

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

PREAMENDED

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

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

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF KRATOM, AND, IN CONNECTION**
102 **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>.)

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

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.

SENATE
3rd Reading Unamended
April 28, 2025

SENATE
Amended 2nd Reading
April 25, 2025

manufacturer of the kratom product has obtained a registration of the kratom product (registration) from the executive director of the 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

1 Bregger Act".

2 SECTION 2. In Colorado Revised Statutes, **repeal** 44-1-105.

3 SECTION 3. In Colorado Revised Statutes, **add** article 15 to title
4 44 as follows:

5 ARTICLE 15

6 Kratom Regulation

7 44-15-101. **Definitions.** AS USED IN THIS ARTICLE 15, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

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

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

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

17 (4) "FUND" MEANS THE KRATOM CONSUMER PROTECTION CASH
18 FUND CREATED IN SECTION 44-15-103 (2).

19 (5) "INDEPENDENT LABORATORY" MEANS A LABORATORY THAT IS
20 ACCREDITED UNDER THE STANDARDS OF THE INTERNATIONAL
21 ORGANIZATION FOR STANDARDIZATION 17025.2017 ACCREDITATION OR
22 FROM AN ACCREDITATION BODY THAT IS A SIGNATORY TO THE
23 INTERNATIONAL LABORATORY ACCREDITATION COOPERATION MUTUAL
24 RECOGNITION ARRANGEMENT.

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

27

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

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

11 (9) (a) "PROCESSOR" MEANS A PERSON THAT MANUFACTURES,
12 PACKAGES, LABELS, OR DISTRIBUTES KRATOM PRODUCTS OR ADVERTISES
13 OR REPRESENTS ITSELF AS A MANUFACTURER, PACKAGER, LABELER, OR
14 DISTRIBUTOR OF KRATOM PRODUCTS.

15 (b) "PROCESSOR" DOES NOT INCLUDE A FACILITY THAT PREPARES
16 A KRATOM PRODUCT ON SITE AND OFFERS THE KRATOM PRODUCT FOR SALE
17 AT THE PREPARATION SITE.

18 (10) "SEMI-SYNTHESIZED ALKALOID" MEANS AN ALKALOID OR
19 ALKALOID DERIVATIVE CONTAINED IN A KRATOM LEAF EXTRACT THAT HAS
20 BEEN EXPOSED TO CHEMICALS OR PROCESSES THAT WOULD CONFER A
21 STRUCTURAL CHANGE IN THE ALKALOIDS, SUCH AS OXIDATION,
22 REDUCTION, AND RING OPENING AND CLOSING, RESULTING IN MATERIAL
23 THAT HAS BEEN CHEMICALLY ALTERED.

24 (11) "SYNTHESIZED ALKALOID" MEANS AN ALKALOID OR
25 ALKALOID DERIVATIVE OF THE KRATOM LEAF THAT HAS BEEN CREATED BY
26 CHEMICAL SYNTHESIS OR BIOSYNTHETIC MEANS, INCLUDING
27 FERMENTATION, RECOMBINANT TECHNIQUES, YEAST-DERIVED

1 TECHNIQUES, AND ENZYMATIC TECHNIQUES, RATHER THAN BY
2 TRADITIONAL FOOD PREPARATION TECHNIQUES SUCH AS HEATING OR
3 EXTRACTING.

4 **44-15-102. Registration - suspension or revocation.** (1) (a) A
5 PROCESSOR SHALL NOT MANUFACTURE, PACKAGE, LABEL, OR DISTRIBUTE
6 A KRATOM PRODUCT IN THE STATE UNLESS THE MANUFACTURER OF THE
7 KRATOM PRODUCT HAS OBTAINED A REGISTRATION OF THE KRATOM
8 PRODUCT FROM THE EXECUTIVE DIRECTOR. A MANUFACTURER MAY
9 INCLUDE IN AND OBTAIN A SINGLE REGISTRATION FOR MULTIPLE KRATOM
10 PRODUCTS THAT CONTAIN THE SAME KRATOM INGREDIENTS AND THAT ARE
11 IN THE SAME DELIVERY FORM BUT THAT ARE IN DIFFERENT CONTAINERS,
12 PACKAGES, OR VOLUMES.

