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**SENATE BILL 5941**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senator Honeyford

1 AN ACT Relating to the Washington kratom consumer protection act;  
2 adding a new chapter to Title 69 RCW; prescribing penalties; and  
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
6 Washington kratom consumer protection act.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply  
8 throughout this chapter unless the context clearly requires  
9 otherwise.

10 (1) "Department" means the department of health.

11 (2) "Food" has the meaning provided in RCW 69.07.010.

12 (3) "Kratom extract" means a substance or compound intended for  
13 human ingestion that is derived from, or made by, any part of the  
14 leaf of the plant *Mitragyna speciosa*.

15 (4) "Kratom processor" means a person who sells, prepares,  
16 manufactures, distributes, or maintains kratom products, or  
17 advertises, represents, or holds oneself out as selling, preparing,  
18 or maintaining kratom products.

1 (5) "Kratom product" means products that contain any part of the  
2 leaf of the plant *Mitragyna speciosa* or kratom extract, and are  
3 intended for human ingestion.

4 (6) "Retailer" means any person who sells, distributes,  
5 advertises, represents, or holds oneself out as selling or  
6 maintaining kratom products.

7 (7) "Secretary" means the secretary of the department of health.

8 NEW SECTION. **Sec. 3.** A kratom processor may not prepare,  
9 distribute, sell, or expose for sale any of the following:

10 (1) A kratom product that is adulterated with a dangerous  
11 nonkratom substance. A kratom product is adulterated with a dangerous  
12 nonkratom substance if the kratom product is mixed or packed with a  
13 nonkratom substance and that substance affects the quality or  
14 strength of the kratom product to such a degree as to render the  
15 kratom product injurious to a consumer;

16 (2) A kratom product that is contaminated with a dangerous  
17 nonkratom substance. A kratom product is contaminated with a  
18 dangerous nonkratom substance if the kratom product contains a  
19 poisonous or otherwise deleterious nonkratom ingredient including,  
20 but not limited to, the substances listed in RCW 69.50.204,  
21 69.50.206, 69.50.208, 69.50.210, and 69.50.212;

22 (3) A kratom extract that contains levels of residual solvents  
23 higher than is allowed in the United States pharmacopoeia general  
24 chapter 467;

25 (4) A kratom product containing a level of 7-hydroxymitragynine  
26 in the alkaloid fraction that is greater than two percent of the  
27 overall alkaloid composition of the product;

28 (5) A kratom product containing any synthetic alkaloids including  
29 synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other  
30 synthetically derived compounds of the kratom plant; or

31 (6) A kratom product that does not provide labeling directions  
32 necessary for safe and effective use by consumers, including a  
33 recommended serving size.

34 NEW SECTION. **Sec. 4.** A kratom processor may not distribute,  
35 sell, or expose for sale a kratom product to an individual under 21  
36 years of age.

1        NEW SECTION.     **Sec. 5.**     (1) A kratom processor who violates  
2 section 3 or 4 of this act is subject to an administrative fine of  
3 not more than \$500 for the first offense and not more than \$10,000  
4 for the second or subsequent offense. Upon the request of a person to  
5 whom an administrative fine is issued, the secretary must conduct a  
6 hearing in accordance with chapter 34.05 RCW.

7        (2) A retailer does not violate section 3 or 4 of this act if it  
8 is shown by a preponderance of the evidence that the retailer relied  
9 in good faith upon the representations of a manufacturer, kratom  
10 processor, packer, or distributor of food represented to be a kratom  
11 product.

12       NEW SECTION.     **Sec. 6.**     The department may adopt rules  
13 establishing:

14        (1) Standards for testing to ensure kratom products are safe for  
15 human consumption;

16        (2) Accurate labeling of kratom products; and

17        (3) Other rules necessary to administer this chapter.

18       NEW SECTION.     **Sec. 7.**     Sections 1 through 6 of this act  
19 constitute a new chapter in Title 69 RCW.

20       NEW SECTION.     **Sec. 8.**     This act takes effect January 1, 2023.

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