

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2550

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10; RELATING TO PUBLIC HEALTH AND SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 6, Arizona Revised Statutes, is
3 amended by adding article 10, to read:

4 ARTICLE 10. KRATOM PRODUCTS

5 36-795. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "DEALER":

8 (a) MEANS A PERSON THAT SELLS, PREPARES OR MAINTAINS KRATOM
9 PRODUCTS OR THAT ADVERTISES, REPRESENTS OR HOLDS ITSELF OUT AS SELLING,
10 PREPARING OR MAINTAINING KRATOM PRODUCTS.

11 (b) INCLUDES A MANUFACTURER, WHOLESALER, STORE, RESTAURANT, HOTEL,
12 CATERING FACILITY, CAMP, BAKERY, DELICATESSEN, SUPERMARKET, GROCERY STORE,
13 CONVENIENCE STORE, NURSING HOME OR FOOD OR DRINK COMPANY.

14 2. "FOOD" MEANS A FOOD, FOOD PRODUCT, FOOD INGREDIENT, DIETARY
15 INGREDIENT, DIETARY SUPPLEMENT OR BEVERAGE FOR HUMAN CONSUMPTION.

16 3. "KRATOM PRODUCT" MEANS A FOOD PRODUCT OR DIETARY INGREDIENT
17 CONTAINING ANY PART OF THE LEAF OF THE PLANT MITRAGYNA SPECIOSA.

18 36-795.01. Kratom product disclosure; preparing,
19 distributing, selling or exposing for sale
20 without disclosure prohibited

21 A. A DEALER THAT PREPARES, DISTRIBUTES, SELLS OR EXPOSES FOR SALE A
22 FOOD THAT IS REPRESENTED TO BE A KRATOM PRODUCT SHALL DISCLOSE ON THE
23 PRODUCT LABEL THE FACTUAL BASIS ON WHICH THAT REPRESENTATION IS MADE.

24 B. A DEALER MAY NOT PREPARE, DISTRIBUTE, SELL OR EXPOSE FOR SALE A
25 FOOD REPRESENTED TO BE A KRATOM PRODUCT THAT DOES NOT CONFORM TO THE
26 DISCLOSURE REQUIRED BY THIS SECTION.

27 36-795.02. Kratom product; adulteration; contamination; sales
28 to minors prohibited

29 A. A DEALER MAY NOT PREPARE, DISTRIBUTE, SELL OR EXPOSE FOR SALE
30 ANY OF THE FOLLOWING:

31 1. A KRATOM PRODUCT THAT IS ADULTERATED WITH A DANGEROUS NONKRATOM
32 SUBSTANCE. A KRATOM PRODUCT IS ADULTERATED WITH A DANGEROUS NONKRATOM
33 SUBSTANCE IF THE KRATOM PRODUCT IS MIXED OR PACKED WITH A NONKRATOM
34 SUBSTANCE AND THAT SUBSTANCE AFFECTS THE QUALITY OR STRENGTH OF THE KRATOM
35 PRODUCT TO SUCH A DEGREE AS TO RENDER THE KRATOM PRODUCT INJURIOUS TO A
36 CONSUMER.

37 2. A KRATOM PRODUCT THAT IS CONTAMINATED WITH A DANGEROUS NONKRATOM
38 SUBSTANCE. A KRATOM PRODUCT IS CONTAMINATED WITH A DANGEROUS NONKRATOM
39 SUBSTANCE IF THE KRATOM PRODUCT CONTAINS A POISONOUS OR OTHERWISE
40 DELETERIOUS NONKRATOM SUBSTANCE, INCLUDING ANY CONTROLLED SUBSTANCE
41 PRESCRIBED BY CHAPTER 27 OF THIS TITLE.

42 3. A KRATOM PRODUCT CONTAINING A LEVEL OF 7-HYDROXYMITRAGYNE IN
43 THE ALKALOID FRACTION THAT IS GREATER THAN TWO PERCENT OF THE ALKALOID
44 COMPOSITION OF THE PRODUCT.

1 4. A KRATOM PRODUCT CONTAINING ANY SYNTHETIC ALKALOID, INCLUDING
2 SYNTHETIC MITRAGYNINE, SYNTHETIC 7-HYDROXYMITRAGYNINE OR ANY OTHER
3 SYNTHETICALLY DERIVED COMPOUNDS OF THE KRATOM PLANT.

4 5. ANY KRATOM-CONTAINING PRODUCT THAT DOES NOT INCLUDE ON ITS
5 PACKAGE OR LABEL THE AMOUNT OF MITRAGYNINE AND 7-HYDROXYMITRAGYNINE
6 CONTAINED IN THE PRODUCT.

7 B. A DEALER MAY NOT DISTRIBUTE, SELL OR EXPOSE FOR SALE A KRATOM
8 PRODUCT TO AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE.

9 36-795.03. Violations; classification

10 A. A DEALER THAT VIOLATES SECTION 36-795.01, SUBSECTION B OR
11 SECTION 36-795.02 IS GUILTY OF A CLASS 2 MISDEMEANOR.

12 B. IN ADDITION TO AND DISTINCT FROM ANY OTHER REMEDY AT LAW OR
13 EQUITY, A PERSON AGGRIEVED BY A VIOLATION OF SECTION 36-795.01, SUBSECTION
14 B OR SECTION 36-795.02, SUBSECTION A MAY BRING A PRIVATE CAUSE OF ACTION
15 IN A COURT OF COMPETENT JURISDICTION FOR DAMAGES RESULTING FROM THAT
16 VIOLATION, INCLUDING ECONOMIC, NONECONOMIC OR CONSEQUENTIAL DAMAGES.

17 C. A DEALER DOES NOT VIOLATE SECTION 36-795.01, SUBSECTION B OR
18 SECTION 36-795.02, SUBSECTION A IF THE COURT FINDS BY A PREPONDERANCE OF
19 THE EVIDENCE THAT THE DEALER RELIED IN GOOD FAITH ON THE REPRESENTATION OF
20 A MANUFACTURER, PROCESSOR, PACKER OR DISTRIBUTOR THAT THE FOOD WAS A
21 KRATOM PRODUCT.

22 Sec. 2. Short title

23 This act may be cited and known as the "Kratom Consumer Protection
24 Act".