

**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**

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**SENATE SPONSORSHIP**

**Ginal and Coram,**

**HOUSE SPONSORSHIP**

**Sullivan,**

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**Senate Committees**

Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REGULATION OF KRATOM PROCESSORS.**

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**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 products;
- Prohibits the sale of kratom products to individuals under

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.

- 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 15 to title  
3 44 as follows:

4 **ARTICLE 15**

5 **Colorado Kratom Consumer Protection Act**

6 **44-15-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 15 IS  
7 THE "COLORADO KRATOM CONSUMER PROTECTION ACT".

8 **44-15-102. Definitions.** AS USED IN THIS ARTICLE 15, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

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11 (1) "KRATOM EXTRACT" MEANS A PRODUCT CONTAINING ANY  
12 PART OF THE LEAF OF THE PLANT MITRAGYNA SPECIOSA THAT HAS BEEN  
13 EXTRACTED AND CONCENTRATED IN ORDER TO PROVIDE MORE  
14 STANDARDIZED DOSING.

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16 (2) (a) "KRATOM PROCESSOR" OR "PROCESSOR" MEANS A PERSON:  
17 (I) THAT SELLS, PREPARES, OR MAINTAINS A KRATOM PRODUCT; OR  
18 (II) THAT ADVERTISES, REPRESENTS, OR HOLDS ITSELF OUT AS  
19 SELLING, PREPARING, OR MAINTAINING A KRATOM PRODUCT.

1           (b) "KRATOM PROCESSOR" OR "PROCESSOR" DOES NOT INCLUDE A  
2           RETAILER.

3           (3) "KRATOM PRODUCT" OR "PRODUCT" MEANS ANY PART OF THE  
4           LEAF OF THE PLANT MITRAGYNA SPECIOSA, OR A KRATOM EXTRACT,  
5           MANUFACTURED AS A      POWDER, CAPSULE, PILL, BEVERAGE, OR SOME  
6           OTHER EDIBLE PRODUCT.

7           (4) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY  
8           COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

9           (5) "RETAILER" MEANS A PERSON THAT SELLS, OFFERS FOR SALE,  
10          OR DISTRIBUTES A KRATOM PRODUCT TO INDIVIDUALS FOR PERSONAL  
11          CONSUMPTION.

12           **44-15-103. Kratom processors - registration required -**  
13           **disclosures required - rules.** (1) EFFECTIVE JULY 1, 2023, PRIOR TO  
14           SELLING OR OFFERING TO SELL ANY KRATOM PRODUCT IN THIS STATE,  
15           EACH KRATOM PROCESSOR SHALL:

16           (a) REGISTER WITH THE DEPARTMENT IN THE FORM AND MANNER  
17           DETERMINED BY THE EXECUTIVE DIRECTOR BY RULE; AND

18           (b) PAY AN INITIAL REGISTRATION FEE AND, THEREAFTER, AN  
19           ANNUAL RENEWAL FEE IN THE AMOUNT DETERMINED BY THE EXECUTIVE  
20           DIRECTOR BY RULE. THE AMOUNT OF THE FEE MUST REFLECT THE ACTUAL  
21           DIRECT COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THIS  
22           ARTICLE 15.

23           (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION,  
24           EFFECTIVE JULY 1, 2023, PRIOR TO SELLING OR OFFERING TO SELL ANY  
25           KRATOM PRODUCT IN THIS STATE, EACH KRATOM PROCESSOR SHALL  
26           PROVIDE THE DEPARTMENT WITH:

27           (a) A LIST OF EACH OF THE PROCESSOR'S KRATOM PRODUCTS THAT

1 THE PROCESSOR OFFERS FOR SALE OR SELLS IN THIS STATE;

2 (b) FOR EACH KRATOM PRODUCT:

