

By: Representative Horan

To: Business and Commerce;  
Ways and Means

HOUSE BILL NO. 1553

1 AN ACT TO BE KNOWN AS THE "MISSISSIPPI KRATOM CONSUMER  
2 PROTECTION ACT"; TO DEFINE CERTAIN TERMS; TO PROHIBIT THE SALE OF  
3 KRATOM PRODUCTS TO PERSONS UNDER AGE 21 AND TO PRESCRIBE  
4 ADDITIONAL RESTRICTIONS ON THE SALE OF KRATOM PRODUCTS; TO  
5 ESTABLISH CERTAIN REQUIREMENTS RELATING TO THE MANUFACTURE OF  
6 KRATOM PRODUCTS; TO REQUIRE CERTAIN INFORMATION TO BE  
7 CONSPICUOUSLY DISPLAYED ON KRATOM PRODUCTS PACKAGED FOR RETAIL  
8 SALE; TO LEVY AN EXCISE TAX ON PERSONS ENGAGED IN THE SALE OF  
9 KRATOM PRODUCTS IN THE AMOUNT OF FIVE PERCENT OF THE RETAIL SALES  
10 PRICE; TO PRESCRIBE CIVIL PENALTIES FOR PERSONS SELLING KRATOM  
11 PRODUCTS WITHOUT A REGISTRATION; TO PROHIBIT LOCAL GOVERNING  
12 AUTHORITIES FROM IMPOSING ADDITIONAL RESTRICTIONS OR REQUIREMENTS  
13 RELATING TO KRATOM PRODUCTS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) This act shall be known and may be cited as  
16 the "Mississippi Kratom Consumer Protection Act".

17 (2) For purposes of this act, the following words and  
18 phrases have the meanings ascribed in this subsection unless the  
19 context clearly requires otherwise:

20 (a) "Kratom leaf" means the leaf of the kratom plant  
21 (Mitragyna speciosa) in fresh or dehydrated (dried) form and  
22 subjected to no post-harvest processing other than:

23 (i) Drying or size reduction (e.g., by cutting,  
24 milling, or similar procedure); and

25 (ii) Cleaning or sterilization through the  
26 application of heat, steam, pressurization, irradiation or other  
27 standard treatments applied to food ingredients.

28 (b) "Kratom leaf extract" means the material extracted  
29 from kratom leaves via application of a solvent consisting of  
30 water, ethanol or food grade carbon dioxide, or any other solvent  
31 allowed by federal or state regulation to be used in the  
32 manufacturing of a food ingredient.

33 (c) "Kratom product" means a food or dietary supplement  
34 that consists of or contains kratom leaf or kratom leaf extract.

35 (d) "Synthesized" means an alkaloid or alkaloid  
36 derivative that has been created by chemical synthesis or  
37 biosynthetic means (including, but not limited to, fermentation,  
38 recombinant techniques, yeast derived and enzymatic techniques)  
39 rather than traditional food preparation techniques such as  
40 heating or extracting.

41 (e) "Semi-synthesized" means a kratom extract that has  
42 been further exposed to chemicals or processes, or both, that  
43 would confer a structural change in the alkaloids contained within  
44 the extract (i.e., oxidation, reduction, ring opening/closing),  
45 resulting in material that has been chemically altered.

46 (f) "Attractive to children" means products that are:

47 (i) Manufactured in the shape of humans, cartoons  
48 or animals; or

49 (ii) Manufactured in a form that bears a  
50 reasonable resemblance to an existing candy product that is  
51 familiar to the public as a widely distributed, branded food  
52 product, such that the product could be mistaken for the branded  
53 product, especially by children.

54 (g) "Processor" means a person that manufactures,  
55 packages, labels or distributes kratom products or advertises,  
56 represents or holds itself out as manufacturing, preparing,  
57 packaging or labeling kratom products.

58 (h) "Person" has the same meaning as ascribed in  
59 Section 1-3-39.

60 **SECTION 2.** (1) A person may not sell, offer for sale,  
61 provide or distribute kratom leaf or a kratom product to a person  
62 under twenty-one (21) years of age.

63 (2) An online retailer or marketplace of kratom leaf or  
64 kratom products shall implement an age-verification system to  
65 ensure compliance with subsection (1) of this section.

