

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1205 (2026)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

1 Committee/Subcommittee hearing bill: Industries & Professional
2 Activities Subcommittee

3 Representative Black offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7

8 **Section 1. Section 500.92, Florida Statutes, is amended to**
9 **read:**

10 500.92 Florida Kratom Consumer Protection Act.—

11 (1) SHORT TITLE.—This section may be cited as the "Florida
12 Kratom Consumer Protection Act."

13 (2) DEFINITIONS.—As used in this section, the term:

14 (a) "Attractive to children" means a product manufactured:

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15 1. In a shape that resembles a human, a cartoon character,
16 or an animal; or

17 2. In a form that resembles an existing candy product that
18 is widely distributed or branded.

19 (b) "Finished kratom product" means a kratom product that
20 is ready for sale to the end user. For purposes of registration,
21 a finished kratom product is differentiated by its ingredients,
22 not by its weight, volume, or size.

23 (c) "Kratom" means the plant or any part of the plant
24 *Mitragyna speciosa* in any form.

25 (d) "Kratom beverage" means a prepackaged liquid kratom
26 product in the form of a tea, a seltzer or tonic water, or a
27 tincture.

28 (e) "Kratom food service establishment" means any public
29 food service establishment licensed as provided in chapter 509
30 which sells finished kratom products.

31 (f) "Kratom product" means a food product, food
32 ingredient, dietary ingredient, dietary supplement, or beverage
33 intended for human consumption which contains any part of the
34 leaf of the plant *Mitragyna speciosa* or an extract, synthetic
35 alkaloid, or synthetically derived compound of such plant and is
36 manufactured as a powder, capsule, pill, beverage, or other
37 consumable edible form.

38 (g) "Processor" means an entity that:

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39 1. Refines kratom into input ingredients for the purpose
40 of manufacturing a finished kratom product;

41 2. Manufactures finished kratom products; or

42 3. Packages finished kratom products for resale.

43 (3) KRATOM PRODUCT RETAIL SALE REQUIREMENTS.—Finished
44 kratom products sold to consumers at retail establishments,
45 including a food establishment as defined in s. 500.03(1), a
46 convenience store, or a kava or kratom bar:

47 (a) Must be in one of the following delivery forms:

48 1. Dried leaf;

49 2. Kratom beverage;

50 3. Powder;

51 4. Pill;

52 5. Liquid dietary supplement;

53 6. Gummy or food; or

54 7. Capsule.

55 (b) Must possess a certificate of analysis, which must be
56 submitted to the department pursuant to paragraph (4)(e).

57 (c) Must be registered with the department pursuant to
58 this section.

59 (d) Must include directions for consumption of the kratom
60 product on the product's label, including, but not limited to:

61 1. Maximum dosage of 50 milligrams of kratom alkaloids per
62 serving;

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63 2. Number of servings per package;

64 3. Milligrams of mitragynine and 7-hydroxymitragynine per
65 serving;

66 4. A warning advising consumers of the number of servings
67 that may be safely consumed in a 24-hour period;

68 5. A warning prohibiting use by individuals who are under
69 21 years of age;

70 6. A warning advising against use by individuals who are
71 pregnant or breastfeeding;

72 7. A warning advising the consumer to consult a health
73 care professional before use, that the product may be habit-
74 forming, and that it may cause adverse health effects;

75 8. A warning stating the following: "These statements have
76 not been evaluated by the United States Food and Drug
77 Administration. This product is not intended to diagnose, treat,
78 cure, or prevent any disease.";

79 9. The expiration date; and

80 10. The name and place of business of the registrant.

81 (e) Must comply with the packaging and labeling
82 requirements set forth in this chapter and with the rules
83 adopted pursuant thereto.

84 (f) May not be attractive to children.

85 (g) Must be packaged in a container that:

86 1. Is suitable to contain products for human consumption.

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87 2. Is compliant with the United States Poison Prevention
88 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

89 3. Contains a graduated measuring device, if applicable.
90 (h) May not be adulterated, including containing metals,
91 pesticides, or pathogens in excess of the limits set by this
92 section or department rule.

93 (i) May be sold only in establishments that restrict entry
94 to persons who are 21 years of age or older and require age
95 verification.

96 (j) May not be served in a form that combines or mixes
97 finished kratom products with psychoactive substances that
98 impact the central nervous system, including, but not limited
99 to, alcohol, caffeine, kava, cannabinoids, phenibut, and
100 nicotine.

101 (k) May not be served in a form that combines or mixes
102 finished kratom products with an extract, synthetic alkaloid, or
103 synthetically derived compound of kratom.

104 (4) PERMIT FOR PROCESSING FINISHED KRATOM PRODUCTS AND
105 FEDERAL AND STATE REGISTRATION REQUIREMENTS FOR PROCESSORS.—

106 (a) Kratom products may be manufactured or distributed in
107 this state only by a processor who holds a permit issued by the
108 department to operate as a food establishment as defined in s.
109 500.03(1). A processor may not operate as a cottage food

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110 operation pursuant to s. 500.80 and is not exempt from food
111 permit requirements pursuant to s. 500.12(1)(a)1.

112 (b) A processor that manufactures, processes, packs, or
113 offers for sale kratom, kratom products, or finished kratom
114 products must be properly registered with the United States Food
115 and Drug Administration as a Food Facility.

116 (c) A processor shall comply with 21 C.F.R. part 210.

117 (d) A processor shall maintain product liability insurance
118 with an occurrence limit of \$3 million.

119 (e) For each batch of a registered, finished kratom
120 product, the processor shall retain and, upon request, submit a
121 certificate of analysis to the department from an accredited
122 laboratory. The laboratory must be accredited under the
123 International Organization for Standardization
124 (ISO)/International Electrotechnical Commission (IEC) 17025:2017
125 general requirements for competence of testing and calibration
126 laboratories standard by an accreditation body that is a
127 signatory to the International Laboratory Accreditation
128 Cooperation Mutual Recognition Arrangement or a subsequent
129 arrangement. The processor may not have any direct or indirect
130 financial or economic interest in the laboratory or accrediting
131 body. The processor shall maintain the certificates of analysis
132 for a minimum of 1 year after the finished kratom product's
133 expiration date. The certificate of analysis must demonstrate

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134 that the finished kratom product is in compliance with the
135 statutory and rule concentration limits for:
136 1. Alkaloid and alkaloid metabolites;
137 2. Residual solvents;
138 3. Heavy metals, including cadmium, arsenic, mercury, and
139 lead; and
140 4. Pesticides and any substance limited by department
141 rule.

142 (f) A finished kratom product served by a kratom food
143 service establishment must comply with the requirements of this
144 section; however, a separate product registration under this
145 subsection is not required when a kratom beverage is combined
146 with another food or beverage by the kratom food service
147 establishment for consumption on premises.

148 (g) Subsection (3) does not apply to finished kratom
149 products processed or manufactured in this state and
150 subsequently shipped or transported out of this state for sale
151 or use outside of this state.

152 (h) Finished kratom products produced in this state and
153 subsequently shipped or transported out of this state for sale
154 outside of this state:

155 1. May not be sold, shipped, or transported to a consumer
156 in this state, a retail establishment in this state, or to a

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157 person who intends to sell such products to a consumer in this
158 state;

159 2. Must be in a package marked "NOT FOR USE OR RETAIL SALE
160 IN FLORIDA" in a bold font size of at least 36 points; and
161 3. Must be physically separated from finished kratom
162 products that are, or are intended to be, sold or used in this
163 state.

164 (5) REPORTING AND TESTING.—

165 (a) If a processor or the department receives notice of
166 any adverse health event suspected to be related to the
167 processor's kratom product, the processor or the department must
168 submit an adverse event report as set out in chapter 9 of the
169 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. s. 379aa-1(b) (1)
170 to the United States Food and Drug Administration.

171 (b) If probable cause exists that a kratom product may be
172 adulterated, the department may require an independent third-
173 party test of the kratom product by a laboratory of the
174 department's choice, and the processor must pay the cost of the
175 test. If the processor does not make such payment to the
176 department within 30 days after receiving the invoice for the
177 testing fee, the department must revoke the registration for
178 that product.

