

SENATE BILL NO. 154

BY SENATORS MORRIS, BASS, CATHEY, CLOUD, CONNICK, EDMONDS, HENRY, MCMATH, STINE, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES ADAMS, BACALA, BAYHAM, BUTLER, CARRIER, COATES, COX, DESHOTEL, DEVILLIER, DEWITT, DICKERSON, ECHOLS, EDMONSTON, FIRMENT, FONTENOT, HEBERT, HILFERTY, HORTON, MIKE JOHNSON, JACOB LANDRY, MACK, MCFARLAND, MCMAKIN, MOORE, OWEN, SCHAMERHORN, SCHLEGEL, STAGNI, TAYLOR, THOMPSON, TURNER, VILLIO AND WILDER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 40:964(Schedule I)(G), to enact R.S. 40:966.1 and  
3 989.2(C)(5)(m), and to repeal R.S. 40:989.3, relative to the Uniform Controlled  
4 Dangerous Substances Law; to add 7-hydroxymitragynine and mitragynine to  
5 Schedule I; to prohibit the possession, production, or distribution of kratom; to  
6 provide definitions; to provide penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:964(Schedule I)(G) is hereby amended and reenacted and R.S.  
9 40:966.1 and 989.2(C)(5)(m) are hereby enacted to read as follows:

10 §964. Composition of schedules

11 Schedules I, II, III, IV, and V shall, unless and until added pursuant to R.S.  
12 40:962, consist of the following drugs or other substances, by whatever official  
13 name, common or usual name, chemical name, or brand name designated:

14 SCHEDULE I

15 \* \* \*

16 G. Miscellaneous. Unless specifically excepted or contained within a  
17 pharmaceutical product approved by the United States Food and Drug  
18 Administration, or unless listed in another schedule, any material, compound,  
19 mixture, or preparation which contains any quantity of the following ~~substance~~  
20 **substances**, including ~~its~~ **their** salts, isomers, or salts of isomers, whenever the  
21 existence of such salts, isomers, or salts of isomers is possible within the specific  
22 chemical designation:

23 (1) ~~Fianeptine~~ **7-hydroxymitragynine**

1                   (2) Mitragynine

2                   (3) Tianeptine

3                                   \*           \*           \*

4                   §966.1. Unlawful possession, production, or distribution of kratom

5                   A. For purposes of this Section, "kratom" means any substance derived  
6                   from the leaves of the Mitragyna speciosa tree or any substance containing 7-  
7                   hydroxymitragynine or mitragynine.

8                   B.(1) Manufacture; distribution. It shall be unlawful for any person to  
9                   knowingly produce, manufacture, distribute, or dispense, or possess with intent  
10                  to produce, manufacture, distribute, or dispense, kratom.

11                  (2) Any person who violates Paragraph (1) of this Subsection for an  
12                  amount of:

13                  (a) An aggregate weight of less than five hundred grams, shall be fined  
14                  not more than fifty thousand dollars, imprisoned, with or without hard labor,  
15                  for not less than one year nor more than three years, or both.

16                  (b) An aggregate weight of five hundred grams or more, shall be fined  
17                  not more than fifty thousand dollars, imprisoned, with or without hard labor,  
18                  for not less than one year nor more than five years, or both.

19                  C. Possession. It is unlawful for any person knowingly or intentionally  
20                  to possess kratom. Any person who violates this Subsection shall be punished  
21                  as follows:

22                  (1) On a conviction wherein the offender possesses twenty grams or less,  
23                  the offender shall be fined not more than one hundred dollars.

24                  (2) On a first conviction, wherein the offender possesses more than  
25                  twenty grams, the offender shall be fined not more than five hundred dollars,  
26                  imprisoned in the parish jail for not more than six months, or both.

27                  (3) On a second or any subsequent conviction, wherein the offender  
28                  possesses more than twenty grams, the offender shall be fined not more than  
29                  one thousand dollars, imprisoned in the parish jail for not more than six  
30                  months, or both.

\* \* \*

§989.2. Unlawful production, manufacturing, distribution, or possession of prohibited plant products; exceptions

\* \* \*

C. For the purposes of this Section:

\* \* \*

(5) "Prohibited plant" means any combination of any of the parts, leaves, stems, stalks, seeds, materials, compounds, salts, derivatives, mixtures, preparations, or any resin extracted from any part of the following plants:

\* \* \*

**(m) Mitragyna speciosa**

\* \* \*

Section 2. R.S. 40:989.3 is hereby repealed.

Section 3. The Louisiana State Law Institute is hereby directed to alphabetize the enumerated items provided in R.S. 40:989.2(C)(5) as amended by this Act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: