

2025 Regular Session

SENATE BILL NO. 154

BY SENATOR MORRIS AND REPRESENTATIVES SCHLEGEL AND VILLIO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AGRICULTURAL COMMODITIES. Criminalizes the possession or distribution of kratom.
(8/1/25)

AN ACT

To amend and reenact R.S. 40:964(Schedule I)(G), to enact R.S. 40:966.1 and 989.2(C)(5)(m), and to repeal R.S. 40:989.3, relative to the Uniform Controlled Dangerous Substances Law; to add 7-hydroxymitragynine and mitragynine to Schedule I; to prohibit the possession, production, or distribution of kratom; to provide definitions; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:964(Schedule I)(G) is hereby amended and reenacted and R.S. 40:966.1 and 989.2(C)(5)(m) are hereby enacted to read as follows:

§964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

* * *

G. Miscellaneous. Unless specifically excepted or contained within a pharmaceutical product approved by the United States Food and Drug

Administration, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following ~~substance~~ **substances**, including ~~its~~ **their** salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation:

(1) ~~Tianeptine~~ **7-hydroxymitragynine**

(2) **Mitragynine**

(3) ~~Tianeptine~~

* * *

§966.1. Unlawful possession, production, or distribution of kratom

A. For purposes of this Section, "kratom" means any substance derived from the leaves of the Mitragyna speciosa tree or any substance containing 7-hydroxymitragynine or mitragynine.

B.(1) Manufacture; distribution. It shall be unlawful for any person to knowingly produce, manufacture, distribute, or dispense, or possess with intent to produce, manufacture, distribute, or dispense, kratom.

(2) Any person who violates Paragraph (1) of this Subsection for an amount of:

(a) An aggregate weight of less than five hundred grams, shall be fined not more than fifty thousand dollars, imprisoned, with or without hard labor, for not less than one year nor more than three years, or both.

(b) An aggregate weight of five hundred grams or more, shall be fined not more than fifty thousand dollars, imprisoned, with or without hard labor, for not less than one year nor more than five years, or both.

C. Possession. It is unlawful for any person knowingly or intentionally to possess kratom. Any person who violates this Subsection shall be punished as follows:

(1) On a conviction wherein the offender possesses twenty grams or less, the offender shall be fined not more than one hundred dollars.

(2) On a first conviction, wherein the offender possesses more than twenty grams, the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.

(3) On a second or any subsequent conviction, wherein the offender possesses more than twenty grams, the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.

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§989.2. Unlawful production, manufacturing, distribution, or possession of prohibited plant products; exceptions

* * *

C. For the purposes of this Section:

* * *

(5) "Prohibited plant" means any combination of any of the parts, leaves, stems, stalks, seeds, materials, compounds, salts, derivatives, mixtures, preparations, or any resin extracted from any part of the following plants:

* * *

(m) *Mitragyna speciosa*

* * *

Section 2. R.S. 40:989.3 is hereby repealed.

Section 3. The Louisiana State Law Institute is hereby directed to alphabetize the enumerated items provided in R.S. 40:989.2(C)(5) as amended by this Act.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 154 Engrossed

2025 Regular Session

Morris

Present law (Uniform Controlled Dangerous Substances Law) designates certain substances in Schedules I through V based upon the substances' potential for addiction and abuse.

Proposed law defines "kratom" and adds the active chemical components of kratom to Schedule I. Proposed law otherwise retains present law.

Present law makes it a crime to distribute products containing substances derived from the *Mitragyna speciosa* tree (kratom) to a person under the age of 18 years.

Proposed law repeals present law and makes it a crime to distribute kratom to a person of any age. Proposed law also provides that it is unlawful to possess, cultivate or otherwise produce or sell kratom.

Proposed law provides that a person who knowingly produces, manufactures, distributes, or dispenses, or possesses with the intent to produce, manufacture, distribute, or dispense kratom will be:

- (1) Fined not more than \$50,000, imprisoned, with or without hard labor, for not less than one year nor more than three years, or both for an aggregate weight of less than 500 grams.
- (2) Fined not more than \$50,000, imprisoned, with or without hard labor, for not less than one year nor more than five years, or both for an aggregate weight of 500 grams or more.

Proposed law provides that a person who knowingly and unlawfully possesses kratom will be:

- (1) Fined not more than \$100 for possessing 20 grams or less.
- (2) Fined not more than \$500, imprisoned in the parish jail for not more than six months, or both for possessing more than 20 grams for a first conviction.
- (3) Fined not more than \$1,000, imprisoned in the parish jail for not more than six months, or both for possessing more than 20 grams for a second or subsequent conviction.

Present law criminalizes the unlawful production, manufacture, distribution, or possession of products derived from certain prohibited plants.

Proposed law retains present law and adds the *Mitragyna speciosa* tree to the present law list of prohibited non-hallucinogenic plants.

Effective August 1, 2025.

(Amends R.S. 40:964(Schedule I)(G); adds 40:966.1 and 989.2(C)(5)(m); repeals R.S. 40:989.3)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Provide definitions and add the active chemical components of kratom to Schedule I miscellaneous substances.
2. Add penalties for producing, manufacturing, distributing, or dispensing, or possessing with the intent to produce, manufacture, distribute, or dispense kratom.
3. Add penalties for possessing kratom in certain amounts.

4. Delete proposed law adding the Mitragyna speciosa tree to Schedule I stimulants.
5. Add the Mitragyna speciosa tree to the present law list of prohibited non-hallucinogenic plants.