

SECOND REGULAR SESSION

# HOUSE BILL NO. 2700

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

6403H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To amend chapter 196, RSMo, by adding thereto seven new sections 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 seven new sections, to be known as sections 196.1151, 196.1154, 196.1157, 196.1160, 196.1163, 196.1166, and 196.1169, to read as follows:

**196.1151. Sections 196.1151 to 196.1169 shall be known and may be cited as the "Missouri Kratom Consumer Protection Act".**

**196.1154. As used in sections 196.1151 to 196.1169, the following terms mean:**

**(1) "Attractive to children", a product manufactured:**

**(a) In a shape that resembles a human, a cartoon character, or an animal; or**

**(b) In a form that resembles an existing candy product that is a widely distributed, branded food item;**

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

**(3) "Finished kratom product", a kratom product that is ready for sale to the end user. For purposes of registration, a finished kratom product is differentiated by its ingredients, not by its weight, volume, or size;**

**(4) "Food service establishment", any establishment providing or serving food directly to consumers that is regulated by the department of health and senior services and local public health agencies;**

**(5) "Kratom", the plant or any part of the plant *Mitragyna speciosa* in any form;**

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.

14           (6) "Kratom beverage", a prepackaged liquid kratom product in the form of a  
15 tea, a seltzer or tonic water, or a tincture;

16           (7) "Kratom food service establishment", any food service establishment that  
17 sells finished kratom products;

18           (8) "Kratom product", a food product, food ingredient, dietary ingredient,  
19 dietary supplement, or beverage intended for human consumption that contains any  
20 part of the leaf of the plant *Mitragyna speciosa* and is manufactured as a powder,  
21 capsule, pill, beverage, or other consumable form;

22           (9) "Processor", an entity that:

23           (a) Refines kratom into input ingredients for the purpose of manufacturing a  
24 finished kratom product;

25           (b) Manufactures finished kratom products; or

26           (c) Packages finished kratom products for resale.

          196.1157. Finished kratom products sold to consumers at a retail establishment,  
2 a convenience store, or a kava or kratom bar in this state:

3           (1) Shall be in one of the following delivery forms:

4           (a) Dried leaf;

5           (b) Kratom beverage;

6           (c) Powder;

7           (d) Pill;

8           (e) Liquid dietary supplement;

9           (f) Gummy or food that is not attractive to children; or

10          (g) Capsule;

11          (2) Shall possess a certificate of analysis that has been submitted to the  
12 department as required under section 196.1160;

13          (3) Shall be registered with the department;

14          (4) Shall include directions for consumption of the kratom product on the  
15 product's label including, but not limited to:

16           (a) Maximum dosage of one hundred milligrams of kratom alkaloids per  
17 serving;

18           (b) Number of servings per package;

19           (c) Milligrams of 7-hydroxymitragynine and mitragynine per serving;

20           (d) A warning advising consumers of the number of servings that may be safely  
21 consumed in a twenty-four-hour period;

22           (e) A warning prohibiting use by individuals who are under twenty-one years of  
23 age;

- 24 (f) A warning advising against use by individuals who are pregnant or breast-  
25 feeding;
- 26 (g) A warning advising the consumer to consult a health care professional before  
27 use, that the product may be habit-forming, and that it may cause adverse health  
28 effects;
- 29 (h) A warning stating the following: "These statements have not been evaluated  
30 by the United States Food and Drug Administration. This product is not intended to  
31 diagnose, treat, cure, or prevent any disease.";
- 32 (i) The expiration date; and
- 33 (j) The name and place of business of the registrant;
- 34 (5) Shall comply with the packaging and labeling requirements set forth in this  
35 chapter and the rules adopted thereunder;
- 36 (6) Shall not be attractive to children;
- 37 (7) Shall be in a container that:
- 38 (a) Is suitable to contain products for human consumption;
- 39 (b) Is compliant with the United States Poison Prevention Packaging Act of 1970,  
40 15 U.S.C. Section 1471 et seq.; and
- 41 (c) Contains a graduated measuring device, if applicable;
- 42 (8) Shall not be adulterated including, but not limited to, containing metals,  
43 pesticides, or pathogens in excess of the limits set by sections 196.1151 to 196.1169 or  
44 department rule;
- 45 (9) Shall be sold only in establishments that restrict entry to persons who are  
46 twenty-one years of age or older and require age verification; and
- 47 (10) Shall not be served in a form that combines or mixes finished kratom  
48 products with psychoactive substances that impact the central nervous system  
49 including, but not limited to, alcohol, caffeine, kava, cannabinoids, and nicotine.
- 196.1160. 1. Kratom products shall be manufactured or distributed in this state  
2 only by a processor who is subject to and in compliance with all state laws and  
3 regulations applicable to food processors. Kratom products shall not be manufactured  
4 or distributed by a cottage food production operation under section 196.298.
- 5 2. A processor that manufactures, processes, packs, or offers for sale kratom,  
6 kratom products, or finished kratom products shall be properly registered with the  
7 United States Food and Drug Administration.
- 8 3. A processor shall comply with Current Good Manufacturing Practices  
9 contained in 21 CFR Part 210.
- 10 4. A processor shall maintain product liability insurance with an occurrence  
11 limit of three million dollars.

