
DIGEST

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HB 655 Reengrossed

2023 Regular Session

Goudeau

Abstract: Establishes a regulatory process for sale of kratom containing products.

Proposed law creates the "Kratom Consumer Protection Act" to regulate the preparation, distribution, and sale of kratom.

Proposed law establishes the following criteria for kratom products sold in Louisiana:

- (1) Cannot be adulterated with a dangerous nonkratom substance that renders the product injurious to a consumer.
- (2) Must contain levels of residual solvents less than is allowed by the U.S. Pharmacopeia standards
- (3) Must not contain 7-hydroxymitragynine in excess of one percent of the overall alkaloid composition.
- (4) Must not contain any synthetic alkaloids.

Proposed law requires all of the following on the package of a kratom product:

- (1) A recommended a serving size.
- (2) A recommended number of servings.
- (3) A recommended daily serving amount.
- (4) The name, address, and phone number of the manufacturer or processor.
- (5) A disclaimer that the product has not been evaluated by the U.S. Food and Drug Administration, and that the drug has not been approved to treat, cure, diagnose, or prevent any disease.

Proposed law prohibits the sale of kratom products to anyone under the age of 21 and requires retailers to verify the age of the purchaser prior to completing a sale of a kratom product.

Proposed law tasks the commissioner of the La. office of alcohol and tobacco control with studying

and reporting on the feasibility of regulating kratom products, processors, and retailers.

Proposed law provides that feasibility study will study the following:

- (1) The appropriate state agency or agencies to regulate the manufacture, sale, and use of kratom products.
- (2) The appropriate entity to test kratom products to verify compliance with proposed law.
- (3) The proper procedure for adverse health events reporting.
- (4) The appropriate fees, taxes, and registration requirements.
- (5) The proper fines and other enforcement penalties for noncompliance with proposed law.

Proposed law provides that the commissioner shall report on the feasibility of regulating kratom products, processors, and retailers by Feb. 1, 2024.

Proposed law requires a processor to report adverse health events to the La. Dept. of Health and the U.S. Food and Drug Administration.

Proposed law provides that kratom products that do not comply with proposed law may be seized and destroyed by law enforcement.

Proposed law establishes that proposed law shall be null and void if the U.S. Drug Enforcement Administration adds mitragynine to the federal Controlled Substance Schedule.

Proposed law provides proposed law shall not apply to any local governmental entity that passes stricter regulations than are provided by proposed law including the prohibition of kratom products.

Effective upon signature of governor or a lapse of time for gubernatorial action.

(Adds R.S. 26:941-946)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Change the placement of proposed law from Title 40 of the La. Revised Statutes of 1950 to Title 26 of the La. Revised Statutes of 1950.
2. Clarify the distinction between a retailer and a processor as defined by proposed law.
3. Remove all provisions related to the registration of kratom products with the commissioner of the office of alcohol and tobacco control.

4. Remove penalties and fines for violations resulting from noncompliance with proposed law.
5. Add a requirement that retailers must store and display kratom products in an area not accessible to the public without assistance from the retailer.
6. Add a procedure that retailers must follow to verify the age of a purchaser prior to completing a sale of a kratom products.
7. Add that the commissioner of the office of alcohol and tobacco control shall study the feasibility of regulating kratom products, processors, and retailers and report the results of the study no later than Feb. 1, 2024.
8. Clarify that local government entities may enact stricter regulations than provided by proposed law or prohibit the sale of kratom products.