

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR

# HOUSE BILL NO. 1667

## 101ST GENERAL ASSEMBLY

3296S.02T

2022

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### AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to kratom products, with penalty provisions.

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

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.1170, to read as follows:

**196.1170. 1. This section shall be known and may be cited as the "Kratom Consumer Protection Act".**

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

**(1) "Dealer", a person who sells, prepares, or maintains kratom products or advertises, represents, or holds oneself out as selling, preparing, or maintaining kratom products. Such person may include, but not be limited to, a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home, or food or drink company;**

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

**(3) "Director", the director of the department or the director's designee;**

**(4) "Food", a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption;**

**(5) "Kratom product", a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa*.**

**3. The general assembly hereby occupies and preempts the entire field of regulating kratom products to the complete exclusion of any order, ordinance, or regulation of any political subdivision of this state. Any political subdivision's existing**

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.

18 or future orders, ordinances, or regulations relating to kratom products are hereby  
19 void.

20 4. (1) A dealer who prepares, distributes, sells, or exposes for sale a food that is  
21 represented to be a kratom product shall disclose on the product label the factual basis  
22 upon which that representation is made.

23 (2) A dealer shall not prepare, distribute, sell, or expose for sale a food  
24 represented to be a kratom product that does not conform to the disclosure requirement  
25 under subdivision (1) of this subsection.

26 5. A dealer shall not prepare, distribute, sell, or expose for sale any of the  
27 following:

28 (1) A kratom product that is adulterated with a dangerous non-kratom  
29 substance. A kratom product shall be considered to be adulterated with a dangerous  
30 non-kratom substance if the kratom product is mixed or packed with a non-kratom  
31 substance and that substance affects the quality or strength of the kratom product to  
32 such a degree as to render the kratom product injurious to a consumer;

33 (2) A kratom product that is contaminated with a dangerous non-kratom  
34 substance. A kratom product shall be considered to be contaminated with a dangerous  
35 non-kratom substance if the kratom product contains a poisonous or otherwise  
36 deleterious non-kratom ingredient including, but not limited to, any substance listed in  
37 section 195.017;

38 (3) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid  
39 fraction that is greater than two percent of the alkaloid composition of the product;

40 (4) A kratom product containing any synthetic alkaloids, including synthetic  
41 mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived  
42 compounds of the plant *Mitragyna speciosa*; or

43 (5) A kratom product that does not include on its package or label the amount of  
44 mitragynine and 7-hydroxymitragynine contained in the product.

45 6. A dealer shall not distribute, sell, or expose for sale a kratom product to an  
46 individual under eighteen years of age.

47 7. (1) If a dealer violates subdivision (1) of subsection 4 of this section, the  
48 director may, after notice and hearing, impose a fine on the dealer of no more than five  
49 hundred dollars for the first offense and no more than one thousand dollars for the  
50 second or subsequent offense.

51 (2) A dealer who violates subdivision (2) of subsection 4 of this section,  
52 subsection 5 of this section, or subsection 6 of this section is guilty of a class D  
53 misdemeanor.

54           **(3) A person aggrieved by a violation of subdivision (2) of subsection 4 of this**  
55 **section or subsection 5 of this section may, in addition to and distinct from any other**  
56 **remedy at law or in equity, bring a private cause of action in a court of competent**  
57 **jurisdiction for damages resulting from that violation including, but not limited to,**  
58 **economic, noneconomic, and consequential damages.**

59           **(4) A dealer does not violate subdivision (2) of subsection 4 of this section or**  
60 **subsection 5 of this section if a preponderance of the evidence shows that the dealer**  
61 **relied in good faith upon the representations of a manufacturer, processor, packer, or**  
62 **distributor of food represented to be a kratom product.**

63           **8. The department shall promulgate rules to implement the provisions of this**  
64 **section including, but not limited to, the requirements for the format, size, and**  
65 **placement of the disclosure label required pursuant to subdivision (1) of subsection 4 of**  
66 **this section and for the information to be included in the disclosure label. Any rule or**  
67 **portion of a rule, as that term is defined in section 536.010, that is created under the**  
68 **authority delegated in this section shall become effective only if it complies with and is**  
69 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**  
70 **section and chapter 536 are nonseverable, and if any of the powers vested with the**  
71 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
72 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
73 **rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be**  
74 **invalid and void.**

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