

By Senator Perry

9-00471-24

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1                   A bill to be entitled  
2           An act relating to the Florida Kratom Consumer  
3           Protection Act; amending s. 500.92, F.S.; defining  
4           terms; prohibiting processors from selling, preparing,  
5           distributing, or exposing for sale certain kratom  
6           products or kratom extracts; providing civil penalties  
7           for processors who violate certain provisions;  
8           providing an exception; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Section 500.92, Florida Statutes, is amended to  
13   read:

14           500.92 Florida Kratom Consumer Protection Act.—

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

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

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

22           (b) "Kratom product" means a food product, food ingredient,  
23   dietary ingredient, dietary supplement, or beverage intended for  
24   human consumption which contains any part of the leaf of the  
25   plant Mitragyna speciosa or an extract, a synthetic alkaloid, or  
26   a synthetically derived compound of such plant and is  
27   manufactured as a powder, capsule, pill, beverage, or other  
28   edible form.

29           (c) "Processor" means a person who sells, prepares,

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30 manufactures, distributes, or maintains kratom products.

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

33 (a) A kratom product that meets any of the following  
34 conditions:

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

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

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

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

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

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

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

57 (4) It is unlawful to sell, deliver, barter, furnish, or  
58 give, directly or indirectly, any kratom product to a person who

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59 is 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)-(4) A violation of subsection (4) ~~(3)~~ is a misdemeanor  
69 of the second degree, punishable as provided in s. 775.082 or s.  
70 775.083.

71 (7)-(5) The department shall adopt rules to administer this  
72 section.

73 Section 2. This act shall take effect July 1, 2024.