



**Testimony of Doug Goehring
Agriculture Commissioner
Senate Energy and Natural Resources
Peace Garden
April 3, 2025**

Chairman Patten and members of the Senate Energy and Natural Resources committee, I am Agriculture Commissioner Doug Goehring. I am here today to discuss amendments to HB 1566, which would create registration of kratom products and licensing of retail locations.

The amendment would create a registration process of Kratom products sold in the state. This would be needed to ensure products are not adulterated with our ingredients. Additionally, would be require a retail location to register with my office before selling Kratom products. Finally, the bill would create a prohibition of selling Kratom products to any individual under 21 years of age. I can walk through the specifics of the bill if the committee would like.

Chairman Patten and committee members, thank you for your consideration of amendments to HB 1566. I would be happy to answer any questions you may have.

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT
ENGROSSED HOUSE BILL NO. 1566**

Introduced by

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

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

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

7 **KRATOM**

8 **Definitions**

- 9 1. "Food" means:
- 10 a. an article used for food or drink for human or animal consumption or the
- 11 components of the article;
- 12 b. chewing gum or chewing gum components; or
- 13 c. a food supplement for special dietary use that is necessitated because of a
- 14 physical, physiological, pathological, or other condition.
- 15 2. "Kratom product" mean food containing any part of a leaf of the plant *Mitragyna*
- 16 *speciosa*.
- 17 3. "Kratom processor" means any kratom product manufacturer, distributor, or
- 18 wholesaler.
- 19 4. "Kratom retailer" means anyone who sells a kratom product to an end consumer.

Factual basis for claim as kratom product required -- Administrative penalty -- Request for hearing.

1. A kratom processor or retailer shall disclose on the product label of each kratom product that the kratom processor or retailer prepares, distributes, sells, or offers for sale the factual basis upon which the kratom processor or retailer represents the food as a kratom product.
2. For a violation of this section, a kratom processor or retailer is subject to an administrative fine of:
 - a. up to \$500 for the first offense; and
 - b. up to \$1,000 for a second or subsequent offense.
3. Any kratom processor or retailer fined under this section may request a hearing before the commissioner within thirty days after the issuance date of the penalty.

Kratom processor or retailer requirements -- Criminal penalty.

1. A kratom processor or retailer may not prepare, distribute, sell, or offer for sale a kratom product:
 - a. that is mixed or packed with a nonkratom substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer;
 - b. that contains a poisonous or otherwise deleterious nonkratom ingredient, including a controlled substance as defined in chapter 19-03.1.
 - c. containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition of the kratom product;
 - d. containing a synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant; or
 - e. that does not include a product label on the kratom product packaging that states the amount of mitragynine and 7-hydroxymitragynine contained in the packaged kratom product.

2. A kratom processor or retailer who violates this section is guilty of a Class A misdemeanor for each violation.
3. A kratom processor or retailer does not violate this section if the kratom processor or retailer shows by a preponderance of the evidence that the kratom processor or retailer relied in good faith upon the representation of a manufacturer, processor, packer, or distributor of food represented to be a kratom product.
4. A kratom processor or retailer may not prepare, distribute, sell, or offer for sale a kratom product that is not registered with the commissioner in accordance with this chapter.

Prohibition on sale to minors -- Criminal penalty.

1. A kratom processor or retailer may not distribute, sell, or offer for sale a kratom product to an individual under 21 years of age.
2. A kratom processor or retailer who violates this section is guilty of a class A misdemeanor for each violation.

Kratom product retail license

1. A person shall obtain a kratom products retailer's license for each facility at which the person sells kratom products. To obtain an annual license required by this section, a person shall submit an application form at the time and in the manner required by the commissioner and shall pay a fee in the amount of fifty dollars.

Registration of kratom products

1. Before being distributed in this state, each kratom product and each kratom food product must be registered with the commissioner. This requirement does not apply to a distributor, provided the kratom or kratom food product is registered by another person.
2. To register a kratom product or a kratom food product, a person shall submit:
 - a. An application form at the time and in the manner required by the commissioner; and

1 b. An annual fee in the amount of twenty-five dollars per product.

2 **Administrative rules**

3 1. The commissioner may adopt and amend rules consistent with this chapter
4 governing the sale, distribution, testing, labeling, and regulation of kratom
5 products, and substances and products prohibited by this chapter.

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

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HB 1566				
ND DEPARTMENT OF AGRICULTURE				
Kratom - 2 FTE's				
BREAKOUT	TOTAL			
SALARIES and WAGES	400,808			
OPERATING	80,000			
OPERATING - DP SYSTEM	<u>100,000</u>			
TOTAL	580,808			