

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

**CHAPTER 156**  
**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".

APPROVED BY THE GOVERNOR APRIL 30, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2019.