



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

April 30, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Re: House Bill 2550 regulation; kratom products

Dear Secretary Hobbs:

Today I signed HB 2550 regulation; kratom products. I signed this bill because it takes a small but important step of prohibiting the sale of kratom to minors, but let me be clear – my signature on this bill should not be viewed as an endorsement of its consumption by adults.

The US Food and Drug Administration (FDA) has expressed concern about the presence of opioid compounds in kratom and has issued a public health advisory urging consumers to avoid it. The US Center for Disease Control (CDC) has identified over 150 deaths involving kratom, and the federal Drug Enforcement Administration (DEA) has also expressed its concerns.

To date, there have been no peer reviewed studies to show that kratom is a safe or effective product. In fact, there is ample evidence to suggest that this product is potentially addictive, dangerous, and in some cases deadly.

I will be writing to our federal partner agencies and strongly urging them to take a closer look at this product and promptly issue appropriate regulations. Several states and cities have already acted, and it is time the federal government takes action as well.

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: The Honorable Karen Fann  
The Honorable Rusty Bowers  
The Honorable Tony Rivero

Senate Engrossed House Bill

**FILED**

**KATIE HOBBS**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 156**  
**HOUSE BILL 2550**

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE  
10; RELATING TO PUBLIC HEALTH AND SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 6, Arizona Revised Statutes, is  
3 amended by adding article 10, to read:

4 ARTICLE 10. KRATOM PRODUCTS

5 36-795. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "DEALER":

8 (a) MEANS A PERSON THAT SELLS, PREPARES OR MAINTAINS KRATOM  
9 PRODUCTS OR THAT ADVERTISES, REPRESENTS OR HOLDS ITSELF OUT AS SELLING,  
10 PREPARING OR MAINTAINING KRATOM PRODUCTS.

11 (b) INCLUDES A MANUFACTURER, WHOLESALER, STORE, RESTAURANT, HOTEL,  
12 CATERING FACILITY, CAMP, BAKERY, DELICATESSEN, SUPERMARKET, GROCERY STORE,  
13 CONVENIENCE STORE, NURSING HOME OR FOOD OR DRINK COMPANY.

14 2. "FOOD" MEANS A FOOD, FOOD PRODUCT, FOOD INGREDIENT, DIETARY  
15 INGREDIENT, DIETARY SUPPLEMENT OR BEVERAGE FOR HUMAN CONSUMPTION.

16 3. "KRATOM PRODUCT" MEANS A FOOD PRODUCT OR DIETARY INGREDIENT  
17 CONTAINING ANY PART OF THE LEAF OF THE PLANT MITRAGYNA SPECIOSA.

18 36-795.01. Kratom product disclosure; preparing,  
19 distributing, selling or exposing for sale  
20 without disclosure prohibited

21 A. A DEALER THAT PREPARES, DISTRIBUTES, SELLS OR EXPOSES FOR SALE A  
22 FOOD THAT IS REPRESENTED TO BE A KRATOM PRODUCT SHALL DISCLOSE ON THE  
23 PRODUCT LABEL THE FACTUAL BASIS ON WHICH THAT REPRESENTATION IS MADE.

24 B. A DEALER MAY NOT PREPARE, DISTRIBUTE, SELL OR EXPOSE FOR SALE A  
25 FOOD REPRESENTED TO BE A KRATOM PRODUCT THAT DOES NOT CONFORM TO THE  
26 DISCLOSURE REQUIRED BY THIS SECTION.

27 36-795.02. Kratom product; adulteration; contamination; sales  
28 to minors prohibited

29 A. A DEALER MAY NOT PREPARE, DISTRIBUTE, SELL OR EXPOSE FOR SALE  
30 ANY OF THE FOLLOWING:

31 1. A KRATOM PRODUCT THAT IS ADULTERATED WITH A DANGEROUS NONKRATOM  
32 SUBSTANCE. A KRATOM PRODUCT IS ADULTERATED WITH A DANGEROUS NONKRATOM  
33 SUBSTANCE IF THE KRATOM PRODUCT IS MIXED OR PACKED WITH A NONKRATOM  
34 SUBSTANCE AND THAT SUBSTANCE AFFECTS THE QUALITY OR STRENGTH OF THE KRATOM  
35 PRODUCT TO SUCH A DEGREE AS TO RENDER THE KRATOM PRODUCT INJURIOUS TO A  
36 CONSUMER.

