

By Senator Powell

30-01251-21

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1 A bill to be entitled
2 An act relating to the Florida Kratom Consumer
3 Protection Act; creating s. 501.9745, F.S.; providing
4 a short title; defining the terms "department,"
5 "kratom product," and "processor"; requiring a
6 processor to register with the Department of
7 Agricultural and Consumer Services to sell kratom
8 products at retail; prohibiting processors from
9 selling certain kratom products; prohibiting
10 processors from distributing, selling, or exposing for
11 sale a kratom product to an individual under 21 years
12 of age; providing civil penalties; providing an
13 exception; requiring the department to adopt rules;
14 providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 501.9745, Florida Statutes, is created
19 to read:

20 501.9745 Florida Kratom Consumer Protection Act.—

21 (1) This section may be cited as the "Florida Kratom
22 Consumer Protection Act."

23 (2) As used in this section, the term:

24 (a) "Department" means the Department of Agricultural and
25 Consumer Services.

26 (b) "Kratom product" means a food product, food ingredient,
27 dietary ingredient, dietary supplement, or beverage that is
28 intended for human consumption, that contains any part of the
29 leaf of the plant *Mitragyna speciosa* or an extract of such

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30 plant, and that is manufactured as a powder, capsule, pill,
31 beverage, or other edible form.

32 (c) "Processor" means a person that sells, prepares,
33 manufactures, distributes, or maintains kratom products.

34 (3) A processor must be registered with the department to
35 sell kratom products at retail.

36 (4) A processor may not sell, prepare, distribute, or
37 expose for sale a kratom product that:

38 (a) Is adulterated with a dangerous non-kratom substance
39 that affects the quality or strength of the kratom product to
40 such a degree that it may injure a consumer.

41 (b) Contains a poisonous or otherwise harmful non-kratom
42 ingredient, including, but not limited to, any substance listed
43 in s. 893.03.

44 (c) Contains a level of 7-hydroxymitragynine in the
45 alkaloid fraction which is greater than 2 percent of the
46 alkaloid composition of the product.

47 (d) Contains a synthetic alkaloid, including, but not
48 limited to, synthetic mitragynine, synthetic 7-
49 hydroxymitragynine, or any other synthetically derived compound
50 of the kratom plant.

51 (e) Does not include directions for the safe and effective
52 use of the product, including, but not limited to, a suggested
53 serving size, on the product's packaging or label.

54 (f) Has a label that contains any claim that the product is
55 intended to diagnose, treat, cure, or prevent any medical
56 condition or disease.

57 (5) A processor may not distribute, sell, or expose for
58 sale a kratom product to an individual under 21 years of age.

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59 (6) A processor that violates subsection (4) is subject to
60 an administrative fine of not more than \$500 for the first
61 offense and not more than \$1,000 for the second or subsequent
62 offense. A processor selling kratom products at retail does not
63 violate subsection (4) if it is shown by a preponderance of the
64 evidence that the processor relied in good faith upon the
65 representations of a manufacturer, processor, packer, or
66 distributor of a kratom product.

67 (7) The department shall adopt rules for the administration
68 and enforcement of this act, including, but not limited to,
69 rules that:

70 (a) Establish a procedure for a processor to register with
71 the department to sell kratom products at retail; and

72 (b) Require processors to provide the department, upon
73 request, with information for each kratom product that the
74 processor sells, prepares, manufactures, distributes, or
75 maintains, including, but not limited to:

76 1. The name and address of the processor and the name and
77 address of the person whose name appears on the label, if other
78 than the processor;

79 2. The names of each kratom product included in the
80 registration;

81 3. The type of kratom product and the product's recommended
82 usage, including directions for use and the recommended serving
83 size;

84 4. The recommended method of consumption for the kratom
85 product;

86 5. The weights or volumes, as appropriate, of the kratom
87 products for sale;

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- 88 6. A copy of the kratom product's label;
89 7. A written certification that the kratom product complies
90 with subsection (4); and
91 8. A certificate of analysis for the kratom product from an
92 independent third-party laboratory that is accredited as a
93 competent testing laboratory pursuant to ISO/IEC 17025:2017 of
94 the International Organization for Standardization.

95 Section 2. This act shall take effect July 1, 2021.