

2025 HOUSE HUMAN SERVICES

HB 1566

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1566
1/28/2025

Relating to the regulation of kratom; and to provide a penalty.

10:43 a.m. Chairman M. Ruby opened the hearing.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Holle, Kiefert, Rios, Rohr

Members Absent: Representative Hendrix

Discussion Topics:

- Proposed amendments to definitions of adulterated kratom
- FDA statements
- Proposed amendments to remove references to foods, beverages, and dietary supplements
- Definitions of minors

10:43 a.m. Representative D. Johnston, District 24, introduced the bill.

10:46 a.m. Mac Haddow, American Kratom Association, testified in favor.

10:59 a.m. Matthew Lowe, Executive Director, Global Kratom Coalition, testified in opposition and submitted testimony, #31967.

11:04 a.m. Andrew Kulpa, Agent, Botanicals for Better Health and Wellness, testified in opposition and submitted testimony, #31914.

11:08 a.m. Jason Wahl, ND Department of Health and Human Services, testified in opposition and submitted testimony, #31984.

11:16 a.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

Dear Chairperson and Members of the Committee,

I am submitting this testimony in regard to House Bill 1566, to seek amendments to improve the legislation based on the best scientific data to prevent any unintended consequences. I applaud the work the North Dakota legislature has done thus far to consider the abundance of scientific literature related to mitragynine and kratom and the legislatures' efforts to regulate the botanical. In the last year the U.S. Food and Drug Administration published the first leg of their human clinical trial on kratom that showed it is both effective and well tolerated in human populations. Further, in the past two years, eight states (Virginia, West Virginia, Florida, Louisiana, Georgia, Texas, Kentucky and Maryland) have enacted legislation in favor of the safe sale of kratom to consumers in the form of a Kratom Consumer Protection Acts (KCPA). We, as an organization, believe that effective state regulations help ensure that this botanical can safely be in the hands of consumers and effective legislation will keep bad market actors out.

In regard to House Bill 1566, we feel that there are distinct differences from KCPAs that other states have enacted that raise some concern. While we do not recommend a wholesale replacement of House Bill 1566, we would like to recommend certain changes to make the proposed Bill more effective. I respectfully submit the following recommendations:

- (1) The definition of "synthesized material" in "*Definitions*" *Section 6* should be expanded to include semi-synthetic variations of alkaloids and metabolites in addition to just synthetic material. Depending on how a chemist might choose to manipulate alkaloids, both synthetic and semi-synthetic variants should be prohibited due to their lack of safety data.
- (2) In regard to "*Administration*" *Section 1.f*, pursuant to federal law, all ingredients in traditional foods must be Generally Recognized as Safe (GRAS) and those in dietary supplements must be GRAS or a compliant dietary ingredient. There is no reason to preclude items like psychoactive compounds and cytochrome P450 enzyme inhibitors. Some of these ingredients are either GRAS or compliant dietary ingredients and include some citrus products like grapefruit and certain oranges. It is unclear why these specific carveouts are necessary and seem rather arbitrary. No other KCPAs have included such carveouts. Each product manufacturer should have relevant safety data for their formulations and individual exclusions are unnecessary within the Bill if they can be safely marketed under federal law.
- (3) In "*Administration*" *Section 3.e*, the primary alkaloids should be disclosed on the container, specifically mitragynine and 7-hydroxymitragynine. The scientific literature clearly identifies mitragynine as the primary alkaloid that accounts for over half the alkaloid content on a percentage basis. Further, due to the restricted nature of 7-hydroxymitragynine ("*Administration*" *Section 1.a*), this alkaloid amount should also be specifically identified. Otherwise, there are over 40 kratom alkaloids and it is impractical to disclose amounts of all these minor alkaloids, plus no additional consumer safety comes from such disclosure. Further, disclosure of these two alkaloids is consistent with other KCPAs.

Thank you for your time and consideration. I welcome the opportunity to discuss this matter further.

Kind Regards,

Andrew Kulpa

27 January 2025

North Dakota Testimony Global Kratom Coalition

Oppose unless amended - HB 1566,

My name is Matthew Lowe. I am the Executive of the Global Kratom Coalition, an alliance of consumers, experts, and industry leaders seeking enact regulations to ensure consumers have access to safe and regulated kratom products. Our mission is to advance scientific research, encourage consumer education, and serve as a resource for key stakeholders and decision makers in legislative and regulatory matters.

I, and members of the Global Kratom Coalition, support and applaud the recent decision of the North Dakota Legislature to reject HB 1011 which sought to schedule mitragynine as a schedule 1 substance.