3 ==

4 (I) THE NAME AND ADDRESS OF THE PERSON WHOSE NAME WILL

5 APPEAR ON THE PRODUCT LABEL, IF THE PERSON IS NOT THE PROCESSOR;

6 (II) WHETHER THE PRODUCT IS A == POWDER, CAPSULE, PILL,

7 BEVERAGE, OR SOME OTHER EDIBLE FORM;

8 (III) THE RECOMMENDED USAGE AMOUNT AND CORRESPONDING

9 USAGE DIRECTIONS;

10 (IV) THE WEIGHT OR VOLUME OF THE PACKAGE OF KRATOM

11 PRODUCT AND THE RECOMMENDED INDIVIDUAL SERVING SIZE OR AMOUNT;

12 AND

13 (V) A COMPLETE COPY OF THE LABEL THAT WILL APPEAR ON THE

14 KRATOM PRODUCT OR THAT CAN BE VIEWED VIA A SCANNABLE BAR CODE

15 OR WEBSITE ADDRESS;

16 (c) A CERTIFICATE OF ANALYSIS, AT THE PROCESSOR'S OWN

17 EXPENSE, FOR THE KRATOM PRODUCT FROM AN ACCREDITED LABORATORY

18 THAT TESTS FOR THE PURITY OF == PRODUCTS; AND

19 (d) IF AN ADDITIVE OR SOLVENT IS USED IN MANUFACTURING THE

20 KRATOM PRODUCT OR KRATOM EXTRACT, A WRITTEN ACKNOWLEDGMENT

21 THAT THE ADDITIVE OR SOLVENT COMPLIES WITH THE APPLICABLE

22 PRODUCT LIMITATIONS IN THE UNITED STATES PHARMACOPEIA.

23 (3) A KRATOM PROCESSOR IS NOT REQUIRED TO DISCLOSE ANY

24 INFORMATION THAT IS A TRADE SECRET, AS DEFINED IN SECTION 7-74-102

25 (4).

26 **44-15-104. Kratom products - limitations - enforcement -**

27 **penalties.** (1) A KRATOM PROCESSOR SHALL NOT PREPARE, DISTRIBUTE,

1       SELL, OR OFFER FOR SALE:

2               (a) A KRATOM PRODUCT THAT:

3               (I) IS MIXED OR PACKED WITH A NONKRATOM SUBSTANCE THAT  
4       AFFECTS THE QUALITY OR STRENGTH OF THE KRATOM PRODUCT TO SUCH  
5       A DEGREE AS TO RENDER THE KRATOM PRODUCT INJURIOUS TO A  
6       CONSUMER;

7               (II) CONTAINS A POISONOUS OR OTHERWISE HARMFUL  
8       NONKRATOM INGREDIENT, INCLUDING ANY SUBSTANCE LISTED IN PART 2  
9       OF ARTICLE 18 OF TITLE 18;

10              (III) HAS A LEVEL OF 7-HYDROXYMITRAGYNINE IN THE ALKALOID  
11       FRACTION THAT IS GREATER THAN TWO PERCENT OF THE OVERALL  
12       ALKALOID COMPOSITION OF THE KRATOM PRODUCT;

13              (IV) HAS SYNTHETIC ALKALOIDS, INCLUDING SYNTHETIC  
14       MITRAGYNINE, SYNTHETIC 7-HYDROXYMITRAGYNINE, OR ANY OTHER  
15       SYNTHETICALLY DERIVED COMPOUNDS OF THE PLANT MITRAGYNA  
16       SPECIOSA;

17              (V) DOES NOT INCLUDE A LABEL WITH ADEQUATE DIRECTIONS  
18       NECESSARY FOR SUGGESTED USE BY A CONSUMER, INCLUDING THE TOTAL  
19       SUGGESTED SERVING SIZE OF THE KRATOM PRODUCT; AND

20              (VI) BEARS A LABEL THAT MAKES CLAIMS THAT THE KRATOM  
21       PRODUCT IS INTENDED TO DIAGNOSE, TREAT, CURE, OR PREVENT A  
22       MEDICAL CONDITION OR DISEASE; OR

23              (b) A KRATOM EXTRACT WITH LEVELS OF RESIDUAL SOLVENTS  
24       THAT ARE HIGHER THAN THE LEVELS ALLOWED BY THE UNITED STATES  
25       PHARMACOPEIA.

