

THE KRATOM CONSUMER PROTECTION ACT

A bill to regulate the preparation, distribution, and sale of kratom products; to prohibit the preparation, distribution, and sale of adulterated or contaminated kratom products; to prescribe fines and penalties; and to provide for the powers and duties of certain state governmental officers and entities.

Sec. 1. This act shall be known and may be cited as the "[INSERT NAME OF STATE] Kratom Consumer Protection Act".

Sec. 2. Definitions. As used in this act:

- (a) "Processor" means a person that sells, prepares, manufactures, distributes, or maintains kratom products, or advertises, represents, or holds itself out as selling, preparing, or maintaining kratom products.
- (b) "Food" means a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption.
- (c) "Kratom product" means a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa* or an extract of it; is manufactured as a powder, capsule, pill, beverage, or other edible form; and all kratom products are foods.
- (d) "Kratom Extract" means a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna Speciosa* that has been extracted and concentrated in order to provide more standardized dosing
- (e) "Retailer" means any person that sells, distributes, advertises, represents, or holds itself out as selling or maintaining kratom products.

Sec. 3. Kratom product limitations. A processor shall not prepare, distribute, sell, or expose for sale any of the following:

- (a) A kratom product that is adulterated with a dangerous non-kratom substance. A kratom product is adulterated with a dangerous non-kratom substance if the kratom product is mixed or packed with a non-kratom substance and that substance affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer.
- (b) A kratom product that is contaminated with a dangerous non-kratom substance. A kratom product is contaminated with a dangerous non-kratom substance if the kratom product contains a poisonous or otherwise deleterious non-kratom ingredient, including, but not limited to, the substances listed in section [INSERT THE RELEVANT LOCATION OF THE STATE'S CONTROLLED SUBSTANCES LIST].
- (c) A Kratom Extract that contains levels of residual solvents higher than is allowed in USP 467.
- (d) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% of the overall alkaloid composition of the product.

(e) a kratom product containing any synthetic alkaloids including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the kratom plant.

(f) that does not provide adequate labeling directions necessary for safe and effective use by consumers, including a recommended serving size.

Sec. 4. Age limits. A processor shall not distribute, sell, or expose for sale a kratom product to an individual under [insert 18 or 21] years of age.

Sec. 5. Violations.

(a) A processor that violates section 3 is subject to an administrative fine of not more than [insert amount] for the first offense and not more than [insert amount] for the second or subsequent offense. Upon the request of a person to whom an administrative fine is issued, the director shall conduct a hearing in accordance with the [INSERT THE RELEVANT CODE SECTION].

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

Sec. 6. Financial transactions. No financial institution, service, or entity including, but not limited to, a bank, credit union, credit card network, or credit card processing company shall refuse or terminate service to a dealer because the dealer engages in the preparation, distribution, or sale of kratom products. If a financial institution, service, or entity refuses or terminates service to a dealer because the dealer engages in the preparation, distribution, or sale of kratom products, the financial institution, service, or entity shall reestablish or accept service with the dealer upon the request of the dealer, regardless of whether the dealer appears on any report generated by a financial institution data match program or system.

Enacting section

This act takes effect [INSERT THE APPROPRIATE ENACTMENT DATE].