

Senate Engrossed House Bill

kratom products; narcotic drugs

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2415

AN ACT

AMENDING SECTIONS 13-3401 AND 36-795, ARIZONA REVISED STATUTES; REPEALING SECTION 36-795.01, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 6, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-795.01; AMENDING SECTIONS 36-795.02 AND 36-795.03, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 6, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-795.04 AND 36-795.05; RELATING TO KRATOM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3401, Arizona Revised Statutes, is amended to
3 read:

4 13-3401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administer" means to apply, inject or facilitate the inhalation
7 or ingestion of a substance to the body of a person.

8 2. "Amidone" means any substance identified chemically as
9 (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance,
10 by whatever trade name designated.

11 3. "Board" means the Arizona state board of pharmacy.

12 4. "Cannabis" means the following substances under whatever names
13 they may be designated:

14 (a) The resin extracted from any part of a plant of the genus
15 cannabis, and every compound, manufacture, salt, derivative, mixture or
16 preparation of such plant, its seeds or its resin. Cannabis does not
17 include oil or cake made from the seeds of such plant, any fiber,
18 compound, manufacture, salt, derivative, mixture or preparation of the
19 mature stalks of such plant except the resin extracted from the stalks or
20 any fiber, oil or cake or the sterilized seed of such plant which is
21 incapable of germination.

22 (b) Every compound, manufacture, salt, derivative, mixture or
23 preparation of such resin or tetrahydrocannabinol.

24 5. "Coca leaves" means cocaine, its optical isomers and any
25 compound, manufacture, salt, derivative, mixture or preparation of coca
26 leaves, except derivatives of coca leaves which do not contain cocaine,
27 ecgonine or substances from which cocaine or ecgonine may be synthesized
28 or made.

29 6. "Dangerous drug" means the following by whatever official,
30 common, usual, chemical or trade name designated:

31 (a) Any material, compound, mixture or preparation that contains
32 any quantity of the following hallucinogenic substances and their salts,
33 isomers, whether optical, positional or geometric, and salts of isomers,
34 unless specifically excepted, whenever the existence of such salts,
35 isomers and salts of isomers is possible within the specific chemical
36 designation:

37 (i) Alpha-ethyltryptamine.

38 (ii) Alpha-methyltryptamine.

39 (iii) (2-aminopropyl) benzofuran (APB).

40 (iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).

41 (v) Aminorex.

42 (vi) 4-bromo-2, 5-dimethoxyphenethylamine.

43 (vii) 4-bromo-2, 5-dimethoxyamphetamine.

44 (viii) Bufotenine.

45 (ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).

- 1 (x) Diethyltryptamine.
- 2 (xi) 2, 5-dimethoxyamphetamine.
- 3 (xii) Dimethyltryptamine.
- 4 (xiii) (2-ethylaminopropyl)-benzofuran (EAPB).
- 5 (xiv) 5-methoxy-alpha-methyltryptamine.
- 6 (xv) 5-methoxy-3, 4-methylenedioxyamphetamine.
- 7 (xvi) 4-methyl-2, 5-dimethoxyamphetamine.
- 8 (xvii) (2-methylaminopropyl)-benzofuran (MAPB).
- 9 (xviii) Ibogaine.
- 10 (xix) Lysergic acid amide.
- 11 (xx) Lysergic acid diethylamide.
- 12 (xxi) Mescaline.
- 13 (xxii) 4-methoxyamphetamine.
- 14 (xxiii) Methoxymethylenedioxyamphetamine (MMDA).
- 15 (xxiv) Methylenedioxyamphetamine (MDA).
- 16 (xxv) 3, 4-methylenedioxymethamphetamine.
- 17 (xxvi) 3, 4-methylenedioxy-N-ethylamphetamine.
- 18 (xxvii) N-ethyl-3-piperidyl benzilate (JB-318).
- 19 (xxviii) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 20 (xxix) N-methyl-3-piperidyl benzilate (JB-336).
- 21 (xxx) N-methyltryptamine mimetic substances that are any substances
22 derived from N-methyltryptamine by any substitution at the nitrogen, any
23 substitution at the indole ring, any substitution at the alpha carbon, any
24 substitution at the beta carbon or any combination of the above.
25 N-methyltryptamine mimetic substances do not include melatonin
26 (5-methoxy n-acetyltryptamine). Substances in the N-methyltryptamine
27 generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT,
28 DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT,
29 MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.
- 30 (xxxi) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 31 (xxxii) Nabilone.
- 32 (xxxiii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 33 (xxxiv) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 34 (xxxv) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 35 (xxxvi) Para-methoxyamphetamine (PMA).
- 36 (xxxvii) Psilacetin.
- 37 (xxxviii) Psilocybin.
- 38 (xxxix) Psilocyn.
- 39 (xl) Synhexyl.
- 40 (xli) Trifluoromethylphenylpiperazine (TFMPP).
- 41 (xlii) Trimethoxyamphetamine (TMA).
- 42 (xliii) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- 43 (xliv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- 44 (xlv) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- 45 (xlvi) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).

1 (xlvii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200
2 and isomers).
3 (xlviii) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and
4 isomers).
5 (xlix) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
6 (JWH-015 and isomers).
7 (l) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
8 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).
9 (li) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
10 (CP 47,497 and isomers).
11 (lii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
12 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
13 (liii) Xylazine.
14 (b) Any material, compound, mixture or preparation that contains
15 any quantity of cannabimimetic substances and their salts, isomers,
16 whether optical, positional or geometric, and salts of isomers, unless
17 specifically excepted, whenever the existence of such salts, isomers and
18 salts of isomers is possible within the specific chemical designation.
19 For the purposes of this subdivision, "cannabimimetic substances" means
20 any substances within the following structural classes:
21 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
22 5-position of the phenolic ring by alkyl or alkenyl, whether or not
23 substituted on the cyclohexyl ring to any extent. Substances in the
24 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497,
25 CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.
26 (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by
27 substitution at the nitrogen atom of the indole ring, whether or not
28 further substituted on the indole ring to any extent, whether or not
29 substituted on the naphthoyl or naphthyl ring to any extent. Substances in
30 the 3-(naphthoyl)indole generic definition include AM-678, AM-2201,
31 JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020,
32 JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072,
33 JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096,
34 JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180,
35 JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194,
36 JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212,
37 JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242,
38 JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399,
39 JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.
40 (iii) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by
41 substitution at one or both of the nitrogen atoms of the indazole ring,
42 whether or not further substituted on the indazole ring to any extent,
43 whether or not substituted on the naphthoyl ring to any extent. Substances
44 in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole generic
45 definition include THJ2201 and THJ-018.

