THE SENATE
THIRTIETH LEGISLATURE, 2020
STATE OF HAWAII

S.B. NO. 3064

JAN 23 2020

A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that kratom is a tropical evergreen tree in the coffee family native to Thailand, Myanmar, Malaysia, and other south Asian countries. When ingested, kratom can cause effects similar to both opioids and stimulants. The Centers for Disease Control and Prevention found that kratom was a cause of death in nearly one hundred instances over a seventeen-month period due to overdose. Kratom is illegal in Thailand, Australia, Malaysia, and several European union countries. Additionally, in the United States, there are six states in which kratom is entirely illegal for use, possession, and purchase.

The legislature further finds that the United States Drug Enforcement Administration lists kratom as a drug of concern. The United States Food and Drug Administration states that there is no evidence to indicate that kratom is safe or effective for any medical use and further asserts that kratom should not be

used to treat medical conditions, nor should it be used as an alternative to prescription opioids.

The legislature also finds that kratom abuse appears to be on the rise in the United States. The National Institute on Drug Abuse reports that, like other drugs with opioid-like effects, kratom might cause dependence, which means users will feel physical withdrawal symptoms when they stop taking the drug. Some users have even reported becoming addicted to kratom, with withdrawal symptoms including muscle aches, insomnia, irritability, hostility, aggression, and emotional changes.

The purpose of this Act is to categorize kratom as a detrimental drug by classifying the two active components in kratom, mitragynine and 7-hydroxymitragynine, as controlled substances under schedule V.

SECTION 2. Section 329-22, Hawaii Revised Statutes, is amended to read as follows:

"**§329-22 Schedule V.** (a) The controlled substances listed in this section are included in schedule V.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing

limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams; and

(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the

following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers.

(d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Lacosamide [+](R)-2-acetoamido-N-benzyl-3-methoxy-propionamide[+], (Vimpat);

(2) Pregabalin [+](S)-3-(aminomethyl)-5-methylhexanoic acid[+]; and

(3) Brivaracetam ((2S)-2-[+](4R)-2-oxo-4-propylpyrrolidin-1-yl[+]butanamide) (Other names: BRV; UCB-34714; Briviact) and its salts.

(e) Approved cannabidiol drugs. A drug product in finished dosage formulation that has been approved by the United States Food and Drug Administration that contains cannabidiol (2-[+]1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl[+]-5-

pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 per cent (w/w) residual tetrahydrocannabinols.

(f) Hallucinogenic drugs. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including its salts, isomers, and salts of isomers:

(1) Mitragynine; and

(2) 7-hydroxymitragynine."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____

S.B. NO. 3064

Report Title:
Kratom; Mitragynine; Detrimental Drug

Description:
Categorizes kratom as a detrimental drug by classifying mitragynine and 7-hydroxymitragynine as a schedule V substance.

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