26              (2) (a) A KRATOM PROCESSOR THAT VIOLATES THIS SECTION IS  
27       SUBJECT TO A FINE OF FIVE HUNDRED DOLLARS FOR THE FIRST OFFENSE,

1 TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE SECOND OFFENSE, AND  
2 FIVE THOUSAND DOLLARS FOR THE THIRD OR ANY SUBSEQUENT OFFENSE.  
3 A KRATOM PROCESSOR SHALL DISCONTINUE SELLING OR OFFERING TO SELL  
4 EACH KRATOM PRODUCT THAT FAILS TO MEET THE STANDARDS  
5 ESTABLISHED IN THIS SECTION, AND THE KRATOM PROCESSOR SHALL NOT  
6 RESUME THE SALE OF THE KRATOM PRODUCT UNLESS THE PRODUCT  
7 COMPLIES WITH THE STANDARDS SPECIFIED IN THIS SECTION.

8 (b) THE DEPARTMENT MAY REVOKE THE REGISTRATION OF A  
9 KRATOM PROCESSOR, ORDER A KRATOM PRODUCT TO BE PERMANENTLY  
10 REMOVED FROM SALE, OR PROHIBIT A PROCESSOR FROM REAPPLYING FOR  
11 REGISTRATION AS A KRATOM PROCESSOR FOR A PERIOD OF UP TO THREE  
12 YEARS IF:

13 (I) THE KRATOM PROCESSOR HAS MORE THAN THREE VIOLATIONS  
14 WITHIN A FIVE-YEAR PERIOD; OR

15 (II) THE DEPARTMENT DETERMINES THAT A KRATOM PROCESSOR'S  
16 VIOLATION OF THIS SECTION WAS WILLFUL.

17 (c) A RETAILER THAT VIOLATES SECTION 44-15-108 IS SUBJECT TO  
18 A FINE IN AN AMOUNT DETERMINED BY THE DEPARTMENT BY RULE.

19 **44-15-105. Kratom products - age limitations.** A KRATOM  
20 PROCESSOR MAY NOT DISTRIBUTE, SELL, OR OFFER FOR SALE A KRATOM  
21 PRODUCT TO AN INDIVIDUAL UNDER TWENTY-ONE YEARS OF AGE.

22 **44-15-106. Adverse events - mandatory reporting -**  
23 **investigations.** (1) A KRATOM PROCESSOR SHALL NOTIFY THE  
24 DEPARTMENT WITHIN SEVEN DAYS AFTER BEING NOTIFIED THAT AN  
25 ADVERSE EVENT HAS BEEN REPORTED TO THE FEDERAL FOOD AND DRUG  
26 ADMINISTRATION FOR ONE OF THE PROCESSOR'S KRATOM PRODUCTS.

27 (2) WHEN NOTIFIED OF AN ADVERSE EVENT PURSUANT TO

1 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT MAY INVESTIGATE  
2 WHETHER THE KRATOM PROCESSOR VIOLATED THIS ARTICLE 15.

3 (3) IF THE DEPARTMENT OPENS AN INVESTIGATION INTO AN  
4 ADVERSE EVENT, THE KRATOM PROCESSOR, AT THE REQUEST OF THE  
5 DEPARTMENT, SHALL PROVIDE THE DEPARTMENT WITH A CURRENT  
6 CERTIFICATE OF ANALYSIS FOR THE KRATOM PRODUCT FOR WHICH THE  
7 ADVERSE EVENT WAS FILED.

8 **44-15-107. Rules. (1)** THE EXECUTIVE DIRECTOR SHALL  
9 PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION AND  
10 ENFORCEMENT OF THIS ARTICLE 15, INCLUDING RULES RELATING TO:

11 (a) REQUIREMENTS TO PREVENT THE SALE OR DISTRIBUTION OF  
12 KRATOM PRODUCTS AND KRATOM EXTRACTS TO PERSONS UNDER  
13 TWENTY-ONE YEARS OF AGE;

14 (b) PROHIBITING KRATOM PROCESSORS FROM SPECIFICALLY  
15 DIRECTING ADVERTISING AND MARKETING OF KRATOM PRODUCTS AND  
16 KRATOM EXTRACTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE;

