SB120_L.018

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

SB22-120 be amended as follows:

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

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

44-1-105. Feasibility report - regulation of kratom - repeal. (1) ON OR BEFORE JANUARY 4, 2023, THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE GENERAL ASSEMBLY A REPORT ANALYZING THE FEASIBILITY OF REGULATING KRATOM PRODUCTS, KRATOM PROCESSORS, AND KRATOM RETAILERS. THE REPORT MUST IDENTIFY, CONSIDER, AND RECOMMEND LEGISLATIVE ACTION ADDRESSING THE FOLLOWING SUBJECTS:

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

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

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

(d) FEASIBILITY AND ENFORCEMENT OF UNDERAGE COMPLIANCE CHECKS;

(e) A TESTING PROGRAM FOR IDENTIFYING KRATOM PRODUCTS;

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

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

(h) TESTING REQUIREMENTS FOR IDENTIFYING KRATOM THAT IS OFFERED FOR SALE TO A COLORADO CONSUMER;

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

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

(k) SERVING SIZES AND RELATED RESTRICTIONS;

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

(m) MANUFACTURING PROCESSES AND REQUIREMENTS FOR PROCESSORS;

(n) CURRENT GOOD MANUFACTURING PROCESS REQUIREMENTS

UNDER REGULATIONS PROMULGATED BY THE FEDERAL DRUG ADMINISTRATION FOR ANY VENDOR PROCESSING KRATOM;

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

(p) ADVERTISING REQUIREMENTS, LIMITATIONS, AND PROHIBITIONS;

(q) TAX AND FEE CONSIDERATIONS;

(r) RECORDKEEPING;

(s) TRACEABILITY;

(t) CRIMINAL AND ADMINISTRATIVE PENALTIES FOR VIOLATIONS;

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

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

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

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

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

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.".

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