Kratom is a botanical substance from Southeast Asia with centuries of safe, traditional use that's grown in popularity in recent years. Today, 24 million people in the U.S. report consuming kratom for mood enhancement, energy and general wellness. With its popularity, there is naturally increased attention from lawmakers about its potential benefits as well as drawbacks. Currently, 13 states in the U.S. have passed legislation to regulate products and only 6 states prohibit kratom. There has not been a new kratom ban in the US since 2017 as the science that has developed since then does not support the ban of this botanical.

We agree that legislative action needs to be taken, and therefore support implementing laws that establish age limits, good manufacturing practices, serving size guidelines, clear product labeling and the restriction of synthetics or high contraction isolate products. The Global Kratom Coalition views these measures as critical to maintaining a safe and trustworthy market for consumers. This view is ratified by the leading kratom scientists in the USA in an April 2024 statement titled "Statement on the science of kratom products and their US regulation".

We agree with most of the measures put forward in HB 1566, except for 4 critical clauses outlined below:

1. How kratom is defined in Section 1, Definitions, (2). Kratom is consumed or extracted in the US in its dried form. This should be encompassed in its definition to include the degradant alkaloids that form upon drying the leaf.
 - a. **Suggested amendment:**
 - i. "Kratom" means any part of the mitragyna speciosa plant in fresh or dried form.
2. The definition of synthesized materials under definitions (7) should also include a definition for semi-synthesized to ensure that there are no loopholes that will allow companies to create intoxicating products similar to what we have seen in the hemp industry.
3. Section 1, Kratom Product Requirements, (f) (2) and (4): These provisions put a blanket ban on combining kratom with many demonstrably safe foods and dietary ingredients

that have been consumed safely for decades, if not centuries. This clause suggests that kratom cannot be combined with substances like caffeine, grapefruit juice, many botanical ingredients and even sugar. Combining ingredients in foods and dietary supplements, that are safe under the conditions of use, is commonplace in the food and dietary supplement industry. Moreso, this is not replicated in any other state that has kratom regulations passed. The potential limited issues identified by the legislature with regard to combination products can be effectively dealt with by making the below amendment, which will align with the Federal standards for foods and dietary supplements:

- a. **Suggested amendment - Strike (f) and replace with:**
 - i. 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. *Controlled substances are already banned and therefore this inclusion is unnecessary.
- 4. Section 1, Kratom Product Requirements, (3) (d) should be amended to align with the Federal standard regarding the FDA and drug claims:
 - a. **Suggested amendment, strike (3) (d) and replace with:**
 - i. A statement that says “these statements have not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.”

With this in mind, we, the Global Kratom Coalition, urge the Legislature to make these amendments and pass this amended regulatory bill in order to ensure the kratom marketplace in North Dakota is appropriately regulated.

I thank the Committee for their concern for the state’s residents. I would welcome the opportunity to bring additional scientific studies, factual reports, and expert witnesses to your attention. I look forward to serving as a resource in the near and long term.

Best regards,

Matthew Lowe
Executive Director
Global Kratom Coalition

Testimony
House Bill No. 1566
House Human Services Committee
Representative Matt Ruby, Chairman
January 28, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Jason Wahl with the Department of Health and Human Services (Department). Due to language included in the bill and the significant changes identified by the Department, I appear before you in opposition to House Bill No. 1566 as it is currently written.

The Department acknowledges the House of Representatives did not want kratom added to the state's Controlled Substances Act as a Schedule I drug. While the Department agrees changes are necessary to protect the health and safety of the citizens of North Dakota, House Bill No. 1566 would require significant modifications in order to accomplish this task.

There are three areas regarding kratom that must first be addressed:

1. There are no drug products containing kratom or its two main chemical components (mitragynine and 7-hydroxymitragynine) that are legally on the market in the United States. The Food and Drug Administration (FDA) has not approved any prescription or over-the-counter drug products containing kratom or its two main chemical components.
2. Kratom is not appropriate for use as a dietary supplement. FDA concludes dietary supplements that are or contain kratom are adulterated.

3. FDA has determined that kratom, when added to food, is an unsafe food additive. FDA concludes that food containing an unsafe food additive, such as kratom, is adulterated.

Thus, kratom is not lawfully marketed in the United States as a drug product, a dietary supplement, or a food additive in conventional food. Therefore, the Department could not implement a regulatory framework for kratom products if they are to be called a drug, dietary supplement, or food. In addition, the manufacturing of a food product, including a beverage, with kratom or chemical components of kratom in North Dakota is prohibited by current laws. If the legislature's intent is to have a regulatory framework for kratom, laws must be written in a manner that does not refer to kratom or products containing kratom as a drug, dietary supplement, or food.

