

February 10, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### 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 19 of the North Dakota Century-~~  
2 ~~Code, relating to the regulation of kratom; and to provide a penalty~~for an Act to provide for a  
3 legislative management study relating to the regulation of kratom.

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

5 ~~SECTION 1. A new chapter to title 19 of the North Dakota Century Code is created and~~  
6 ~~enacted as follows:~~

7 ~~Definitions:~~

8 ~~As used in this chapter:~~

9 ~~1. "Independent testing laboratory" means a laboratory accredited by a third-party~~  
10 ~~accrediting body as a competent testing laboratory in accordance with the international~~  
11 ~~organization for standardization and international electrotechnical commission.~~

12 ~~2. "Kratom" means any part of the mitragyna speciosa plant.~~

13 ~~3. "Kratom extract" means a substance or compound obtained by the extraction of~~  
14 ~~kratom intended for ingestion containing more than trace amounts of kratom and other~~  
15 ~~alkaloids of the plant.~~

16 ~~4. "Kratom product" means a food, dietary supplement, or beverage, or a food or dietary~~  
17 ~~ingredient intended for human consumption, that contains kratom and is manufactured~~  
18 ~~or served in an edible form, including a pill, powder, capsule, beverage, or liquid.~~

19 ~~5. "Retailer" means a person that advertises, sells, prepares, manufactures, distributes,~~  
20 ~~or maintains kratom products.~~

1 ~~6. "Synthesized material" means an alkaloid or alkaloid derivative created by chemical~~  
2 ~~synthesis or biosynthetic means that alters the composition of a kratom alkaloid or~~  
3 ~~constituent.~~

4 ~~**Kratom product requirements -- Administration:**~~

5 ~~1. A retailer may not prepare, sell, distribute, or expose for sale a kratom product:~~

6 ~~a. Containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater~~  
7 ~~than two percent of the alkaloid composition of the kratom product;~~

8 ~~b. Containing synthesized material;~~

9 ~~c. Containing alkaloids or other plant constituents that are isolated or manipulated~~  
10 ~~to increase potency;~~

11 ~~d. Containing a level of residual solvent higher than permitted by United States~~  
12 ~~pharmacopeia chapter 467;~~

13 ~~e. Using combustion, vaporization, or injection as a means of introduction into the~~  
14 ~~human body; or~~

15 ~~f. Adulterated with a dangerous nonkratom substance including:~~

16 ~~(1) Controlled substances;~~

17 ~~(2) Psychoactive compounds;~~

18 ~~(3) Synthetic cannabinoids and cathinones; or~~

19 ~~(4) A cytochrome P450 enzyme inhibitor.~~

20 ~~2. A kratom product may not be marketed or sold to a minor.~~

21 ~~3. A kratom product produced, manufactured, distributed, or sold in this state must have~~  
22 ~~attached a label which includes:~~

23 ~~a. A statement against use by an individual who is:~~

24 ~~(1) Under eighteen years of age;~~

25 ~~(2) Pregnant; or~~

26 ~~(3) Breastfeeding;~~

27 ~~b. A recommendation to consult a health care provider before use;~~

28 ~~c. A statement that the product may be habit forming;~~

29 ~~d. A disclosure that the product is not evaluated by the federal food and drug~~  
30 ~~administration;~~

31 ~~e. A list of all ingredients, including the amount of kratom alkaloids; and~~

1 ~~f. A recommended amount of product per serving that is clearly defined for the~~  
2 ~~product format.~~

3 ~~4. A kratom product produced, manufactured, distributed, or sold in this state must be~~  
4 ~~analyzed by an independent testing laboratory for:~~

5 ~~a. Alkaloid content;~~

6 ~~b. Heavy metals specified by the department; and~~

7 ~~c. Any other contaminant identified by department rule.~~

8 ~~5. The department shall adopt rules necessary to administer this chapter.~~

9 ~~**Licensure - Registration:**~~

10 ~~1. A retailer in the state must be licensed by the department. To obtain licensure, a~~  
11 ~~retailer shall:~~

12 ~~a. Pay a fee; and~~

13 ~~b. Register each product containing kratom intended for sale by providing~~  
14 ~~certification that the product:~~

15 ~~(1) Is manufactured, processed, and held in a facility that meets the~~  
16 ~~requirements under 21 C.F.R. 111;~~

17 ~~(2) Adheres to the labeling requirements under this chapter;~~

18 ~~(2) Is safe for consumption under the conditions set forth on the label; and~~

19 ~~(3) Is certified by an independent testing laboratory to meet the requirements~~  
20 ~~under this chapter.~~

21 ~~2. The department shall maintain a kratom registration page on the department's official~~  
22 ~~website listing all registered kratom products for sale by licensed retailers.~~

23 ~~**Penalties:**~~

24 ~~1. A retailer that sells a kratom product not registered with the department is guilty of a~~  
25 ~~class A misdemeanor.~~

26 ~~2. A retailer that sells a kratom product to an individual under eighteen years of age is~~  
27 ~~guilty of a class A misdemeanor.~~

28 ~~3. A retailer that advertises, sells, prepares, manufactures, distributes, or maintains a~~  
29 ~~kratom product that contains a controlled substance identified in chapter 19-03.1 or~~  
30 ~~19-03.2 must be charged under chapter 19-03.1 or 19-03.2.~~

1 ~~4. A person that advertises, sells, prepares, manufactures, distributes, or maintains a~~  
2 ~~kratom product without a retailer license issued by the department is guilty of a class C~~  
3 ~~felony.~~

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - KRATOM USES.** During the  
5 2025-26 interim, the legislative management shall consider studying the implementation of  
6 regulations related to potential uses of kratom in the state. The legislative management shall  
7 report its findings and recommendations, together with any legislation necessary to implement  
8 the recommendations, to the seventieth legislative assembly.