1 (iv) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of
2 the pyrrole ring, whether or not further substituted in the pyrrole ring
3 to any extent, whether or not substituted on the naphthoyl ring to any
4 extent. Substances in the 3-(naphthoyl)pyrrole generic definition include
5 JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244,
6 JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348,
7 JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371,
8 JWH-373 and JWH-392.

9 (v) 1-(naphthylmethylene)indene by substitution of the 3-position
10 of the indene ring, whether or not further substituted in the indene ring
11 to any extent, whether or not substituted on the naphthyl ring to any
12 extent. Substances in the 1-(naphthylmethylene)indene generic definition
13 include JWH-176.

14 (vi) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at
15 the nitrogen atom of the indole ring, whether or not further substituted
16 in the indole ring to any extent, whether or not substituted on the phenyl
17 ring to any extent. Substances in the 3-(phenylacetyl)indole generic
18 definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203,
19 JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248,
20 JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306,
21 JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18
22 and SR-19.

23 (vii) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone)
24 indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen
25 atom of the indole ring, whether or not further substituted in the indole
26 ring to any extent, whether or not substituted on the cyclopropyl,
27 cyclobutyl or cyclopentyl rings to any extent. Substances in the
28 3-(cyclopropylmethanone) indole generic definition include UR-144,
29 fluoro-UR-144 and XLR-11.

30 (viii) 3-adamantoylindole with substitution at the nitrogen atom of
31 the indole ring, whether or not further substituted on the indole ring to
32 any extent, whether or not substituted on the adamantyl ring to any
33 extent. Substances in the 3-adamantoylindole generic definition include
34 AB-001.

35 (ix) N-(adamantyl)-indole-3-carboxamide with substitution at the
36 nitrogen atom of the indole ring, whether or not further substituted on
37 the indole ring to any extent, whether or not substituted on the adamantyl
38 ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide
39 generic definition include SDB-001.

40 (x) Indole-3-carboxamide or indazole-3-carboxamide with
41 substitution at the nitrogen atom of the indole ring or by substitution at
42 one or both of the nitrogen atoms of the indazole ring, whether or not
43 further substituted on the indole ring or the indazole ring to any extent,
44 whether or not substituted on the nitrogen of the carboxamide to any
45 extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide

1 generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA,
2 AB-FUBINACA, ABICA and ADBICA.

3 (xi) 8-Quinolinylnyl-indole-3-carboxylate or 8-quinolinylnyl-indazole-3-
4 carboxylate by substitution at the nitrogen atom of the indole ring or by
5 substitution at one or both of the nitrogen atoms of the indazole ring,
6 whether or not further substituted in the indole ring or indazole ring to
7 any extent, whether or not substituted on the quinoline ring to any
8 extent. Substances in the 8-quinolinylnyl-indole-3-carboxylate or the
9 8-quinolinylnyl-indazole-3-carboxylate generic definition include PB-22,
10 fluoro-PB-22, NPB-22 and fluoro-NPB-22.

11 (xii) Naphthalenyl-indole-3-carboxylate or naphthalenyl-indazole-3-
12 carboxylate by substitution at the nitrogen atom of the indole ring or by
13 substitution at one or both of the nitrogen atoms of the indazole ring,
14 whether or not further substituted in the indole or indazole ring to any
15 extent, whether or not substituted on the naphthalenyl ring to any extent.
16 Substances in the naphthalenyl-indole-3-carboxylate or
17 naphthalenyl-indazole-3-carboxylate generic definition include NM2201,
18 FDU-PB-22, SDB-005 and fluoro SDB-005.

19 (c) Any material, compound, mixture or preparation that contains
20 any quantity of the following substances and their salts, isomers, whether
21 optical, positional or geometric, and salts of isomers having a potential
22 for abuse associated with a stimulant effect on the central nervous
23 system:

24 (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).

25 (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).

26 (iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).

27 (iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).

28 (v) Aminoindane mimetic substances that are derived from
29 aminoindane by any substitution at the indane ring, replacement of the
30 amino group with another N group or any combination of the above.
31 Substances in the aminoindane generic definition include MDAI, MMAI, IAI
32 and AMMI.

33 (vi) Amphetamine.

34 (vii) Benzphetamine.

35 (viii) Benzylpiperazine (BZP).

36 (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).

37 (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).

38 (xi) Butorphanol.

39 (xii) Cathine ((+)-norpseudoephedrine).

40 (xiii) Cathinomimetic substances that are any substances derived
41 from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the
42 phenyl ring, any substitution at the 3 position, any substitution at the
43 nitrogen atom or any combination of the above substitutions.

44 (xiv) Cathinone.

45 (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

- 1 (xvi) Chlorphentermine.
- 2 (xvii) Clortermine.
- 3 (xviii) Diethylpropion.
- 4 (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).
- 5 (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 6 (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 7 (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- 8 (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- 9 (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 10 (xxv) Dimethylcathinone (Metamfepramone).
- 11 (xxvi) Ethcathinone.
- 12 (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- 13 (xxviii) Fencamfamin.
- 14 (xxix) Fenethylamine.
- 15 (xxx) Fenproporex.
- 16 (xxxi) Fluoroamphetamine.
- 17 (xxxii) Fluoromethamphetamine.
- 18 (xxxiii) Fluoromethcathinone.
- 19 (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- 20 (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine(2C-T-4).
- 21 (xxxvi) Mazindol.
- 22 (xxxvii) Mefenorex.
- 23 (xxxviii) Methamphetamine.
- 24 (xxxix) Methcathinone.
- 25 (xl) Methiopropamine.
- 26 (xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 27 (xlii) Methoxymethcathinone (methedrone).
- 28 (xliii) Methoxyphenethylamine mimetic substances that are any
- 29 substances derived from 2, 5-dimethoxy-phenethylamine by any substitution
- 30 at the phenyl ring, any substitution at the nitrogen atom, any
- 31 substitutions at the carbon atoms of the ethylamine, or any combination of
- 32 the above substitutions.
- 33 (xliv) 4-methylaminorex.
- 34 (xlv) Methyl-a-pyrrolidinobutiophenone (MPBP).
- 35 (xlvi) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
- 36 (xlvii) Methylenedioxyethcathinone (Ethylone).
- 37 (xlviii) Methylenedioxymethcathinone (Methylone).
- 38 (xlix) Methylenedioxyprovalerone (MDPV).
- 39 (l) Methylmethcathinone (Mephedrone).
- 40 (li) Methylphenidate.
- 41 (lii) Modafinil.
- 42 (liii) Naphthylpyrovalerone (Naphyrone).
- 43 (liv) N-ethylamphetamine.
- 44 (lv) N, N-dimethylamphetamine.
- 45 (lvi) Pemoline.

- 1 (lvii) Phendimetrazine.
- 2 (lviii) Phenmetrazine.
- 3 (lix) Phentermine.
- 4 (lx) Pipradol.
- 5 (lxi) Propylhexedrine.
- 6 (lxii) Pyrovalerone.
- 7 (lxiii) Sibutramine.
- 8 (lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 9 (d) Any material, compound, mixture or preparation that contains
- 10 any quantity of the following substances having a potential for abuse
- 11 associated with a depressant effect on the central nervous system:
- 12 (i) Any substance which contains any quantity of a derivative of
- 13 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 14 specifically excepted.
- 15 (ii) Alprazolam.
- 16 (iii) Bromazepam.
- 17 (iv) Camazepam.
- 18 (v) Carisoprodol.
- 19 (vi) Chloral betaine.
- 20 (vii) Chloral hydrate.
- 21 (viii) Chlordiazepoxide.
- 22 (ix) Chlorhexadol.
- 23 (x) Clobazam.
- 24 (xi) Clonazepam.
- 25 (xii) Clorazepate.
- 26 (xiii) Clotiazepam.
- 27 (xiv) Cloxazolam.
- 28 (xv) Delorazepam.
- 29 (xvi) Diazepam.
- 30 (xvii) Dichloralphenazone.
- 31 (xviii) Estazolam.
- 32 (xix) Ethchlorvynol.
- 33 (xx) Ethinamate.
- 34 (xxi) Ethyl loflazepate.
- 35 (xxii) Etizolam.
- 36 (xxiii) Fenfluramine.
- 37 (xxiv) Fludiazepam.
- 38 (xxv) Flunitrazepam.
- 39 (xxvi) Flurazepam.
- 40 (xxvii) Gamma hydroxy butyrate.
- 41 (xxviii) Glutethimide.
- 42 (xxix) Halazepam.
- 43 (xxx) Haloxazolam.
- 44 (xxxii) Hydroxyphencyclidine (HO-PCP).
- 45 (xxxii) Ketamine.

- 1 (xxxiii) Ketazolam.
- 2 (xxxiv) Loprazolam.
- 3 (xxxv) Lorazepam.
- 4 (xxxvi) Lormetazepam.
- 5 (xxxvii) Lysergic acid.
- 6 (xxxviii) Mebutamate.
- 7 (xxxix) Mecloqualone.
- 8 (xl) Medazepam.
- 9 (xli) Meproamate.
- 10 (xlii) Methaqualone.
- 11 (xliii) Methohexital.
- 12 (xliv) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone
- 13 (Methoxetamine).
- 14 (xlv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone
- 15 (Methoxyketamine).
- 16 (xlvi) Methoxyphencyclidine(MeO-PCP).
- 17 (xlvii) Methyprylon.
- 18 (xlviii) Midazolam.
- 19 (xlix) Nimetazepam.
- 20 (l) Nitrazepam.
- 21 (li) Nordiazepam.
- 22 (lii) Oxazepam.
- 23 (liii) Oxazolam.
- 24 (liv) Paraldehyde.
- 25 (lv) Petrichloral.
- 26 (lvi) Phencyclidine (PCP).
- 27 (lvii) Phencyclidine mimetic substances that are any substances
- 28 derived from phenylcyclohexylpiperidine by any substitution at the phenyl
- 29 ring, any substitution at the piperidine ring, any substitution at the
- 30 cyclohexyl ring, any replacement of the phenyl ring or any combination of
- 31 the above. Substances in the phenylcyclohexylpiperidine generic
- 32 definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP,
- 33 Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM,
- 34 PCPY, TCP and TCPY.
- 35 (lviii) Pinazepam.
- 36 (lix) Prazepam.
- 37 (lx) Scopolamine.
- 38 (lxi) Sulfondiethylmethane.
- 39 (lxii) Sulfonethylmethane.
- 40 (lxiii) Sulfonmethane.
- 41 (lxiv) Quazepam.
- 42 (lxv) Temazepam.
- 43 (lxvi) Tetrazepam.
- 44 (lxvii) Tiletamine.
- 45 (lxviii) Triazolam.

- 1 (lxix) Zaleplon.
2 (lxx) Zolazepam.
3 (lxxi) Zolpidem.
4 (lxxii) Zopiclone.
5 (e) Any material, compound, mixture or preparation that contains
6 any quantity of the following anabolic steroids and their salts, isomers
7 or esters:
8 (i) Boldenone.
9 (ii) Clostebol (4-chlorotestosterone).
10 (iii) Dehydrochloromethyltestosterone.
11 (iv) Drostanolone.
12 (v) Ethylestrenol.
13 (vi) Fluoxymesterone.
14 (vii) Formebolone (formebolone).
15 (viii) Mesterolone.
16 (ix) Methandriol.
17 (x) Methandrostenolone (methandienone).
18 (xi) Methenolone.
19 (xii) Methyltestosterone.
20 (xiii) Mibolerone.
21 (xiv) Nandrolone.
22 (xv) Norethandrolon.
23 (xvi) Oxandrolone.
24 (xvii) Oxymesterone.
25 (xviii) Oxymetholone.
26 (xix) Stanolone (4-dihydrotestosterone).
27 (xx) Stanozolol.
28 (xxi) Testolactone.
29 (xxii) Testosterone.
30 (xxiii) Trenbolone.
31 7. "Deliver" means the actual, constructive or attempted exchange
32 from one person to another, whether or not there is an agency
33 relationship.
34 8. "Director" means the director of the department of health
35 services.
36 9. "Dispense" means distribute, leave with, give away, dispose of
37 or deliver.
38 10. "Drug court program" means a program that is established
39 pursuant to section 13-3422 by the presiding judge of the superior court
40 in cooperation with the county attorney in a county for the purpose of
41 prosecuting, adjudicating and treating drug dependent persons who meet the
42 criteria and guidelines for entry into the program that are developed and
43 agreed on by the presiding judge and the prosecutor.
44 11. "Drug dependent person" means a person who is using a substance
45 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is

1 in a state of psychological or physical dependence, or both, arising from
2 the use of that substance.

