
DIGEST

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HB 572 Original

2023 Regular Session

Goudeau

Abstract: Provides relative to kratom products.

Proposed law creates the "Kratom Consumer Protection Act" for the purpose of regulating the preparation, distribution, sale, or exposure for sale of kratom.

Proposed law provides for the following definitions related to kratom products and distribution of kratom products:

(1) Commissioner

(2) Food

(3) Kratom extract

(4) Kratom product

(5) Processor

(6) Retailer

Proposed law specifies products that processors are not permitted to prepare, distribute, sell, or expose for sale. Specifies that this prohibition includes:

(1) Kratom products that are adulterated with a dangerous non-kratom substance that renders the product injurious to a consumer.

(2) Kratom contaminated with a dangerous non-kratom substance, such as a poisonous or otherwise deleterious ingredient, including, but not limited to, the substances listed in the state's controlled substances list.

(3) Kratom extract that contains levels of residual solvents higher than is allowed in the United States Pharmacopeia 467.

(4) Kratom products containing a level of 7-hydroxymitragynine and alkaloid fraction greater than one percent of the overall alkaloid composition.

- (5) Kratom products containing any synthetic alkaloids.
- (6) Kratom products not adequately labeled with directions for safe use by a consumer.

Proposed law prohibits processors from distributing or exposing for sale kratom products to minors.

Proposed law provides for kratom product registration, including processor registration, which includes a certificate of analysis (COA) from a certified independent third party, non-compliance reports, which require the processor to produce an updated and current COA showing compliance with the requirements for safe kratom products, adverse events reports, which must be submitted to the department and third party verification, which the processor must be required to submit payment for an independent third party laboratory test of a registered kratom product if the department has a reasonable basis to require a test.

Proposed law provides penalties for violations of proposed law. Specifies that a processor that violates proposed law is subject to an administrative fine of not more than \$500 for the first offense and not more than \$1000 for a second or subsequent offense. Requires the commissioner to conduct a hearing in accordance with the Administrative Procedure Act upon request of a person to whom an administrative fine is issued. Additionally, specifies that a retailer does not violate proposed law if shown by a preponderance of the evidence that the retailer relied in good faith on the representation of a manufacturer, processor, or distributor of food represented to be a kratom product.

(Amends the heading of Part XI of Chapter 4 of Title 40; Adds R.S. 40:1051-1056)