

SENATE BILL NO. 927

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NURRENBERN.

5719S.011

KRISTINA MARTIN, Secretary

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
2 two new sections, to be known as sections 196.1170 and 196.1175,
3 to read as follows:

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

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

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

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

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

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

17 (6) "Kratom product", a food or dietary supplement
18 that consists of, or contains, any part of a kratom leaf, a

19 kratom leaf extract, or any kratom alkaloid, kratom
20 constituent, or kratom metabolite. "Kratom product" shall
21 not include any synthesized alkaloids or semi-synthesized
22 alkaloids;

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

30 2. No person shall:

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

33 (a) That is adulterated;

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

35 (c) That contains a level of 7-hydroxymitragynine in
36 the alkaloid fraction that is greater than two percent of
37 the alkaloid composition of the kratom product;

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

42 (e) That is combustible or intended for vaporization;

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

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

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

49 (c) A disclosure and advice:

- 50 a. Against use by individuals who are under twenty-
- 51 one years of age, pregnant, or breast-feeding;
- 52 b. To consult a health care professional prior to use;
- 53 c. That kratom may be habit-forming; and
- 54 d. That kratom may interact with certain medications,
- 55 drugs, and controlled substances;

56 (d) The following statements:

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

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

61 (e) Directions for use that include:

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

64 b. The number of recommended servings per package;

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

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

71 (3) Display or store kratom products in a retail
72 location in a manner that will allow the products to be
73 accessed by individuals under twenty-one years of age; and

74 (4) Manufacture, package, label, or distribute a
75 kratom product that:

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

78 (b) Has a level of 7-hydroxymitragynine in the
79 alkaloid fraction that is greater than two percent of the
80 alkaloid composition of the product.

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

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

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

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

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

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

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

✓