

88 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant; or
 89 (e) that does not include a product label on the kratom product packaging that states the
 90 amount of mitragynine and 7-hydroxymitragynine contained in the packaged kratom product.

91 (2) A kratom processor who violates Subsection (1) is ~~§~~ [:

92 ~~(a)] ~~§~~ guilty of a ~~§~~ class C ~~§~~ misdemeanor for each violation ~~§~~ [;~~ and

93 ~~(b) punishable by imprisonment for not more than 90 days, a fine not to exceed \$500,~~
 94 ~~or both] ~~§~~ .~~

95 (3) A kratom processor does not violate Subsection (1) if the kratom processor shows
 96 by a preponderance of the evidence that the kratom processor relied in good faith upon the
 97 representation of a manufacturer, processor, packer, or distributor of food represented to be a
 98 kratom product.

99 (4) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom
 100 product that is not registered with the department in accordance with this chapter.

101 (5) A kratom processor shall register as a food establishment in accordance with
 102 Section 4-5-301.

103 Section 5. Section **4-44-105** is enacted to read:

104 **4-44-105. Prohibition on sale to minors -- Criminal penalty.**

105 (1) A kratom processor may not distribute, sell, or offer for sale a kratom product to an
 106 individual under 18 years of age.

107 (2) A kratom processor who violates this section is ~~§~~ [:

108 ~~(a)] ~~§~~ guilty of a ~~§~~ class C ~~§~~ misdemeanor for each violation ~~§~~ [;~~ and

109 ~~(b) punishable by imprisonment for not more than 90 days, a fine not to exceed \$500,~~
 110 ~~or both] ~~§~~ .~~

111 Section 6. Section **4-44-106** is enacted to read:

112 **4-44-106. Civil action available.**

113 In addition to and distinct from any other remedy at law, an individual may bring a civil
 114 action, in a competent court of jurisdiction, for damages resulting from a violation of this
 115 chapter, including economic, noneconomic, or consequential damages.

116 Section 7. Section **4-44-107** is enacted to read:

117 **4-44-107. Rulemaking.**

118 (1) In accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, the