Each of the new sections that would be added to state law under the bill are further addressed below as well as other considerations and a brief discussion of the fiscal note.

Definitions

References to food, dietary supplement, and beverage should be removed. In order for a regulatory framework to exist, terminology will be a vital aspect. The Department would request the terms "kratom extract," kratom product," and "retailer" be modified. The term retailer includes a person who prepares and manufactures kratom products. The terms 'prepare' and 'manufacture' are not typically synonymous with someone simply selling products. If preparers and manufacturers are going to be included in the language with the intent such processes occur in North Dakota, significant modifications of the bill are necessary.

The Department would request the term minor be defined. While a penalty is included for selling a kratom product to an individual under 18 years of age, minor should be clearly identified in the definition section. The Department would request legislators consider having the minimum age requirement be 21 years of age. This is the age limit set for sales in eight other states including South Dakota. From a public health perspective, the Department is concerned with 18-year-old individuals being able to obtain kratom products and the effects it may have as well as possible diversion to others (i.e. high school age individuals being able to make purchases). With the minimum age for tobacco products now being 21 years of age, having the minimum age for kratom purchases be 21 years of age should be considered.

One other term that could be modified is “independent testing laboratory.” While the definition makes reference to accrediting bodies, the Department would request a standard to be used be codified into law. For example, reference to ISO/IEC 17025 could be used. Such an addition will eliminate uncertainty.

Kratom product requirements – Administration

The bill states a retailer may not prepare a kratom product that meets certain conditions. The Department would request ‘prepare’ be removed as this would appear to allow a processor or manufacturer of kratom products to exist in the state. The bill provides limited, to no, information regarding requirements for processors or manufacturers.

While the bill requires the Department to adopt rules necessary to administer the chapter, the bill includes no specific language regarding the Department’s authority for monitoring, inspections, and ensuring compliance of retailers. To ensure there is compliance with the law,

monitoring of retailers would need to take place. While certain requirements could be included in administrative code, the law should include language regarding this area. In addition, the law should clearly identify what, if any, authority the Department has if kratom products are found at retailers that are noncompliant products.

The bill includes language related to a kratom product produced or manufactured. Again, the Department would request removal of 'produced' and 'manufactured' unless additional language is included regarding kratom product processing, production, and manufacturing of kratom products in the state.

The Department appears to have the authority to adopt rules related to labeling. The Department could include a minimum font or include additional information (such as size/weight of the product in the container) to enhance labeling for users of kratom products. One additional labeling requirement the Legislature may want to consider is adding a statement that the product is not intended to diagnose, treat, cure, or prevent any disease.

Licensure – Registration

The bill requires a retailer to pay a fee. The Department would anticipate establishing fee amounts in administrative code. Similar to an alcohol license, the Department could establish different fee amounts for a retailer in a city with a population of 500 or more and for a retailer in a city with a population of 500 or less.

The Department would be required to maintain a website listing all registered kratom products for sale by licensed retailers. To ensure the list is accurate and that retailers comply with the requirement to register

products for sale, the Department will need to monitor/inspect retailers in the state.

The bill requires products containing kratom are to be manufactured, processed, and held in a facility that meets a specific federal citation (21 C.F.R. 111). The federal regulation relates to current good manufacturing practice for dietary supplements. The federal regulation does not apply to kratom product manufacturing. Assuming the kratom products are manufactured in another state, retailers may have a difficult time obtaining such certification.

Penalties

In addition to requested changes for the age limit and terms such as prepares and manufactures, the Department would request a fine amount be included in the penalties section. For example, a fine could be assessed when a retailer does not have a label on a product containing the required information by law. With the large workload of State's Attorneys, a misdemeanor case will more than likely not be pursued. The Department would also request the ability to be able to suspend and/or revoke a retailer license for noncompliance issues identified.

Other Considerations

With the establishment of new requirements regarding the sale of products already available for purchasing, legislators should consider including an implementation date for when retailers must comply with requirements/first date of sales. In addition, legislators may want to consider establishing authority for the Department to collect a fee related to the number of products registered (would be in addition to the annual license fee). With this authority, the Department could establish fees based on number of products registered by a retailer. For example, the

Department could assess no fee for up to five products being registered, establish a fee amount for 6 to 10 products registered, a different fee amount for 11 to 20 products registered, etc.

Fiscal Note

The Department estimated potential revenue and costs associated with the program. Using a potential annual fee of \$500 for a retailer in a city with a population of 500 and over and an annual fee of \$250 for a retailer in a city with a population of under 500, it is estimated the revenue collected would be \$171,000 in the 2025-2027 Biennium.

