

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1077: Kratom products; prohibit sale to persons under 21.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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
25 amount of total kratom alkaloids, as confirmed with a
26 high-performance liquid chromatography testing method and not to
27 exceed one-half (0.5) milligram per container. For the purposes
28 of this paragraph, "synthesized" refers to substances produced
29 using directed synthetic or biosynthetic chemistry, as opposed to



30 traditional food preparation techniques such as heating or
31 extracting.

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

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

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

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

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

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



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

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

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

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

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



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

83 (b) A kratom product containing a level of
84 7-hydroxymitragynine in the alkaloid fraction that is greater
85 than one percent (1%) of the alkaloid composition and not to
86 exceed one-half (0.5) milligram per container of the product;

87 (c) A kratom product containing any controlled
88 substance listed in the Uniform Controlled Substances Act, unless
89 the product is compounded by a licensed pharmacist with the
90 controlled substance dispensed in accordance with a valid
91 prescription; or

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

96 (3) A retailer, wholesaler, jobber, distributor or
97 manufacturer shall not sell, distribute or expose for sale a
98 kratom product prior to registering with the Mississippi
99 Department of Revenue.

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

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



105 of age or older, or presents any document that indicates he or she
106 is twenty-one (21) years of age or older, for the purpose of
107 purchasing or otherwise obtaining kratom products shall be guilty
108 of a misdemeanor, and shall be punished by a fine of not less than
109 One Hundred Dollars (\$100.00), nor more than Two Hundred Dollars
110 (\$200.00), and a sentence to not more than thirty (30) days
111 community service.

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

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

123 **SECTION 4.** Notwithstanding any provision of this act, any
124 municipality or county that enacted a ban and/or restriction on
125 kratom products before July 1, 2025, shall retain the authority to
126 continue enforcing any such ban and/or restriction. In addition,
127 this act shall not preempt, override, or prohibit any future
128 enactment of any ban and/or restriction by municipalities and



129 counties seeking to regulate, restrict, or ban kratom products
130 within their jurisdictions.

131 **SECTION 5.** This act shall take effect and be in force from
132 and after July 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

X (SIGNED)
Yancey

X (SIGNED)
Calvert

X (SIGNED)
Aguirre

CONFEREES FOR THE SENATE

X (SIGNED)
Bryan

X (SIGNED)
Turner-Ford

X (SIGNED)
Fillingane

