

1 kratom products.

2 (6) "Retailer" means any person that sells, distributes, advertises, represents, or holds itself
3 out as selling or maintaining kratom products.

4 **21-28.11-3. Kratom product limitations.**

5 A processor shall not prepare, distribute, sell, or expose for sale any of the following:

6 (1) A kratom product that is adulterated with a dangerous non-kratom substance. A kratom
7 product is adulterated with a dangerous non-kratom substance if the kratom product is mixed or
8 packed with a non-kratom substance and that substance affects the quality or strength of the kratom
9 product to such a degree as to render the kratom product injurious to a consumer.

10 (2) A kratom product that is contaminated with a dangerous non-kratom substance. A
11 kratom product is contaminated with a dangerous non-kratom substance if the kratom product
12 contains a poisonous or otherwise deleterious non-kratom ingredient, including, but not limited to,
13 the substances listed § 21-28-2.08.

14 (3) A Kratom extract that contains levels of residual solvents higher than is allowed in USP
15 467.

16 (4) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction
17 that is greater than two percent (2%) of the overall alkaloid composition of the product.

18 (5) A kratom product containing any synthetic alkaloids including synthetic mitragynine,
19 synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the kratom plant.

20 (6) That does not provide adequate labeling directions necessary for safe and effective use
21 by consumers, including a recommended serving size.

22 **21-28.11-4. Age Limits.**

23 A processor shall not distribute, sell, or expose for sale a kratom product to an individual
24 under eighteen (18) years of age.

25 **21-28.11-5. Violations.**

26 (a) A processor that violates § 21-28.11-3 is subject to an administrative fine of not more
27 than five hundred dollars (\$500) for the first offense and not more than one thousand dollars
28 (\$1,000) for a second or subsequent offense. Upon the request of a person to whom an
29 administrative fine is issued, the director shall conduct a hearing in accordance with the procedures
30 as set forth in chapter 35 of title 42 (the "administrative procedures act").

31 (b) A retailer does not violate § 21-28.11-3 if it is shown by a preponderance of the
32 evidence that the retailer relied in good faith upon the representations of a manufacturer, processor,
33 packer, or distributor of food represented to be a kratom product.

1 SECTION 2. This act shall take effect September 1, 2021.

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LC001658/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- KRATOM CONSUMER PROTECTION ACT

1 This act would regulate the distribution of the product known as "kratom" and would ban
2 the adulteration of kratom with a dangerous non-kratom substance as to render the product injurious
3 to a consumer. Any kratom product must contain adequate labeling directions necessary for safe
4 and effective use by consumers.

5 This act would take effect on September 1, 2021.

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LC001658/SUB A
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