

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 25-0580.02 Christy Chase x2008

SENATE BILL 25-072

SENATE SPONSORSHIP

Mullica and Pelton B., Amabile, Bridges, Kipp, Michaelson Jenet, Roberts

HOUSE SPONSORSHIP

Lindsay and Soper,

Senate Committees

Finance
Appropriations

House Committees

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Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF KRATOM.**

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>.)

Section 1 of the bill repeals certain provisions regarding the regulation of kratom that are included in **sections 2 and 3** with amendments.

Section 2 prohibits a processor from manufacturing, packaging, labeling, or distributing in the state a food or dietary supplement that consists of kratom leaf or kratom leaf extract (kratom product) unless the manufacturer of the kratom product has obtained a registration of the kratom product (registration) from the executive director of the

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

HOUSE
Amended 2nd Reading
May 6, 2025

SENATE
3rd Reading Unamended
April 28, 2025

SENATE
Amended 2nd Reading
April 25, 2025

department of revenue (executive director). The manufacturer must pay a fee and provide proof of certain certificates and a registration from the federal food and drug administration to receive a registration for the kratom product from the executive director.

The executive director is required to establish an annual fee paid by manufacturers of kratom products that are manufactured, packaged, labeled, or distributed in the state. The fees are credited to the kratom consumer protection cash fund, which is created in **section 2** and may be used by the executive director for the administration and enforcement of state laws regulating kratom.

A manufacturer of a kratom product that is manufactured, packaged, labeled, or distributed in the state without a registration is subject to a civil penalty of:

- No more than \$1,000 for the first violation;
- No more than \$5,000 for the second violation; and
- At least \$5,000 and no more than \$20,000 for a third or subsequent violation.

In the event of a third or subsequent violation, the manufacturer is prohibited from manufacturing or distributing kratom products in the state for 3 years after the date the civil penalty is assessed.

Section 3 prohibits a person from:

- Knowingly preparing, distributing, advertising, selling, or offering to sell a kratom product under certain circumstances;
- Preparing, distributing, advertising, selling, or offering to sell a kratom product that does not clearly and conspicuously set forth certain information on the kratom product's label;
- Displaying or storing kratom products in a retail location in a manner that will allow the products to be accessed by individuals under 21 years of age; or
- Manufacturing, packaging, labeling, or distributing a kratom product that contains synthesized or semi-synthesized kratom alkaloids or has a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% of the alkaloid composition of the product.

A person that conducts these prohibited activities engages in a deceptive trade practice.

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

2 **SECTION 1. Short title.** The short title of this act is the "Daniel
3 Bregger Act".

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SECTION 2. In Colorado Revised Statutes, add 6-1-737 as follows:

6-1-737. Kratom - deceptive trade practice - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADULTERATED" MEANS THE ADDITION OF FENTANYL OR ANY OTHER CONTROLLED SUBSTANCE, A SYNTHESIZED ALKALOID OR SEMI-SYNTHESIZED ALKALOID, OR ANOTHER SUBSTANCE PROHIBITED BY LAW.

(b) "ALKALOID FRACTION" MEANS A PORTION OF A PLANT OR PLANT EXTRACT THAT CONTAINS PRIMARILY ALKALOID COMPOUNDS.

(c) "CONTROLLED SUBSTANCE" MEANS A SUBSTANCE LISTED IN PART 2 OF ARTICLE 18 OF TITLE 18.

(d) "KRATOM LEAF" MEANS THE LEAF OF THE MITRAGYNA SPECIOSA PLANT, IN FRESH, DEHYDRATED, OR DRIED FORM.

(e) "KRATOM LEAF EXTRACT" MEANS THE MATERIAL EXTRACTED FROM A KRATOM LEAF THROUGH THE APPLICATION OF A SOLVENT CONSISTING OF WATER, ETHANOL, FOOD-GRADE CARBON DIOXIDE, OR ANOTHER SOLVENT ALLOWED BY FEDERAL OR STATE LAW TO BE USED IN THE MANUFACTURING OF A FOOD INGREDIENT.

(f) "KRATOM PRODUCT" MEANS A FOOD OR DIETARY SUPPLEMENT THAT CONSISTS OF, OR CONTAINS, ANY PART OF A KRATOM LEAF, A KRATOM LEAF EXTRACT, OR ANY KRATOM ALKALOID, KRATOM CONSTITUENT, OR KRATOM METABOLITE AND DOES NOT INCLUDE ANY SYNTHESIZED ALKALOIDS OR SEMI-SYNTHESIZED ALKALOIDS.

(g) "SEMI-SYNTHESIZED ALKALOID" MEANS AN ALKALOID OR

1 ALKALOID DERIVATIVE CONTAINED IN A KRATOM LEAF EXTRACT THAT HAS
2 BEEN EXPOSED TO CHEMICALS OR PROCESSES THAT WOULD CONFER A
3 STRUCTURAL CHANGE IN THE ALKALOIDS, SUCH AS OXIDATION,
4 REDUCTION, AND RING OPENING AND CLOSING, RESULTING IN MATERIAL
5 THAT HAS BEEN CHEMICALLY ALTERED.

6 (h) "SYNTHESIZED ALKALOID" MEANS AN ALKALOID OR ALKALOID
7 DERIVATIVE OF THE KRATOM LEAF THAT HAS BEEN CREATED BY CHEMICAL
8 SYNTHESIS OR BIOSYNTHETIC MEANS, INCLUDING FERMENTATION,
9 RECOMBINANT TECHNIQUES, YEAST-DERIVED TECHNIQUES, AND
10 ENZYMATIC TECHNIQUES, RATHER THAN BY TRADITIONAL FOOD
11 PREPARATION TECHNIQUES SUCH AS HEATING OR EXTRACTING.

