

3rd Sub. S.B. 45
Kratom Adjustments

Representative **Matt MacPherson** proposes the following amendments:

1. *Line 57 through 72:*

57 plant *Mitragyna speciosa*.

58 (4) "Kratom retailer" means a person who sells a kratom product for retail sale in the state.

59 (5) "Pure leaf kratom" means a kratom product that:

60 (a) ~~{ is identifiable as plant matter or is identifiable plant matter contained in an }~~

61 ~~{ encapsulating agent described in Subsection (5)(b) }~~ is dried, crushed, powdered, or extracted
leaf of *Mitragyna speciosa*;

62 ~~{ (b) is not mixed or packed with a nonkratom substance unless the nonkratom substance~~
~~}~~

63 ~~{ is an inert encapsulating agent that:~~

64 ~~{ (i) is composed of food-grade or pharmaceutical-grade materials with no~~

65 ~~{ pharmacological activity;~~

66 ~~{ (ii) contains no psychoactive substances, stimulants, or adulterants; and~~

67 ~~{ (iii) serves solely to contain or deliver the plant matter;~~

68 ~~{ (c) does not contain any kratom extract; and~~

69 ~~{ (d) (b) does not contain 7-hydroxymitragynine at a level greater than 0.4% of the total~~
70 ~~kratom alkaloid composition of the product { : } ;~~

(c) if extracted, is only extracted using water, ethanol, or other food-grade solvents;

(d) does not contain a synthesized, semi-synthesized, or chemically modified kratom
alkaloid; and

(e) has not had any alkaloid added, removed, enriched, or otherwise altered.

71 (6) "Total kratom alkaloid composition" means the total amount of all alkaloids derived
72 from the *Mitragyna speciosa* plant.

2. *Line 109 through 117:*

109 preponderance of the evidence that the kratom processor relied in good faith upon the
110 representation of a manufacturer, processor, packer, or distributor of food represented to
111 be a kratom product.]

112 [(4)](3) (a) 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.

(b) A kratom retailer may not offer a kratom product for sale in Utah unless:

- (i) the kratom product is behind a counter in an area only accessible to store a employee;**
- (ii) in a secured locked display which is only accessible with the intervention of a store employee; or**
- (iii) positioned alongside other products displayed for individuals that are 21 years old.**

115 ~~(5)~~(4) (a) A kratom processor 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.