

SENATE BILL NO. 94

BY SENATOR KLEINPETER

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

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AN ACT

To enact R.S. 14:91.10 and Chapter 5-G of Title 40, to be comprised of R.S. 40:1300.51 through 1300.53, and to repeal Act No. 231 of the 2019 Regular Session of the Legislature, relative to the Uniform Controlled Dangerous Substances Law; to provide relative to mitragynine speciosa; to prohibit the sale or distribution of mitragynine speciosa to persons under the age of twenty-one; to provide relative to local ordinances with respect to mitragynine speciosa; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.10 is hereby enacted to read as follows:

**§91.10. Unlawful sale or distribution of mitragynine speciosa to persons under age twenty-one; penalty**

**A. No person shall sell or distribute or cause to be sold or distributed a product containing mitragynine speciosa to any person under the age of twenty-one.**

**B. For purposes of this Section, "mitragynine speciosa" means a product containing either or both of the following:**

**(a) Mitragynine.**

**(b) 7-Hydroxy-mitragynine.**

**C. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.**

Section 2. Part VI of Chapter 5-G of Title 40, comprised of R.S. 40:1300.51 through 1300.53, is hereby enacted to read as follows:

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PART VI. LOCAL OPTION FOR  
CONTROL OF MITRAGYNINE SPECIOSA

§1300.51. Short title

This Part shall be known and may be cited as the "Local Option for  
Mitragynine Speciosa".

§1300.52. Definitions

As used in this Part, the following terms have the following meanings  
ascribed to them unless the context clearly indicates otherwise:

(1) "Local government" means a parish or municipality, as provided  
pursuant to Article VI, Part I, Sections 1 and 2 of the Constitution of Louisiana.

(2) "Mitragynine speciosa" shall have the same meaning as defined in  
R.S. 14:91.10.

§1300.53. Local government prohibition or regulation

Notwithstanding any other provision of law to the contrary, a local  
government may enact an ordinance to prohibit the sale or distribution of  
mitragynine speciosa products or to regulate the sale or distribution of  
mitragynine speciosa products in a manner that is more restrictive than  
provided for in R.S. 14:91.10.

Section 3. Act No. 231 of the 2019 Regular Session of the Legislature is hereby  
repealed in its entirety.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_