

House Bill 551 (AS PASSED HOUSE AND SENATE)

By: Representatives Hill of the 3rd, Caldwell of the 20th, Jones of the 91st, Mathiak of the 73rd,
Newton of the 123rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
2 controlled substances, so as to provide a definition; to provide for the prohibition of access
3 to kratom to persons under 18 years of age; to provide for package labeling requirements; to
4 provide for a penalty; to revise provisions relative to prescribers registering with the
5 prescription drug monitoring program; to provide for a definition; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
10 substances is amended by adding a new Article 6, as follows:

11 "ARTICLE 6.

12 16-13-120.

13 As used in this article, the term 'kratom' means the tropical evergreen known as *Mitragyna*
14 *speciosa*, which is native to Southeast Asia and contains the alkaloid mitragynine.

15 16-13-121.

16 No person shall sell or transfer possession of kratom to another person under 18 years of
17 age, nor shall any person under 18 years of age possess kratom. A person who is convicted
18 of violating this Code section shall be guilty of a misdemeanor.

19 16-13-122.

20 Kratom packaging shall be accompanied by a label bearing the following information prior
21 to its sale in this state:

- 22 (1) Clearly labeled ingredients;
 23 (2) That the sale or transfer possession of kratom to another person under 18 years of age
 24 is prohibited;
 25 (3) The amount of mitragynine and 7-hydroxymitragynine contained in such product;
 26 (4) The amount of mitragynine and 7-hydroxymitragynine contained in the packaging
 27 for such product;
 28 (5) The common or usual name of each ingredient used in the manufacture of such
 29 product, listed in descending order of predominance;
 30 (6) The name and the principal mailing address of the manufacturer or the person
 31 responsible for distributing such product;
 32 (7) Clear and adequate directions for the consumption and safe and effective use of such
 33 product; and
 34 (8) Any precautionary statements as to the safety and effectiveness of such product."

35 **SECTION 1A.**

36 Said chapter is further amended by revising subsection (c) of Code Section 16-13-57,
 37 relating to the prescription drug monitoring program, as follows:

38 "(c)(1) Each prescriber who has a DEA registration number shall enroll to become
 39 a user of the PDMP as soon as possible, and no later than January 1, 2018; provided,
 40 however, that prescribers who attain a DEA registration number after such date shall
 41 enroll within 30 days of attaining such credentials. A prescriber who violates this
 42 subsection shall be held administratively accountable to the state regulatory board
 43 governing such prescriber for such violation.

44 (2) Any state regulatory board governing prescribers shall have the discretion to
 45 rescind any consent orders or other disciplinary actions that were entered into or
 46 imposed prior to the effective date of this Act for a violation of paragraph (1) of this
 47 subsection after review based on, but not limited to, the following factors: subsequent
 48 compliance with paragraph (1) of this subsection; compliance with the terms of the
 49 consent order or other disciplinary action; and whether such prescriber has had
 50 previous infractions of other laws or regulations relating to his or her licensure. The
 51 authority granted under this paragraph shall expire on December 31, 2019.

52 (3) On and after the effective date of this Act, for purposes of this subsection, the
 53 term 'administratively accountable' shall mean a warning or the imposition of a fine,
 54 but any such fine shall not be considered a disciplinary action against the licensee."

55 **SECTION 2.**

56 To take effect upon signature of the Governor.

57 **SECTION 3.**

58 All laws and parts of laws in conflict with this Act are repealed.