3 12. "Federal act" has the same meaning prescribed in section
4 32-1901.

5 13. "Isoamidone" means any substance identified chemically as
6 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
7 substance, by whatever trade name designated.

8 14. "Isonipecaine" means any substance identified chemically as
9 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt
10 of such substance, by whatever trade name designated.

11 15. "Ketobemidone" means any substance identified chemically as
12 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or
13 any salt of such substance, by whatever trade name designated.

14 16. "Licensed" or "permitted" means authorized by the laws of this
15 state to do certain things.

16 17. "Manufacture" means produce, prepare, propagate, compound, mix
17 or process, directly or indirectly, by extraction from substances of
18 natural origin or independently by means of chemical synthesis, or by a
19 combination of extraction and chemical synthesis. Manufacture includes
20 any packaging or repackaging or labeling or relabeling of containers.
21 Manufacture does not include any producing, preparing, propagating,
22 compounding, mixing, processing, packaging or labeling done in conformity
23 with applicable state and local laws and rules by a licensed practitioner
24 incident to and in the course of his licensed practice.

25 18. "Manufacturer" means a person who manufactures a narcotic or
26 dangerous drug or other substance controlled by this chapter.

27 19. "Marijuana" means all parts of any plant of the genus cannabis,
28 from which the resin has not been extracted, whether growing or not, and
29 the seeds of such plant. Marijuana does not include the mature stalks of
30 such plant or the sterilized seed of such plant which is incapable of
31 germination.

32 20. "Narcotic drugs" means the following, whether of natural or
33 synthetic origin and any substance neither chemically nor physically
34 distinguishable from them:

- 35 (a) Acetyl-alpha-methylfentanyl.
- 36 (b) Acetylmethadol.
- 37 (c) Alfentanil.
- 38 (d) Allylprodine.
- 39 (e) Alphacetylmethadol.
- 40 (f) Alphameprodine.
- 41 (g) Alphamethadol.
- 42 (h) Alpha-methylfentanyl.
- 43 (i) Alpha-methylthiofentanyl.
- 44 (j) Alphaprodine.
- 45 (k) Amidone (methadone).

- 1 (l) Anileridine.
- 2 (m) Benzethidine.
- 3 (n) Benzylfentanyl.
- 4 (o) Betacetylmethadol.
- 5 (p) Beta-hydroxyfentanyl.
- 6 (q) Beta-hydroxy-3-methylfentanyl.
- 7 (r) Betameprodine.
- 8 (s) Betamethadol.
- 9 (t) Betaprodine.
- 10 (u) Bezitramide.
- 11 (v) Buprenorphine and its salts.
- 12 (w) Butonitazene.
- 13 (x) Cannabis.
- 14 (y) Carfentanil.
- 15 (z) 4-chloro-n-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]benz
- 16 enesulfonamide (W-18).
- 17 (aa) 4-chloro-n-[1-(2-phenylethyl)-2-piperidinylidene]
- 18 benzenesulfonamide (W-15).
- 19 (bb) Clonitazene.
- 20 (cc) Coca leaves.
- 21 (dd) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
- 22 (ee) Dextromoramide.
- 23 (ff) Dextropropoxyphene.
- 24 (gg) Diampromide.
- 25 (hh) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]methyl)-benzamid
- 26 e (AH-7921).
- 27 (ii) 3,4-dichloro-n-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide
- 28 (U-47700).
- 29 (jj) Diethylthiambutene.
- 30 (kk) Difenoxyin.
- 31 (ll) Dihydrocodeine.
- 32 (mm) Dimenoxadol.
- 33 (nn) Dimepheptanol.
- 34 (oo) Dimethylthiambutene.
- 35 (pp) Dioxaphetyl butyrate.
- 36 (qq) Diphenidine (DEP).
- 37 (rr) Diphenoxylate.
- 38 (ss) Dipipanone.
- 39 (tt) Ephenedine.
- 40 (uu) Ethylmethylthiambutene.
- 41 (vv) Etodesnitazene.
- 42 (ww) Etonitazene.
- 43 (xx) Etonitazepyne.
- 44 (yy) Etoxeridine.
- 45 (zz) Fentanyl.

- 1 (aaa) Fentanyl mimetic substances that are any substances derived
2 from fentanyl by any substitution in the phenethyl group, any substitution
3 in the piperidine ring, any substitution in the aniline ring, any
4 replacement of the phenyl portion of the phenethyl group, any replacement
5 of the N-propionyl group or any combination of the above.
- 6 (bbb) Flunitazene.
7 (ccc) Furethidine.
8 (ddd) Hydroxypethidine.
9 (eee) Isoamidone (isomethadone).
10 (fff) Isophenidine.
11 (ggg) Isotonitazene.
12 (hhh) Pethidine (meperidine).
13 (iii) Ketobemidone.
- 14 (jjj) ANY MATERIAL, COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS
15 ANY OF THE FOLLOWING:
16 (i) AT LEAST EIGHT HUNDRED PARTS PER MILLION OF
17 7-HYDROXYMITRAGYNINE.
18 (ii) ANY QUANTITY OF SYNTHETIC 7-HYDROXYMITRAGYNINE, SYNTHETIC
19 MITRAGYNINE OR PSEUDOINDOXYL OR ANY OTHER SYNTHETICALLY DERIVED COMPOUND
20 OF THE PLANT MITRAGYNA SPECIOSA.
- 21 ~~(jjj)~~ (kkk) Lefetamine.
22 ~~(kkk)~~ (lll) Levomethorphan.
23 ~~(lll)~~ (mmm) Levomoramide.
24 ~~(mmm)~~ (nnn) Levophenacymorphan.
25 ~~(nnn)~~ (ooo) Levorphanol.
26 ~~(ooo)~~ (ppp) Metazocine.
27 ~~(ppp)~~ (qqq) Methoxphenidine (MXP).
28 ~~(qqq)~~ (rrr) 3-methylfentanyl.
29 ~~(rrr)~~ (sss) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
30 ~~(sss)~~ (ttt) 3-methylthiofentanyl.
31 ~~(ttt)~~ (uuu) Metodesnitazene.
32 ~~(uuu)~~ (vvv) Metonitazene.
33 ~~(vvv)~~ (www) Morpheridine.
34 ~~(www)~~ (xxx) Noracymethadol.
35 ~~(xxx)~~ (yyy) Norlevorphanol.
36 ~~(yyy)~~ (zzz) Normethadone.
37 ~~(zzz)~~ (aaaa) Norpipanone.
38 ~~(aaaa)~~ (bbbb) Opium.
39 ~~(bbbb)~~ (cccc) Para-fluorofentanyl.
40 ~~(cccc)~~ (dddd) Pentazocine.
41 ~~(dddd)~~ (eeee) Phenadoxone.
42 ~~(eeee)~~ (ffff) Phenampromide.
43 ~~(ffff)~~ (gggg) Phenazocine.
44 ~~(gggg)~~ (hhhh) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine
45 (PEPAP).

