

By: Senator(s) Hickman

To: Public Health and
Welfare

SENATE BILL NO. 2738

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.



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

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

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

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

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

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

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

(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 poisonous or otherwise deleterious nonkratom ingredient, including, but not limited to, the substances listed



in Sections 41-29-113, 41-29-115, 41-29-117, 41-29-119 and
41-29-121;

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

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

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

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

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

(2) A retailer does not violate Section 3 of this act if it
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, 2025.

