

HOUSE BILL No. 2230

By Representative Reavis

2-4

1 AN ACT concerning food products; regulating the preparation, distribution
2 and sale of kratom products; prohibiting the preparation, distribution
3 and sale of adulterated or contaminated kratom products; establishing
4 fines and penalties; enacting the kratom consumer protection act;
5 requiring the secretary of agriculture to adopt rules and regulations to
6 administer the act.

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8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. Sections 1 through 6, and amendments thereto, shall be
10 known and may be cited as the kratom consumer protection act.

11 Sec. 2. As used in sections 1 through 6, and amendments thereto:

12 (a) "Food" means a food product, food ingredient, dietary ingredient,
13 dietary supplement or beverage for human consumption;

14 (b) "kratom extract" means a food product or dietary ingredient
15 containing any part of the leaf of the plant *mitragyna speciosa* that has
16 been extracted or concentrated in order to provide more standardized
17 product content;

18 (c) "kratom product" means a food product or dietary ingredient
19 containing any part of the leaf of the plant *mitragyna speciosa* or an extract
20 thereof and is manufactured as a powder, capsule, tablet, beverage or other
21 edible form;

22 (d) "processor" means a person that sells, prepares, manufactures,
23 distributes or maintains kratom products or advertises, represents or holds
24 itself out as selling, preparing or maintaining kratom products;

25 (e) "retailer" means any person that sells, distributes, advertises,
26 represents or holds itself out as selling or maintaining kratom products;
27 and

28 (f) "secretary" means the secretary of agriculture.

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

31 (a) A kratom product that is adulterated with a dangerous non-kratom
32 substance. A kratom product is adulterated with a dangerous non-kratom
33 substance if the kratom product is mixed or packed with a non-kratom
34 substance and that substance affects the quality or strength of the kratom
35 product to such a degree as to render the kratom product injurious to a
36 consumer;

1 (b) a kratom product that is contaminated with a dangerous non-
2 kratom substance. A kratom product is contaminated with a dangerous
3 non-kratom substance if the kratom product contains a poisonous or
4 otherwise deleterious non-kratom ingredient, including, but not limited to,
5 the substances listed in K.S.A. 65-4101 et. seq., and amendments thereto,
6 and analogs (cf. 65-4101) of those substances;

7 (c) a kratom extract that contains levels of residual solvents higher
8 than is allowed in United States pharmacopeia chapter 467;

9 (d) a kratom product containing a level of 7-hydroxymitragynine in
10 the alkaloid fraction that is greater than 1% of the overall alkaloid
11 composition of the product;

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

15 (f) a kratom product that does not provide labeling directions
16 necessary for safe use by consumers, including a recommended serving
17 size, and the name and address of the manufacturer. Each kratom product
18 label shall contain the following: WARNING: The U.S. Food and Drug
19 Administration has not approved kratom for medical use. If you are
20 pregnant or nursing a baby, seek the advice of a health care professional
21 before using this product.

22 Sec. 4. A processor shall not distribute, sell or expose for sale a
23 kratom product to an individual under 21 years of age.

24 Sec. 5. (a) A processor that violates section 3 or 4, and amendments
25 thereto, shall be subject to a fine for a first offense of not more than \$1,000
26 and for a second or subsequent offense of not more than \$2,000. Upon the
27 request of a person to whom an administrative fine is issued, the director
28 shall conduct a hearing in accordance with K.S.A. 77-501 et seq, and
29 amendments thereto.

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

34 Sec. 6. The secretary of agriculture shall adopt rules and regulations
35 to administer sections 1 through 6, and amendments thereto.

36 Sec. 7. This act shall take effect and be in force from and after its
37 publication in the statute book.