

S-5215

1 Amend House File 2133, as passed by the House, as follows:

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

4 <Section 1. Section 124.204, subsection 4, Code 2026, is  
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *cg.* 7-Hydroxymitragynine (methyl  
7 (E)-2[(2S,3S,7aS,12bS)-3-ethyl-7a-hydroxy-8-methoxy-2,3,4,6,7,12b-  
8 hexahydro-1H-indolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate)  
9 concentrated at a level above four hundred parts per million on  
10 a dry-weight basis as well as any synthetic, semisynthetic,  
11 chemically altered, laboratory-produced, or otherwise  
12 chemically transformed, whether by fermentation, enzymatic  
13 production, or other natural processes, compound that is  
14 structurally, chemically, or pharmacologically derived from  
15 naturally occurring kratom alkaloids or 7-hydroxymitragynine.  
16 Such substances include all salts; isomers, including optical,  
17 stereo, geometric, or structural isomers; analogues, including  
18 ethers, esters, and other analogues; metabolites; derivatives;  
19 pro-drugs; and homologs thereof, whether or not such forms are  
20 explicitly listed, when the compound does not occur naturally  
21 within unadulterated kratom plant material. The following are  
22 expressly excluded for purposes of this paragraph:

23 (1) Natural *Mitragyna speciosa* leaf.

24 (2) Naturally derived full-spectrum kratom extracts that  
25 have not been adulterated with synthetic or semi-synthetic  
26 substances.

27 (3) Any extract exhibiting an alkaloid profile naturally  
28 achievable through traditional extraction, concentration, or  
29 purification methods without chemical modification.

30 Sec. 2. NEW SECTION. 124F.1 Definitions.

31 As used in this chapter, unless the context otherwise  
32 requires:

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

35 a. Manufactured in the shape of humans, cartoons, or

1 animals.

2     *b.* Manufactured in a form that bears any reasonable  
3 resemblance to an existing candy product that is familiar to  
4 the public as a widely distributed, branded food product such  
5 that a product could be mistaken for the branded product,  
6 especially by children.

7     *c.* Contains any color additives except for natural color  
8 additives.

9     2. "*Kratom extract*" means a substance or compound  
10 obtained by extraction of the kratom leaf that is intended  
11 for ingestion, contains more than trace amounts of *Mitragyna*  
12 *speciosa*, and does not contain any controlled substances or  
13 levels of residual solvents higher than is allowed in the  
14 United States pharmacopeia as published by the United States  
15 pharmacopeial convention.

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

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

24     *a.* Consists of or contains kratom leaf or kratom extract.

25     *b.* Does not contain any synthesized kratom alkaloids  
26 or other synthesized kratom constituents, or synthesized  
27 metabolites of any kratom constituent.

28     *c.* Does not contain a level of 7-hydroxymitragynine  
29 concentrated at a level above four hundred parts per million  
30 on a dry-weight basis.

31     5. "*Processor*" means a person that manufactures, packages,  
32 labels, or distributes kratom products or advertises,  
33 represents, or holds itself out as manufacturing, preparing,  
34 packaging, or labeling kratom products.

35     6. "*Synthesized alkaloids*" means alkaloids that have

1 undergone directed physical, chemical, or biosynthetic  
2 processes that result in changes to the substance's chemical  
3 composition.

4 Sec. 3. NEW SECTION. 124F.2 Restrictions.

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

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

11 3. An individual, business, or other entity shall  
12 not produce, sell, or distribute a kratom product that is  
13 attractive to children.

14 Sec. 4. NEW SECTION. 124F.3 Penalties.

15 1. The department of health and human services may assess  
16 against a retailer or processor found to be in violation of  
17 section 124F.2 a civil penalty of up to one thousand dollars  
18 for the first offense and up to five thousand dollars for a  
19 second offense.

20 2. A retailer or processor committing a third or subsequent  
21 violation shall be assessed a civil penalty of at least five  
22 thousand dollars but not more than twenty thousand dollars and  
23 shall be prohibited from selling kratom products for up to  
24 three years.

25 3. A retailer does not violate section 124F.2 if it is shown  
26 by a preponderance of the evidence that the retailer relied  
27 in good faith upon the representation of the manufacturer,  
28 processor, packer, or distributor of food represented to be a  
29 kratom product.>

30 2. Title page, by striking lines 1 through 2 and inserting  
31 <An Act regulating the sale, production, and distribution of  
32 kratom, providing penalties, and making penalties applicable.>

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