

3rd Sub. S.B. 45

Kratom Adjustments

Representative **Jon Hawkins** proposes the following amendments:

1. *Line 10 through 15:*

- 10 Agriculture and Food;
- 11 →only allows a retail tobacco specialty business to sell kratom;
- 12 →bans the sale of certain kratom products;
- creates certain criminal exemptions for the manufacture and out-of-state distribution for kratom products;**
- 13 →amends provisions related to penalties and fees;
- 14 →amends the age for who can purchase a kratom product;
- 15 →schedules 7-hydroxymitragynine, including synthetics, if the 7-hydroxymitragynine

2. *Line 112 through 118:*

- 112 [~~(4)~~](3) A kratom processor or kratom retailer may not prepare, distribute, sell, or offer for
- 113 sale a kratom product that is not registered with the department in accordance with this
- 114 chapter.
- 115 [~~(5)~~](4) (a) A kratom processor, **including a kratom processor described in Subsection (5),**
- shall register as a food establishment in accordance with
- 116 Section 4-5-301 and with the department as a kratom processor.
- 117 (b) A kratom retailer shall register with the department as a kratom retailer.
- 118 (c) The department may not register a person as a kratom retailer unless the kratom

3. *Line 128:*

- 128 (ii) assess the fine described in Subsection (4)(e)(i) against any person who offers a
- 129 kratom product for sale in this state if the person is not registered as a kratom
- 130 processor or kratom retailer.
- (5) Notwithstanding Subsection (1)(a), a kratom processor may prepare, possess, distribute, sell, or offer**
- 90 **for sale a kratom product that is not a pure leaf kratom product if:**
- (a) the kratom product is not offered for retail sale or distribution in this state; and**
- (b) the kratom product is manufactured and distributed for lawful sale in another state.**

4. *Line 152:*

- 152 Section **58-37-3.4.** is enacted to read:

153 **58-37-3.4** Exemption for 7-hydroxymitragynine in {pure leaf kratom} a kratom product.

154 (1) As used in this section, {"pure leaf kratom"} :

155 (a) "Kratom product" means the same as that term is defined in
Section 4-45-102.

(b) "Total kratom alkaloid composition" means the same as that term is defined in Section 4-45-102.

156 (2) Notwithstanding any other provision of this chapter a person who possesses,
157 manufacturers, or distributes {pure leaf kratom} a kratom product is not subject to the penalties
described in

158 this title for the possession, manufacture, or distribution of 7-hydroxymitragynine {to the}
159 {extent that} if:

(a) the person's possession, manufacture, or distribution of the {pure leaf kratom} kratom
product

160 complies with Title 4, Chapter 45, Kratom Regulation Act {;} ; and

(b) the kratom product does not contain 7-hydroxymitragynine at a level greater than
0.4% of the total kratom alkaloid composition of the product.