



HOUSE BILL 747: Youth Access to Kratom/Study Abuse OTC Subs.

2016-2017 General Assembly

Committee:	Senate Judiciary II	Date:	June 22, 2016
Introduced by:	Reps. Dollar, R. Turner, Dobson, Jordan	Prepared by:	Bill Patterson
Analysis of:	PCS to Third Edition H747-CSTG-68		Committee Co-Counsel

SUMMARY: *The Proposed Committee Substitute for House Bill 747 would make it unlawful to sell or distribute kratom to minors under the age of 18, and for minors under the age of 18 to purchase or accept kratom products. Persons charged with a misdemeanor violation and never previously placed on probation for a violation of this section would be eligible for a deferred prosecution or conditional discharge. The bill would also direct the Legislative Research Commission to conduct a study on the public health impacts of kratom and nitrous oxide "whippets," including any legitimate medicinal use of kratom. The PCS would require clerks of court to report to the AOC any conditional discharges granted to a person charged with a first-time misdemeanor violation of the act and would make other technical and conforming changes to the bill.*

CURRENT LAW: The distribution and possession of kratom¹ is not currently regulated under North Carolina or federal law. Under the North Carolina Toxic Vapors Act (Article 5A of Chapter 90), it is unlawful to knowingly breathe or inhale any substance for the purpose of inducing a condition of intoxication, or to sell or possess a substance for that purpose.

BILL ANALYSIS:

Section 1 of the bill would regulate the sale and distribution of kratom products to persons under 18 years of age. Purchasing, receiving, or attempting to purchase or receive kratom products by a person under 18 years of age would be an infraction. Sale or distribution to, or aiding or abetting a person under 18 years of age in purchasing, acquiring, receiving, or attempting to purchase, receive, or acquire kratom products would be punished as a Class 2 misdemeanor; however, the PCS would allow a person charged with this misdemeanor and who has not previously been placed on probation for such a violation to receive a conditional discharge.

Section 2 would require clerks of court to report to the Administrative Office of the Courts any conditional discharges granted to persons charged with the first-time misdemeanor under the provisions added by section 1 of the PCS.

Section 3 of the PCS would direct the Legislative Research Commission to conduct a study on the impact to the public health of the use of kratom and of nitrous oxide "whippets."² In conducting the study, the Commission would be required to seek the input from the Administrative Office of the Courts, the Office of the Chief Medical Examiner, and the Divisions of Public Health and Mental Health, Developmental Disabilities and Substance Abuse within the Department of Health and Human Services.

EFFECTIVE DATE: Section 1 would become effective December 1, 2016 and apply to offenses committed on or after that date. The remainder of the act would be effective when it becomes law.

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House PCS 747

Page 2

NOTES:

1. "Kratom, (*Mitragyna speciosa* korth), is a tropical tree indigenous to Thailand, Malaysia, Myanmar and other areas of Southeast Asia. Kratom is in the same family as the coffee tree (Rubiaceae). The tree reaches heights of 50 feet with a spread of over 15 feet.

Kratom has been used by natives of Thailand and other regions of Southeast Asia as an herbal drug for decades. Traditionally, kratom was mostly used as a stimulant by Thai and Malaysian laborers and farmers to overcome the burdens of hard work. They chewed the leaves to make them work harder and provide energy and relief from muscle strains. Kratom was also used in Southeast Asia and by Thai natives to substitute for opium when opium is not available. It has also been used to manage opioid withdrawal symptoms by chronic opioid users.

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Kratom is promoted as a legal psychoactive product on numerous websites in the U.S. On those websites, topics range from vendors listings, preparation of tea and recommended doses, to alleged medicinal uses, and user reports of drug experiences.

Over 25 alkaloids have been isolated from kratom; mitragynine is the primary active alkaloid in the plant.

Pharmacology studies show that mitragynine has opioid-like activity in animals. It inhibits electrically stimulated ileum and vas deferens smooth muscle contraction. Through actions on centrally located opioid receptor, it inhibits gastric secretion and reduces pain response.

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Kratom has been described as producing both stimulant and sedative effects. At low doses, it produces stimulant effects, with users reporting increased alertness, physical energy, talkativeness and sociable behavior. At high doses, opiate effects are produced, in addition to sedative and euphoric effects. Effects occur within 5 to 10 minutes after ingestion and last for 2 to 5 hours. Acute side effects include nausea, itching, sweating, dry mouth, constipation, increased urination, and loss of appetite.

Kratom consumption can lead to addiction. In a study of Thai kratom addicts, it was observed that some addicts chewed kratom daily for 3 to 30 years (mean of 18.6 years). Long-term use of kratom produced anorexia, weight loss, insomnia, skin darkening, dry mouth, frequent urination, and constipation. A withdrawal syndrome was observed, consisting of symptoms of hostility, aggression, emotional lability, wet nose, achy muscles and bones, and jerky movement of the limbs. Furthermore, several cases of kratom psychosis were observed, where kratom addicts exhibited psychotic symptoms that included hallucinations, delusion and confusion.

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Kratom is not scheduled under the Controlled Substances Act."

Source: [January 2013 DEA Fact Sheet on Kratom](#)

2. "Nitrous oxide (N₂O, 'laughing gas') is used as an anaesthetic, for example, during small dental procedures and labour. However, it is also widely available for non-medical use, such as for making of whipped cream. The inhalation of nitrous oxide reduces anxiety and induces euphoria, and is thus used as a recreational drug. However, long-term nitrous oxide can have serious adverse consequences, including toxicity to the nervous system."

Source: "Recurrent paraparesis and death of a patient with 'whippet' abuse," [Oxford Medical Case Reports, 2016 Mar, 41-43, republished on PubMed Central](#), a free full-text archive of biomedical and life sciences journal literature at the U.S. National Institutes of Health's National Library of Medicine (NIH/NLM).

Augustus D. Willis, counsel to Senate Health Care, substantially contributed to this summary.