

Amend CSSB 1868 (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 445.002(d), Health and Safety Code (page 2, line 21), between "product" and "that" insert "or a product marketed as containing kratom".

(2) In redesignated and amended Section 445.003, Health and Safety Code (page 2, lines 25 through 27), strike "A person [~~kratom processor or kratom retailer~~] may not manufacture, prepare, distribute, sell, or offer for sale [~~to sell~~]" and substitute the following:

(a) A person commits an offense if the person manufactures, prepares, distributes, sells, or offers for sale [A kratom processor or kratom retailer may not prepare, distribute, sell, or offer to sell]

(3) In redesignated and amended Section 445.003, Health and Safety Code (page 2, between lines 47 and 48), insert the following:

(b) An offense under this section is a Class A misdemeanor.

(c) A kratom product described by Subsection (a) is considered to be adulterated for purposes of Chapter 431.

(4) In redesignated and amended Section 445.004(a), Health and Safety Code (page 2, line 51), between "product" and "to" insert "or a product marketed as containing kratom".

(5) In added Section 445.005(b), Health and Safety Code (page 2, line 59), between "product" and "in" insert "or a product marketed as containing kratom".

(6) In added Section 445.007, Health and Safety Code (page 3, line 1), between "product" and "at" insert "or a product marketed as containing kratom".

(7) In added Section 445.007, Health and Safety Code (page 3, line 2), between "sale" and the underlined colon, insert "the following products or products marketed as the following products".

(8) Immediately following added Section 445.007, Health and Safety Code (page 3, between lines 9 and 10), insert the following:

Sec. 445.0071. OFFENSE: MANUFACTURE, DISTRIBUTION, OR SALE OF KRATOM PRODUCT FOR SMOKING. (a) In this section, "smoking" means burning or igniting a substance and inhaling the smoke or heating a substance and inhaling the resulting vapor or aerosol.

(b) A person commits an offense if the person manufactures, distributes, sells, or offers for sale a kratom product or a product marketed as containing kratom for smoking.

(c) An offense under this section is a Class A misdemeanor.

Sec. 445.0072. OFFENSE: MANUFACTURE, DISTRIBUTION, OR SALE OF PILL OR TABLET CONTAINING KRATOM. (a) A person commits an offense if the person manufactures, distributes, sells, or offers for sale a pill or tablet that contains kratom or that is marketed as containing kratom. For purposes of this subsection, a capsule is not considered to be a pill or tablet.

(b) An offense under this section is a Class A misdemeanor.