

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 168

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO KRATOM; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 55, TITLE 22, IDAHO CODE, TO PROVIDE FOR THE IDAHO KRATOM CONSUMER PROTECTION ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR KRATOM PRODUCT LIMITATIONS, AND TO PROVIDE FOR VIOLATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 55, Title 22, Idaho Code, and to read as follows:

CHAPTER 55

IDAHO KRATOM CONSUMER PROTECTION ACT

22-5501. SHORT TITLE. This act shall be known and may be cited as the "Idaho Kratom Consumer Protection Act."

22-5502. DEFINITIONS. As used in this act:

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

(2) "Kratom product" means a food that contains any part of the leaf of the plant *Mitragyna speciosa* or an extract of it with a level of 7-hydroxymitragynine in the alkaloid fraction that is less than two percent (2%) of the overall alkaloid composition of the product and is manufactured as a powder, capsule, pill, beverage, or other edible form. All kratom products are foods.

(3) "Processor" means a person who sells, prepares, manufactures, distributes, or maintains kratom products or advertises, represents, or holds himself out as selling, preparing, or maintaining kratom products.

(4) "Retailer" means any person who sells, distributes, advertises, represents, or holds himself out as selling or maintaining kratom products.

22-5503. KRATOM PRODUCT LIMITATIONS. A processor shall not prepare, distribute, sell, or expose for sale a kratom product that:

(1) Is adulterated or contaminated with a prohibited nonkratom substance if the kratom product is mixed with or contains a prohibited substance listed in section 37-2732, Idaho Code; or

(2) Artificially synthesizes or enhances the 7-hydroxymitragynine alkaloid composition of the product greater than the limits set forth in section 22-5502(3), Idaho Code.

22-5504. VIOLATIONS. (1) A processor or retailer that violates section 22-5503, Idaho Code, is subject to an administrative fine of not more than one thousand dollars (\$1,000) for each offense.

1 (2) A retailer does not violate section 22-5503, Idaho Code, if it is
2 shown by a preponderance of the evidence that the retailer relied in good
3 faith on the representations of a manufacturer, processor, packer, or dis-
4 tributor of food represented to be a kratom product.