13 (b) A REGISTRATION IS VALID FOR ONE YEAR FROM THE DATE OF
14 ISSUANCE BY THE EXECUTIVE DIRECTOR AND IS NONTRANSFERABLE.

15 (2) THE EXECUTIVE DIRECTOR SHALL NOT ISSUE A REGISTRATION
16 FOR A KRATOM PRODUCT UNLESS THE MANUFACTURER PAYS THE FEE
17 DESCRIBED IN SECTION 44-15-103 AND PROVIDES TO THE EXECUTIVE
18 DIRECTOR:

19 (a) PROOF OF A CURRENT GOOD MANUFACTURING PRACTICES
20 CERTIFICATE FROM A THIRD-PARTY, INDEPENDENT AUDITOR, INDICATING
21 THAT THE PROCESSOR'S OPERATIONS ARE GENERALLY CONSISTENT WITH
22 THE FEDERAL FOOD AND DRUG ADMINISTRATION'S GOOD MANUFACTURING
23 PRACTICE REQUIREMENTS SPECIFIED IN 21 CFR 111 OR 117, AS
24 APPLICABLE AND AS THOSE PARTS EXISTED ON JULY 1, 2025, FOR ANY
25 FACILITY THAT MANUFACTURES THE KRATOM PRODUCT;

26 (b) PROOF OF A CURRENT FOOD FACILITY REGISTRATION FROM THE
27 FEDERAL FOOD AND DRUG ADMINISTRATION FOR ANY FACILITY THAT

1 MANUFACTURES, PACKAGES, LABELS, OR HOLDS THE KRATOM PRODUCT;

2 (c) A COPY OF THE KRATOM PRODUCT'S LABEL TO DEMONSTRATE
3 COMPLIANCE WITH SECTION 6-1-737 (2)(b); AND

4 (d) PROOF OF A CERTIFICATE OF ANALYSIS FROM AN INDEPENDENT
5 LABORATORY CONFIRMING THE ALKALOID CONTENT OF THE KRATOM
6 PRODUCT, WHICH CERTIFICATE OF ANALYSIS MUST:

7 (I) CONFIRM THAT THE KRATOM PRODUCT HAS A LEVEL OF
8 7-HYDROXYMITRAGYNINE IN THE ALKALOID FRACTION THAT IS TWO
9 PERCENT OR LESS OF THE ALKALOID COMPOSITION OF THE KRATOM
10 PRODUCT; AND

11 (II) INCLUDE A STATEMENT FROM THE PROCESSOR CERTIFYING
12 THAT THERE ARE NO SYNTHESIZED ALKALOIDS OR SEMI-SYNTHESIZED
13 ALKALOIDS IN THE KRATOM PRODUCT.

14 (3) IF THE EXECUTIVE DIRECTOR RECEIVES EVIDENCE THAT A
15 KRATOM PRODUCT REGISTERED PURSUANT TO THIS SECTION MAY BE
16 ADULTERATED IN VIOLATION OF SECTION 6-1-737 (2)(a)(I), THE
17 EXECUTIVE DIRECTOR MAY REQUIRE A THIRD-PARTY TEST OF THE KRATOM
18 PRODUCT BY AN INDEPENDENT LABORATORY CHOSEN BY THE EXECUTIVE
19 DIRECTOR.

20 (4) (a) THE EXECUTIVE DIRECTOR MAY SUSPEND OR REVOKE A
21 REGISTRATION ISSUED PURSUANT TO THIS SECTION IN THE EVENT OF A
22 VIOLATION OF:

23 (I) THIS SECTION OR THE RULES ADOPTED PURSUANT TO THIS
24 SECTION; OR

25 (II) SECTION 6-1-737.

26 (b) A MANUFACTURER THAT REGISTERS A KRATOM PRODUCT
27 PURSUANT TO THIS SECTION IS RESPONSIBLE FOR THE DIRECT COSTS

1 ASSOCIATED WITH A THIRD-PARTY TEST DESCRIBED IN SUBSECTION (3) OF
2 THIS SECTION OR ENFORCEMENT ACTION RELATED TO THE KRATOM
3 PRODUCT IF THE THIRD-PARTY TEST OR ENFORCEMENT ACTION LEADS TO
4 THE SUSPENSION OR REVOCATION OF THE KRATOM PRODUCT'S
5 REGISTRATION OR THE ASSESSMENT OF A CIVIL PENALTY PURSUANT TO
6 SECTION 44-15-104.

