

15
16 (i) "Kratom" means any part of the leaf of the plant
17 mitragyna speciosa in any form or derivative of, such as
18 7-hydroxymitragynine;

19
20 (ii) "Kratom product" means a finished product
21 containing kratom that is intended for human use and is in any
22 form;

23
24 (iii) "Tianeptine product" means a finished product
25 containing tianeptine that is intended for human use and is in any
26 form.

27
28 **35-7-2204. Consumer protection against unregulated**
29 **products.**

30
31 (a) It shall be unlawful for any person to dispense,
32 distribute, manufacture, produce or sell a kratom or tianeptine
33 product if the product has not been approved by the FDA.

34
35 (b) The attorney general and local law enforcement shall be
36 authorized to:

37
38 (i) Impose a criminal penalty of not more than seven
39 hundred fifty dollars (\$750.00) upon any person who is found guilty
40 of a violation of subsection (a) of this section;

41
42 (ii) Seize kratom and tianeptine products;

43
44 (iii) Conduct or initiate forfeiture actions against
45 persons who violate subsection (a) of this section;

1 (iv) Refer a person for suspension or revocation of a
2 license if applicable;

3
4 (v) Require persons who violate subsection (a) of this
5 section to complete corrective action plans as specified by rule
6 of the attorney general."

7
8 Page 16-lines 9 through 20 Delete entirely.

9
10 Page 16-line 22 Delete "**Section 3.**" and insert "**Section 2.**".

11
12 Page 17-line 1 Delete "department of agriculture" and insert
13 "division of criminal investigation".

14
15 Page 17-line 5 Delete "department of" and insert "division
16 of criminal investigation".

17
18 Page 17-line 6 Delete "agriculture".

19
20 Page 17-line 7 Delete "for".

21
22 Page 17-line 8 Delete entirely and insert "effective
23 immediately."

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

28
29 Page 17-lines 17 through 23 Delete entirely and insert:

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

43
44 (c) There is appropriated one hundred fifty thousand dollars
45 (\$150,000.00) from the general fund to the division of criminal
46 investigation for purposes of equipment maintenance purchased
47 pursuant to subsection (b) of this section. This appropriation

1 shall be effective immediately. This appropriation shall not be
2 transferred or expended for any other purpose and any unexpended,
3 unobligated funds remaining from this appropriation shall revert
4 as provided by law.".

5
6 Page 18-lines 1 through 5 Delete entirely.

7
8 Page 18-lines 7 through 9 Delete entirely and insert:

9
10 **"Section 3.** The department of agriculture, in consultation
11 with the attorney general's office, shall promulgate all rules
12 necessary to implement this act.".

13
14 Page 18-line 11 Delete **"Section 5."** and insert **"Section 4."**.

15
16 Page 18-line 16 Delete "Sections 4 and 5" and insert "Sections
17 3 and 4". OLSEN, CHAIRMAN
18