66 (3) A person may not sell, offer for sale, provide or  
67 distribute a kratom product that contains a level of  
68 7-hydroxymitragynine in the alkaloid fraction that is greater than  
69 two percent (2%) of the alkaloid composition of the kratom  
70 product.

71 (4) An individual, business or other entity may not produce,  
72 sell or distribute a kratom product that is attractive to  
73 children.

74 (5) A person may not distribute kratom consumable products  
75 through displays accessible to the public without the assistance  
76 of a retailer's employee or agent other than in an establishment  
77 open only to persons twenty-one (21) years of age or older or  
78 encased where other products accessible to persons twenty-one (21)  
79 years of age or older are stored.

80 (6) A person or entity may not offer for sale a kratom  
81 product that contains or is adulterated with synthesized or  
82 semi-synthesized kratom alkaloids or kratom constituents.

83 **SECTION 3.** (1) A kratom product sold, offered for sale, or  
84 introduced into commerce in the State of Mississippi must be  
85 manufactured, packaged, labeled and held in compliance with U.S.  
86 federal laws and regulations for current good manufacturing  
87 practices in manufacturing, packaging, labeling or holding  
88 operations for dietary supplements, as codified in 21 CFR Part  
89 111.

90 (2) A processor that manufactures, processes, packages or  
91 holds kratom products out for sale in the State of Mississippi  
92 must be properly registered with the U.S. Food and Drug  
93 Administration.

94 **SECTION 4.** A kratom product produced, manufactured,  
95 distributed, sold or offered for sale must have a label that

96 clearly and conspicuously provides all of the following  
97 information on each retail package:

98 (a) A recommendation against the use by individuals who are  
99 under twenty-one (21) years of age, who are pregnant, or who are  
100 breastfeeding;

101 (b) A recommendation to consult a health care professional  
102 before use;

103 (c) An advisement that kratom may interact with certain  
104 medications;

105 (d) An advisement that kratom may be habit forming;

106 (e) The following statement: "These statements have not been  
107 evaluated by the United States Food and Drug Administration. This  
108 product is not intended to diagnose, treat, cure or prevent any  
109 disease.";

110 (f) The name and place of business of the processor,  
111 manufacturer, packer or distributor;

112 (g) Directions for use that include the following:

113 (i) A recommended amount of the kratom product per  
114 serving; and

115 (ii) A recommended number of servings that can be  
116 safely consumed in a 24-hour period;

117 (h) Quantitative declarations of the amount per serving of  
118 the following:

119 (i) Mitragynine; and

120 (ii) 7-hydroxymitragynine.

121           **SECTION 5.** For the privilege of engaging or continuing  
122 within this state in the business of the retail sale of kratom or  
123 kratom products, there is levied upon and collected from every  
124 person exercising the privilege a privilege tax equal to five  
125 percent (5%) of the retail sales price of kratom or kratom  
126 products sold during the reporting period. The tax imposed under  
127 this section is in addition to all other applicable taxes.

128           **SECTION 6.** (1) A person who sells a kratom product without  
129 a registration in violation of this act is subject to a civil  
130 penalty not exceeding One Thousand Dollars (\$1,000.00) for a first  
131 offense and not exceeding Five Thousand Dollars (\$5,000.00) for a  
132 second offense. All penalties shall be payable to the Department  
133 of Public Safety.

134           (2) For a third violation and each subsequent violation, the  
135 person who sells a kratom product without a registration in  
136 violation of this act is subject to a fine of not less than Five  
137 Thousand Dollars (\$5,000.00) nor more than Twenty Thousand Dollars  
138 (\$20,000.00). In addition to the fine, the person is prohibited  
139 from selling kratom products in the State of Mississippi for a  
140 period of three (3) years.

141           **SECTION 7.** A local governing authority within the State of  
142 Mississippi may not impose additional restrictions on kratom leaf  
143 or kratom products greater than those set forth in this act or  
144 enact additional requirements on the manufacture of kratom leaf,  
145 kratom extract or a kratom product.

146           **SECTION 8.** This act shall take effect and be in force from  
147 and after July 1, 2025.