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MEMORANDUM

To: Chairman Olson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: January 26, 2022

Subject: HB 2056 – Regulating the sale and distribution of kratom products.

House Bill No. 2056 (HB 2056) would add new sections to the Kansas food, drug and cosmetic act that would regulate the manufacture, preparation, distribution, and sales of products containing kratom.

Under the bill, the secretary of the Kansas Department of Health and Environment would adopt rules and regulations establishing fees for the issuance of annual kratom dealer licenses and to administer and enforce the act. HB 2056 would make it unlawful for any person to manufacture, sell, prepare, produce, distribute, maintain, or advertise kratom products without a license issued pursuant to the act. It would also be unlawful for anyone to sell kratom to anyone under the age of 18. Any unlawful sale of kratom would be a class C misdemeanor.

Individuals would apply to the secretary for kratom dealer licenses. For licenses that are just for the sale and distribution of kratom, the license would be approved upon submission of a complete application, and payment of the fees. Applications for the production, manufacture, packaging or labeling of kratom products would be approved upon submission of a complete application, payment of fees, and completion of a successful inspection. If the secretary denied the issuance or renewal of any license, the secretary would be required to give written notice to the licensee and specify the changes necessary for complete compliance.

The bill would require the secretary to inspect the premises of every licensed kratom dealer and be provided access to inspect any location or equipment used to store or transport kratom. If the secretary was denied access, the secretary could apply to the court for a search warrant. The bill would require the secretary to enforce and administer the provisions of this act and inspect and test kratom products that are transported, sold, or offered for sale in Kansas.

Under the bill, the secretary would have the authority to issue a "stop sale" order to the owner or custodian of any kratom product that the secretary determines to be in violation of the act. The secretary could temporarily suspend the license of a kratom dealer or order the temporary closure of a kratom dealer's licensed premises without notice if the secretary determined that the public health or safety was endangered. Subject to the requirements of the Kansas Administrative Procedures Act, the secretary would also have the authority to impose a civil penalty not to exceed \$1,000 per violation of the act.

If enacted, HB 2056 would become effective on July 1, 2022.