

By: Representative Yancey

To: Business and Commerce

HOUSE BILL NO. 1077
(As Sent to Governor)

1 AN ACT TO PROHIBIT RETAILERS, MANUFACTURERS AND WHOLESALERS
2 FROM SELLING OR DISTRIBUTING KRATOM PRODUCTS TO ANY PERSON UNDER
3 THE AGE OF 21 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; TO PROVIDE THAT ANY MUNICIPALITY OR COUNTY
8 THAT ENACTED A BAN AND/OR RESTRICTION ON KRATOM PRODUCTS BEFORE
9 JULY 1, 2025, SHALL RETAIN THE AUTHORITY TO CONTINUE ENFORCING ANY
10 SUCH BAN AND OR RESTRICTION; TO PROVIDE THAT THIS ACT SHALL NOT
11 PREEMPT, OVERRIDE, OR PROHIBIT ANY FUTURE ENFORCEMENT OF ANY BAN
12 AND/OR RESTRICTION BY MUNICIPALITIES AND COUNTIES SEEKING TO
13 REGULATE, RESTRICT, OR BAN KRATOM PRODUCTS WITHIN THEIR
14 JURISDICTIONS; AND FOR RELATED PURPOSES.

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

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

19 (a) "Kratom product" means a food or dietary supplement
20 that consists of or contains kratom leaf or kratom leaf extract
21 that does not contain any synthesized kratom alkaloids, other
22 kratom constituents, or synthesized metabolites of any kratom
23 constituent in which the level of 7-hydroxymitragynine, on a
24 percent weight basis, is not greater than one percent (1%) of the



amount of total kratom alkaloids, as confirmed with a high-performance liquid chromatography testing method and not to 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.

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

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

(ii) Requires that proof of age be demanded from a prospective purchaser or recipient if the individual is not known to the seller, barterer, deliverer or giver of the kratom product to be the age of twenty-one (21) years or older. Every person employed by a person engaged in the business of selling kratom products at retail shall sign an agreement with his employer in substantially the following or similar form:

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



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

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

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

(b) 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;

(c) 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; or

(d) Any kratom product that does not have a label that clearly sets forth the identity, address and telephone number of the manufacturer, and a full list of the ingredients in the kratom product.

(3) A retailer, wholesaler, jobber, distributor or manufacturer shall not sell, distribute or expose for sale a



kratom product prior to registering with the Mississippi
Department of Revenue.

(4) A retailer, wholesaler, jobber, distributor or
manufacturer shall comply with the provisions of subsection (3)
of this section from and after October 1, 2025.

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
of age or older, or presents any document that indicates he or she
is twenty-one (21) years of age or older, for the purpose of
purchasing or otherwise obtaining kratom products shall be guilty
of a misdemeanor, and shall be punished by a fine of not less than
One Hundred Dollars (\$100.00), nor more than Two Hundred Dollars
(\$200.00), and a sentence to not more than thirty (30) days
community service.

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

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



SECTION 4.

Notwithstanding any provision of this act, any municipality or county that enacted a ban and/or restriction on kratom products before July 1, 2025, shall retain the authority to continue enforcing any such ban and/or restriction. In addition, this act shall not preempt, override, or prohibit any future enactment of any ban and/or restriction by municipalities and counties seeking to regulate, restrict, or ban kratom products within their jurisdictions.

SECTION 5.

This act shall take effect and be in force from and after July 1, 2025.

