

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 916, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "196.1170. 1. This section shall be known and may be cited as the "Kratom Consumer
5 Protection Act".

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

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

12 (2) "Kratom", any good placed in the marketplace containing any part of the leaf of the plant
13 Mitragyna speciosa.

14 3. A dealer who prepares, distributes, sells, or exposes for sale kratom including, but not
15 limited to, kratom intended for human consumption, shall disclose the factual basis upon which that
16 representation is made.

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

18 (1) Kratom that is adulterated with a dangerous nonkratom substance. Kratom shall be
19 considered to be adulterated with a dangerous nonkratom substance if the kratom is mixed or packed
20 with a nonkratom substance and that substance affects the quality or strength of the kratom to such a
21 degree as to render the kratom injurious to a consumer;

22 (2) Kratom that is contaminated with a dangerous nonkratom substance. Kratom shall be
23 considered to be contaminated with a dangerous nonkratom substance if the kratom contains a
24 poisonous or otherwise deleterious nonkratom ingredient including, but not limited to, any substance
25 listed in section 195.017;

26 (3) Any product marketed or sold as kratom that contains a level of 7-hydroxymitragynine
27 in the alkaloid fraction that is greater than two percent of the alkaloid composition contained
28 therein;

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1 (4) Kratom containing fully any synthetic alkaloids, including synthetic mitragynine,
2 synthetic 7-hydroxymitragynine, or any other fully synthetically derived compounds of the plant
3 Mitragyna speciosa;

4 (5) Kratom that does not include on its package or label the amount of mitragynine and 7-
5 hydroxymitragynine contained therein; or

6 (6) Synthetic analogs, derivatives, or mimetics of naturally occurring indole alkaloids found
7 specifically in the genus Mitragyna or other closely related genera within the Rubiaceae family,
8 excluding commonly consumed xanthine alkaloids such as caffeine.

9 5. A dealer shall not distribute, sell, or expose for sale kratom to an individual under twenty-
10 one years of age.

11 6. (1) A dealer who violates subsection 3 of this section shall be guilty of an infraction.

12 (2) A dealer who violates subsection 4 or 5 of this section shall be guilty of a class D
13 misdemeanor.

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

18 (4) A dealer does not violate subsection 3 or 4 of this section if a preponderance of the
19 evidence shows that the dealer relied in good faith upon the representations of a manufacturer,
20 processor, packer, or distributor represented to be kratom."; and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.