7 **44-15-103. Annual fee - cash fund - loan - gifts, grants, and**
8 **donations - repeal.** (1) THE EXECUTIVE DIRECTOR SHALL ESTABLISH AN
9 ANNUAL FEE PAID BY A MANUFACTURER OF A KRATOM PRODUCT THAT IS
10 KNOWINGLY MANUFACTURED, PACKAGED, LABELED, OR DISTRIBUTED IN
11 THE STATE. THE STATE TREASURER SHALL CREDIT THE ANNUAL FEES TO
12 THE FUND.

13 (2) (a) THE KRATOM CONSUMER PROTECTION CASH FUND IS
14 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANNUAL FEES
15 CREDITED TO THE FUND PURSUANT TO SUBSECTION (1) OF THIS SECTION,
16 CIVIL PENALTIES CREDITED TO THE FUND PURSUANT TO SECTION 44-15-104
17 (3), ANY AMOUNTS THE DEPARTMENT RECEIVES AND TRANSMITS FOR
18 DEPOSIT IN THE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION, AND
19 ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
20 TRANSFER TO THE FUND, INCLUDING THE AMOUNT TRANSFERRED TO THE
21 FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION.

22 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
23 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
24 FUND TO THE FUND.

25 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
26 ASSEMBLY, THE EXECUTIVE DIRECTOR MAY EXPEND MONEY FROM THE
27 FUND FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE 15.

1 (3)(a)(I) ON JULY 1, 2025, OR AS SOON AS POSSIBLE THEREAFTER,
2 THE STATE TREASURER SHALL TRANSFER TWO HUNDRED EIGHTY
3 THOUSAND SIX HUNDRED SIX DOLLARS FROM THE TOBACCO LITIGATION
4 SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115 TO THE KRATOM
5 CONSUMER PROTECTION CASH FUND FOR THE PURPOSE OF DEFRAYING
6 EXPENSES INCURRED BY THE DEPARTMENT BEFORE IT RECEIVES ANNUAL
7 FEES PURSUANT TO SUBSECTION (1) OF THIS SECTION OR ANY CIVIL
8 PENALTIES PURSUANT TO SECTION 44-15-104 (3).

9 (II) NOTWITHSTANDING ANY OTHER LAW, STATE FISCAL RULE, OR
10 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE
11 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION:

12 (A) THE DEPARTMENT MAY ACCEPT AND EXPEND ANY MONEY
13 TRANSFERRED PURSUANT TO THIS SUBSECTION (3);

14 (B) THE TRANSFER REQUIRED IN SUBSECTION (3)(a)(I) OF THIS
15 SECTION IS A LOAN FROM THE STATE TREASURER TO THE DEPARTMENT
16 THAT IS REQUIRED TO BE REPAID; AND

17 (C) THE TRANSFER REQUIRED IN SUBSECTION (3)(a)(I) OF THIS
18 SECTION IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE
19 X OF THE STATE CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7).

20 (b) (I) AS THE DEPARTMENT RECEIVES SUFFICIENT REVENUE IN
21 EXCESS OF EXPENSES, THE DEPARTMENT SHALL REPAY THE STATE
22 TREASURER FOR THE PRINCIPAL AMOUNT OF THE LOAN PLUS
23 ACCUMULATED INTEREST AS DETERMINED PURSUANT TO SUBSECTION
24 (3)(b)(II) OF THIS SECTION AND SHALL FULLY REPAY THE PRINCIPAL AND
25 INTEREST ON THE LOAN NO LATER THAN JUNE 30, 2027.

26 (II) INTEREST ACCRUES ON THE MONEY BORROWED FROM THE
27 TOBACCO LITIGATION SETTLEMENT CASH FUND AT A RATE EQUIVALENT TO

1 THE RATE PER ANNUM ON THE MOST RECENTLY ISSUED TEN-YEAR UNITED
2 STATES TREASURY NOTE, ROUNDED TO THE NEAREST ONE-TENTH OF ONE
3 PERCENT, AS REPORTED BY THE "WALL STREET JOURNAL", AS OF THE
4 DATE THE TRANSFER REQUIRED BY SUBSECTION (3)(a)(I) OF THIS SECTION
5 IS MADE. INTEREST ACCRUES AT THE RATE SPECIFIED IN THIS SUBSECTION
6 (3)(b)(II) BEGINNING ON THE DATE OF THE TRANSFER UNTIL THE DATE ON
7 WHICH THE TOTAL AMOUNT BORROWED, INCLUDING ACCRUED INTEREST,
8 IS REPAID.

