

Requested by Representative POST

**PROPOSED AMENDMENTS TO
HOUSE BILL 2646**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete page
2 2 and insert:

3 **“SECTION 1. Sections 2 to 5 of this 2021 Act shall be known and
4 may be cited as the Oregon Kratom Consumer Protection Act.**

5 **“SECTION 2. As used in sections 2 to 5 of this 2021 Act:**

6 **“(1) ‘Kratom product’ means a food, food product, food ingredient,
7 dietary ingredient, dietary supplement or beverage for human con-
8 sumption containing any part of the leaf of the plant *Mitragyna*
9 *speciosa*.**

10 **“(2) ‘Processor’ means a person that:**

11 **“(a) Sells, prepares, processes, manufactures, distributes or main-
12 tains kratom products; or**

13 **“(b) Advertises, represents or holds out as being a person that sells,
14 prepares, processes, manufacturers, distributes or maintains a kratom
15 product.**

16 **“SECTION 3. (1) A processor may not sell, prepare, process, manu-
17 facture, distribute, maintain or expose for sale a kratom product that
18 is not registered with the State Department of Agriculture.**

19 **“(2) The following kratom products are not eligible for registration:**

20 **“(a) A kratom product that is adulterated with a dangerous non-
21 kratom substance. A kratom product is adulterated with a dangerous**

1 non-kratom substance if the kratom product is mixed or packed with
2 a non-kratom substance and that substance affects the quality or
3 strength of the kratom product to such a degree as to render the
4 kratom product injurious to a consumer.

5 “(b) A kratom product that is contaminated with a dangerous non-
6 kratom substance. A kratom product is contaminated with a danger-
7 ous non-kratom substance if the kratom product contains a poisonous
8 or otherwise deleterious non-kratom ingredient, including, but not
9 limited to, any of the substances listed in ORS 475.005 (6).

10 “(c) A kratom product containing a level of 7-hydroxymitragynine
11 in the alkaloid fraction that is greater than two percent of the overall
12 alkaloid composition of the product.

13 “(d) A kratom product containing any synthetic alkaloids including
14 synthetic mitragynine, synthetic 7-hydroxymitragynine or any other
15 synthetically derived compounds of the *Mitragyna speciosa* plant.

16 “(3) A processor that violates subsection (1) of this section is sub-
17 ject to a civil penalty of not more than \$500 for the first offense and
18 not more than \$1,000 for the second or subsequent offense. Upon re-
19 quest by the processor to whom an administrative fine is issued, the
20 Director of Agriculture shall conduct a hearing in accordance with
21 contested case proceedings under ORS chapter 183.

22 “(4) A processor does not violate subsection (1) of this section if it
23 is shown by a preponderance of the evidence that the processor relied
24 in good faith upon the representation of another processor regarding
25 the registration of a kratom product.

26 “SECTION 4. (1) A processor may not distribute, sell or expose for
27 sale a kratom product to an individual under 21 years of age.

28 “(2) A processor that violates subsection (1) of this section is guilty
29 of a Class C misdemeanor for each violation.

30 “SECTION 5. The State Department of Agriculture shall adopt rules

1 necessary to carry out sections 2 and 3 of this 2021 Act, including rules
2 establishing:

3 “(1) Standards for testing to ensure a kratom product is safe for
4 human consumption;

5 “(2) Standards for accurate labeling to ensure safe and effective use
6 of a kratom product by consumers, including a recommended serving
7 size;

8 “(3) Standards and procedures for registering a kratom product; and

9 “(4) A fee to be paid to the department by a processor to register
10 a kratom product.

11 **“SECTION 6. (1) Sections 2 to 5 of this 2021 Act become operative
12 on January 1, 2022.**

13 **“(2) The State Department of Agriculture may take any action be-
14 fore the operative date specified in subsection (1) of this section that
15 is necessary to enable the department to exercise, on and after the
16 operative date specified in subsection (1) of this section, all of the du-
17 ties, functions and powers conferred on the department by sections 2
18 to 5 of this 2021 Act.**

19 **“SECTION 7. This 2021 Act takes effect on the 91st day after the
20 date on which the 2021 regular session of the Eighty-first Legislative
21 Assembly adjourns sine die.”.**

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