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An Act

SENATE BILL 25-072

BY SENATOR(S) Mullica and Pelton B., Amabile, Bridges, Kipp, Michaelson Jenet, Roberts;
also REPRESENTATIVE(S) Lindsay and Soper, Bird, Boesenecker, Hamrick, Phillips.

CONCERNING THE REGULATION OF KRATOM.

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

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

SECTION 2. In Colorado Revised Statutes, **add** 6-1-740 as follows:

6-1-740. 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.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

(2) A PERSON SHALL NOT:

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

(I) THAT IS ADULTERATED;

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

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

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

(V) THAT IS COMBUSTIBLE OR INTENDED FOR VAPORIZATION;

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

(I) THE NAME AND ADDRESS FOR THE PLACE OF BUSINESS OF THE MANUFACTURER OR DISTRIBUTOR OF THE KRATOM PRODUCT;

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

(III) DISCLOSURE AND ADVICE:

(A) AGAINST USE BY INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE, PREGNANT, OR BREASTFEEDING;

(B) TO CONSULT A HEALTH-CARE PROFESSIONAL PRIOR TO USE;

(C) THAT KRATOM MAY BE HABIT FORMING; AND

(D) THAT KRATOM MAY INTERACT WITH CERTAIN MEDICATIONS, DRUGS, AND CONTROLLED SUBSTANCES;

(IV) THE FOLLOWING STATEMENTS:

(A) "THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE FOOD AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO DIAGNOSE,

TREAT, CURE, OR PREVENT ANY DISEASE."; AND

(B) "KEEP OUT OF REACH OF CHILDREN."; AND

(V) DIRECTIONS FOR USE THAT INCLUDE:

(A) A RECOMMENDED AMOUNT OF THE KRATOM PRODUCT PER SERVING;

(B) THE NUMBER OF RECOMMENDED SERVINGS PER PACKAGE;

(C) A RECOMMENDED NUMBER OF SERVINGS OF THE KRATOM PRODUCT THAT CAN BE SAFELY CONSUMED IN A TWENTY-FOUR-HOUR PERIOD; AND

(D) QUANTITATIVE DECLARATIONS OF THE AMOUNT OF MITRAGYNINE AND THE AMOUNT OF 7-HYDROXYMITRAGYNINE PER SERVING OF THE KRATOM PRODUCT;

(c) 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; OR

(d) MANUFACTURE, PACKAGE, LABEL, OR DISTRIBUTE A KRATOM PRODUCT THAT:

(I) CONTAINS SYNTHESIZED ALKALOIDS OR SEMI-SYNTHESIZED ALKALOIDS; OR

(II) HAS A LEVEL OF 7-HYDROXYMITRAGYNINE IN THE ALKALOID FRACTION THAT IS GREATER THAN TWO PERCENT OF THE ALKALOID COMPOSITION OF THE PRODUCT.

(3) A PERSON THAT CONDUCTS THE ACTIVITIES DESCRIBED IN SUBSECTION (2) OF THIS SECTION ENGAGES IN A DECEPTIVE TRADE PRACTICE.

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

18-13-132. Furnishing kratom products to persons under

twenty-one years of age - definition. (3) As used in this section, "kratom product" ~~has the meaning set forth in section 44-1-105 (1)~~ 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.

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

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO