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# A BILL FOR AN ACT

RELATING TO KRATOM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 328, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4           "PART           .   HAWAII KRATOM CONSUMER PROTECTION ACT

5           §328-       Short title. This part shall be known and may be  
6 cited as the Hawaii Kratom Consumer Protection Act.

7           §328-       Definitions. As used in this part, unless the  
8 context otherwise requires:

9           "Food" means a food, food product, food ingredient, dietary  
10 ingredient, dietary supplement, or beverage for human  
11 consumption.

12           "Kratom" means any part of the leaf of the plant *Mitragyna*  
13 *speciosa*.

14           "Kratom product" means a food product or ingredient  
15 containing kratom.

16           "Vendor" means any person who sells, prepares, or maintains  
17 kratom products or that advertises, represents, or holds oneself



1 out as selling, preparing, or maintaining kratom products.

2 "Vendor" includes a manufacturer, wholesaler, store, restaurant,  
3 hotel, catering facility, camp, bakery, delicatessen,  
4 supermarket, grocery store, convenience store, nursing home, or  
5 food or drink company.

6 §328- Vendor disclosure requirements. (a) A vendor who  
7 prepares, distributes, sells, or exposes for sale a food or  
8 product that contains kratom as an ingredient or that is  
9 represented to be a kratom product shall disclose on the product  
10 label or website, or on a quick response code on the product  
11 label linked to a website, the factual basis on which that  
12 representation is made.

13 (b) A vendor shall not prepare, distribute, sell, or  
14 expose for sale a food or product that contains kratom as an  
15 ingredient or that is represented to be a kratom product that  
16 does not conform to the disclosure required by this section.

17 §328- Prohibited kratom products; labeling requirements;  
18 sale to minors prohibited; test results. (a) A vendor shall  
19 not prepare, distribute, sell, or expose for sale any of the  
20 following:



- 1           (1) A kratom product that is adulterated with a nonkratom  
2           substance. For purposes of this paragraph,  
3           "adulterated with a nonkratom substance" means the  
4           kratom product is mixed or packed with a nonkratom  
5           substance and that substance affects the quality or  
6           strength of the kratom product to a degree as to  
7           render the kratom product injurious to a consumer;
- 8           (2) A kratom product that is contaminated with a dangerous  
9           nonkratom substance. For purposes of this paragraph,  
10          "contaminated with a dangerous nonkratom substance"  
11          means the kratom product contains a substance that is  
12          not safe for human consumption;
- 13          (3) A kratom product containing a level of  
14          7-hydroxymitragynine in the alkaloid fraction that is  
15          greater than two per cent of the alkaloid composition  
16          of the product;
- 17          (4) A kratom product containing any synthetic alkaloid,  
18          including synthetic mitragynine, synthetic  
19          7-hydroxymitragynine, or any other synthetically  
20          derived compounds of the kratom plant; or



1           (5) A kratom product containing any controlled substance  
2                    listed in any of the schedules under chapter 329,  
3                    unless the product is compounded by a licensed  
4                    pharmacist with the controlled substance dispensed in  
5                    accordance with a valid prescription.

6           (b) Kratom products shall be accompanied by a product  
7 label, or on a quick response code on the product label linked  
8 to a website, bearing the following information prior to sale in  
9 the State:

10           (1) A list of the ingredients, including the common or  
11                    usual name of each ingredient used in the manufacture  
12                    of the kratom product, listed in descending order of  
13                    predominance;

14           (2) That the sale or transfer of kratom to a person under  
15                    eighteen years of age is prohibited;

16           (3) The amount of mitragynine and 7-hydroxymitragynine  
17                    contained in the kratom product;

18           (4) The amount of mitragynine and 7-hydroxymitragynine  
19                    contained in packaging for the kratom product;



1 (5) The name and the principal street address of the  
2 vendor or the person responsible for distributing the  
3 kratom product;

4 (6) The suggested use of the kratom product; and

5 (7) Any precautionary statements as to the safety and  
6 effectiveness of the kratom product.

7 (c) A vendor shall not distribute, sell, or expose for  
8 sale a kratom product to an individual under eighteen years of  
9 age.

10 (d) Upon request by the department, a vendor shall provide  
11 test results from a United States-based testing facility to  
12 confirm the items listed on the kratom product label.

13 **§328- Penalties; cause of action; standard of proof.**

14 (a) The owner or manager of a vendor who violates any of the  
15 provisions of this part shall subject to the following  
16 penalties:

17 (1) For the first offense, a fine of not more than \$500;

18 (2) For the second offense, a fine of not more than  
19 \$1,000; and



1           (3) For any subsequent offense, the vendor shall be  
2                   prohibited from selling kratom products for a period  
3                   of three years.

4           (b) The owner or manager of a vendor who violates the  
5 prohibition against selling kratom products during the three-  
6 year period under subsection (a) (3) shall be guilty of a  
7 misdemeanor and, upon conviction, be fined not more than \$2,000,  
8 or imprisoned for not more than one year, or both.

9           (c) A person aggrieved by a violation of this part may  
10 bring a cause of action in a court of competent jurisdiction for  
11 damages resulting from that violation including but not limited  
12 to economic, noneconomic, or consequential damages.

13           (d) A vendor shall be immune from liability for actions  
14 arising under this part if the court finds by a preponderance of  
15 the evidence that the vendor relied in good faith on the  
16 representation of a manufacturer, processor, packager, or  
17 distributor that the food was a kratom product."

18           SECTION 2. This Act shall take effect on January 1, 2025.

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INTRODUCED BY:

*Mark N. Williams*

BY REQUEST



# S.B. NO. 3372

**Report Title:**

Kratom; Kratom Products; Labeling; Penalties; Sale to Minors Prohibited

**Description:**

Establishes certain disclosure and labelling requirements for food, products, and dietary supplements containing kratom. Prohibits the distribution and sale of kratom products to minors. Imposes civil and criminal penalties for violations. Takes effect 1/1/2025.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

