**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5043**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Ott, Kirby, Hewitt, Taylor, M.M. Smith, Felder, Neese, Bernstein, Cobb-Hunter, Bauer and Hixon

Document Path: LC-0387VR24.docx

Introduced in the House on February 6, 2024

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: South Carolina Kratom Consumer Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/6/2024 House Introduced and read first time (House Journal‑page 8)

 2/6/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 8)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5043&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5043_20240206.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA KRATOM CONSUMER PROTECTION ACT” BY ADDING ARTICLE 20 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE FOR THE REGULATION OF THE SALE OF KRATOM PRODUCTS BY RETAILERS AND PROCESSORS AND TO CREATE PENALTIES FOR VIOLATION OF THE PROVISIONS OF THE ARTICLE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 53, Title 44 of the S.C. Code is amended by adding:

Article 20

South Carolina Kratom Consumer Protection Act

 Section 44‑53‑2010. As used in this article:

 (1) “Department” means the South Carolina Department of Public Health.

 (2) “Food” means any food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption.

 (3) “Kratom” means any part of the tropical evergreen plant mitragyna speciosa.

 (4) “Kratom processor” means a person or entity that prepares, manufactures, distributes, or maintains kratom products or advertises, represents, or claims to sell, prepare, or maintain kratom products.

 (5) “Kratom product” means any food or dietary ingredient, produced as a food, drink, powder, pill, capsule, or any other format intended for oral consumption that:

 (a) contains any part of the leaf of the plant mitragyna speciosa, either on its native leaf or extracted form; or

 (b) contains any kratom alkaloids or constituents, or synthesized metabolites of any kratom alkaloids or constiuents.

 (6) “Kratom retailer” means a person or entity that sells or advertises, represents, or claims to sell kratom products.

 Section 44‑53‑2020. (A) It is unlawful for a kratom processor or kratom retailer to:

 (1) distribute, dispense, or sell any kratom product to any individual under twenty‑one years of age; or

 (2) prepare, manufacture, distribute, dispense, or sell any kratom product that:

 (a) is adulterated with a dangerous non‑kratom substance that affects the quality or strength of the product to such a degree that it may injure a consumer;

 (b) contains a poisonous or otherwise harmful non‑kratom ingredient including, but not limited to, any substance listed in Section 44‑53‑190, 44‑53‑210, 44‑53‑230, 44‑53‑250, or 44‑53‑270;

 (c) contains a level of 7‑hydroxymitragynine in the alkaloid fraction which is greater than two percent of the alkaloid composition of the product;

 (d) contains a synthetic alkaloid including, but not limited to, synthetic mitragynine, synthetic 7‑hydroxymitragynine, or any other synthetically derived compound of the plant mitragyna speciosa;

 (e) contains levels of residual solvents higher than the standards set forth in Chapter 467 of the U.S. Pharmacopeia‑National Formulary (USP‑NF); or

 (f) does not meet the labelling requirements established pursuant to Section 44‑53‑2030 and a regulation promulgated to implement the provisions of that section.

 (B) It is unlawful for a kratom retailer to display or store a kratom product in a retail location in a manner that would allow the product to be accessed by an individual under twenty‑one years of age.

 Section 44‑53‑2030. Every kratom product must be accompanied by a clear label that provides adequate information for safe and effective use by consumers including, but not limited to:

 (1) a list of the ingredients used in the manufacture of the product;

 (2) the amount of mitragynine and 7‑hydroxymitragynine contained in the product;

 (3) the recommended serving size of the product;

 (4) the number of servings per container;

 (5) the name and the principal street address of the vendor or the person responsible for distributing the product;

 (6) any precautionary statements as to the safety and effectiveness of the product;

 (7) a statement that the product is not intended to diagnose, treat, cure, or prevent any medical condition or disease; and

 (8) a statement that the sale or transfer of the product to a person under twenty‑one years of age is prohibited.

 Section 44‑53‑2040. A retailer found to be in violation of Section 44‑53‑2020 or 44‑43‑2030, or a regulation promulgated pursuant to the provisions of this article, is subject to a civil penalty of not more than five hundred dollars for a first offense and a civil penalty of not more than one thousand dollars for a second or subsequent offense.

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