

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1566

Introduced by

Representatives D. Johnston, Christianson, Klemin, J. Olson, Schneider, VanWinkle

1 A BILL for an Act to create and enact a new chapter to title 4.1 of the North Dakota Century
2 Code, relating to kratom products; to provide for a legislative management study ~~relating to the~~
3 ~~regulation of kratom; and to provide a penalty.~~

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1.** A new chapter to title 4.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 Definitions.

8 As used in this chapter:

9 1. "Kratom" means any part of the mitragyna speciosa plant.

10 2. "Kratom extract" means a substance or compound obtained by the extraction of
11 kratom intended for ingestion containing more than trace amounts of kratom and other
12 alkaloids of the plant.

13 3. "Kratom product" means a pill, powder, capsule, liquid, or other edible product
14 containing kratom or kratom extract.

15 Kratom product requirements - Penalty.

16 1. A kratom product may not be sold:

17 a. To an individual under twenty-one years of age.

18 b. If the product:

19 (1) Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is
20 greater than two percent of the alkaloid composition of the kratom product;

21 (2) Contains synthesized material that alters the composition of a kratom
22 alkaloid or constituent; or

- 1 (3) Is adulterated with a substance impacting the quality or strength to cause
- 2 potential harm to an individual.
- 3 2. A retailer that advertises, sells, prepares, manufactures, distributes, or maintains a
- 4 kratom product that contains a controlled substance identified in chapter 19-03.1 or
- 5 19-03.2 must be charged under chapter 19-03.1 or 19-03.2.
- 6 3. The department may adopt rules in accordance with this section.

7 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - KRATOM USES.** During the
8 2025-26 interim, the legislative management shall consider studying the implementation of
9 regulations related to potential uses of kratom in the state. The legislative management shall
10 report its findings and recommendations, together with any legislation necessary to implement
11 the recommendations, to the seventieth legislative assembly.