2025 Regular Session

HOUSE BILL NO. 253

BY REPRESENTATIVE BOYER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DRUGS: Provides relative to kratom

AN ACT

To enact Chapter 9 of Title 26 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 26:941 through 944, relative to kratom products; to provide for definitions; to prohibit sale or distribution of kratom to persons under twenty-one years of age and under other circumstances; to provide labeling requirements for kratom products; to provide for approval and registration of kratom products; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 9 of Title 26 of the Louisiana Revised Statutes of 1950, comprised of R.S. 26:941 through 944, is hereby enacted to read as follows:

CHAPTER 9. KRATOM CONSUMER PROTECTION ACT

§941. Short title

This Chapter shall be known and may be cited as the "Kratom Consumer Protection Act".

§942. Definitions

As used in this Chapter, the following terms have the following meanings:

(1) "Artificial" means produced using directed synthetic, semi-synthetic, or biosynthetic chemistry, as opposed to traditional food preparation techniques such as heating or extracting.

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

(3) "Kratom leaf" means the leaf of the kratom plant, Mitragyna speciosa, in fresh or dehydrated or dried form that undergoes no post-harvest processing other than drying or size reduction by cutting, milling, or similar procedure, and may be cleaned or sterilized using standard treatments applied to food ingredients, such as heat, steam, pressurization, or irradiation or other standard treatments applied to food ingredients.

(4) "Kratom leaf extract" means the material obtained by extracting kratom using a solvent consisting of water, ethanol, or food-grade solvent.

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

(6) "Total kratom alkaloids" means the sum amount of mitragynine, speciociliatine, speciogynine, paynantheine, and 7-hydroxymitragynine.

(7) "Vendor" means a person who sells, prepares, or maintains kratom products or who advertises, represents, or holds himself out as selling, preparing, or maintaining kratom products and includes a manufacturer, wholesaler, store, restaurant, or any business that provides kratom to its customers or clients.

§943. Kratom products criteria

A. A vendor shall not prepare, manufacture, process, distribute, or sell any of the following:

(1) A kratom product that does not meet the definition for a kratom product pursuant to R.S. 26:942.

(2) A kratom product that contains a substance that is not safe for human consumption.

(3) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than one percent of the alkaloid composition and exceeding one-half milligram per container of the product.

(4) A kratom product containing any artificial alkaloid, including mitragynine, 7-hydroxymitragynine, or any other artificial compounds or metabolites of the kratom plant.

(5) A kratom product containing a level of any residual solvent that was used in the manufacturing of the kratom product and exceeds the residual level specified for pharmaceutical products by the United States Department of Health and Human Services, Food and Drug Administration.

(6) A kratom product in which the total alkaloid content of kratom leaf material used exceeds three and one-half percent measured on a dry weight basis.

(7) A kratom product that contains a level of 7-hydroxymitragynine, on a percent weight basis, that is greater than one percent of the amount of total kratom alkaloids, as confirmed with a high-performance liquid chromatography testing method and exceeds one milligram per container.

(8) A kratom product in which the amount of mitragynine is not twice that of any other alkaloid present. The ratio of mitragynine to other alkaloids in the product shall be equal to or greater than the ratio found in the starting material.

(9) A liquid kratom product that is not packaged in a retail container clearly identifying the serving size.

(10) A kratom product that is not registered by the Louisiana Department of Health.

B. Kratom products shall be accompanied by a label bearing the following information prior to its sale in this state:

(1) A list of the ingredients, which shall include the common or usual name of each ingredient used in the manufacture of the product, listed in descending order of predominance.

(2) That the sale or transfer of kratom to a person under twenty-one years of age is prohibited.

(3) The amount of total kratom alkaloids, mitragynine, and 7-hydroxymitragynine contained in the product or in each serving.

(4) The name and the principal street address of the vendor or the person responsible for distributing the product.

(5) Any federal food allergen labeling requirements, if applicable, and clear and adequate directions for the consumption and safe and effective use of such product, including the recommended serving size, the number of servings in the container, and the number of servings that can be safely consumed in a day.

(6) A warning that a consumer should consult a healthcare professional on questions about the use of kratom, that the product may be habit-forming, and a statement that the kratom product is not intended to "diagnose, treat, cure, or prevent any disease".

(7) A statement that a kratom product label is prohibited from making any therapeutic claims unless approved by the United States Food and Drug Administration.

C. Upon request by the Louisiana Department of Health, the vendor shall provide test results from a United States-based testing facility to confirm the items listed on the product label.

§944. Registration and reporting

A.(1) A manufacturer shall register with the Louisiana Department of Health each kratom product intended to be offered for sale to an end consumer. Each kratom product registration is valid for one year.

(2) A manufacturer shall pay to the Louisiana Department of Health a registration fee, adjusted annually, to cover all administrative costs for processing and administering the registration program.

(3)(a) Upon payment of the registration fee, a manufacturer shall submit a certificate of analysis for a product from a United States-based testing facility to confirm the items listed on the product comply with the requirements of this Chapter.

(b) If the kratom product does not comply with the requirements of this Subsection, the department shall not register the product.

B.(1) Upon learning of an adverse event related to a registered kratom product, a processor shall submit an adverse event report via certified mail to the Louisiana Department of Health and the United States Food and Drug Administration in accordance with federal law.

(2) A failure to report an adverse event to the department shall authorize the secretary to revoke a product's registration.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Prohibits the sale of kratom products that do not meet certain chemical makeup and packaging requirements. Requires kratom manufacturers to register products with the La. Dept. of Health (LDH) and submit a certificate of analysis verifying the product's contents.

Proposed law provides definitions regarding kratom products.

Proposed law prohibits vendors and manufacturers from producing or selling kratom products:

(1) That contain dangerous substances.

(2) That contain more than 1% of 7-hydroxymitragynine.

(3) That contain levels of residual solvents in amounts higher than that specified by the FDA.

(4) That contain levels of alkaloids higher than 3.5%.

(5) In which the amount of mitragynine is less than the starting material.

(6) That are liquid products which do not clearly identify the serving size.

(7) That are not registered by LDH.

Proposed law states that labels for kratom products shall:

(1) List all ingredients.

(2) State that the sale of kratom to a person under 21 is prohibited.

(3) List the amount of total kratom alkaloids.

(4) Identify the name and address of the vendor.

(5) List any food allergens.

(6) Provide a warning that the consumer should consult a healthcare professional for questions.

(7) Provide a statement that the label is prohibited from making any therapeutic claims unless approved by the FDA.

Proposed law requires a vendor to provide kratom test results upon request by LDH.

Proposed law requires manufacturers to register kratom products with LDH annually and pay a registration fee to LDH.

Proposed law requires manufacturers to submit a certificate of analysis from a testing facility.

Proposed law provides that LDH shall not register products that do not comply with registration requirements of proposed law.

Proposed law requires processors to submit adverse event reports to LDH upon discovery of adverse events. Proposed law further provides that a failure to report an adverse event shall authorize the secretary to revoke a product's registration.

(Adds R.S. 26:941-944)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes.