

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0580.02 Christy Chase x2008

SENATE BILL 25-072

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SENATE SPONSORSHIP

**Mullica and Pelton B.,**

HOUSE SPONSORSHIP

**Lindsay and Soper,**

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Senate Committees  
Finance

House Committees

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A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF KRATOM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Section 1** of the bill repeals certain provisions regarding the regulation of kratom that are included in **sections 2 and 3** with amendments.

**Section 2** prohibits a processor from manufacturing, packaging, labeling, or distributing in the state a food or dietary supplement that consists of kratom leaf or kratom leaf extract (kratom product) unless the manufacturer of the kratom product has obtained a registration of the kratom product (registration) from the executive director of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

department of revenue (executive director). The manufacturer must pay a fee and provide proof of certain certificates and a registration from the federal food and drug administration to receive a registration for the kratom product from the executive director.

The executive director is required to establish an annual fee paid by manufacturers of kratom products that are manufactured, packaged, labeled, or distributed in the state. The fees are credited to the kratom consumer protection cash fund, which is created in **section 2** and may be used by the executive director for the administration and enforcement of state laws regulating kratom.

A manufacturer of a kratom product that is manufactured, packaged, labeled, or distributed in the state without a registration is subject to a civil penalty of:

- No more than \$1,000 for the first violation;
- No more than \$5,000 for the second violation; and
- At least \$5,000 and no more than \$20,000 for a third or subsequent violation.

In the event of a third or subsequent violation, the manufacturer is prohibited from manufacturing or distributing kratom products in the state for 3 years after the date the civil penalty is assessed.

**Section 3** prohibits a person from:

- Knowingly preparing, distributing, advertising, selling, or offering to sell a kratom product under certain circumstances;
- Preparing, distributing, advertising, selling, or offering to sell a kratom product that does not clearly and conspicuously set forth certain information on the kratom product's label;
- Displaying or storing kratom products in a retail location in a manner that will allow the products to be accessed by individuals under 21 years of age; or
- Manufacturing, packaging, labeling, or distributing a kratom product that contains synthesized or semi-synthesized kratom alkaloids or has a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% of the alkaloid composition of the product.

A person that conducts these prohibited activities engages in a deceptive trade practice.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 44-1-105.

3 **SECTION 2.** In Colorado Revised Statutes, **add** article 15 to title

1 44 as follows:

2

**ARTICLE 15**

3

**Kratom Regulation**

4

**44-15-101. Definitions.** AS USED IN THIS ARTICLE 15, UNLESS THE

5

CONTEXT OTHERWISE REQUIRES:

6

(1) "ADULTERATED" MEANS THE ADDITION OF FENTANYL OR ANY

7

OTHER CONTROLLED SUBSTANCE, A SYNTHESIZED ALKALOID OR

8

SEMI-SYNTHESIZED ALKALOID, OR ANOTHER SUBSTANCE PROHIBITED BY

9

LAW.

10

(2) "ALKALOID FRACTION" MEANS A PORTION OF A PLANT OR

11

PLANT EXTRACT THAT CONTAINS PRIMARILY ALKALOID COMPOUNDS.

12

(3) "CONTROLLED SUBSTANCE" MEANS A SUBSTANCE LISTED IN

13

PART 2 OF ARTICLE 18 OF TITLE 18.

14

(4) "FUND" MEANS THE KRATOM CONSUMER PROTECTION CASH

15

FUND CREATED IN SECTION 44-15-103 (2).

16

(5) "INDEPENDENT LABORATORY" MEANS A LABORATORY THAT IS

17

ACCREDITED UNDER THE STANDARDS OF THE INTERNATIONAL

18

ORGANIZATION FOR STANDARDIZATION 17025.2017 ACCREDITATION OR

19

FROM AN ACCREDITATION BODY THAT IS A SIGNATORY TO THE

20

INTERNATIONAL LABORATORY ACCREDITATION COOPERATION MUTUAL

21

RECOGNITION ARRANGEMENT.

22

(6) "KRATOM LEAF" MEANS THE LEAF OF THE MITRAGYNA

23

SPECIOSA PLANT, IN FRESH OR DEHYDRATED FORM, THAT IS SUBJECT TO NO

24

POSTHARVEST PROCESSING OTHER THAN:

25

(a) DRYING OR SIZE REDUCTION BY CUTTING, MILLING, OR OTHER

26

SIMILAR PROCEDURE; OR

27

(b) CLEANING OR STERILIZATION THROUGH THE APPLICATION OF

1 HEAT, STEAM, PRESSURIZATION, IRRADIATION, OR OTHER STANDARD  
2 TREATMENT APPLIED TO A FOOD INGREDIENT.

3 (7) "KRATOM LEAF EXTRACT" MEANS THE MATERIAL EXTRACTED  
4 FROM A KRATOM LEAF THROUGH THE APPLICATION OF A SOLVENT  
5 CONSISTING OF WATER, ETHANOL, FOOD-GRADE CARBON DIOXIDE, OR  
6 ANOTHER SOLVENT ALLOWED BY FEDERAL OR STATE LAW TO BE USED IN  
7 THE MANUFACTURING OF A FOOD INGREDIENT.

8 (8) "KRATOM PRODUCT" MEANS A FOOD OR DIETARY SUPPLEMENT  
9 THAT CONSISTS OF, OR CONTAINS, KRATOM LEAF OR KRATOM LEAF  
10 EXTRACT AND DOES NOT INCLUDE ANY SYNTHESIZED ALKALOIDS OR  
11 SEMI-SYNTHESIZED ALKALOIDS.

12 (9) "PROCESSOR" MEANS A PERSON THAT MANUFACTURES,  
13 PACKAGES, LABELS, OR DISTRIBUTES KRATOM PRODUCTS OR ADVERTISES  
14 OR REPRESENTS ITSELF AS A MANUFACTURER, PACKAGER, LABELER, OR  
15 DISTRIBUTOR OF KRATOM PRODUCTS.

16 (10) "SEMI-SYNTHESIZED ALKALOID" MEANS AN ALKALOID OR  
17 ALKALOID DERIVATIVE CONTAINED IN A KRATOM LEAF EXTRACT THAT HAS  
18 BEEN EXPOSED TO CHEMICALS OR PROCESSES THAT WOULD CONFER A  
19 STRUCTURAL CHANGE IN THE ALKALOIDS, SUCH AS OXIDATION,  
20 REDUCTION, AND RING OPENING AND CLOSING, RESULTING IN MATERIAL  
21 THAT HAS BEEN CHEMICALLY ALTERED.

22 (11) "SYNTHESIZED ALKALOID" MEANS AN ALKALOID OR  
23 ALKALOID DERIVATIVE OF THE KRATOM LEAF THAT HAS BEEN CREATED BY  
24 CHEMICAL SYNTHESIS OR BIOSYNTHETIC MEANS, INCLUDING  
25 FERMENTATION, RECOMBINANT TECHNIQUES, YEAST-DERIVED  
26 TECHNIQUES, AND ENZYMATIC TECHNIQUES, RATHER THAN BY  
27 TRADITIONAL FOOD PREPARATION TECHNIQUES SUCH AS HEATING OR

1     EXTRACTING.

2             **44-15-102. Registration - suspension or revocation.** (1) A  
3     PROCESSOR SHALL NOT MANUFACTURE, PACKAGE, LABEL, OR DISTRIBUTE  
4     A KRATOM PRODUCT IN THE STATE UNLESS THE MANUFACTURER OF THE  
5     KRATOM PRODUCT HAS OBTAINED A REGISTRATION OF THE KRATOM  
6     PRODUCT FROM THE EXECUTIVE DIRECTOR. A REGISTRATION IS VALID FOR  
7     ONE YEAR FROM THE DATE OF ISSUANCE BY THE EXECUTIVE DIRECTOR AND  
8     IS NONTRANSFERABLE.

9             (2) THE EXECUTIVE DIRECTOR SHALL NOT ISSUE A REGISTRATION  
10    FOR A KRATOM PRODUCT UNLESS THE MANUFACTURER PAYS THE FEE  
11    DESCRIBED IN SECTION 44-15-103 AND PROVIDES TO THE EXECUTIVE  
12    DIRECTOR:

13            (a) PROOF OF A CURRENT GOOD MANUFACTURING PRACTICES  
14    CERTIFICATE FROM THE AMERICAN NATIONAL STANDARDS INSTITUTE  
15    (ANSI), OR ITS SUCCESSOR ORGANIZATION, FOR ANY FACILITY THAT  
16    MANUFACTURES THE KRATOM PRODUCT;

17            (b) PROOF OF A CURRENT FOOD FACILITY REGISTRATION FROM THE  
18    FEDERAL FOOD AND DRUG ADMINISTRATION FOR ANY FACILITY THAT  
19    MANUFACTURES, PACKAGES, LABELS, OR DISTRIBUTES THE KRATOM  
20    PRODUCT;

21            (c) A COPY OF THE KRATOM PRODUCT'S LABEL TO DEMONSTRATE  
22    COMPLIANCE WITH SECTION 6-1-737 (2)(b); AND

23            (d) PROOF OF A CERTIFICATE OF ANALYSIS FROM AN INDEPENDENT  
24    LABORATORY CONFIRMING THE ALKALOID CONTENT OF THE KRATOM  
25    PRODUCT, WHICH CERTIFICATE OF ANALYSIS MUST CONFIRM THAT:

26            (I)     THE KRATOM PRODUCT HAS A LEVEL OF  
27    7-HYDROXYMITRAGYNINE IN THE ALKALOID FRACTION THAT IS TWO

1 PERCENT OR LESS OF THE ALKALOID COMPOSITION OF THE KRATOM  
2 PRODUCT; AND

3 (II) THERE ARE NO SYNTHESIZED ALKALOIDS OR  
4 SEMI-SYNTHESIZED ALKALOIDS IN THE KRATOM PRODUCT.

5 (3) IF THE EXECUTIVE DIRECTOR RECEIVES EVIDENCE THAT A  
6 KRATOM PRODUCT REGISTERED PURSUANT TO THIS SECTION MAY BE  
7 ADULTERATED IN VIOLATION OF SECTION 6-1-737 (2)(a)(I), THE  
8 EXECUTIVE DIRECTOR MAY REQUIRE A THIRD-PARTY TEST OF THE KRATOM  
9 PRODUCT BY AN INDEPENDENT LABORATORY CHOSEN BY THE EXECUTIVE  
10 DIRECTOR.

11 (4) (a) THE EXECUTIVE DIRECTOR MAY SUSPEND OR REVOKE A  
12 REGISTRATION ISSUED PURSUANT TO THIS SECTION IN THE EVENT OF A  
13 VIOLATION OF:

14 (I) THIS SECTION OR THE RULES ADOPTED PURSUANT TO THIS  
15 SECTION; OR

16 (II) SECTION 6-1-737.

17 (b) A MANUFACTURER THAT REGISTERS A KRATOM PRODUCT  
18 PURSUANT TO THIS SECTION IS RESPONSIBLE FOR THE DIRECT COSTS  
19 ASSOCIATED WITH A THIRD-PARTY TEST DESCRIBED IN SUBSECTION (3) OF  
20 THIS SECTION OR ENFORCEMENT ACTION RELATED TO THE KRATOM  
21 PRODUCT IF THE THIRD-PARTY TEST OR ENFORCEMENT ACTION LEADS TO  
22 THE SUSPENSION OR REVOCATION OF THE KRATOM PRODUCT'S  
23 REGISTRATION OR THE ASSESSMENT OF A CIVIL PENALTY PURSUANT TO  
24 SECTION 44-15-104.