Expenses for implementing the regulatory framework included in the bill were estimated to be \$1.7 million in the 2025-2027 Biennium. The amount includes eight full-time equivalents (FTE) and related costs, information technology costs, and other costs. Additional details are included in the fiscal note submitted by the Department.

Conclusion

With the changes the Department has identified that are needed with the current version of House Bill No. 1566 to properly regulate kratom products, the Department opposes the bill. If legislators want to ensure an adequate regulatory framework is established for kratom products to protect the health and safety of citizens, changes are necessary. The Department would be happy to assist in proposing amendments to the bill for the committee's consideration.

This concludes my testimony. I am happy to answer questions you may have.

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1566
2/10/2025

relating to the regulation of kratom; and to provide a penalty.

2:24 p.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman Ruby, Vice-Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rohr

Members Absent: Representative Rios

Discussion Topics:

- Committee action

2:26 p.m. Jason Wahl, Director of the Medical Marijuana Division introduced amendments LC#25.1127.01002, #36781.

2:34 p.m. Representative Rohr moved to adopt amendment LC# 25.1127.01002.

2:34 p.m. Representative Frelich seconded the motion.

2:34 p.m. Voice vote passed.

2:35 p.m. Representative Frelich moved a Do Pass as amended.

2:35 p.m. Representative K. Anderson seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	N
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	AB
Representative Karen Rohr	Y

2:35 p.m. Motion passed 11-1-1.

Representative Kiefert will carry the bill.

House Human Services Committee

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2:36 p.m. Chairman M. Ruby closed the meeting.

Jackson Toman, Committee Clerk

February 10, 2025

AS
2/10/25
ref 4

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.

**REPORT OF STANDING COMMITTEE
HB 1566**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **AMENDMENTS** ([25.1127.01003](#)) and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1566 was placed on the Sixth order on the calendar.

25.1127.01002
Title.

Prepared by the Legislative Council
staff for Representative D. Johnston
February 7, 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.

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

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

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Independent testing laboratory" means a laboratory accredited by a third-party
9 accrediting body as a competent testing laboratory in accordance with the international
10 organization for standardization and international electrotechnical commission 17025
11 laboratory standards.
- 12 2. "Kratom" means any part of the mitragyna speciosa plant, including all components
13 present in the natural plant.
- 14 3. "Kratom extract" means a substance or compound obtained by the extraction of
15 kratom intended for ingestion containing more than trace amounts of kratom and other
16 alkaloids of the plant.
- 17 4. "Kratom product" means a ~~food, dietary supplement, or beverage, or a food or dietary~~
18 ~~ingredient intended for human consumption, that contains kratom and is manufactured~~
19 ~~or served in an edible form, including a pill, powder, capsule, beverage, or liquid, or~~
20 other edible product containing kratom or kratom extract.

1 5. "Retailer" means a person that advertises, sells, prepares, manufactures, distributes,
2 or maintains kratom products.

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

6 **Kratom product requirements - Administration.**

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

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

10 b. Containing synthesized material;

11 c. Containing alkaloids or other plant constituents that are isolated or manipulated
12 to increase potency;

13 d. Containing a level of residual solvent higher than permitted by United States
14 pharmacopeia chapter 467; or

15 e. Using combustion, vaporization, or injection as a means of introduction into the
16 human body; or

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

18 ~~(1) Controlled substances;~~

19 ~~(2) Psychoactive compounds;~~

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

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

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

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

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

26 (1) Under ~~eighteen~~twenty-one years of age;

27 (2) Pregnant; or

28 (3) Breastfeeding.

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

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

- 1 d. A disclosure that the product is not evaluated by the federal food and drug
2 administration;
- 3 e. A disclosure that the product is not intended to diagnose, treat, cure, or prevent
4 any disease;
- 5 f. A list of all ingredients, including the amount of ~~kratom alkaloids~~mitragynine and
6 7-hydroxymitragynine; and
- 7 ~~f.g.~~ A recommended amount of product per serving that is clearly defined for the
8 product format.
- 9 4. A kratom product produced, manufactured, distributed, or sold in this state must be
10 analyzed by an independent testing laboratory for:
 - 11 a. Alkaloid content;
 - 12 b. Residual solvents;
 - 13 c. Biological contaminants;
 - 14 d. Heavy ~~metals specified by the department~~metal contaminants; and
 - 15 ~~e.e.~~ Any other contaminant identified by department rule.
- 16 5. The department shall adopt rules necessary to administer this chapter, including the:
 - 17 a. Process for registering a kratom product;
 - 18 b. Requirements for enforcing the age restriction of kratom product sales; and
 - 19 c. Requirements for enforcing subsection 4.