12 (2) A PERSON SHALL NOT:

13 (a) KNOWINGLY PREPARE, DISTRIBUTE, ADVERTISE, SELL, OR OFFER
14 TO SELL A KRATOM PRODUCT:

15 (I) THAT IS ADULTERATED;

16 (II) TO A PERSON UNDER TWENTY-ONE YEARS OF AGE;

17 (III) THAT CONTAINS A LEVEL OF 7-HYDROXYMITRAGYNINE IN THE
18 ALKALOID FRACTION THAT IS GREATER THAN TWO PERCENT OF THE
19 ALKALOID COMPOSITION OF THE KRATOM PRODUCT;

20 (IV) THAT IS A CONFECTION; MIMICS A CANDY PRODUCT; OR IS
21 MANUFACTURED, PACKAGED, LABELED, OR DISTRIBUTED IN A WAY THAT
22 IS APPEALING TO CHILDREN, INCLUDING IN THE DISTINCT SHAPE OF A
23 HUMAN, AN ANIMAL, OR FRUIT; OR

24 (V) THAT IS COMBUSTIBLE OR INTENDED FOR VAPORIZATION;

25 (b) PREPARE, DISTRIBUTE, ADVERTISE, SELL, OR OFFER TO SELL A
26 KRATOM PRODUCT THAT DOES NOT HAVE A LABEL THAT CLEARLY AND
27 CONSPICUOUSLY SETS FORTH ON EACH RETAIL PACKAGE:

1 (I) THE NAME AND ADDRESS FOR THE PLACE OF BUSINESS OF THE
2 MANUFACTURER OR DISTRIBUTOR OF THE KRATOM PRODUCT;
3 (II) THE FULL LIST OF INGREDIENTS IN THE KRATOM PRODUCT;
4 (III) DISCLOSURE AND ADVICE:
5 (A) AGAINST USE BY INDIVIDUALS WHO ARE UNDER TWENTY-ONE
6 YEARS OF AGE, PREGNANT, OR BREASTFEEDING;
7 (B) TO CONSULT A HEALTH-CARE PROFESSIONAL PRIOR TO USE;
8 (C) THAT KRATOM MAY BE HABIT FORMING; AND
9 (D) THAT KRATOM MAY INTERACT WITH CERTAIN MEDICATIONS,
10 DRUGS, AND CONTROLLED SUBSTANCES;
11 (IV) THE FOLLOWING STATEMENTS:
12 (A) "THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE ___
13 FOOD AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO
14 DIAGNOSE, TREAT, CURE, OR PREVENT ANY DISEASE."; AND
15 (B) "KEEP OUT OF REACH OF CHILDREN."; AND
16 (V) DIRECTIONS FOR USE THAT INCLUDE:
17 (A) A RECOMMENDED AMOUNT OF THE KRATOM PRODUCT PER
18 SERVING;
19 (B) THE NUMBER OF RECOMMENDED SERVINGS PER PACKAGE;
20 (C) A RECOMMENDED NUMBER OF SERVINGS OF THE KRATOM
21 PRODUCT THAT CAN BE SAFELY CONSUMED IN A TWENTY-FOUR-HOUR
22 PERIOD; AND
23 (D) QUANTITATIVE DECLARATIONS OF THE AMOUNT OF
24 MITRAGYNINE AND THE AMOUNT OF 7-HYDROXYMITRAGYNINE PER
25 SERVING OF THE KRATOM PRODUCT;
26 (c) DISPLAY OR STORE KRATOM PRODUCTS IN A RETAIL LOCATION
27 IN A MANNER THAT WILL ALLOW THE PRODUCTS TO BE ACCESSED BY

1 INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE; OR
2 (d) MANUFACTURE, PACKAGE, LABEL, OR DISTRIBUTE A KRATOM
3 PRODUCT THAT:
4 (I) CONTAINS SYNTHESIZED ALKALOIDS OR SEMI-SYNTHESIZED
5 ALKALOIDS; OR
6 (II) HAS A LEVEL OF 7-HYDROXYMITRAGYNINE IN THE ALKALOID
7 FRACTION THAT IS GREATER THAN TWO PERCENT OF THE ALKALOID
8 COMPOSITION OF THE PRODUCT.
9 (3) A PERSON THAT CONDUCTS THE ACTIVITIES DESCRIBED IN
10 SUBSECTION (2) OF THIS SECTION ENGAGES IN A DECEPTIVE TRADE
11 PRACTICE.

12 **SECTION 3.** In Colorado Revised Statutes, 18-13-132, **amend**
13 (3) as follows:

14 **18-13-132. Furnishing kratom products to persons under**
15 **twenty-one years of age - definition.** (3) As used in this section,
16 "kratom product" ~~has the meaning set forth in section 44-1-105 (1)~~
17 MEANS ANY PRODUCT OR INGREDIENT CONTAINING:

18 (a) ANY PART OF THE LEAF OF THE MITRAGYNA SPECIOSA PLANT
19 IF THE PLANT CONTAINS THE ALKALOID MITRAGYNINE OR
20 7-HYDROXYMITRAGYNINE; OR

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

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24 **SECTION 4. Applicability.** This act applies to conduct occurring
25 on or after the effective date of this act.

26 **SECTION 5. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.