



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

2016-2017 General Assembly

Committee:	Senate Health Care	Date:	June 10, 2016
Introduced by:		Prepared by:	Augustus D. Willis Committee Counsel
Analysis of:	PCS to Second Edition H747-CSTY-18		

SUMMARY: *The Proposed Committee Substitute (PCS) to House Bill 747 would create a new section in Article 39 of Chapter 14 of the General Statutes (Protection of Minors) that 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. The PCS would further 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.*

CURRENT LAW: The distribution and possession of kratom 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 breath 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 PCS 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 specifically allow deferred prosecution or conditional discharge provided a defendant has not previously been placed on probation for such a violation.

Section 2 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." 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 would be effective when it becomes law.

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