20 **Licensure - Registration.**

- 21 1. A retailer in the state must be licensed by the department. To obtain licensure, a
22 retailer shall:
 - 23 a. Pay a fee; and
 - 24 b. Register each product containing kratom intended for sale by providing
25 certification that the product:
 - 26 (1) Is manufactured, processed, and held in a facility that meets the
27 requirements under 21 C.F.R. 111;
 - 28 (2) Adheres to the labeling requirements under this chapter;
 - 29 (2) Is safe for consumption under the conditions set forth on the label; and
 - 30 (3) Is certified by an independent testing laboratory to meet the requirements
31 under this chapter.

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

3 **Penalties.**

- 4 1. A retailer that sells a kratom product not registered with the department is guilty of a
5 class A misdemeanor.
- 6 2. A retailer that sells a kratom product to an individual under eighteen years of age is
7 guilty of a class A misdemeanor.
- 8 3. A retailer that advertises, sells, prepares, manufactures, distributes, or maintains a
9 kratom product that contains a controlled substance identified in chapter 19-03.1 or
10 19-03.2 must be charged under chapter 19-03.1 or 19-03.2.
- 11 4. A person that advertises, sells, prepares, manufactures, distributes, or maintains a
12 kratom product without a retailer license issued by the department is guilty of a class C
13 felony.

2025 SENATE ENERGY AND NATURAL RESOURCES

HB 1566

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1566
3/14/2025

A BILL for an Act to provide for a legislative management study relating to the regulation of kratom.

9:30 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Regulation of kratom
- Consumer safety
- Fiscal impact
- Legislative study
- Industry support

9:30 a.m. Representative Johnston, District 24, introduced the bill.

9:42 a.m. Scott Meske, Lobbyist, American Kratom Association, testified in favor.

9:43 a.m. Curt Bramble, Former Legislator, American Kratom Association, testified in favor.

9:58 a.m. Alex Kelsh, Lobbyist, Global Kratom Coalition, testified in opposition.

9:59 a.m. Matthew Lowe, Executive Director, Global Kratom Coalition, testified in opposition and submitted testimony #41386.

10:05 a.m. Allyson Hicks, Assistant Attorney General, Department of Health & Human Services, testified in opposition.

Additional written testimony:

Andrew Alexis Varvel submitted testimony in favor #41457.

10:15 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

Good morning, Chairman Patten and members of the Senate Energy and Natural Resources Committee. My name is Matthew Lowe and I am the Executive Director for the Global Kratom Coalition, an alliance of consumers, experts, and industry leaders seeking to enact regulations to ensure consumers have access to safe and regulated kratom products. I am submitting this testimony through our lobbyist Alexander Kelsch, an attorney with the Kelsch, Ruff, Kranda, Nagle & Ludwig law firm in Mandan.

I, and members of the Global Kratom Coalition, urge the Committee to amend HB 1566 from its current form as a legislative study to enact meaningful, commonsense regulations on North Dakota's kratom industry ensuring consumers access to safe, regulated products. With the rise of dangerous synthetic products and high content 7OH products, regulation is the most effective approach and will best ensure the safety of North Dakota consumers whilst maintaining access to reconcile kratom users.

Kratom is a botanical substance from Southeast Asia with centuries of traditional safe use, and at least 50 years of use in the US. Today, 24 million people in the U.S. report consuming kratom for mood enhancement, energy and general wellness. With its popularity, there is naturally increased attention from lawmakers about its potential benefits as well as drawbacks.

Currently, 14 states in the U.S. have passed legislation to regulate products and only 6 states prohibit kratom. There has not been a new kratom ban in the US since 2017 as the science that has developed since then does not support the ban of this botanical. FDA itself has publicly stated that they have no evidence to suggest that kratom is dangerous.

The reason for much of the confusion, conflation, and misinformation that dominates news about kratom is that there is very little understanding that not all kratom is the same. Critically, all products derived from kratom - including leaf material, extracts, concentrates, and isolates - are called "kratom" without consideration of the inherent differences in potency of these product types.

The products causing the greatest concern are synthetically produced, high concentrate 7-hydroxymitragynine (7OH) isolate products, known as 7. 7OH is not found in fresh kratom leaves and is only found in concentrations of 0.002-0.04% in dried kratom leaves, as a by-product of post-harvest processing. Therefore, 7OH has not been consumed in pharmacologically meaningful amounts as part of a kratom product. Until recently, 7OH has not been consumed as an isolated ingredient by humans, so there is no published clinical data that supports the safe use of 7OH as a supplement to the daily diet and no history of human use except at the low levels found in dried kratom leaf products.

