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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1066

01/30/2023 Authored by Hanson, J.; West; Gomez; Bierman; Berg and others
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to consumer protection; establishing the Minnesota Kratom Consumer
1.3 Protection Act; authorizing administrative penalties; proposing coding for new
1.4 law in Minnesota Statutes, chapter 325F.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 325F.995 TITLE.

1.7 Sections 325F.996 to 325F.998 may be referred to as the "Minnesota Kratom Consumer
1.8 Protection Act."

1.9 Sec. 2. 325F.996 DEFINITIONS.

1.10 Subdivision 1. Scope. For purposes of sections 325F.997 and 325F.998, the following
1.11 terms have the meanings given.

1.12 Subd. 2. Commissioner. "Commissioner" means the commissioner of agriculture.

1.13 Subd. 3. Dietary supplement. "Dietary supplement" has the meaning given in section
1.14 144G.08.

1.15 Subd. 4. Kratom. "Kratom" means any part of the leaf of the plant Mitragyna Speciosa,
1.16 and any mitragynine or 7-hydroxymitragynine alkaloid compounds derived from the leaf.

1.17 Subd. 5. Kratom extract. "Kratom extract" means kratom that has been extracted and
1.18 concentrated to facilitate standardized dosing.

1.19 Subd. 6. Kratom processor. "Kratom processor" means a person who manufactures or
1.20 prepares kratom extract or kratom product for sale to other kratom processors, distributors,
1.21 wholesalers, kratom retailers, or consumers.

2.1 Subd. 7. **Kratom product.** "Kratom product" means a dietary supplement containing
2.2 kratom or kratom extract, whether manufactured as a powder, capsule, pill, beverage, or
2.3 other edible form.

2.4 Subd. 8. **Kratom retailer.** "Kratom retailer" means a person who sells or offers for sale
2.5 kratom products to consumers.

2.6 Subd. 9. **Person.** "Person" means any individual, firm, partnership, cooperative, society,
2.7 joint stock association, association, company, or corporation and includes any officer,
2.8 employee, agent, trustee, receiver, assignee, or other similar business entity or representative
2.9 of one of those entities.

2.10 **Sec. 3. [325F.997] PROHIBITED KRATOM EXTRACTS AND PRODUCTS.**

2.11 Subdivision 1. **Certain extracts and products prohibited.** It is unlawful to manufacture,
2.12 prepare, distribute, sell, or offer for sale a kratom extract or kratom product identified in
2.13 this section.

2.14 Subd. 2. **Adulterated product.** A kratom product that is adulterated with a dangerous
2.15 nonkratom substance must not be manufactured, prepared, distributed, sold, or offered for
2.16 sale. A kratom product is adulterated with a dangerous nonkratom substance if the kratom
2.17 product is mixed or packed with a nonkratom substance that affects the quality or strength
2.18 of the kratom product to such a degree that the kratom product is injurious to a consumer.

2.19 Subd. 3. **Contaminated product.** A kratom product that is contaminated with a dangerous
2.20 nonkratom substance must not be manufactured, prepared, distributed, sold, or offered for
2.21 sale. A kratom product is contaminated with a dangerous nonkratom substance if the kratom
2.22 product contains a poisonous or otherwise deleterious nonkratom ingredient, including, but
2.23 not limited to, a controlled substance listed under section 152.02.

2.24 Subd. 4. **Residual solvents.** A kratom extract that contains levels of residual solvents
2.25 higher than is allowed by United States Pharmacopeia 467 must not be manufactured,
2.26 prepared, distributed, sold, or offered for sale.

2.27 Subd. 5. **Alkaloid fraction.** A kratom product containing a level of 7-hydroxymitragynine
2.28 in the alkaloid fraction that is greater than two percent of the overall alkaloid composition
2.29 of the kratom product must not be manufactured, prepared, distributed, sold, or offered for
2.30 sale.

2.31 Subd. 6. **Synthetic alkaloids.** A kratom product containing any synthetic alkaloids
2.32 including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically

3.1 derived compound of kratom must not be manufactured, prepared, distributed, sold, or
3.2 offered for sale.

3.3 Subd. 7. **Inadequate labeling.** A kratom product that does not provide adequate labeling
3.4 direction necessary for safe and effective use by consumers, including a recommended
3.5 serving size must not be manufactured, prepared, distributed, sold, or offered for sale.

3.6 Sec. 4. **[325F.998] VIOLATIONS.**

3.7 Subdivision 1. **Administrative penalty; appeal.** A person who violates section 325F.997
3.8 is subject to an administrative penalty assessed by the commissioner under sections 34A.06
3.9 to 34A.07 and may contest the penalty as provided in section 34A.08.

3.10 Subd. 2. **Retailer limited exception.** A kratom retailer is not in violation of section
3.11 325F.997 if it is shown by a preponderance of the evidence that the kratom retailer relied
3.12 in good faith upon the representations of a kratom processor, distributor, or wholesaler.