

Amendment to SB 557-FN

1 Amend RSA 318-B:53, I as inserted by section 3 of the bill by replacing it with the following:

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3 I. A person shall not prepare, distribute, sell, possess, or advertise any of the following:

4 (a) A kratom product that is a conventional food or beverage or labeled as a conventional
5 food or beverage product.

6 (b) A kratom product that contains any substance that is poisonous, harmful, or
7 injurious to health.

8 (c) A kratom product that contains a substance other than a non-psychoactive substance
9 necessary for the preparation, processing, or manufacturing of said product.

10 (d) A kratom product containing 7-hydroxymitragynine at levels of 0.05 percent.

11 (e) A kratom extract that contains levels of residual solvents higher than is allowed in
12 the U.S. Pharmacopeia 467.

13 (f) A kratom product containing any synthetic or semi-synthetic alkaloids including
14 synthetic or semi-synthetic mitragynine, synthetic or semi-synthetic 7-hydroxymitragynine, or any
15 other synthetically or semi-synthetically derived compounds of the kratom plant.

16 (g) A kratom product that contains a heavy metal that exceeds any of the following
17 limits in parts per million:

18 (1) Arsenic less than 2.

19 (2) Cadmium less than 0.82.

20 (3) Lead less than 1.2.

21 (4) Mercury less than 0.4.

22 (h) A kratom product in any form that is combustible or intended to be used for
23 vaporization, aerosolization, or injection.

24 (i) A kratom product in any form that mimics a candy product or is manufactured,
25 packaged, or advertised in a way that can be reasonably considered to appeal to individuals under 21
26 years of age.

27 (j) A kratom product not contained in child-resistant packaging that meets the
28 standards set forth in 16 C.F.R 1700.15(b) when tested in accordance with 16 C.F.R 1700.20. All
29 persons holding valid licenses pursuant to this subdivision shall ensure that kratom and/or any
30 kratom product sold by the licensee and intended for human consumption shall meet requirements
31 related to child-resistant packaging.

32 (k) A kratom product that contains a concentration ratio that is:

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- 1 (1) Greater than 150 milligrams of mitragynine per serving;
- 2 (2) Greater than 0.05 milligrams 7-hydroxymitragynine per gram; or
- 3 (3) Greater than 0.5 milligrams 7-hydroxymitragynine per serving.
- 4 (l) A kratom product that contains more than one percent of 7-hydroxymitragynine by
- 5 percentage of total kratom alkaloids.
- 6 (m) A kratom or a kratom product that does not provide clearly visible labeling
- 7 including, but not limited to:
- 8 (1) A recommendation to consult a health care professional prior to use;
- 9 (2) A statement that kratom may be habit forming;
- 10 (3) A statement that kratom is not safe for use while pregnant or breastfeeding;
- 11 (4) A warning that the product may result in dangerous medication interactions;
- 12 (5) The following statement: “These statements have not been evaluated by the
- 13 United States Food and Drug Administration. This product is not intended to diagnose, treat, cure,
- 14 or prevent any disease.”;
- 15 (6) The net quantity of contents declared in numerical count, such as the number of
- 16 capsules, or in volume or weight in United States customary system terms;
- 17 (A) The amount of mitragynine and/or 7-hydroxymitragynine contained in a
- 18 serving in said kratom product;
- 19 (B) A recommended amount of the kratom product per serving; and
- 20 (C) A recommended number of servings that can be safely consumed in a 24-hour
- 21 period.
- 22 (7) The total amount of mitragynine and 7-hydroxymitragynine contained in the
- 23 kratom product;
- 24 (8) A statement that this product should be stored safely and out of the reach of
- 25 children;
- 26 (9) The name and physical non-post office box address of the manufacturer.