In light of the presence of these dangerous, adulterated products, The Global Kratom Coalition views the regulations in this amendment as critical to maintaining a safe and trustworthy market for consumers. These regulations provide consumer protections, eliminate dangerous synthetic

and manipulated products, and maintain access to a botanical that most of the 24 million kratom consumers in the U.S. are using in a responsible and safe manner. In conclusion, we, the Global Kratom Coalition, urge the Legislature move the amended HB 1566 out of study form and provide North Dakota consumers with a practical regulatory solution.

The Global Kratom Coalition is ready to work with this Committee, the bill sponsors, and other interested parties to create amendments that would accomplish these meaningful and commonsense regulations for the kratom industry.

Again, I thank the Committee for their time.

Senate Energy & Natural Resources Committee

House Bill 1566

Andrew Alexis Varvel

March 14, 2025

Chairman Patten & Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

Please pass House Bill 1566, a study resolution about kratom.

Kratom is an energy supplement. Kratom is also a natural resource. Kratom is derived from the leaves of *Mitragyna speciosa*, a plant from southeast Asia.

Kratom is used as a stimulant in small doses and as a sedative in large doses. Kratom is also known for inducing liver damage and seizures.

<https://www.mayoclinic.org/diseases-conditions/prescription-drug-abuse/in-depth/kratom/art-20402171>

<https://www.sciencedirect.com/science/article/pii/S2213323218300306>

Most notably, kratom has been known for inducing erectile dysfunction.

<https://stonegatecenter.com/blog/2020/07/29/kratom-abuse-may-lead-to-erectile-dysfunction-in-men/>

One particular video has been making the rounds on the internet – the story of a man unable to consummate his visit to a brothel due to an overdose of kratom.

<https://www.youtube.com/watch?v=OsLOr2ggmII>

Although few people know what kratom is, it has become controversial for those who are aware of it. Some people treat it as a wonder drug. Others want it banned. When the Legislature needs more information about a topic before crafting policy and legislation, this is a good time for an interim study to figure out what is going on. This is just what House Bill 1566 proposes to do.

For this reason, please give HB 1566 a **DO PASS** recommendation.

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Peace Garden Room, State Capitol

HB 1566

3/14/2025

11:12 AM

A BILL for an Act to provide for a legislative management study relating to the regulation of kratom.

11:12 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Kratom study considerations
- Regulation of illicit drugs

11:12 a.m. Chairman Patten opened committee discussion and updated committee on the background of the bill.

11:15 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Peace Garden Room, State Capitol

HB 1566

3/28/2025

A BILL for an Act to provide for a legislative management study relating to the regulation of kratom.

10:11 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Safety with kratom lacing
- Regulatory framework for kratom products

10:11 a.m. Chairman Patten introduced Representative Johnston's proposed amendment LC# 25.1127.03001 and submitted testimony #44376.

10:15 a.m. The committee discussed regulatory concerns and discussed potential fiscal impacts and responsibilities.

10:24 p.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

25.1127.03001
Title.

Prepared by the Legislative Council
staff for Representative D. Johnston
March 27, 2025

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

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Definitions.

As used in this chapter:

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

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

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

Kratom product requirements - Penalty.

1. A kratom product may not be sold:

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

b. If the product:

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

(2) Contains synthesized material that alters the composition of a kratom 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.

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1566
4/3/2025

A BILL for an Act to provide for a legislative management study relating to the regulation of kratom.

9:00 a.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Age restrictions for kratom sales
- Licensing requirements for kratom retailers
- Consumer protection measures

9:01 a.m. Doug Goehring, Agriculture Commissioner of ND, introduced proposed amendment and submitted testimony #44605.

9:23 a.m. Scott Meske, Lobbyist, American Kratom Association, testified in favor of proposed amendment, previous testimony #44605.

9:27 a.m. Doug Goehring, Agriculture Commissioner of ND, testified as neutral and answered committee questions.

9:31 a.m. Chairman Patten closed the hearing.

Kendra McCann, Committee Clerk

COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
www.agdepartment.com

**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.

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

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

13 **Kratom processor or retailer requirements -- Criminal penalty.**

- 14 1. A kratom processor or retailer may not prepare, distribute, sell, or offer for sale a
15 kratom product:
 - 16 a. that is mixed or packed with a nonkratom substance that affects the quality
17 or strength of the kratom product to such a degree as to render the kratom
18 product injurious to a consumer;
 - 19 b. that contains a poisonous or otherwise deleterious nonkratom ingredient,
20 including a controlled substance as defined in chapter 19-03.1.
 - 21 c. containing a level of 7-hydroxymitragynine in the alkaloid fraction that is
22 greater than two percent of the alkaloid composition of the kratom product;
 - 23 d. containing a synthetic alkaloid, including synthetic mitragynine, synthetic 7-
24 hydroxymitragynine, or any other synthetically derived compound of the
25 kratom plant; or
 - 26 e. that does not include a product label on the kratom product packaging that
27 states the amount of mitragynine and 7-hydroxymitragynine contained in
28 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.