9 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2028.

10 (4) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
11 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
12 PURPOSES OF THIS ARTICLE 15. THE DEPARTMENT SHALL TRANSMIT ALL
13 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
14 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

15 **44-15-104. Civil penalty.** (1) A MANUFACTURER OF A KRATOM
16 PRODUCT THAT IS MANUFACTURED, PACKAGED, LABELED, OR DISTRIBUTED
17 IN THE STATE WITHOUT A REGISTRATION ISSUED PURSUANT TO SECTION
18 44-15-102 (1) IS SUBJECT TO A CIVIL PENALTY OF:

19 (a) NO MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST
20 VIOLATION;

21 (b) NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SECOND
22 VIOLATION; AND

23 (c) AT LEAST FIVE THOUSAND DOLLARS AND NO MORE THAN
24 TWENTY THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.

25 (2) IN THE EVENT OF A THIRD OR SUBSEQUENT VIOLATION, THE
26 MANUFACTURER IS PROHIBITED FROM MANUFACTURING OR DISTRIBUTING
27 KRATOM PRODUCTS IN THE STATE FOR THREE YEARS AFTER THE DATE THE

1 CIVIL PENALTY IS ASSESSED.

2 (3) THE STATE TREASURER SHALL CREDIT THE CIVIL PENALTIES TO
3 THE FUND.

4 **44-15-105. Compliance with federal law - rules.** (1) A KRATOM
5 PRODUCT SOLD, OFFERED FOR SALE, OR INTRODUCED INTO COMMERCE IN
6 THE STATE MUST BE MANUFACTURED, PACKAGED, LABELED, AND
7 DISTRIBUTED IN COMPLIANCE WITH 21 CFR 111 OR 117, AS THOSE PARTS
8 EXISTED ON JULY 1, 2025, OR AS UPDATED BY THE EXECUTIVE DIRECTOR
9 BY RULE.

10 (2) A PERSON THAT MANUFACTURES, PACKAGES, LABELS, OR
11 HOLDS A KRATOM PRODUCT TO BE DISTRIBUTED IN THE STATE SHALL HOLD
12 A CURRENT FOOD FACILITY REGISTRATION FROM THE FEDERAL FOOD AND
13 DRUG ADMINISTRATION.

14 **44-15-106. Rules.** THE EXECUTIVE DIRECTOR MAY ADOPT RULES
15 THAT ARE NECESSARY FOR THE ADMINISTRATION AND ENFORCEMENT OF
16 THIS ARTICLE 15.

17 **44-15-107. Local government regulation.** NOTHING IN THIS
18 ARTICLE 15 OR RULES ADOPTED BY THE EXECUTIVE DIRECTOR PURSUANT
19 TO THIS ARTICLE 15 LIMITS THE ABILITY OF A LOCAL GOVERNMENT TO
20 ENACT OR ENFORCE AN ORDINANCE, RESOLUTION, REGULATION, OR OTHER
21 LAW RELATING TO THE MANUFACTURE, SALE, OFFER FOR SALE, TRANSFER,
22 POSSESSION, OR USE OF ANY KRATOM PRODUCT WITHIN THE LOCAL
23 GOVERNMENT'S JURISDICTION SO LONG AS THE LOCAL GOVERNMENT
24 ORDINANCE, RESOLUTION, REGULATION, OR LAW IS NO LESS RESTRICTIVE
25 THAN THE REQUIREMENTS OF THIS ARTICLE 15.

26 **SECTION 4.** In Colorado Revised Statutes, **add** 6-1-737 as
27 follows:

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

2 (1) UNLESS THE CONTEXT OTHERWISE REQUIRES, THE DEFINITIONS IN
3 SECTION 44-15-101 APPLY TO THIS SECTION.

