

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 2, 2022

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

SB22-120 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 44-1-105 as
4 follows:

5 **44-1-105. Feasibility report - regulation of kratom - repeal.**

6 (1) ON OR BEFORE JANUARY 4, 2023, THE EXECUTIVE DIRECTOR SHALL
7 SUBMIT TO THE GENERAL ASSEMBLY A REPORT ANALYZING THE
8 FEASIBILITY OF REGULATING KRATOM PRODUCTS, KRATOM PROCESSORS,
9 AND KRATOM RETAILERS. THE REPORT MUST IDENTIFY, CONSIDER, AND
10 RECOMMEND LEGISLATIVE ACTION ADDRESSING THE FOLLOWING
11 SUBJECTS:

12 (a) THE APPROPRIATE STATE AGENCY OR AGENCIES TO REGULATE
13 THE MANUFACTURE, SALE, OFFERING FOR SALE, POSSESSION, OR USE OF
14 KRATOM PRODUCTS;

15 (b) APPROPRIATE DEFINITIONS OF TERMS INCLUDING
16 "PROCESSING", "SELLING", "ADVERTISING", "KRATOM", AND "KRATOM
17 PRODUCTS";

18 (c) APPROPRIATE AGE RESTRICTIONS FOR KRATOM PURCHASING
19 AND CONSUMPTION;

20 (d) FEASIBILITY AND ENFORCEMENT OF UNDERAGE COMPLIANCE
21 CHECKS;

22 (e) A TESTING PROGRAM FOR IDENTIFYING KRATOM PRODUCTS;

23 (f) AN EVALUATION OF THE COMPETENCIES AND CAPABILITIES OF
24 EXISTING PRIVATE THIRD-PARTY LABORATORIES TO MANAGE KRATOM
25 TESTING;

26 (g) THE APPROPRIATE STANDARDS FOR LABORATORY
27 ACCREDITATION AND PERFORMANCE;

28 (h) TESTING REQUIREMENTS FOR IDENTIFYING KRATOM THAT IS

1 OFFERED FOR SALE TO A COLORADO CONSUMER;

2 (i) CONSIDERATION OF TYPES OF KRATOM PRODUCTS THAT ARE
3 AVAILABLE AS FOOD, INCLUDING TEA POWDERS, GUMMIES, BEVERAGES,
4 PILLS, CAPSULES, AND EXTRACTS;

5 (j) THE TYPES OF KRATOM PRODUCTS THAT SHOULD NOT BE
6 PERMITTED TO BE SOLD OR OFFERED FOR SALE;

7 (k) SERVING SIZES AND RELATED RESTRICTIONS;

8 (l) LABELING REQUIREMENTS INCLUDING A PROHIBITION ON
9 UNPROVEN HEALTH OR MEDICAL BENEFIT CLAIMS;

10 (m) MANUFACTURING PROCESSES AND REQUIREMENTS FOR
11 PROCESSORS;

12 (n) CURRENT GOOD MANUFACTURING PROCESS REQUIREMENTS
13 UNDER REGULATIONS PROMULGATED BY THE FEDERAL DRUG
14 ADMINISTRATION FOR ANY VENDOR PROCESSING KRATOM;

15 (o) ADVERSE HEALTH-EVENT REPORTING REQUIREMENTS AND
16 PRODUCT RECALLS;

17 (p) ADVERTISING REQUIREMENTS, LIMITATIONS, AND
18 PROHIBITIONS;

19 (q) TAX AND FEE CONSIDERATIONS;

20 (r) RECORDKEEPING;

21 (s) TRACEABILITY;

22 (t) CRIMINAL AND ADMINISTRATIVE PENALTIES FOR VIOLATIONS;

23 (u) RECOMMENDATIONS REGARDING AN OPERABLE TIMELINE FOR
24 IMPLEMENTATION OF A REGULATORY FRAMEWORK FOR KRATOM;

25 (v) FISCAL IMPACTS AND RESOURCE REQUIREMENTS FOR
26 IMPLEMENTATION AND ONGOING ADMINISTRATION OF A REGULATORY
27 PROGRAM FOR KRATOM; AND

28 (w) ALTERNATIVES, INCLUDING CONSUMER PROTECTION
29 REQUIREMENTS SUCH AS LIABILITY INSURANCE REQUIREMENTS,
30 PROHIBITIONS, AND CRIMINAL PENALTIES, TO STATE REGULATION OF
31 KRATOM.

32 (2) THE DEPARTMENT SHALL ENGAGE RELEVANT STAKEHOLDERS,
33 INCLUDING KRATOM PROCESSORS, KRATOM CONSUMERS, KRATOM
34 RETAILERS, PUBLIC HEALTH OFFICIALS, LEGISLATIVE MEMBERS, RELEVANT
35 STATE AGENCIES WITH EXPERTISE IN SIMILAR REGULATORY FIELDS, AND
36 OTHER INTERESTED STAKEHOLDERS, IN ORDER TO INFORM THE FEASIBILITY
37 REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

38 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

39 **SECTION 2. Act subject to petition - effective date.** This act
40 takes effect at 12:01 a.m. on the day following the expiration of the
41 ninety-day period after final adjournment of the general assembly; except
42 that, if a referendum petition is filed pursuant to section 1 (3) of article V
43 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2022 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor."

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