

By: Representative Yancey

To: Business and Commerce

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1077

1 AN ACT TO PROHIBIT RETAILERS, MANUFACTURERS AND WHOLESALERS
2 FROM SELLING OR DISTRIBUTING KRATOM PRODUCTS TO ANY PERSON UNDER
3 THE AGE OF TWENTY-ONE YEARS; TO PROHIBIT PERSONS UNDER THE AGE OF
4 TWENTY-ONE YEARS FROM PURCHASING, RECEIVING, OR HAVING IN HIS OR
5 HER POSSESSION IN ANY PUBLIC PLACE ANY KRATOM PRODUCTS; TO DEFINE
6 CERTAIN TERMS RELATING TO THIS ACT; TO PROVIDE PENALTIES FOR A
7 VIOLATION OF THIS ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** As used in this act, the following terms have the
10 meanings as defined in this section, unless the context clearly
11 indicates otherwise:

12 (a) "Kratom product" means a food or dietary supplement
13 that consists of or contains kratom leaf or kratom leaf extract
14 that does not contain any synthesized kratom alkaloids, other
15 kratom constituents, or synthesized metabolites of any kratom
16 constituent in which the level of 7-hydroxymitragynine, on a
17 percent weight basis, is not greater than one percent (1%) of the
18 amount of total kratom alkaloids, as confirmed with a
19 high-performance liquid chromatography testing method and not to
20 exceed one-half (0.5) milligram per container. For the purposes



of this paragraph, "synthesized" refers to substances produced using directed synthetic or biosynthetic chemistry, as opposed to traditional food preparation techniques such as heating or extracting.

(b) "Retailer" means a person that sells or maintains kratom products or that advertises, represents or holds itself out as selling, preparing or maintaining kratom products and includes a store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, or food or drink company.

(c) "Wholesaler", "jobber" or "distributor" means a person doing a regularly organized wholesale or jobbing business, known to the trade as such, and selling kratom products to licensed retail dealers or other wholesalers for resale in the regular course of business.

(d) "Manufacturer" means a person that produces, prepares, compounds or processes kratom products. This includes any person packaging, repackaging, labeling or relabeling of kratom products.

SECTION 2. (1) (a) A retailer, manufacturer, and/or wholesaler shall not distribute or sell a kratom product to an individual under twenty-one (21) years of age.

(b) Kratom products offered for sale must be placed behind the retailer's counter.



45 (c) Every person engaged in the business of selling
46 kratom products at retail shall notify each individual employed
47 by that person as a retail sales clerk that state law:

48 (i) Prohibits the sale or distribution of kratom
49 products, including samples, to any person under twenty-one (21)
50 years of age and the purchase or receipt of kratom products by
51 any person under twenty-one (21) years of age; and

52 (ii) Requires that proof of age be demanded from a
53 prospective purchaser or recipient if the prospective purchaser
54 or recipient is under the age of twenty-one (21) years. Every
55 person employed by a person engaged in the business of selling
56 kratom products at retail shall sign an agreement with his
57 employer in substantially the following or similar form:

58 "I understand that state law prohibits the sale or distribution
59 of kratom products to persons under the age of twenty-one (21)
60 years, and requires that proof of age be demanded from a
61 prospective purchaser or recipient under twenty-one (21) years of
62 age if the individual is not known to the seller, barterer,
63 deliverer or giver of the kratom product to be over the age of
64 twenty-one (21) years. I promise, as a condition of my
65 employment, to observe this law."

66 (d) No retailer who instructs his employee as provided
67 in this section shall be liable for any violations committed by
68 such employees.



(2) A retailer, wholesaler, jobber, distributor and manufacturer shall not prepare, distribute, or sell any of the following:

(a) A kratom product that does not meet the definition for a kratom product pursuant to Section 1 of this act;

(b) A kratom product that is contaminated with a dangerous nonkratom substance. A kratom product is contaminated with a dangerous nonkratom substance if the kratom product contains a substance that is not safe for human consumption;

(c) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than one percent (1%) of the alkaloid composition and not to exceed one-half (0.5) milligram per container of the product;

(d) A kratom product containing any synthesized, or semi-synthesized, alkaloid, including synthesized or semi-synthesized mitragynine, synthesized or semi-synthesized 7-hydroxymitragynine or any other synthesized or semi-synthesized compounds of the kratom plant;

(e) A kratom product containing any controlled substance listed in the Uniform Controlled Substances Act, unless the product is compounded by a licensed pharmacist with the controlled substance dispensed in accordance with a valid prescription.

SECTION 3. (1) (a) Any person under the age of twenty-one (21) years who falsely states he or she is twenty-one (21) years



94 of age or older, or presents any document that indicates he or she
95 is twenty-one (21) years of age or older, for the purpose of
96 entering the premises of a retailer that sells, stores, or
97 maintains kratom products shall be guilty of a misdemeanor, and
98 shall be punished by a fine of not less than One Hundred Dollars
99 (\$100.00), nor more than Two Hundred Dollars (\$200.00), and a
100 sentence to not more than thirty (30) days community service.

101 (b) Any person under the age of twenty-one (21) years
102 who purchases, receives, or has in his or her possession in any
103 public place, any kratom product, shall be guilty of a misdemeanor
104 and shall be punished by a fine of not less than Two Hundred
105 Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).

106 (2) (a) A retailer or agent of a retailer, wholesaler,
107 jobber, distributor and manufacturer that sells, stores, or
108 maintains kratom products, who violates, or permits the violation
109 of, Section 2 of this act, upon conviction, shall be punished by a
110 fine of not more than One Thousand Dollars (\$1,000.00) per
111 violation.

112 (b) A retailer or agent of a retailer, wholesaler,
113 jobber, distributor and manufacturer that sells, stores, or
114 maintains kratom products, who shall sell, furnish, dispose of,
115 give, or cause to be sold, furnished, disposed of, or given, any
116 kratom product to any person under the age of twenty-one (21)
117 years, upon conviction, shall be punished by a fine of not more
118 than One Thousand Dollars (\$1,000.00) per violation.



119 **SECTION 4.** This act shall take effect and be in force from
120 and after July 1, 2025, and shall stand repealed on June 30, 2025.

