

H-8163

1 Amend House File 2133 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. NEW SECTION. 124F.1 Definitions.

5 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "*Attractive to children*" means a quality of a product  
8 that is any of the following:

9 a. Manufactured in the shape of humans, cartoons, or  
10 animals.

11 b. Manufactured in a form that bears any reasonable  
12 resemblance to an existing candy product that is familiar to  
13 the public as a widely distributed, branded food product such  
14 that a product could be mistaken for the branded product,  
15 especially by children.

16 c. Contains any color additives except for natural color  
17 additives.

18 2. "*Kratom leaf*" means the leaf of the kratom plant,  
19 *Mitragyna speciosa*, in fresh or dehydrated form, and subjected  
20 to no postharvest processing other than drying or size  
21 reduction, and to cleaning or sterilization through application  
22 of heat, steam, pressurization, irradiation, or other standard  
23 treatments applied to food ingredients.

24 3. "*Kratom extract*" means a substance or compound  
25 obtained by extraction of the kratom leaf that is intended  
26 for ingestion, contains more than trace amounts of *Mitragyna*  
27 *speciosa*, and does not contain any controlled substances or  
28 levels of residual solvents higher than is allowed in the  
29 United States pharmacopeia as published by the United States  
30 pharmacopeial convention.

31 4. "*Kratom product*" means a food or dietary supplement that  
32 meets all of the following conditions:

33 a. Consists of or contains kratom leaf or kratom leaf  
34 extract.

35 b. Does not contain any synthesized kratom alkaloids

1 or other synthesized kratom constituents, or synthesized  
2 metabolites of any kratom constituent.

3 c. Does not contain a level of 7-hydroxymitragynine  
4 concentrated at a level above four hundred parts per million  
5 on a dry-weight basis.

6 5. "*Processor*" means a person that manufactures, packages,  
7 labels, or distributes kratom products or advertises,  
8 represents, or holds itself out as manufacturing, preparing,  
9 packaging, or labeling kratom products.

10 6. "*Synthesized alkaloids*" means alkaloids that have  
11 undergone directed physical, chemical, or biosynthetic  
12 processes that result in changes to the substance's chemical  
13 composition.

14 Sec. 2. NEW SECTION. 124F.2 **Restrictions.**

15 1. A person shall not sell, offer for sale, provide, or  
16 distribute kratom leaf or a kratom product to a person under  
17 twenty-one years of age.

18 2. An online retailer or marketplace of kratom leaf or a  
19 kratom product shall implement an age-verification system to  
20 ensure compliance with subsection 1.

21 3. An individual, business, or other entity shall  
22 not produce, sell, or distribute a kratom product that is  
23 attractive to children.

24 Sec. 3. NEW SECTION. 124F.3 **Penalties.**

25 1. The department of health and human services may assess  
26 against a retailer or processor found to be in violation of  
27 section 124F.2 a civil penalty of up to one thousand dollars  
28 for the first offense and up to five thousand dollars for a  
29 second offense.

30 2. A retailer or processor committing a third or subsequent  
31 violation shall be assessed a civil penalty of at least five  
32 thousand dollars but not more than twenty thousand dollars and  
33 shall be prohibited from selling kratom products for up to  
34 three years.

35 3. A retailer does not violate section 124F.2 if it is shown

1 by a preponderance of the evidence that the retailer relied  
2 in good faith upon the representation of the manufacturer,  
3 processor, packer, or distributor of food represented to be a  
4 kratom product.>

5 2. Title page, by striking lines 1 and 2 and inserting  
6 <An Act regulating the sale, production, and distribution of  
7 kratom, and providing penalties.>

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BRADLEY of Jones