**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.

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			

2025 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1566
4/3/2025

A BILL for an Act to provide for a legislative management study relating to the regulation of kratom.

3:18 p.m. Chairman Patten opened the hearing.

Members present:

Chairman Patten, Vice Chairman Kessel, Senators: Beard, Boehm, Enget, Gerhardt, and Van Oosting.

Discussion Topics:

- Taxation of online sales
- Regulatory versus tax issues

3:18 p.m. Chairman Patten updated the committee on the progress of the proposed amendment from Doug Goehring, previous testimony #44605.

3:22 p.m. Senator Kessel moved amendment from previous testimony #44605, create registration of kratom products and licensing of retail locations.

3:22 p.m. Senator Van Oosting seconded.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Passed 7-0-0.

3:30 p.m. Senator Enget moved a Do Pass as amended and rerefer to Appropriation committee.

3:30 p.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Dale Patten	Y
Senator Greg Kessel	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Justin Gerhardt	Y
Senator Desiree Van Oosting	Y

Motion Passed 7-0-0.

3:30 p.m. Senator Beard will carry the bill.

3:31 p.m. Committee discussion on upcoming schedule.

3:32 p.m. Chairman Patten adjourned.

Kendra McCann, Committee Clerk

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

CO
4/13/25
1044

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 the regulation of kratom products; to provide for a legislative management
3 study ~~relating to the regulation of kratom~~; to provide a penalty; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Definitions.

As used in this chapter:

1. "Food" means:

a. An article used for food or drink for human or animal consumption or the
components of the article;

b. Chewing gum or chewing gum components; or

c. A food supplement for special dietary use that is necessitated because of a
physical, physiological, pathological, or other condition.

2. "Kratom processor" means any kratom product manufacturer, distributor, or
wholesaler.

3. "Kratom product" means food containing any part of a leaf of the plant mitragyna
speciosa.

4. "Kratom retailer" means anyone who sells a kratom product to an end consumer.

Kratom product label required - Administrative penalty - Request for hearing.

1. A kratom processor or retailer shall disclose on the product label of each kratom product 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 retailer is subject to an administrative fine of:
 - a. Up to five hundred dollars for the first offense; and
 - b. Up to one thousand dollars 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 - Penalty.

1. A kratom processor or retailer may not prepare, distribute, sell, or offer for sale a kratom product:
 - a. Mixed or packed with a nonkratom substance affecting the quality or strength of the kratom product to such a degree as to render the kratom product injurious to the consumer;
 - b. Containing a poisonous or otherwise deleterious nonkratom ingredient, including a controlled substance as defined in chapter 19-03;
 - 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.
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

1 retailer relied in good faith upon the representation of a manufacturer, processor,
2 packer, or distributor of food represented to be a kratom product.

3 4. A kratom processor or retailer may not prepare, distribute, sell, or offer for sale a
4 kratom product that is not registered with the commissioner in accordance with this
5 chapter.

6 **Prohibition on sale to minors - Penalty.**

7 1. A kratom processor or retailer may not distribute, sell, or offer for sale a kratom
8 product to an individual under twenty-one years of age.

9 2. A kratom processor or retailer who violates this section is guilty of a class A
10 misdemeanor.

11 **Kratom product retail license.**

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

16 **Registration of kratom products.**

17 1. Before being distributed in this state, each kratom product and each kratom food
18 product must be registered with the commissioner. This requirement does not apply to
19 a distributor, provided the kratom or kratom food product is registered by another
20 person.

21 2. To register a kratom product or a kratom food product a person shall submit:

22 a. An application at the time and in the manner required by the commissioner; and

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

24 **Administrative rules.**

25 The commissioner may adopt and amend rules consistent with this chapter governing the
26 sale, distribution, testing, labeling, and regulation of kratom products, and substances and
27 products prohibited by this chapter.

28 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - KRATOM USES.** During the

29 2025-26 interim, the legislative management shall consider studying the implementation of
30 regulations related to potential uses of kratom in the state. The legislative management shall

1 report its findings and recommendations, together with any legislation necessary to implement
2 the recommendations, to the seventieth legislative assembly.

