

By Senator Gruters

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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 terms; prohibiting processors
5 from selling, preparing, distributing, or exposing for
6 sale certain kratom products; prohibiting processors
7 from distributing, selling, or exposing for sale a
8 kratom product to an individual under 21 years of age;
9 providing civil penalties; providing an exception;
10 requiring the Department of Agriculture and Consumer
11 Services to adopt rules; providing an effective date.

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

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15 Section 1. Section 501.9745, Florida Statutes, is created
16 to read:

17 501.9745 Kratom products; processor prohibitions; fines.-

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

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

21 (a) "Kratom extract" means a food product or dietary
22 ingredient that contains any part of the leaf of the plant
23 Mitragyna speciosa which has been extracted and concentrated to
24 provide more standardized dosing.

25 (b) "Kratom product" means a food product, food ingredient,
26 dietary ingredient, dietary supplement, or beverage intended for
27 human consumption which contains any part of the leaf of the
28 plant Mitragyna speciosa or an extract of such plant and is
29 manufactured as a powder, capsule, pill, or beverage or any

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30 other edible form.

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

33 (3) A processor may not sell, prepare, distribute, or
34 expose for sale:

35 (a) A kratom product that:

36 1. Is adulterated with a dangerous non-kratom substance
37 that affects the quality or strength of the kratom product to
38 such a degree that it may injure a consumer.

39 2. Contains a poisonous or otherwise harmful non-kratom
40 ingredient, including, but not limited to, any substance listed
41 in s. 893.03.

42 3. Contains a level of 7-hydroxymitragynine in the alkaloid
43 fraction which is greater than 2 percent of the alkaloid
44 composition of the product.

45 4. Contains a synthetic alkaloid, including, but not
46 limited to, synthetic mitragynine, synthetic 7-
47 hydroxymitragynine, or any other synthetically derived compound
48 of the plant *Mitragyna speciosa*.

49 5. Does not include directions for the safe and effective
50 use of the product, including, but not limited to, a suggested
51 serving size, on the product's packaging or label.

52 6. Has a label that contains any claim that the product is
53 intended to diagnose, treat, cure, or prevent any medical
54 condition or disease.

55 (b) Kratom extract that contains levels of residual
56 solvents higher than the standards set forth in USP-NF chapter
57 467.

58 (4) A processor may not sell, distribute, or expose for

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59 sale a kratom product to an individual under 21 years of age.

60 (5) A processor who violates subsection (3) is subject to
61 an administrative fine of not more than \$500 for the first
62 offense and not more than \$1,000 for the second or subsequent
63 offense. A processor selling kratom products at retail does not
64 violate subsection (3) if it is shown by a preponderance of the
65 evidence that the processor relied in good faith upon the
66 representations of a manufacturer, processor, packer, or
67 distributor of the kratom product.

68 (6) The Department of Agriculture and Consumer Services
69 shall adopt rules to administer and enforce this section.

70 Section 2. This act shall take effect July 1, 2023.