

By: Senator(s) Tate

To: Drug Policy; Judiciary,
Division B

SENATE BILL NO. 2403

1 AN ACT TO ENACT THE "MISSISSIPPI KRATOM CONSUMER PROTECTION
2 ACT" TO REGULATE THE PREPARATION, DISTRIBUTION, AND SALE OF KRATOM
3 PRODUCTS; TO DEFINE TERMS; TO PROHIBIT THE PREPARATION,
4 DISTRIBUTION AND SALE OF ADULTERATED OR CONTAMINATED KRATOM
5 PRODUCTS; TO PRESCRIBE FINES AND PENALTIES FOR VIOLATIONS OF THIS
6 ACT; TO AUTHORIZE THE DEPARTMENT OF HEALTH TO ADMINISTER THE ACT;
7 AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** This act shall be known and may be cited as the
10 "Mississippi Kratom Consumer Protection Act."

11 **SECTION 2.** For purposes of this act, the following words
12 shall have the meanings ascribed herein unless the context
13 otherwise requires:

14 (a) "Department" means the Department of Health.

15 (b) "Processor" means a person that sells, prepares,
16 manufactures, distributes or maintains kratom products, or
17 advertises, represents or holds itself out as selling, preparing,
18 or maintaining kratom products.



19 (c) "Food" means food, food product, food ingredient,
20 dietary ingredient, dietary supplement or beverage for human
21 consumption.

22 (d) "Kratom product" means a food product or dietary
23 ingredient:

24 (i) Containing any part of the leaf of the plant
25 Mitragyna species or an extract of it; and

26 (ii) Manufactured as a powder, capsule, pill,
27 beverage or other consumable form.

28 (e) "Retailer" means any person that sells,
29 distributes, advertises, represents or holds itself out as selling
30 or maintaining kratom products.

31 **SECTION 3.** A processor or retailer shall not prepare,
32 distribute, sell or offer for sale any of the following:

33 (a) A kratom product that is adulterated with a
34 dangerous nonkratom substance. A kratom product is adulterated
35 with a dangerous nonkratom substance if the kratom product is
36 mixed or packed with a nonkratom substance and that substance
37 affects the quality or strength of the kratom product to such a
38 degree as to render the kratom product injurious to a consumer.

39 (b) A kratom product that is contaminated with a
40 dangerous nonkratom substance. A kratom product is contaminated
41 with a dangerous nonkratom substance if the kratom product
42 contains a poisonous or otherwise deleterious nonkratom
43 ingredient, including, but not limited to, the substances listed



44 in Sections 41-29-113, 41-29-115, 41-29-117, 41-29-119 and
45 41-29-121.

46 (c) A kratom product containing a level of
47 7-hydroxymitragynine in the alkaloid fraction that is greater than
48 two percent (2%) of the overall alkaloid composition of the
49 product.

50 (d) A kratom product containing any synthetic
51 alkaloids, including synthetic mitragynine, synthetic
52 7-hydroxymitragynine, or any other synthetically derived compounds
53 of the kratom plant.

54 (e) A kratom product that does not provide adequate
55 labeling necessary for safe and effective use by consumers,
56 including a recommended serving size.

57 **SECTION 4.** A processor or retailer shall not distribute,
58 sell or expose for sale a kratom product to an individual under
59 twenty-one (21) years of age.

60 **SECTION 5.** (1) A processor or retailer that violates
61 Section 3 of this act is subject to an administrative fine of not
62 more than One Thousand Dollars (\$1,000.00) for the first offense
63 and not more than Five Thousand Dollars (\$5,000.00) for any second
64 or subsequent offense. Any person or entity fined under this
65 subsection (1) shall have all of the administrative and judicial
66 remedies available under law.

67 (2) A retailer does not violate Section 3 of this act if it
68 is shown by a preponderance of the evidence that the retailer



69 relied in good faith upon the representations of a manufacturer,
70 processor, packer or distributor of food represented to be a
71 kratom product.

72 **SECTION 6.** The department shall administer the provisions of
73 this act. The department shall have authority to promulgate, from
74 time to time, such rules and regulations as are necessary for the
75 enforcement of the provisions of this act.

76 **SECTION 7.** This act shall take effect and be in force from
77 and after July 1, 2022.