3 **SECTION 3. APPROPRIATION - AGRICULTURE COMMISSIONER - FULL-TIME**

4 **EQUIVALENT POSITION AUTHORIZATION.** There is appropriated out of any moneys in the
5 general fund in the state treasury, not otherwise appropriated, or so much of the sum as may be
6 necessary, to the agriculture commissioner for the purpose of regulating kratom, for the
7 biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

8	Salaries and wages	\$400,808
9	Operating expenses	<u>180,000</u>
10	Total general fund	\$580,808
11	Full-time equivalent positions	2.00

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1566**

Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS** ([25.1127.03002](#)) and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1566 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 SENATE APPROPRIATIONS

HB 1566

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

HB 1566
4/8/2025

Relating to the regulation of kratom products; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.

3:59 p.m. Chairman Dever opened the hearing.

Members present: Chairman Dever and Senators Cleary, Davison, Magrum and Mathern.

Discussion Topics:

- Registration
- Retail Licensing
- Prohibition
- 2 Full-Time Equivalent Employees

4:00 p.m. Representative Daniel Johnston, District 24, introduced the bill and testified in favor.

4:05 p.m. Senator Mathern started discussion.

4:07 p.m. Keith Mantz, Financial Analyst, LC, testified neutral, and answered committee questions.

4:16 p.m. Doug Goehring, Agriculture Commissioner, testified neutral, and submitted testimony #44804.

4:28 p.m. Senator Magrum submitted testimony #44821.

4:29 p.m. Senator Magrum moved to adopt an Amendment to provide for a legislative management study relating to the implementation of regulations related to the potential use of kratom in the state. LC#25.1127.01003

4:30 p.m. Senator Davison seconded the motion.

Voice vote: Motion passed.

4:32 p.m. Senator Magrum moved a Do Pass as Amended.

4:32 p.m. Senator Cleary seconded the motion.

Senators	Vote
Senator Dick Dever	Y
Senator Sean Cleary	Y
Senator Kyle Davison	Y

Senator Jeffrey J. Magrum	Y
Senator Tim Mathern	Y

Motion passed. 5-0-0.

Senator Magrum will carry the bill.

4:35 p.m. Chairman Dever closed the hearing.

Joan Bares, Committee Clerk

HB 1566
4-8-25
COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
www.agdepartment.com

**Testimony of Doug Goehring
Agriculture Commissioner
Senate Appropriations – Human Resources Division
Harvest
April 8, 2025**

Chairman Dever and members of the Senate Appropriations – Human Resources Division 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 other 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 Dever and committee members, thank you for your consideration of amendments to HB 1566. I would be happy to answer any questions you may have.

25.1127.01003
Title.03000

Adopted by the Human Services
Committee
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.~~

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

~~**Kratom product requirements -- Administration.**~~

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

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

~~b. Containing synthesized material;~~

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

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

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

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

~~(1) Controlled substances;~~

~~(2) Psychoactive compounds;~~

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

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

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

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

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

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

~~(2) Pregnant; or~~

~~(3) Breastfeeding;~~

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

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

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

~~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.

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1566
4/10/2025

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

8:01 a.m. Chairman Bekkedahl called the meeting to order.

Members Present: Chairman Bekkedahl, Vice-Chairman Erbele, and Senators Burckhard, Cleary, Conley, Davison, Dever, Dwyer, Magrum, Mathern, Meyer, Schaible, Sickler, Sorvaag, Thomas, Wanzek.

Discussion Topics:

- Kratom Definition
- Kratom Regulation

8:02 a.m. Senator Magrum introduced the bill and submitted testimony #44879.

8:03 a.m. Senator Magrum moved amendment LC 25.1127.03003.

8:03 a.m. Senator Dever seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 16-0-0.

8:06 a.m. Senator Magrum moved a Do Pass as Amended.

8:06 a.m. Senator Cleary seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 16-0-0.

Senator Magrum will carry the bill.

8:07 a.m. Chairman Bekkedahl closed the hearing.

Elizabeth Reiten, Committee Clerk

25.1127.03003
Title.05000

Prepared by the Legislative Council
staff for Senate Appropriations - Human
Resources Division Committee
April 8, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VG 4/10/25
1 of 1

ENGROSSED HOUSE BILL NO. 1566

Introduced by

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

In place of amendments (25.1127.03002) adopted by the Senate, Senate Bill No. 1566 is amended by amendment (25.1127.03003) as follows:

- 1 A BILL for an Act to provide for a legislative management study relating to the
- 2 ~~regulation~~ implementation of regulations related to the potential uses of kratom in the state.

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

- 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.

**REPORT OF STANDING COMMITTEE
ENGROSSED AND AMENDED HB 1566**

Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS** ([25.1127.03003](#)) and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1566, as amended, was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1127.03003
Title.

Prepared by the Legislative Council
staff for Senate Appropriations - Human
Resources Division Committee
April 8, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

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