4 (2) A PERSON SHALL NOT:

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

7 (I) THAT IS ADULTERATED;

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

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

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

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

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

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

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

23 (III) DISCLOSURE AND ADVICE:

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

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

27 (C) THAT KRATOM MAY BE HABIT FORMING; AND

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

3 (IV) THE FOLLOWING STATEMENTS:

4 (A) "THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE ___
5 FOOD AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO
6 DIAGNOSE, TREAT, CURE, OR PREVENT ANY DISEASE."; AND

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

8 (V) DIRECTIONS FOR USE THAT INCLUDE:

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

11 (B) THE NUMBER OF RECOMMENDED SERVINGS PER PACKAGE;

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

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

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

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

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

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

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

4 **SECTION 5.** In Colorado Revised Statutes, 18-13-132, **amend**
5 (3) as follows:

6 **18-13-132. Furnishing kratom products to persons under**
7 **twenty-one years of age.** (3) As used in this section, "kratom product"
8 has the meaning set forth in section ~~44-1-105 (1)~~ 44-15-101 (8).

9 **SECTION 6.** In Colorado Revised Statutes, 24-22-115, **add** (6)
10 as follows:

11 **24-22-115. Tobacco litigation settlement cash fund -**
12 **health-care supplemental appropriations and overexpenditures**
13 **account - creation - repeal.** (6) (a) ON JULY 1, 2025, OR AS SOON AS
14 POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER TWO
15 HUNDRED EIGHTY THOUSAND SIX HUNDRED SIX DOLLARS FROM THE
16 TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN THIS SECTION
17 TO THE KRATOM CONSUMER PROTECTION CASH FUND CREATED IN SECTION
18 44-15-103 (2). THE AMOUNT TRANSFERRED PURSUANT TO THIS
19 SUBSECTION (6) IS A LOAN FROM THE STATE TREASURER TO THE
20 DEPARTMENT OF REVENUE THAT IS REQUIRED TO BE REPAYED IN
21 ACCORDANCE WITH SECTION 44-15-103 (3)(b).

22 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2028.

23 **SECTION 7.** In Colorado Revised Statutes, 24-75-1104.5,
24 **amend** (1.7) introductory portion; and **add** (10) as follows:

25 **24-75-1104.5. Use of settlement money - programs - repeal.**
26 (1.7) Except as otherwise provided in subsections (1.3), (1.8), and (5),
27 AND (10) of this section, and except that disputed payments received by

1 the state in the 2015-16 fiscal year or in any year thereafter are excluded
2 from the calculation of allocations pursuant to this subsection (1.7), for
3 the 2016-17 fiscal year and for each fiscal year thereafter, the following
4 programs, services, and funds receive the following specified percentages
5 of the total amount of settlement money received by the state in the
6 preceding fiscal year:

7 (10) (a) FOR THE 2025-26 FISCAL YEAR, THE TOTAL AMOUNT OF
8 SETTLEMENT MONEY RECEIVED BY THE STATE IN THE PRECEDING FISCAL
9 YEAR SHALL BE REDUCED BY TWO HUNDRED EIGHTY THOUSAND SIX
10 HUNDRED SIX DOLLARS BEFORE THE CALCULATION OF ALLOCATIONS
11 UNDER SUBSECTION (1.7) OF THIS SECTION, WHICH AMOUNT SHALL BE
12 TRANSFERRED IN ACCORDANCE WITH SECTION 24-22-115 (6).

13 (b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2026.

14 **SECTION 8. Appropriation.** (1) For the 2025-26 state fiscal
15 year, \$280,606 is appropriated to the department of revenue. This
16 appropriation is from the kratom consumer protection cash fund created
17 in section 44-15-103 (2)(a), C.R.S. To implement this act, the department
18 may use this appropriation as follows:

19 (a) \$103,108 for use by the kratom division for personal services,
20 which amount is based on an assumption that the division will require an
21 additional 1.3 FTE;

22 (b) \$33,059 for use by the kratom division for operating expenses;
23 and

24 (c) \$144,439 for the purchase of legal services.

25 (2) For the 2025-26 state fiscal year, \$144,439 is appropriated to
26 the department of law. This appropriation is from reappropriated funds
27 received from the department of revenue under subsection (1)(c) of this

1 section and is based on an assumption that the department of law will
2 require an additional 0.6 FTE. To implement this act, the department of
3 law may use this appropriation to provide legal services for the
4 department of revenue.

5 **SECTION 9. Applicability.** This act applies to conduct occurring
6 on or after the effective date of this act.

7 **SECTION 10. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.