- 1 (w) Morphine methylsulfonate.
- 2 (x) Morphine-N-oxide.
- 3 (y) Myrophine.
- 4 (z) Nalorphine.
- 5 (aa) Nicocodeine.
- 6 (bb) Nicomorphine.
- 7 (cc) Normorphine.
- 8 (dd) Oxycodone.
- 9 (ee) Oxymorphone.
- 10 (ff) Pholcodine.
- 11 (gg) Thebacon.
- 12 (hh) Thebaine.

13 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
14 phenylpropanolamine product" means a product that contains ephedrine,
15 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
16 all of the following:

- 17 (a) Approved for sale under the federal act.
- 18 (b) Labeled, advertised and marketed only for an indication that is
19 approved by the federal food and drug administration.
- 20 (c) Either:
 - 21 (i) A nonliquid that is sold in package sizes of not more than
22 three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
23 phenylpropanolamine and that is packaged in blister packs containing not
24 more than two dosage units or, if the use of blister packs is technically
25 infeasible, that is packaged in unit dose packets or pouches.
 - 26 (ii) A liquid that is sold in package sizes of not more than three
27 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
28 phenylpropanolamine.

29 23. "Peyote" means any part of a plant of the genus *Lophophora*,
30 known as the mescal button.

31 24. "Pharmacy" means a licensed business where drugs are compounded
32 or dispensed by a licensed pharmacist.

33 25. "Practitioner" means a person licensed to prescribe and
34 administer drugs.

35 26. "Precursor chemical I" means any material, compound, mixture or
36 preparation which contains any quantity of the following substances and
37 their salts, optical isomers or salts of optical isomers:

- 38 (a) N-acetylanthranilic acid.
- 39 (b) Anthranilic acid.
- 40 (c) Ephedrine.
- 41 (d) Ergotamine.
- 42 (e) Isosafrole.
- 43 (f) Lysergic acid.
- 44 (g) Methylamine.
- 45 (h) N-ethylephedrine.

- 1 (i) N-ethylpseudoephedrine.
- 2 (j) N-methylephedrine.
- 3 (k) N-methylpseudoephedrine.
- 4 (l) Norephedrine.
- 5 (m) (-)-Norpseudoephedrine.
- 6 (n) Phenylacetic acid.
- 7 (o) Phenylpropanolamine.
- 8 (p) Piperidine.
- 9 (q) Pseudoephedrine.

10 27. "Precursor chemical II" means any material, compound, mixture
11 or preparation which contains any quantity of the following substances and
12 their salts, optical isomers or salts of optical isomers:

- 13 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 14 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 15 (c) Chlorephedrine.
- 16 (d) Chlorpseudoephedrine.
- 17 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 18 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 19 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 20 (h) N-formyl amphetamine.
- 21 (i) N-formyl methamphetamine.
- 22 (j) Phenyl-2-propanone.
- 23 (k) 1-piperidinocyclohexane carbonitrile.
- 24 (l) 1-pyrrolidinocyclohexane carbonitrile.

25 28. "Prescription-only drug" does not include a dangerous drug or
26 narcotic drug but means:

27 (a) Any drug which because of its toxicity or other potentiality
28 for harmful effect, or the method of its use, or the collateral measures
29 necessary to its use, is not generally recognized among experts, qualified
30 by scientific training and experience to evaluate its safety and efficacy,
31 as safe for use except by or under the supervision of a medical
32 practitioner.

33 (b) Any drug that is limited by an approved new drug application
34 under the federal act or section 32-1962 to use under the supervision of a
35 medical practitioner.

36 (c) Every potentially harmful drug, the labeling of which does not
37 bear or contain full and adequate directions for use by the consumer.

38 (d) Any drug required by the federal act to bear on its label the
39 legend "Caution: Federal law prohibits dispensing without prescription"
40 or "Rx only".

41 29. "Produce" means grow, plant, cultivate, harvest, dry, process
42 or prepare for sale.

43 30. "Regulated chemical" means the following substances in bulk
44 form that are not a useful part of an otherwise lawful product:

- 45 (a) Acetic anhydride.

- 1 (b) Hypophosphorous acid.
- 2 (c) Iodine.
- 3 (d) Sodium acetate.
- 4 (e) Red phosphorus.
- 5 (f) Gamma butyrolactone (GBL).
- 6 (g) 1, 4-butanediol.
- 7 (h) Butyrolactone.
- 8 (i) 1, 2 butanolide.
- 9 (j) 2-oxanalone.
- 10 (k) Tetrahydro-2-furanone.
- 11 (l) Dihydro-2(3H)-furanone.
- 12 (m) Tetramethylene glycol.

13 31. "Retailer" means either:

14 (a) A person other than a practitioner who sells any precursor
15 chemical or regulated chemical to another person for purposes of
16 consumption and not resale, whether or not the person possesses a permit
17 issued pursuant to title 32, chapter 18.

18 (b) A person other than a manufacturer or wholesaler who purchases,
19 receives or acquires more than twenty-four grams of a precursor chemical.

20 32. "Sale" or "sell" means an exchange for anything of value or
21 advantage, present or prospective.

22 33. "Sale for personal use" means the retail sale for a legitimate
23 medical use in a single transaction to an individual customer, to an
24 employer for dispensing to employees from first aid kits or medicine
25 chests or to a school for administration pursuant to section 15-344.

26 34. "Scientific purpose" means research, teaching or chemical
27 analysis.