25 **44-15-103. Annual fee - cash fund.** (1) THE EXECUTIVE  
26 DIRECTOR SHALL ESTABLISH AN ANNUAL FEE PAID BY A MANUFACTURER  
27 OF A KRATOM PRODUCT THAT IS MANUFACTURED, PACKAGED, LABELED,

1 OR DISTRIBUTED IN THE STATE. THE STATE TREASURER SHALL CREDIT THE  
2 ANNUAL FEES TO THE FUND.

3 (2) (a) THE KRATOM CONSUMER PROTECTION CASH FUND IS  
4 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANNUAL FEES  
5 CREDITED TO THE FUND PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
6 CIVIL PENALTIES CREDITED TO THE FUND PURSUANT TO SECTION 44-15-104  
7 (3), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
8 APPROPRIATE OR TRANSFER TO THE FUND.

9 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
10 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
11 FUND TO THE FUND.

12 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
13 ASSEMBLY, THE EXECUTIVE DIRECTOR MAY EXPEND MONEY FROM THE  
14 FUND FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE 15.

15 **44-15-104. Civil penalty.** (1) A MANUFACTURER OF A KRATOM  
16 PRODUCT THAT IS MANUFACTURED, PACKAGED, LABELED, OR DISTRIBUTED  
17 IN THE STATE WITHOUT A REGISTRATION ISSUED PURSUANT TO SECTION  
18 44-15-102 (1) IS SUBJECT TO A CIVIL PENALTY OF:

19 (a) NO MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST  
20 VIOLATION;

21 (b) NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SECOND  
22 VIOLATION; AND

23 (c) AT LEAST FIVE THOUSAND DOLLARS AND NO MORE THAN  
24 TWENTY THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.

25 (2) IN THE EVENT OF A THIRD OR SUBSEQUENT VIOLATION, THE  
26 MANUFACTURER IS PROHIBITED FROM MANUFACTURING OR DISTRIBUTING  
27 KRATOM PRODUCTS IN THE STATE FOR THREE YEARS AFTER THE DATE THE

1 CIVIL PENALTY IS ASSESSED.

2 (3) THE STATE TREASURER SHALL CREDIT THE CIVIL PENALTIES TO  
3 THE FUND.

4 **44-15-105. Compliance with federal law - rules.** (1) A KRATOM  
5 PRODUCT SOLD, OFFERED FOR SALE, OR INTRODUCED INTO COMMERCE IN  
6 THE STATE MUST BE MANUFACTURED, PACKAGED, LABELED, AND  
7 DISTRIBUTED IN COMPLIANCE WITH 21 CFR 111, AS THAT PART EXISTED  
8 ON JULY 1, 2025, OR AS UPDATED BY THE EXECUTIVE DIRECTOR BY RULE.

9 (2) A PROCESSOR SHALL HOLD A CURRENT FOOD FACILITY  
10 REGISTRATION FROM THE FEDERAL FOOD AND DRUG ADMINISTRATION.

11 **44-15-106. Rules.** THE EXECUTIVE DIRECTOR MAY ADOPT RULES  
12 THAT ARE NECESSARY FOR THE ADMINISTRATION AND ENFORCEMENT OF  
13 THIS ARTICLE 15.

14 **SECTION 3.** In Colorado Revised Statutes, **add** 6-1-737 as  
15 follows:

16 **6-1-737. Kratom - deceptive trade practice - definitions.**

17 (1) UNLESS THE CONTEXT OTHERWISE REQUIRES, THE DEFINITIONS IN  
18 SECTION 44-15-101 APPLY TO THIS SECTION.

19 (2) A PERSON SHALL NOT:

20 (a) KNOWINGLY PREPARE, DISTRIBUTE, ADVERTISE, SELL, OR OFFER  
21 TO SELL A KRATOM PRODUCT:

22 (I) THAT IS ADULTERATED;

23 (II) TO A PERSON UNDER TWENTY-ONE YEARS OF AGE;

24 (III) THAT CONTAINS A LEVEL OF 7-HYDROXYMITRAGYNINE IN THE  
25 ALKALOID FRACTION THAT IS GREATER THAN TWO PERCENT OF THE  
26 ALKALOID COMPOSITION OF THE KRATOM PRODUCT;

27 (IV) THAT IS A CONFECTION; MIMICS A CANDY PRODUCT; OR IS



1 MANUFACTURED, PACKAGED, LABELED, OR DISTRIBUTED IN A WAY THAT  
2 IS APPEALING TO CHILDREN, INCLUDING IN THE DISTINCT SHAPE OF A  
3 HUMAN, AN ANIMAL, OR FRUIT; OR

