

## HOUSE BILL No. 2084

By Committee on Federal and State Affairs

1-19

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; requiring the secretary of agriculture to adopt rules  
5 and regulations to administer the act.  
6

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

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

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

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

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

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

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

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

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

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

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

36 (b) a kratom product that is contaminated with a dangerous non-

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

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

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

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

14 (f) a kratom product that does not provide labeling directions  
15 necessary for safe use by consumers, including a recommended serving  
16 size, and the name and address of the manufacturer.

17 Sec. 4. A processor shall not distribute, sell or expose for sale a  
18 kratom product to an individual under 18 years of age.

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

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

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

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