28 35. "Suspicious transaction" means a transaction to which any of
29 the following applies:

30 (a) A report is required under the federal act.

31 (b) The circumstances would lead a reasonable person to believe
32 that any person is attempting to possess a precursor chemical or regulated
33 chemical for the purpose of unlawful manufacture of a dangerous drug or
34 narcotic drug, based on such factors as the amount involved, the method of
35 payment, the method of delivery and any past dealings with any
36 participant.

37 (c) The transaction involves payment for precursor or regulated
38 chemicals in cash or money orders in a total amount of more than \$200.

39 (d) The transaction involves a sale, a transfer or furnishing to a
40 retailer for resale without a prescription of ephedrine, pseudoephedrine,
41 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
42 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
43 product.

44 36. "Threshold amount" means a weight, market value or other form
45 of measurement of an unlawful substance as follows:

- 1 (a) One gram of heroin.
2 (b) Nine grams of cocaine, including hydrolyzed cocaine.
3 (c) Four grams or 50 milliliters of PCP.
4 (d) Nine grams of methamphetamine, including methamphetamine in
5 liquid suspension.
6 (e) Nine grams of amphetamine, including amphetamine in liquid
7 suspension.
8 (f) One-half milliliter of lysergic acid diethylamide, or in the
9 case of blotter dosage units fifty dosage units.
10 (g) Two pounds of marijuana.
11 (h) Nine grams of fentanyl or fentanyl mimetic substances.
12 (i) For any combination consisting solely of those unlawful
13 substances listed in subdivisions (a) through (h) of this paragraph, an
14 amount equal to or in excess of the threshold amount, as determined by the
15 application of section 13-3420.
16 (j) For any unlawful substance not listed in subdivisions (a)
17 through (h) of this paragraph or any combination involving any unlawful
18 substance not listed in subdivisions (a) through (h) of this paragraph, a
19 value of at least \$1,000.
20 37. "Transfer" means furnish, deliver or give away.
21 38. "Vapor-releasing substance containing a toxic substance" means
22 a material which releases vapors or fumes containing any of the following:
23 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
24 isophorone and mesityl oxide.
25 (b) Hydrocarbons, including propane, butane, pentane, hexane,
26 heptane and halogenated hydrocarbons.
27 (c) Ethylene dichloride.
28 (d) Pentachlorophenol.
29 (e) Chloroform.
30 (f) Methylene chloride.
31 (g) Trichloroethylene.
32 (h) Difluoroethane.
33 (i) Tetrafluoroethane.
34 (j) Aldehydes, including formaldehyde.
35 (k) Acetates, including ethyl acetate and butyl acetate.
36 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
37 cumene.
38 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
39 alcohol, butyl alcohol and diacetone alcohol.
40 (n) Ether, including Diethyl ether and petroleum ether.
41 (o) Nitrous oxide.
42 (p) Amyl nitrite.
43 (q) Isobutyl nitrite.
44 39. "Weight" unless otherwise specified includes the entire weight
45 of any mixture or substance that contains a detectable amount of an

1 unlawful substance. If a mixture or substance contains more than one
2 unlawful substance, the weight of the entire mixture or substance is
3 assigned to the unlawful substance that results in the greater offense. If
4 a mixture or substance contains lysergic acid diethylamide, the offense
5 that results from the unlawful substance shall be based on the greater
6 offense as determined by the entire weight of the mixture or substance or
7 the number of blotter dosage units. For the purposes of this paragraph,
8 "mixture" means any combination of substances from which the unlawful
9 substance cannot be removed without a chemical process.

10 40. "Wholesaler" means a person who in the usual course of business
11 lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or
12 regulated chemicals that he himself has not produced or prepared, but not
13 to a person for the purpose of consumption by the person, whether or not
14 the wholesaler has a permit that is issued pursuant to title 32,
15 chapter 18. Wholesaler includes a person who sells, delivers or dispenses
16 a precursor chemical in an amount or under circumstances that would
17 require registration as a distributor of precursor chemicals under the
18 federal act.

19 Sec. 2. Section 36-795, Arizona Revised Statutes, is amended to
20 read:

21 36-795. Definitions

22 In this article, unless the context otherwise requires:

23 ~~1. "Food" means a food as defined in section 36-901, food product,~~
24 ~~food ingredient, dietary ingredient, dietary supplement or beverage for~~
25 ~~human consumption.~~

26 1. "KRATOM" MEANS THE PLANT OR ANY PART OF THE PLANT MITRAGYNA
27 SPECIOSA.

28 2. "Kratom product" means ~~a food ANY product or dietary ingredient~~
29 ~~containing any part of the leaf of the plant mitragyna speciosa THAT IS~~
30 ~~MADE FROM KRATOM AND THAT IS MADE TO BE INGESTIBLE OR INHALABLE.~~

31 ~~3. "Processor" means a person that sells, prepares, manufactures,~~
32 ~~distributes, wholesales or maintains kratom products or that advertises,~~
33 ~~represents or holds itself out as selling, preparing or maintaining kratom~~
34 ~~products.~~

35 ~~4. "Retailer" means a person that sells or distributes kratom~~
36 ~~products or that advertises, represents or holds itself out as selling or~~
37 ~~maintaining kratom products.~~

38 Sec. 3. Repeal

39 Section 36-795.01, Arizona Revised Statutes, is repealed.

40 Sec. 4. Title 36, chapter 6, article 10, Arizona Revised Statutes,
41 is amended by adding a new section 36-795.01, to read:

42 36-795.01. Kratom products; labeling required

43 ANY KRATOM PRODUCT THAT IS OFFERED FOR SALE OR SOLD IN THIS STATE
44 MUST INCLUDE A LABEL OR CONSUMER SCANNABLE QUICK RESPONSE CODE OR SIMILAR
45 TECHNOLOGY THAT PROVIDES ALL OF THE FOLLOWING:

- 1 1. THE INGREDIENTS OF THE KRATOM PRODUCT.
- 2 2. THE QUANTITY OF MITRAGYNINE OR 7-HYDROXYMITRAGYNINE IN THE
- 3 KRATOM PRODUCT.
- 4 3. THE RECOMMENDED SERVING SIZE OF THE KRATOM PRODUCT.
- 5 4. THE NUMBER OF SERVINGS IN THE KRATOM PRODUCT.

