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## DIGEST

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HB 655 Engrossed

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, sale, or exposure for sale of kratom.

Proposed law establishes the following criteria for kratom containing products to be sold in Louisiana. Kratom products:

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

Proposed law establishes the requirements for the packaging of kratom products including the manufacturer recommended serving size, number of servings, and recommended daily serving amount.

Proposed law requires kratom packages to include the disclaimer that the product has not been evaluated by the U.S. Food and Drug Administration (FDA), 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.

Proposed law requires a processor to register with the commissioner of alcohol and tobacco control each kratom product intended to be sold to an end consumer on an annual basis. Proposed law further provides that the processor must pay a registration fee and obtain a certificate of analysis from a university-run laboratory to evidence the product's compliance with the requirements of proposed law.

Proposed law establishes a mechanism for the commissioner to test kratom products after a reliable report of noncompliance with the requirements of proposed law. A processor shall pay the costs associated with testing.

Proposed law establishes a procedure for reporting adverse events related to a registered product and method of testing at the cost of the processor. Proposed law requires the report to go the La. Dept. of Health and the FDA.

Proposed law provides for administrative fines for violations of proposed law. The penalties are as follows:

- (1) On a first offense, the fine is not more than \$500.

- (2) On a second and subsequent offense, the fine is not more than \$1,000.
- (3) On a third offense, in addition to the fine, the product's registration is revoked for not less than one year and additional fees.

Proposed law provides that if, by preponderance of the evidence, a retailer shows that the violation occurred by a good faith error or mistake, the penalties will not be enforced.

Proposed law provides proposed law shall not apply to any local governmental entity that passes more strict rules regarding kratom products than are provided by proposed law.

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 Controlled Substance Schedule.

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

(Adds R.S. 40:1051-1056 )