17 (c) REQUIREMENTS FOR KRATOM PROCESSORS TO ANNUALLY  
18 PROVIDE INFORMATION ON THE AGGREGATE MARKET SALES OF KRATOM  
19 PRODUCTS AND KRATOM EXTRACTS TO THE DEPARTMENT;

20 (d) REQUIREMENTS FOR KRATOM PROCESSORS TO PACKAGE ANY  
21 KRATOM PRODUCTS OR KRATOM EXTRACTS IN CHILD-RESISTANT  
22 PACKAGING; AND

23 (e) REQUIREMENTS FOR THE SALE BY RETAILERS OF KRATOM  
24 PRODUCTS AND KRATOM EXTRACTS MANUFACTURED BY KRATOM  
25 PROCESSORS.

26 **44-15-108. Local governments.** NOTHING IN THIS ARTICLE 15 OR  
27 THE RULES PROMULGATED BY THE EXECUTIVE DIRECTOR PURSUANT TO

1 THIS ARTICLE 15 LIMITS A LOCAL GOVERNMENT FROM ENACTING OR  
2 ENFORCING AN ORDINANCE, RESOLUTION, REGULATION, OR OTHER LAW  
3 RELATING TO THE MANUFACTURE, SALE, OFFERING FOR SALE, TRANSFER,  
4 POSSESSION, OR USE OF ANY KRATOM PRODUCT IN THE JURISDICTION OF  
5 THE LOCAL GOVERNMENT, SO LONG AS THE ORDINANCE, RESOLUTION,  
6 REGULATION, OR OTHER LAW ENACTED OR ENFORCED BY A LOCAL  
7 GOVERNMENT IS NO LESS RESTRICTIVE THAN THE REQUIREMENTS OF THIS  
8 ARTICLE 15.

9 **44-15-109. Publishing of names and addresses of kratom**  
10 **processors - reporting of sales of kratom products. (1) IN ORDER TO**  
11 **ENFORCE LAWS RELATED TO THE REGULATION OF KRATOM PRODUCTS, THE**  
12 **DEPARTMENT OF REVENUE SHALL MAINTAIN AND PUBLISH ON THE**  
13 **DEPARTMENT'S WEBSITE THE BUSINESS NAMES AND ADDRESSES OF**  
14 **KRATOM PROCESSORS AND MAY SHARE THE LIST WITH ANY STATE OR**  
15 **LOCAL AGENCY RESPONSIBLE FOR THE ENFORCEMENT OF LAWS RELATING**  
16 **TO THE MANUFACTURE, SALE, OFFERING FOR SALE, TRANSFER, POSSESSION,**  
17 **OR USE OF KRATOM PRODUCTS.**

18 **(2) THE DEPARTMENT OF REVENUE SHALL REQUIRE KRATOM**  
19 **PROCESSORS TO ANNUALLY REPORT THE AMOUNT OF SALES OF KRATOM**  
20 **PRODUCTS TO THE DEPARTMENT. THE DEPARTMENT MAY PUBLISH ANY**  
21 **AGGREGATE MARKET DATA COMPILED PURSUANT TO THIS SUBSECTION (2)**  
22 **ON ITS WEBSITE.**

23 **44-15-110. Retailers. (1) A RETAILER SHALL NOT DISTRIBUTE,**  
24 **SELL, OR OFFER FOR SALE A KRATOM PRODUCT:**

- 25 **(a) TO AN INDIVIDUAL UNDER TWENTY-ONE YEARS OF AGE; OR**  
26 **(b) MANUFACTURED BY A KRATOM PROCESSOR THAT HAS NOT**  
27 **COMPLIED WITH THE REQUIREMENTS OF SECTION 44-15-103.**



1           **SECTION 2. Act subject to petition - effective date -**  
2           **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
3           the expiration of the ninety-day period after final adjournment of the  
4           general assembly; except that, if a referendum petition is filed pursuant  
5           to section 1 (3) of article V of the state constitution against this act or an  
6           item, section, or part of this act within such period, then the act, item,  
7           section, or part will not take effect unless approved by the people at the  
8           general election to be held in November 2022 and, in such case, will take  
9           effect on the date of the official declaration of the vote thereon by the  
10          governor.  
11          (2) This act applies to conduct occurring on or after the applicable  
12          effective date of this act.