

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Engrossed Senate Bill No. 94 by Senator Kleinpeter

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and insert the following:

"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"

AMENDMENT NO. 2

On page 1, line 3, after "Law;" delete the remainder of the line, delete line 4 in its entirety and at the beginning of line 5, delete "Law;" and insert the following:

"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;"

AMENDMENT NO. 3

On page 1, between lines 6 and 7, insert the following:

"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:

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.

1 **§1300.53. Local government prohibition or regulation**
2 **Notwithstanding any other provision of law to the contrary, a local**
3 **government may enact an ordinance to prohibit the sale or distribution of**
4 **mitragynine speciosa products or to regulate the sale or distribution of**
5 **mitragynine speciosa products in a manner that is more restrictive than**
6 **provided for in R.S. 14:91.10."**

7 AMENDMENT NO. 4

8 On page 1, delete lines 7 and 8 in their entirety and insert the following:

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10 hereby repealed in its entirety."