

FIRST REGULAR SESSION

HOUSE BILL NO. 1037

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRNES.

2401H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to kratom products, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.1170, to read as follows:

196.1170. 1. 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 or advertises, represents, or holds oneself out as selling, preparing, or maintaining kratom. 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) "Kratom", any good placed in the marketplace 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 to the complete exclusion of any order, ordinance, or regulation of any political subdivision of this state. Any political subdivision's existing or future orders, ordinances, or regulations relating to kratom are hereby void.

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

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

29 **(3) Kratom containing a level of 7-hydroxymitragynine in the alkaloid fraction**
30 **that is greater than two percent of the alkaloid composition contained therein;**

31 **(4) Kratom containing any synthetic alkaloids, including synthetic mitragynine,**
32 **synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the**
33 **plant *Mitragyna speciosa*; or**

34 **(5) Kratom that does not include on its package or label the amount of**
35 **mitragynine and 7-hydroxymitragynine contained therein.**

36 **6. A dealer shall not distribute, sell, or expose for sale kratom to an individual**
37 **under eighteen years of age.**

38 **7. (1) A dealer who violates subsection 4 of this section shall be guilty of an**
39 **infraction.**

40 **(2) A dealer who violates subsection 5 or 6 of this section shall be guilty of a class**
41 **D misdemeanor.**

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

46 **(4) A dealer does not violate subsection 4 or 5 of this section if a preponderance**
47 **of the evidence shows that the dealer relied in good faith upon the representations of a**
48 **manufacturer, processor, packer, or distributor represented to be kratom.**

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