37 2. A KRATOM PRODUCT THAT IS CONTAMINATED WITH A DANGEROUS NONKRATOM  
38 SUBSTANCE. A KRATOM PRODUCT IS CONTAMINATED WITH A DANGEROUS NONKRATOM  
39 SUBSTANCE IF THE KRATOM PRODUCT CONTAINS A POISONOUS OR OTHERWISE  
40 DELETERIOUS NONKRATOM SUBSTANCE, INCLUDING ANY CONTROLLED SUBSTANCE  
41 PRESCRIBED BY CHAPTER 27 OF THIS TITLE.

42 3. A KRATOM PRODUCT CONTAINING A LEVEL OF 7-HYDROXYMITRAGYNE IN  
43 THE ALKALOID FRACTION THAT IS GREATER THAN TWO PERCENT OF THE ALKALOID  
44 COMPOSITION OF THE PRODUCT.

1           4. A KRATOM PRODUCT CONTAINING ANY SYNTHETIC ALKALOID, INCLUDING  
2 SYNTHETIC MITRAGYNINE, SYNTHETIC 7-HYDROXYMITRAGYNINE OR ANY OTHER  
3 SYNTHETICALLY DERIVED COMPOUNDS OF THE KRATOM PLANT.

4           5. ANY KRATOM-CONTAINING PRODUCT THAT DOES NOT INCLUDE ON ITS  
5 PACKAGE OR LABEL THE AMOUNT OF MITRAGYNINE AND 7-HYDROXYMITRAGYNINE  
6 CONTAINED IN THE PRODUCT.

7           B. A DEALER MAY NOT DISTRIBUTE, SELL OR EXPOSE FOR SALE A KRATOM  
8 PRODUCT TO AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE.

9           36-795.03. Violations; classification

10           A. A DEALER THAT VIOLATES SECTION 36-795.01, SUBSECTION B OR  
11 SECTION 36-795.02 IS GUILTY OF A CLASS 2 MISDEMEANOR.

12           B. IN ADDITION TO AND DISTINCT FROM ANY OTHER REMEDY AT LAW OR  
13 EQUITY, A PERSON AGGRIEVED BY A VIOLATION OF SECTION 36-795.01, SUBSECTION  
14 B OR SECTION 36-795.02, SUBSECTION A MAY BRING A PRIVATE CAUSE OF ACTION  
15 IN A COURT OF COMPETENT JURISDICTION FOR DAMAGES RESULTING FROM THAT  
16 VIOLATION, INCLUDING ECONOMIC, NONECONOMIC OR CONSEQUENTIAL DAMAGES.

17           C. A DEALER DOES NOT VIOLATE SECTION 36-795.01, SUBSECTION B OR  
18 SECTION 36-795.02, SUBSECTION A IF THE COURT FINDS BY A PREPONDERANCE OF  
19 THE EVIDENCE THAT THE DEALER RELIED IN GOOD FAITH ON THE REPRESENTATION OF  
20 A MANUFACTURER, PROCESSOR, PACKER OR DISTRIBUTOR THAT THE FOOD WAS A  
21 KRATOM PRODUCT.

22           Sec. 2. Short title

23           This act may be cited and known as the "Kratom Consumer Protection  
24 Act".

**APPROVED BY THE GOVERNOR APRIL 30, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2019.**

Passed the House March 19, 20 19

Passed the Senate April 15, 20 19

by the following vote: 59 Ayes,

by the following vote: 28 Ayes,

0 Nays, 1 Not Voting

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Pro Tempore

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

~~This Bill received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary to the Governor~~

Approved this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

~~This Bill received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary of State~~

H.B. 2550

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 24, 2019,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24<sup>th</sup> day of April, 2019,

at 3:59 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 30<sup>th</sup> day of

April, 2019,

at 4:32 o'clock P M.

[Signature]  
Governor of Arizona

H.B. 2550

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of April, 2019,

at 5:45 o'clock P. M.

[Signature]  
Secretary of State