12           **5. For each batch of a registered finished kratom product, the processor shall**  
13 **retain and submit, upon request, a certificate of analysis to the department from an**  
14 **accredited laboratory. The laboratory shall be accredited under the International**  
15 **Organization for Standardization (ISO)/International Electrotechnical Commission**  
16 **(IEC) 17025:2017 General Requirements for the Competence of Testing and Calibration**  
17 **Laboratories standard by an accreditation body that is a signatory to the International**  
18 **Laboratory Accreditation Cooperation Mutual Recognition Arrangement or a**  
19 **subsequent arrangement. The processor shall not have any direct or indirect**  
20 **financial or economic interest in the laboratory or accrediting body. The processor**  
21 **shall maintain the certificates of analysis for a minimum of one year after the finished**  
22 **kratom product's expiration date. The certificate of analysis shall demonstrate that the**  
23 **finished kratom product is in compliance with the statutory and rule concentration**  
24 **limits for:**

- 25           **(1) Alkaloid and alkaloid metabolites;**  
26           **(2) Residual solvents;**  
27           **(3) Heavy metals including, but not limited to, cadmium, arsenic, mercury, and**  
28 **lead; and**  
29           **(4) Pesticides and any substance limited by rule of the department.**

30           **6. A finished kratom product served by a kratom food service establishment**  
31 **shall be registered with the department and comply with the requirements of sections**  
32 **196.1151 to 196.1169, except that a separate registration under sections 196.1151 to**  
33 **196.1169 is not required when a kratom beverage is combined with another food or**  
34 **beverage by the kratom food service establishment for consumption on premises. It is**  
35 **unlawful to serve kratom beverages combined with alcohol, drugs, or other kratom**  
36 **products.**

37           **7. Section 196.1157 shall not apply to finished kratom products processed or**  
38 **manufactured in this state and subsequently shipped or transported out of this state for**  
39 **sale or use outside of this state.**

40           **8. Finished kratom products produced in this state and subsequently shipped or**  
41 **transported out of this state for sale or use outside of this state:**

42           **(1) Shall not be sold, shipped, or transported to a consumer in this state, to a**  
43 **retail establishment in this state, or to a person who sells or intends to sell such products**  
44 **to a consumer in this state;**

45           **(2) Shall be in a package marked "NOT FOR USE OR RETAIL SALE IN**  
46 **MISSOURI" in a bold font size of at least thirty-six points; and**

47           **(3) Shall be physically separated from finished kratom products that are, or are**  
48 **intended to be, sold or used in this state.**

196.1163. 1. If a processor or the department receives notice of any adverse health event suspected to be related to the processor's kratom product, the processor or the department shall submit an adverse event report as set out in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 379aa-1(b)(1), to the United States Food and Drug Administration.

2. If probable cause exists that a kratom product may be adulterated, the department may require an independent third-party test of the kratom product by a laboratory of the department's choice, and the processor shall pay the cost of the test. If the processor does not make such payment to the department within thirty days after receiving the invoice for the testing fee, the department shall revoke the registration for that product.

196.1166. 1. A violation of section 196.1160 is a class B misdemeanor.

2. A processor that manufactures, delivers, offers for sale, distributes, or sells a finished kratom product that violates subdivision (2) or (3) of section 196.1157 shall be guilty of a class B misdemeanor.

3. Kratom products possessed, manufactured, delivered, offered for sale, distributed, or sold in violation of sections 196.1151 to 196.1169 by an entity regulated under this chapter may be detained or embargoed in the same manner as provided in section 196.030, and the entity in violation is subject to all penalties and remedies that apply for a violation of section 196.015. The department shall not grant permission to remove or use, except for disposal, detained or embargoed finished kratom products that are attractive to children until the finished kratom products comply with sections 196.1151 to 196.1169.

4. If a processor fails to provide the department with a certificate of analysis within seven days after receiving a request from the department or fails to immediately report an adverse health event to the department as required by sections 196.1151 to 196.1169, the department may revoke the processor's finished kratom product registration.

5. A processor that manufactures, delivers, offers for sale, distributes, or sells a kratom product that contains any controlled substance or adulterants is in violation of sections 196.1151 to 196.1169.

6. A laboratory that fails to ensure the accuracy of its certificates of analysis issued under sections 196.1151 to 196.1169 is subject to an administrative fine in an amount determined by the department by rule.

196.1169. The department shall promulgate all necessary rules and regulations for the administration of sections 196.1151 to 196.1169. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in

4 **this section shall become effective only if it complies with and is subject to all of the**  
5 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**  
6 **536 are nonseverable and if any of the powers vested with the general assembly**  
7 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
8 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
9 **and any rule proposed or adopted after August 28, 2026, shall be invalid and void.**

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