6 Sec. 5. Section 36-795.02, Arizona Revised Statutes, is amended to
7 read:

8 36-795.02. Prohibited manufacture, distribution and sales;
9 minimum age; location

10 ~~A. A processor or retailer may not prepare, distribute, sell or~~
11 ~~expose for sale any of the following:~~

12 ~~1. A kratom product that is adulterated with a dangerous nonkratom~~
13 ~~substance. A kratom product is adulterated with a dangerous nonkratom~~
14 ~~substance if the kratom product is mixed or packed with a nonkratom~~
15 ~~substance and that substance affects the quality or strength of the kratom~~
16 ~~product to such a degree as to render the kratom product injurious to a~~
17 ~~consumer.~~

18 ~~2. A kratom product that is contaminated with a dangerous nonkratom~~
19 ~~substance. A kratom product is contaminated with a dangerous nonkratom~~
20 ~~substance if the kratom product contains a poisonous or otherwise~~
21 ~~deleterious nonkratom substance, including any controlled substance~~
22 ~~prescribed by chapter 27 of this title or rules adopted pursuant to~~
23 ~~chapter 27 of this title.~~

24 ~~3. A kratom product containing a level of 7-hydroxymitragynine in~~
25 ~~the alkaloid fraction that is greater than two percent of the alkaloid~~
26 ~~composition of the product.~~

27 ~~4. A kratom product containing any synthetic alkaloid, including~~
28 ~~synthetic mitragynine, synthetic 7-hydroxymitragynine or any other~~
29 ~~synthetically derived compounds of the kratom plant.~~

30 ~~5. Any kratom-containing product that does not include on its~~
31 ~~package or label the amount of mitragynine and 7-hydroxymitragynine~~
32 ~~contained in the product.~~

33 ~~B. A. A processor or retailer~~ PERSON may not PREPARE, MANUFACTURE,
34 distribute, TRANSPORT, OFFER FOR SALE OR sell ~~or expose for sale~~ a kratom
35 product to an individual who is under ~~eighteen~~ TWENTY-ONE years of age.

36 B. A RETAILER MAY NOT SELL ANY KRATOM PRODUCT WITHIN FIVE HUNDRED
37 FEET OF A PUBLIC OR PRIVATE SCHOOL, A CHILD CARE FACILITY OR A FACILITY
38 THAT PROVIDES PRESCHOOL PROGRAMS.

39 Sec. 6. Section 36-795.03, Arizona Revised Statutes, is amended to
40 read:

41 36-795.03. Enforcement; violations; classification

42 ~~A. In addition to the violations and remedies specified in this~~
43 ~~section, violations and enforcement of this article are governed by~~
44 ~~chapter 8 of this title.~~

1 ~~B.~~ A. A ~~processor or retailer that~~ PERSON WHO violates section
2 36-795.01, ~~subsection B or section 36-795.02~~ is guilty of a class 2
3 misdemeanor.

4 B. A PERSON WHO VIOLATES SECTION 36-795.02 IS GUILTY OF A CLASS 1
5 MISDEMEANOR.

6 C. A PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF SECTION
7 36-795.02 WITHIN TWENTY-FOUR MONTHS IS GUILTY OF A CLASS 6 FELONY.

8 ~~C.~~ D. In addition to and distinct from any other remedy at law or
9 equity, a person WHO IS aggrieved by a violation of section
10 36-795.01, ~~subsection B or section 36-795.02, subsection A~~ may bring a
11 private cause of action in a court of competent jurisdiction for damages
12 resulting from that violation, including economic, noneconomic or
13 consequential damages.

14 ~~D. A processor or retailer does not violate section 36-795.01,
15 subsection B or section 36-795.02, subsection A if the court finds by a
16 preponderance of the evidence that the processor or retailer relied in
17 good faith on the representation of a manufacturer, packer or distributor
18 that the food was a kratom product.~~

19 Sec. 7. Title 36, chapter 6, article 10, Arizona Revised Statutes,
20 is amended by adding sections 36-795.04 and 36-795.05, to read:

21 36-795.04. Kratom products; storage; packaging; advertising;
22 warning; enforcement

23 A. A RETAILER SHALL KEEP ALL KRATOM PRODUCTS BEHIND THE SALES
24 COUNTER.

25 B. A PROCESSOR OR RETAILER THAT SELLS KRATOM PRODUCTS MAY NOT:

26 1. PACKAGE OR LABEL ANY KRATOM PRODUCT IN A FALSE OR MISLEADING
27 MANNER.

28 2. ADVERTISE KRATOM OR KRATOM PRODUCTS, INCLUDING KRATOM
29 PARAPHERNALIA, TO INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE,
30 INCLUDING ADVERTISING:

31 (a) WITH NAMES THAT RESEMBLE OR IMITATE FOOD OR DRINK BRANDS THAT
32 ARE MARKETED TO CHILDREN.

33 (b) WITH IMAGES OR LIKENESSES OF TOYS, CARTOONS OR ANIMATED OR
34 FICTIONAL CHARACTERS, INCLUDING SANTA CLAUS, THAT ARE DESIGNED TO APPEAL
35 TO OR ENCOURAGE INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE TO
36 CONSUME KRATOM OR KRATOM PRODUCTS.

37 (c) WITH IMAGES OR VISUAL REPRESENTATIONS OF THE CONSUMPTION OF
38 KRATOM OR KRATOM PRODUCTS.

39 (d) IN A MEDIUM THAT SPECIFICALLY APPEALS TO INDIVIDUALS WHO ARE
40 UNDER TWENTY-ONE YEARS OF AGE SUCH THAT THE ADVERTISING HAS A SPECIAL
41 ATTRACTIVENESS TO INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE BEYOND
42 GENERAL ATTRACTIVENESS FOR INDIVIDUALS WHO ARE AT LEAST TWENTY-ONE YEARS
43 OF AGE.

1 3. ADVERTISE AT, ON OR WITHIN PUBLIC AIRPORTS, PUBLIC
2 TRANSPORTATION SHELTERS, PUBLIC BUSES, PUBLIC TRAINS, PUBLIC SHUTTLES OR
3 PUBLIC TRAMS.

4 4. ADVERTISE ANY HEALTH-RELATED STATEMENT OR STATEMENT REGARDING
5 THE EFFECTS OF KRATOM CONSUMPTION ON HEALTH THAT IS KNOWN TO BE UNTRUE.

