

## HB 4013 -2 STAFF MEASURE SUMMARY

### House Committee On Economic Development

---

**Prepared By:** Melissa Leoni, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/3, 2/12

---

#### WHAT THE MEASURE DOES:

Directs Oregon Department of Agriculture (ODA) to promulgate rules regarding the testing, labeling, and regulation of kratom. Requires kratom processors to register with ODA and allows ODA to assess registration fees. Prohibits purchase of kratom products by anyone under 21 years of age. Bans kratom products containing synthetic alkaloids, heightened levels of natural kratom alkaloids, and injurious or poisonous substances, including controlled substances. Gives ODA authority to seize and destroy nonconforming products. Creates civil and criminal penalties for violations of provisions and allows for civil action by the public. Takes effect July 1, 2020.

#### ISSUES DISCUSSED:

- Lack of need or reasons for adulterants
- Reasons for regulation by the Oregon Department of Agriculture
- Federal regulatory status
- Model language and similar state regulations
- Civil penalties for prohibiting purchase by persons under the age of 21

#### EFFECT OF AMENDMENT:

-2 Replaces measure. Requires Oregon Health Authority, Oregon Liquor Control Commission, Oregon Department of Agriculture, and the Governor's Office to collaborate with representatives of the kratom industry to develop a plan for the regulation of kratom. Specifies requirements of the plan and requires report to Legislative Assembly by December 31, 2020. Defines terms. Prohibits purchase of kratom products by anyone under 21 years of age and makes violation by kratom processor a Class C misdemeanor. Declares emergency; effective on passage.

#### BACKGROUND:

Kratom (*Mitragyna speciosa*) is a tree native to southeast Asia. Kratom leaves are typically chewed, brewed, or crushed into a bitter green powder and are sold in the United States as pills, capsules, teas, or extracts. Kratom consumption produces stimulant effects in low doses and sedative effects in high doses. Kratom is used recreationally, to treat pain, and for opioid cessation. However, there are few scientific studies on the effects of kratom use or the effectiveness of treatments involving kratom.

The U.S. Drug Enforcement Administration lists kratom as a drug of concern and the U.S. Food and Drug Administration warned consumers in September 2019 not to use kratom as it appears to have properties that expose users to the risks of addiction, abuse, and dependence. Kratom is not currently regulated at the federal level, though several states (Alabama, Arkansas, Indiana, Rhode Island, Tennessee, Vermont, and Wisconsin) have bans on the production and sale of kratom-containing products.

House Bill 4013 requires the Oregon Department of Agriculture (ODA) to regulate kratom, requires kratom processors to register with the ODA, bans kratom products containing certain substances, and prohibits the purchase of kratom products by anyone under 21.