

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0128.01 Sarah Lozano x3858

SENATE BILL 22-120

SENATE SPONSORSHIP

Ginal and Coram, Buckner, Gonzales, Lee, Priola, Winter

HOUSE SPONSORSHIP

Sullivan,

Senate Committees

Finance
Appropriations

House Committees

Health & Insurance
Finance

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF KRATOM PROCESSORS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Effective January 1, 2023, the bill requires that, prior to selling or offering for sale any kratom product, each kratom processor must register with the department of revenue (department) and disclose certain information regarding each of the kratom processor's kratom products.

The bill also:

- Establishes the minimum requirements for kratom

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 5, 2022

SENATE
Amended 2nd Reading
April 4, 2022

- products;
- Prohibits the sale of kratom products to individuals under 18 years of age;
- Requires a kratom processor to notify the department within 7 days after being notified that an adverse effect report was made with the federal food and drug administration regarding any of the kratom processor's kratom products; and
- Authorizes the department to investigate adverse effect reports to determine whether a kratom processor has violated any of the standards specified in the bill.

The executive director of the department is required to adopt rules to administer and enforce the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 44-1-105** as
3 follows:

4 **44-1-105. Feasibility report - regulation of kratom - repeal.**

5 (1) ON OR BEFORE JANUARY 4, 2023, THE EXECUTIVE DIRECTOR SHALL
6 SUBMIT TO THE GENERAL ASSEMBLY A REPORT ANALYZING THE
7 FEASIBILITY OF REGULATING KRATOM PRODUCTS, KRATOM PROCESSORS,
8 AND KRATOM RETAILERS. THE REPORT MUST IDENTIFY, CONSIDER, AND
9 RECOMMEND LEGISLATIVE ACTION ADDRESSING THE FOLLOWING
10 SUBJECTS:

11 (a) THE APPROPRIATE STATE AGENCY OR AGENCIES TO REGULATE
12 THE MANUFACTURE, SALE, OFFERING FOR SALE, POSSESSION, OR USE OF
13 KRATOM PRODUCTS;

14 (b) APPROPRIATE DEFINITIONS OF TERMS INCLUDING
15 "PROCESSING", "SELLING", "ADVERTISING", "KRATOM", AND "KRATOM
16 PRODUCTS";

17 (c) APPROPRIATE AGE RESTRICTIONS FOR KRATOM PURCHASING
18 AND CONSUMPTION;

- 1 (d) FEASIBILITY AND ENFORCEMENT OF UNDERAGE COMPLIANCE
- 2 CHECKS;
- 3 (e) A TESTING PROGRAM FOR IDENTIFYING KRATOM PRODUCTS;
- 4 (f) AN EVALUATION OF THE COMPETENCIES AND CAPABILITIES OF
- 5 EXISTING PRIVATE THIRD-PARTY LABORATORIES TO MANAGE KRATOM
- 6 TESTING;
- 7 (g) THE APPROPRIATE STANDARDS FOR LABORATORY
- 8 ACCREDITATION AND PERFORMANCE;
- 9 (h) TESTING REQUIREMENTS FOR IDENTIFYING KRATOM THAT IS
- 10 OFFERED FOR SALE TO A COLORADO CONSUMER;
- 11 (i) CONSIDERATION OF TYPES OF KRATOM PRODUCTS THAT ARE
- 12 AVAILABLE AS FOOD, INCLUDING TEA POWDERS, GUMMIES, BEVERAGES,
- 13 PILLS, CAPSULES, AND EXTRACTS;
- 14 (j) THE TYPES OF KRATOM PRODUCTS THAT SHOULD NOT BE
- 15 PERMITTED TO BE SOLD OR OFFERED FOR SALE;
- 16 (k) SERVING SIZES AND RELATED RESTRICTIONS;
- 17 (l) LABELING REQUIREMENTS INCLUDING A PROHIBITION ON
- 18 UNPROVEN HEALTH OR MEDICAL BENEFIT CLAIMS;
- 19 (m) MANUFACTURING PROCESSES AND REQUIREMENTS FOR
- 20 PROCESSORS;
- 21 (n) CURRENT GOOD MANUFACTURING PROCESS REQUIREMENTS
- 22 UNDER REGULATIONS PROMULGATED BY THE FEDERAL DRUG
- 23 ADMINISTRATION FOR ANY VENDOR PROCESSING KRATOM;
- 24 (o) ADVERSE HEALTH-EVENT REPORTING REQUIREMENTS AND
- 25 PRODUCT RECALLS;
- 26 (p) ADVERTISING REQUIREMENTS, LIMITATIONS, AND
- 27 PROHIBITIONS;

- 1 (q) TAX AND FEE CONSIDERATIONS;
- 2 (r) RECORDKEEPING;
- 3 (s) TRACEABILITY;
- 4 (t) CRIMINAL AND ADMINISTRATIVE PENALTIES FOR VIOLATIONS;
- 5 (u) RECOMMENDATIONS REGARDING AN OPERABLE TIMELINE FOR
- 6 IMPLEMENTATION OF A REGULATORY FRAMEWORK FOR KRATOM;
- 7 (v) FISCAL IMPACTS AND RESOURCE REQUIREMENTS FOR
- 8 IMPLEMENTATION AND ONGOING ADMINISTRATION OF A REGULATORY
- 9 PROGRAM FOR KRATOM; AND
- 10 (w) ALTERNATIVES, INCLUDING CONSUMER PROTECTION
- 11 REQUIREMENTS SUCH AS LIABILITY INSURANCE REQUIREMENTS,
- 12 PROHIBITIONS, AND CRIMINAL PENALTIES, TO STATE REGULATION OF
- 13 KRATOM.

14 (2) THE DEPARTMENT SHALL ENGAGE RELEVANT STAKEHOLDERS,

15 INCLUDING KRATOM PROCESSORS, KRATOM CONSUMERS, KRATOM

16 RETAILERS, PUBLIC HEALTH OFFICIALS, LEGISLATIVE MEMBERS, RELEVANT

17 STATE AGENCIES WITH EXPERTISE IN SIMILAR REGULATORY FIELDS, AND

18 OTHER INTERESTED STAKEHOLDERS, IN ORDER TO INFORM THE FEASIBILITY

19 REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

20 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

21 **SECTION 2. Act subject to petition - effective date.** This act

22 takes effect at 12:01 a.m. on the day following the expiration of the

23 ninety-day period after final adjournment of the general assembly; except

24 that, if a referendum petition is filed pursuant to section 1 (3) of article V

25 of the state constitution against this act or an item, section, or part of this

26 act within such period, then the act, item, section, or part will not take

27 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.