4 (V) THAT IS COMBUSTIBLE OR INTENDED FOR VAPORIZATION;

5 (b) PREPARE, DISTRIBUTE, ADVERTISE, SELL, OR OFFER TO SELL A  
6 KRATOM PRODUCT THAT DOES NOT HAVE A LABEL THAT CLEARLY AND  
7 CONSPICUOUSLY SETS FORTH ON EACH RETAIL PACKAGE:

8 (I) THE IDENTITY AND ADDRESS OF ANY PROCESSOR INVOLVED IN  
9 MANUFACTURING, PACKAGING, LABELING, OR DISTRIBUTING THE KRATOM  
10 PRODUCT;

11 (II) THE FULL LIST OF INGREDIENTS IN THE KRATOM PRODUCT;

12 (III) A RECOMMENDATION:

13 (A) AGAINST USE BY INDIVIDUALS WHO ARE UNDER TWENTY-ONE  
14 YEARS OF AGE, PREGNANT, OR BREASTFEEDING; AND

15 (B) TO CONSULT A HEALTH-CARE PROFESSIONAL PRIOR TO USE;

16 (IV) AN ADVISEMENT THAT KRATOM MAY:

17 (A) BE HABIT FORMING; AND

18 (B) INTERACT WITH CERTAIN MEDICATIONS;

19 (V) THE FOLLOWING STATEMENT: "THESE STATEMENTS HAVE NOT  
20 BEEN EVALUATED BY THE UNITED STATES FOOD AND DRUG  
21 ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO DIAGNOSE, TREAT,  
22 CURE, OR PREVENT ANY DISEASE."; AND

23 (VI) DIRECTIONS FOR USE THAT INCLUDE:

24 (A) A RECOMMENDED AMOUNT OF THE KRATOM PRODUCT PER  
25 SERVING;

26 (B) A RECOMMENDED NUMBER OF SERVINGS OF THE KRATOM  
27 PRODUCT THAT CAN BE SAFELY CONSUMED IN A TWENTY-FOUR-HOUR

1 PERIOD; AND

2 (C) QUANTITATIVE DECLARATIONS OF THE AMOUNT OF  
3 MITRAGYNINE AND THE AMOUNT OF 7-HYDROXYMITRAGYNINE PER  
4 SERVING OF THE KRATOM PRODUCT;

5 (c) DISPLAY OR STORE KRATOM PRODUCTS IN A RETAIL LOCATION  
6 IN A MANNER THAT WILL ALLOW THE PRODUCTS TO BE ACCESSED BY  
7 INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE; OR

8 (d) MANUFACTURE, PACKAGE, LABEL, OR DISTRIBUTE A KRATOM  
9 PRODUCT THAT:

10 (I) CONTAINS SYNTHESIZED ALKALOIDS OR SEMI-SYNTHESIZED  
11 ALKALOIDS; OR

12 (II) HAS A LEVEL OF 7-HYDROXYMITRAGYNINE IN THE ALKALOID  
13 FRACTION THAT IS GREATER THAN TWO PERCENT OF THE ALKALOID  
14 COMPOSITION OF THE PRODUCT.

15 (3) A PERSON THAT CONDUCTS THE ACTIVITIES DESCRIBED IN  
16 SUBSECTION (2) OF THIS SECTION ENGAGES IN A DECEPTIVE TRADE  
17 PRACTICE.

18 **SECTION 4.** In Colorado Revised Statutes, 18-13-132, **amend**  
19 (3) as follows:

20 **18-13-132. Furnishing kratom products to persons under**  
21 **twenty-one years of age.** (3) As used in this section, "kratom product"  
22 has the meaning set forth in section ~~44-1-105 (1)~~ 44-15-101 (8).

23 **SECTION 5. Applicability.** This act applies to conduct occurring  
24 on or after the effective date of this act.

25 **SECTION 6. Safety clause.** The general assembly finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.