

1 Page 1-above line 1 In the catch title, after "Kratom" insert  
2 "and tianeptine"; delete "regulation" and  
3 insert "prohibition".  
4  
5 Page 1-line 1 Delete "regulating" and insert "prohibiting".  
6  
7 Page 1-line 2 Delete "testing and use" and insert  
8 "dispensing, distributing, manufacturing or  
9 producing"; after "kratom" insert "and  
10 tianeptine".  
11  
12 Page 1-lines 3 and 4 Delete entirely.  
13  
14 Page 1-line 5 Delete "regulation as specified;".  
15  
16 Page 1-line 6 After "criminal" insert "and civil".  
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18 Page 1-line 11 Delete "35-7-2203" and insert "35-7-2204".  
19  
20 Page 1-line 15 After "KRATOM" insert "AND TIANEPTINE"; delete  
21 "REGULATION" and insert "PROHIBITION".  
22  
23 Pages 2 through 15 Delete entirely.  
24  
25 Page 16-lines 1 through 7 Delete entirely and insert:  
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27       **"35-7-2201. Short title.**  
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29 This act shall be known and may be cited as the "Act to Protect  
30 Communities from Unregulated Substances."  
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32       **35-7-2202. Legislative findings.**  
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34       (a) The legislature finds and declares that:  
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36               (i) Unregulated kratom and tianeptine products are  
37 dangerous substances and present serious public health concerns;  
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39               (ii) The United States Food and Drug Administration  
40 (FDA) has determined that kratom is not appropriate for use as a  
41 dietary supplement and there are no FDA-approved drug products  
42 containing kratom or its known alkaloids sold in the United States;  
43

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

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

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

### 35-7-2203. Definitions.

(a) As used in this article:

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

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

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

35-7-2204. Consumer protection against unregulated products.

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

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

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

(ii) Seize kratom and tianeptine products;

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

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

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

Page 16-lines 9 through 20      Delete entirely.

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

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

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

Page 17-line 6 Delete "agriculture".

Page 17-line 7                    Delete "for".

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

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

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

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

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

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6 Page 18-lines 1 through 5 Delete entirely.

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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.".

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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

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