

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 927

AN ACT

To amend chapter 196, RSMo, by adding thereto two new sections relating to kratom.

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

Section A. Chapter 196, RSMo, is amended by adding thereto two new sections, to be known as sections 196.1170 and 196.1175, to read as follows:

196.1170. 1. As used in this section, the following terms mean:

(1) "Adulterated", the addition of fentanyl or any other controlled substance, a synthesized alkaloid or semi-synthesized alkaloid, or another substance prohibited by law;

(2) "Alkaloid fraction", a portion of a plant or plant extract that contains primarily alkaloid compounds;

(3) "Controlled substance", the same meaning as in section 195.010;

(4) "Kratom leaf", the leaf of the *Mitragyna speciosa* plant in fresh, dehydrated, or dried form;

(5) "Kratom leaf extract", the material extracted from a kratom leaf through the application of a solvent consisting of water, ethanol, food-grade carbon dioxide, or another solvent allowed by federal or state law to be used in the manufacturing of a food ingredient;

(6) "Kratom product", a food or dietary supplement that consists of, or contains, any part of a kratom leaf, a kratom leaf extract, or any kratom alkaloid, kratom constituent, or kratom metabolite. "Kratom product" shall not include any synthesized alkaloids or semi-synthesized alkaloids;

(7) "Semi-synthesized alkaloid", an alkaloid or alkaloid derivative of the kratom leaf that has been created by chemical synthesis or biosynthetic means, including, but not limited to, fermentation, recombinant techniques, yeast-derived techniques, and enzymatic techniques, rather than by traditional food preparation techniques such as heat or extracting.

2. No person shall:

(1) Knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product:

(a) That is adulterated;

(b) To a person under twenty-one years of age;

(c) That contains 7-hydroxymitragynine concentrated at a level above eight hundred parts per million on a dry-weight basis;

(d) That is a confection; mimics a candy product; or is manufactured, packaged, or distributed in a way that is appealing to children, including, but not limited to, the distinct shape of a human, an animal, or fruit; or

(e) That is combustible or intended for vaporization;

(2) Prepare, distribute, advertise, sell, or offer to sell a kratom product that does not have a label that clearly and conspicuously sets forth on each retail package:

(a) The name and address for the place of business of the manufacturer or distributor of the kratom product;

(b) The full list of ingredients in the kratom product;

(c) A disclosure and advice:

a. Against use by individuals who are under twenty-one years of age, pregnant, or breast-feeding;

b. To consult a health care professional prior to use;

c. That kratom may be habit-forming; and

d. That kratom may interact with certain medications, drugs, and controlled substances;

(d) The following statements:

a. "THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE FOOD AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO DIAGNOSE, TREAT, CURE, OR PREVENT ANY DISEASE."; and

b. "KEEP OUT OF REACH OF CHILDREN."; and

(e) Directions for use that include:

a. A recommended amount of the kratom product per serving;

b. The number of recommended servings per package;

c. A recommended number of servings of the kratom product that can be safely consumed in a twenty-four-hour period; and

d. Quantitative declarations of the amount of mitragynine and the amount of 7-hydroxymitragynine per serving of the kratom product; and

(3) Manufacture, package, label, or distribute a kratom product that:

(a) Contains synthesized alkaloids or semi-synthesized alkaloids; or

(b) Has 7-hydroxymitragynine concentrated at a level above eight hundred parts per million on a dry-weight basis.

3. A person that conducts the activities described in subsection 2 of this section shall be deemed to have engaged in an unlawful practice in violation of section 407.020.

196.1175. 1. (1) A person shall not give, sell, distribute, dispense, or offer for sale a kratom product to any person who is under twenty-one years of age. Before giving, selling, distributing, dispensing, or offering to sell an individual any kratom product, a person shall request from the individual and examine a government-issued photographic identification that establishes that the individual is twenty-one years of age or older. A violation of this subsection shall constitute an infraction.

(2) It shall be an affirmative defense for any person alleged to have violated the provisions of subsection 1 of this section that the person furnishing the kratom product was presented with and reasonably relied upon a government-issued photographic identification that identified the individual receiving the kratom product as being twenty-one years of age or older.

2. Nothing in the provisions of this section shall be interpreted to prohibit a political subdivision from enacting an ordinance, rule, or regulation prohibiting the sale of kratom products to persons under twenty-one years of age or imposing requirements more stringent than those provided in this section; provided, that such ordinance, rule, or regulation does not establish a minimum age to purchase kratom products that is under twenty-one years of age.

3. As used in this section, the term "kratom" shall mean:

(1) Any part of the leaf of the *Mitragyna speciosa* plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or

(2) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine.