
DIGEST

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HB 523 Original

2020 Regular Session

Mincey

Abstract: Provides relative to the distribution and sale of kratom products.

Proposed law provides that proposed law shall be known as the "Kratom Consumer Protection Act".

Proposed law provides for the following definitions:

- (1) Adulterated kratom product.
- (2) Department.
- (3) Kratom product.
- (4) Label.
- (5) Labeling.
- (6) Vendor.

Proposed law provides that the labeling associated with kratom products shall be in compliance with federal law, 21 U.S.C. 301 et seq. Further provides that the following shall be included on the product label:

- (1) A list of all ingredients contained in the product.
- (2) A warning for minors and pregnant women who may consume the product.
- (3) A warning that the product may be hazardous to a consumer's health.
- (4) A recommended serving size to be consumed for safety purposes.
- (5) The manufacturer's business name, address, and telephone number.
- (6) The amount of Mitragynine and 7-Hydroxy-mitragynine contained in the product.
- (7) A statement that the kratom product contains less than 2% of 7-Hydroxy-mitragynine of the total alkaloid content.

Proposed law provides that the La. Dept. of Health may promulgate rules in accordance with the Administrative Procedure Act to provide for any additional labeling of kratom products.

Proposed law provides that a vendor may not sell, prepare, distribute, or expose for sale any of the following:

- (1) A kratom product that is adulterated with a dangerous substance. Further providing that a kratom product is considered adulterated when it is mixed with a non-kratom substance that causes the quality of the product to be rendered dangerous for a consumer. A dangerous substance includes, but is not limited to those controlled dangerous substances listed in present law.
- (2) The kratom product contains 7-Hydroxy-mitragynine that is greater than 2% of the alkaloid composition of the product.
- (3) The kratom product contains synthetic alkaloids derived from the *Mitragyna speciosa* leaf.

Proposed law provides that it is unlawful to distribute a kratom product to a minor. Further provides that if a person violates proposed law, they shall be fined no more than \$50.

Proposed law provides that a vendor who violates the labeling specification shall be subjected to a fine of no more than \$500 for the first offense and no more than \$1000 for the second or subsequent offense.

Proposed law provides that a vendor who sells an adulterated product or contains more than the allowable alkaloid content shall be guilty of a misdemeanor and punished by a fine of not to exceed \$1000.

Proposed law provides that a vendor does not violate proposed law if it is proven by a preponderance of the evidence that the vendor relied in good faith upon the representation that the product contains kratom.

Proposed law provides that any person aggrieved by proposed law may bring a civil suit in a court of competent jurisdiction for damages.

Proposed law repeals present law.

(Adds R.S. 40:1050.1-1050.6; Repeals R.S. 40:989.3)