

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB22-120

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THIS REPORT AMENDS THE  
REREVISED BILL

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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB22-120, concerning the regulation of kratom processors, and, in connection therewith, making an appropriation, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with following changes:

Amend rerevised bill, page 2, after line 1 insert:

**"SECTION 1. Legislative declaration.** The general assembly finds and declares that the prohibitions set forth in sections 44-1-105 (3) and 18-13-132 are not intended to limit the feasibility report conducted pursuant to section 44-1-105 (2)."

Renumber succeeding sections accordingly.

Page 2, line 4, after "**kratom -**" insert "**prohibited acts - definition - rules -**".

Page 2, before line 5 insert:

"(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "KRATOM PRODUCT" MEANS ANY PRODUCT OR INGREDIENT CONTAINING:

(a) ANY PART OF THE LEAF OF THE MITRAGYNA SPECIOSA PLANT IF THE PLANT CONTAINS THE ALKALOID MITRAGYNINE OR 7-HYDROXYMITRAGYNINE; OR

(b) A SYNTHETIC MATERIAL THAT CONTAINS THE ALKALOID MITRAGYNINE OR 7-HYDROXYMITRAGYNINE."

Page 2, line 5, strike "(1)" and substitute:

"(2) (a)".

Page 2, line 11, strike "(a)" and substitute "(I)".

Page 2, line 14, strike "(b)" and substitute "(II)".

Page 2, line 17, strike "(c)" and substitute "(III)".

Page 3, line 1, strike "(d)" and substitute "(IV)".

Page 3, line 3, strike "(e)" and substitute "(V)".

Page 3, line 4, strike "(f)" and substitute "(VI)".

Page 3, line 7, strike "(g)" and substitute "(VII)".

Page 3, line 9, strike "(h)" and substitute "(VIII)".

Page 3, line 11, strike "(i)" and substitute "(IX)".

Page 3, line 14, strike "(j)" and substitute "(X)".

Page 3, line 16, strike "(k)" and substitute "(XI)".

Page 3, line 17, strike "(l)" and substitute "(XII)".

Page 3, line 19, strike "(m)" and substitute "(XIII)".

Page 3, line 21, strike "(n)" and substitute "(XIV)".

Page 3, line 24, strike "(o)" and substitute "(XV)".

Page 3, line 26, strike "(p)" and substitute "(XVI)".

Page 4, line 1, strike "(q)" and substitute "(XVII)".

Page 4, line 2, strike "(r)" and substitute "(XVIII)".

Page 4, line 3, strike "(s)" and substitute "(XIX)".

Page 4, line 4, strike "(t)" and substitute "(XX)".

Page 4, line 5, strike "(u)" and substitute "(XXI)".

Page 4, line 7, strike "(v)" and substitute "(XXII)".

Page 4, line 10, strike "(w)" and substitute "(XXIII)".

Page 4, line 14, strike "(2)" and substitute "(b)".

Page 4, line 19, strike "(1)" and substitute "(2)(a)".

Page 4, line 21, strike "(3)" and substitute "(c)" and strike "SECTION" and substitute "SUBSECTION (2)".

Page 4, after line 21 insert:

"(3) EFFECTIVE JULY 1, 2024, A PERSON SHALL NOT:

(a) KNOWINGLY PREPARE, DISTRIBUTE, ADVERTISE, SELL, OR OFFER TO SELL A KRATOM PRODUCT THAT IS ADULTERATED WITH FENTANYL OR ANY OTHER CONTROLLED SUBSTANCE LISTED IN PART 2 OF ARTICLE 18 OF TITLE 18;

(b) SELL A KRATOM PRODUCT THAT DOES NOT HAVE A LABEL THAT CLEARLY SETS FORTH:

(I) THE IDENTITY AND ADDRESS OF THE MANUFACTURER; AND

(II) THE FULL LIST OF INGREDIENTS IN THE KRATOM PRODUCT;

(c) KNOWINGLY PREPARE, DISTRIBUTE, ADVERTISE, SELL, OR OFFER TO SELL A KRATOM PRODUCT TO A PERSON UNDER TWENTY-ONE YEARS OF AGE; OR

(d) DISPLAY OR STORE KRATOM PRODUCTS IN A RETAIL LOCATION IN A MANNER THAT WILL ALLOW THE PRODUCTS TO BE ACCESSED BY INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE.

(4) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES THAT ARE NECESSARY FOR THE ENFORCEMENT OF SUBSECTION (3) OF THIS SECTION.

**SECTION 3.** In Colorado Revised Statutes, **add** 18-13-132 as follows:

**18-13-132. Furnishing kratom products to persons under twenty-one years of age.** (1) (a) A PERSON SHALL NOT GIVE, SELL, DISTRIBUTE, DISPENSE, OR OFFER FOR SALE A KRATOM PRODUCT TO ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

(b) BEFORE GIVING, SELLING, DISTRIBUTING, DISPENSING, OR OFFERING TO SELL TO AN INDIVIDUAL ANY KRATOM PRODUCT, A PERSON SHALL REQUEST FROM THE INDIVIDUAL AND EXAMINE A GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION THAT ESTABLISHES THAT THE INDIVIDUAL IS TWENTY-ONE YEARS OF AGE OR OLDER.

(c) A PERSON WHO VIOLATES SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION COMMITS A CIVIL INFRACTION AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO HUNDRED DOLLARS, NOTWITHSTANDING THE PROVISIONS OF SECTION 18-1.3-503.

(d) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER SUBSECTION (1)(a) OF THIS SECTION THAT THE PERSON FURNISHING THE KRATOM PRODUCT WAS PRESENTED WITH AND REASONABLY RELIED UPON A GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION THAT IDENTIFIED THE INDIVIDUAL RECEIVING THE KRATOM PRODUCT AS BEING TWENTY-ONE YEARS OF AGE OR OLDER.

(2) (a) NOTHING IN THIS SECTION PROHIBITS A STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY FROM ENACTING AN ORDINANCE OR RESOLUTION THAT PROHIBITS THE SALE OF ANY KRATOM PRODUCTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE OR IMPOSES REQUIREMENTS MORE STRINGENT THAN PROVIDED IN THIS SECTION.

(b) A STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL NOT ENACT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES A MINIMUM AGE TO PURCHASE KRATOM PRODUCTS THAT IS UNDER TWENTY-ONE YEARS OF AGE.

(3) AS USED IN THIS SECTION, "KRATOM PRODUCT" HAS THE MEANING SET FORTH IN SECTION 44-1-105 (1).".

Renumber succeeding section accordingly.

Page 1, line 101, strike "**PROCESSORS, AND, IN**" and substitute "**PROCESSORS.**".

Page 1, strike line 102.

Respectfully submitted,

Senate Committee:

House Committee:

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Chair

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Chair

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