

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute for Senate Bill No. 600, Page 1, Line 16, by inserting after all of said line the following:

"Further amend said bill, Page 38, Section 195.815, Line 28, by inserting after all of said line the following:

"196.1170. 1. The provisions of this section shall be known and may be cited as the "Kratom Consumer Protection Act".

2. As used in this section, the following terms mean:

(1) "Dealer", a person who sells, prepares, or maintains kratom products or advertises, represents, or holds himself or herself out as selling, preparing, or maintaining kratom products. Such person may include, but not be limited to, a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home, or food or drink company;

(2) "Department", the department of health and senior services;

(3) "Director", the director of the department or the director's designee;

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

(5) "Kratom product", a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa*.

3. The general assembly hereby occupies and preempts the entire field of regulating kratom products as provided in this section to the complete exclusion of any order, ordinance, or regulation by any political subdivision of this state. Any existing or future orders, ordinances, or regulations relating to kratom products as provided in this section are hereby void.

4. (1) A dealer who prepares, distributes, sells, or exposes for sale a food that is represented to be a kratom product shall disclose on the product label the factual basis upon which that representation is made.

(2) A dealer shall not prepare, distribute, sell, or expose for sale a food represented to be a kratom product that does not conform to the disclosure requirement under subdivision (1) of this subsection.

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

(1) A kratom product that is adulterated with a dangerous non-kratom substance. A kratom product shall be considered to be 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

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1 consumer;

2 (2) A kratom product that is contaminated with a dangerous non-kratom substance. A
3 kratom product shall be considered to be contaminated with a dangerous non-kratom substance if
4 the kratom product contains a poisonous or otherwise deleterious non-kratom ingredient including,
5 but not limited to, any substance listed in section 195.017;

6 (3) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction
7 that is greater than two percent of the alkaloid composition of the product;

8 (4) A kratom product containing any synthetic alkaloids, including synthetic mitragynine,
9 synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the plant
10 Mitragyna speciosa; or

11 (5) A kratom product that does not include on its package or label the amount of
12 mitragynine and 7-hydroxymitragynine contained in the product.

13 6. A dealer shall not distribute, sell, or expose for sale a kratom product to an individual
14 under eighteen years of age.

15 7. (1) If a dealer violates subdivision (1) of subsection 4 of this section, the director may,
16 after notice and hearing, impose a fine on the dealer of not more than five hundred dollars for the
17 first offense and not more than one thousand dollars for the second or subsequent offense.

18 (2) A dealer who violates subdivision (2) of subsection 4 of this section, subsection 5 of this
19 section, or subsection 6 of this section is guilty of a class D misdemeanor.

20 (3) A person aggrieved by a violation of subdivision (2) of subsection 4 of this section or
21 subsection 5 of this section may, in addition to and distinct from any other remedy at law or in
22 equity, bring a private cause of action in a court of competent jurisdiction for damages resulting
23 from that violation including, but not limited to, economic, noneconomic, and consequential
24 damages.

25 (4) A dealer does not violate subdivision (2) of subsection 4 of this section or subsection 5
26 of this section if a preponderance of the evidence shows that the dealer relied in good faith upon the
27 representations of a manufacturer, processor, packer, or distributor of food represented to be a
28 kratom product.

29 8. The department shall promulgate rules to implement the provisions of this section
30 including, but not limited to, the requirements for the format, size, and placement of the disclosure
31 label required under subdivision (1) of subsection 4 of this section and for the information to be
32 included in the disclosure label. Any rule or portion of a rule, as that term is defined in section
33 536.010, that is created under the authority delegated in this section shall become effective only if it
34 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
35 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
36 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
37 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
38 rule proposed or adopted after August 28, 2020, shall be invalid and void."; and

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40 Further amend said bill by amending the title, enacting clause, and intersectional references
41 accordingly.
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43 AMENDS 3383H10.47H