

A-Engrossed

House Bill 4013

Ordered by the House February 14
Including House Amendments dated February 14

Sponsored by Representatives POST, CLEM, BARKER; Representative PRUSAK (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes regulations for kratom products, including labeling requirements and minimum age for sale. Requires registration of kratom products with State Department of Agriculture. Provides civil cause of action for damages resulting from violation of kratom regulations. Authorizes imposition of civil penalty for certain violations.]

[Creates crime of unlawful preparation, distribution, sale or offer for sale of kratom product. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both. Creates crime of unlawful distribution, sale or offer for sale to individual under 21 years of age. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.]

[Takes effect on July 1, 2020.]

Directs Oregon Health Authority, Oregon Liquor Control Commission, State Department of Agriculture and Governor's office to collaborate with kratom industry to develop plan to address issues related to regulatory authority over kratom. Requires plan to be submitted to interim committees of Legislative Assembly. Sunsets January 2, 2021.

Creates crime of unlawful distribution, sale or offer for sale to individual under 21 years of age. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to kratom; and declaring an emergency.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** **(1) The Oregon Health Authority, Oregon Liquor Control Commission, State**
4 **Department of Agriculture and office of the Governor shall collaborate with representatives**
5 **of the kratom industry to develop a plan to address the administrative burden and cost of**
6 **regulation of kratom in this state. At a minimum, the plan must:**

- 7 **(a) Recommend the appropriate regulatory authority over kratom;**
8 **(b) Detail consolidation of administrative functions related to the regulation of kratom;**
9 **(c) Determine methods to reduce administrative costs while ensuring the necessary**
10 **funding for the continued maintenance and operation of any systems and programs related**
11 **to kratom;**
12 **(d) Establish a state kratom reference laboratory;**
13 **(e) Support social equity as related to kratom; and**
14 **(f) Detail changes to state law that would be necessary if the plan is implemented.**

15 **(2) The authority, commission, department and office shall submit the plan to the interim**
16 **committees of the Legislative Assembly related to economic development and kratom not**
17 **later than December 31, 2020.**

18 **SECTION 2. As used in this section and sections 3 and 4 of this 2020 Act:**

19 **(1) "Food" means:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

- 1 (a) An item used for food or drink for human or animal consumption or the components
2 of the item;
3 (b) Chewing gum or chewing gum components; or
4 (c) A food supplement for special dietary use that is necessitated because of a physical,
5 physiological, pathological or other condition.
6 (2) "Kratom processor" means a person that:
7 (a) Sells, prepares, processes, manufactures, distributes or maintains a kratom product;
8 or
9 (b) Advertises, represents or holds out as being a person that sells, prepares, processes,
10 manufactures, distributes or maintains a kratom product.
11 (3) "Kratom product" means a food containing any part of the leaf of the plant *Mitragyna*
12 *speciosa*.

13 SECTION 3. Notwithstanding ORS 659A.403, a kratom processor may not distribute, sell
14 or offer for sale a kratom product to an individual under 21 years of age.

15 SECTION 4. A kratom processor that violates section 3 of this 2020 Act is guilty of a
16 Class C misdemeanor for each violation.

17 SECTION 5. Section 1 of this 2020 Act is repealed on January 2, 2021.

18 SECTION 6. This 2020 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
20 on its passage.

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