6 5. ADVERTISE ELECTRONICALLY, VIA SOCIAL MEDIA OR ON A WEBSITE,
7 UNLESS AT LEAST 73.6 PERCENT OF THE AUDIENCE IS EXPECTED TO BE AT LEAST
8 TWENTY-ONE YEARS OF AGE.

9 6. SPONSOR ANY SPORTING EVENT UNLESS AT LEAST 73.6 PERCENT OF THE
10 AUDIENCE IS EXPECTED TO BE AT LEAST TWENTY-ONE YEARS OF AGE OR THE
11 SPONSORED ORGANIZATION PROVIDES WRITTEN APPROVAL. ANY SPONSORSHIP
12 ACKNOWLEDGEMENT SHALL BE IN ACCORDANCE WITH RESTRICTIONS IMPOSED BY THIS
13 SECTION.

14 C. ALL ADVERTISING PURSUANT TO THIS SECTION MUST CONTAIN THE
15 FOLLOWING CONSPICUOUS AND LEGIBLE WARNING: "DO NOT USE KRATOM IF YOU ARE
16 UNDER TWENTY-ONE YEARS OF AGE OR PREGNANT. KEEP KRATOM OUT OF REACH OF
17 CHILDREN." ALL PRINTED WARNINGS MUST OCCUPY AT LEAST TEN PERCENT OF THE
18 ADVERTISING AREA AND MUST BE IN BLACK FONT ON A WHITE BACKGROUND, EXCEPT
19 THAT BILLBOARD ADVERTISEMENT WARNINGS SHALL BE IN A TYPE SIZE THAT IS AT
20 LEAST TEN PERCENT OF THE LARGEST TYPE USED IN THE ADVERTISEMENT.

21 D. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED
22 WITHIN ONE THOUSAND RADIAL FEET OF ANY CHILD CARE CENTER, CHURCH,
23 SUBSTANCE ABUSE RECOVERY FACILITY, PUBLIC PARK, PUBLIC PLAYGROUND OR
24 PUBLIC OR PRIVATE SCHOOL THAT PROVIDES INSTRUCTION TO STUDENTS IN
25 PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE.
26 AN INDIVIDUAL OR ENTITY THAT VIOLATES THIS SUBSECTION, ON NOTIFICATION BY
27 THE ATTORNEY GENERAL'S OFFICE, HAS THIRTY DAYS TO COMPLY WITH THE
28 REQUIREMENTS OF THIS SUBSECTION. FOR CIRCUMSTANCES BEYOND THE CONTROL OF
29 THE BILLBOARD OPERATOR THAT MAY PREVENT REMOVAL WITHIN THE PRESCRIBED TIME
30 FRAME, THE ADVERTISEMENT MUST BE REMOVED AS SOON AS SAFELY AND LEGALLY
31 PRACTICABLE. AN INDIVIDUAL OR ENTITY THAT DOES NOT COMPLY WITH THIS
32 SUBSECTION IS SUBJECT TO THE CIVIL PENALTIES AND DISCIPLINARY ACTION
33 PRESCRIBED IN THIS SECTION.

34 E. AN ADVERTISING PLATFORM MAY HOST ADVERTISING ONLY IF THE
35 ADVERTISING ACCURATELY AND LEGIBLY IDENTIFIES THE ENTITY RESPONSIBLE FOR
36 THE CONTENT OF THE ADVERTISING AND THE ADVERTISING CONTAINS A PRINTED
37 WARNING THAT COMPLIES WITH SUBSECTION C OF THIS SECTION.

38 F. ANY ADVERTISING UNDER THIS ARTICLE INVOLVING DIRECT,
39 INDIVIDUALIZED COMMUNICATION OR DIALOGUE SHALL USE A METHOD OF AGE
40 AFFIRMATION TO VERIFY THAT THE RECIPIENT IS AT LEAST TWENTY-ONE YEARS OF
41 AGE BEFORE ENGAGING IN THAT COMMUNICATION OR DIALOGUE. FOR THE PURPOSES
42 OF THIS SUBSECTION, THAT METHOD OF AGE AFFIRMATION MAY INCLUDE USER
43 CONFIRMATION, BIRTH DATE DISCLOSURE OR OTHER SIMILAR REGISTRATION METHODS.

1 G. AN INDIVIDUAL OR ENTITY THAT VIOLATES THIS SECTION, ON
2 NOTIFICATION BY THE DEPARTMENT OR THE ATTORNEY GENERAL'S OFFICE, HAS
3 FOURTEEN DAYS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

4 H. THIS SECTION SHALL BE ENFORCED BY THE ATTORNEY GENERAL.
5 36-795.05. Kratom testing; analysis; limitations;
6 coordination

7 A. A LAW ENFORCEMENT AGENCY OR CRIME LABORATORY IS NOT REQUIRED TO
8 TEST OR ANALYZE A KRATOM PRODUCT OR ANY OTHER PRODUCT TO IDENTIFY THE
9 PRESENCE OF KRATOM OR TO DISTINGUISH BETWEEN NATURAL AND SYNTHETIC KRATOM
10 IF THE LAW ENFORCEMENT AGENCY OR CRIME LABORATORY DOES NOT POSSESS THE
11 NECESSARY CAPABILITY.

12 B. IF A LAW ENFORCEMENT AGENCY OR CRIME LABORATORY DOES NOT POSSESS
13 THE NECESSARY CAPABILITY TO TEST OR ANALYZE A KRATOM PRODUCT OR ANY OTHER
14 PRODUCT TO IDENTIFY THE PRESENCE OF KRATOM OR TO DISTINGUISH BETWEEN
15 NATURAL AND SYNTHETIC KRATOM, THE ATTORNEY GENERAL MAY COORDINATE TESTING
16 AND ANALYSIS THROUGH A QUALIFIED LABORATORY.

17 Sec. 8. Conditional repeal; notice

18 A. Title 36, chapter 6, article 10, Arizona Revised Statutes, is
19 repealed if, on or before January 1, 2037, the United States food and drug
20 administration or the United States drug enforcement administration
21 schedules kratom, mitragynine or any substance that is derived from the
22 mitragyna speciosa plant as a controlled substance.

23 B. On or before March 1, 2037, the executive director of the
24 Arizona state board of pharmacy shall notify the director of the Arizona
25 legislative council in writing either:

- 26 1. Of the date on which the condition was met.
27 2. That the condition was not met.