179 (6) PROHIBITIONS.—

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180 (a) It is unlawful to serve kratom beverages combined with
181 alcohol, drugs, or other kratom products.

182 (b) It is unlawful to sell, deliver, barter, furnish, or
183 give, directly or indirectly, any kratom product to a person who
184 is under 21 years of age.

185 (7)(4) VIOLATIONS.—

186 (a) A violation of subsection (4) (3) is a misdemeanor of
187 the second degree, punishable as provided in s. 775.082 or s.
188 775.083.

189 (b) A processor that manufactures, delivers, offers for
190 sale, distributes, or sells a finished kratom product that
191 violates paragraph (3)(b) or paragraph (3)(c) commits a
192 misdemeanor of the second degree, punishable as provided in s.
193 775.082 or s. 775.083.

194 (c) Kratom products possessed, manufactured, delivered,
195 offered for sale, distributed, or sold in violation of this
196 section by an entity regulated under this chapter are subject to
197 s. 500.172 and an immediate stop-sale order, and the entity is
198 subject to penalties as provided in s. 500.121. The department
199 may not grant permission to remove or use, except for disposal,
200 finished kratom products subject to a stop-sale order which are
201 attractive to children until the finished kratom products comply
202 with this section.

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203 (d) If a processor fails to provide the department with a
204 certificate of analysis within 7 days after receiving a request
205 from the department or fails to immediately report an adverse
206 health event to the department as required by this section, the
207 department may revoke the processor's finished kratom product
208 registration.

209 (e) A processor that manufactures, delivers, offers for
210 sale, distributes, or sells a kratom product that contains any
211 controlled substance or adulterants is in violation of this
212 section.

213 (f) A laboratory that fails to ensure the accuracy of its
214 certificates of analysis issued pursuant to this section is
215 subject to an administrative fine as provided by department
216 rule.

217 (8) (5) RULES.—The department shall adopt rules to
218 administer this section.

219 **Section 2.** For the 2026-2027 fiscal year, the sums of
220 \$1,920,141.22 in recurring funds and \$1,791,608 in nonrecurring
221 funds from the General Inspection Trust Fund are appropriated to
222 the Department of Agriculture and Consumer Services, and 24
223 full-time equivalent positions with associated salary rate of
224 \$1,508,152.18 are authorized, for the purpose of implementing
225 this act.

226 **Section 3.** This act shall take effect October 1, 2026.

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228 -----
229 **T I T L E A M E N D M E N T**

230 Remove everything before the enacting clause and insert:
231 An act relating to kratom; amending s. 500.92, F.S.;
232 defining terms; revising the definition of the term
233 "kratom product"; requiring that finished kratom
234 products sold to consumers at certain establishments
235 meet certain requirements; requiring that kratom
236 products be manufactured only by a processor who holds
237 a certain permit issued by the Department of
238 Agriculture and Consumer Services; prohibiting
239 specified operations; prohibiting exemptions from
240 certain requirements; requiring certain processors to
241 be properly registered with the United States Food and
242 Drug Administration; requiring processors to comply
243 with certain regulations; requiring processors to
244 maintain product liability insurance with a specified
245 occurrence limit; requiring processors of a finished
246 kratom product to retain and submit a certificate of
247 analysis from an accredited laboratory to the
248 Department of Agriculture and Consumer Services for
249 each batch of finished kratom product; specifying
250 requirements for such laboratory; prohibiting

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251 processors from having any financial or economic
252 interest in such laboratory or the body accrediting
253 such laboratory; requiring processors to maintain
254 their certificates of analysis for a specified amount
255 of time after the finished kratom product's expiration
256 date; requiring that the certificate of analysis
257 demonstrate that the finished kratom product is in
258 compliance with statutory and rule concentration
259 limits for specified substances; requiring that
260 certain finished kratom products comply with product
261 registration and testing requirements; providing an
262 exception; providing nonapplicability; providing
263 requirements for finished kratom products produced in
264 this state and subsequently shipped or transported out
265 of this state for sale outside of this state;
266 requiring a processor or the department to submit a
267 certain report to the United States Food and Drug
268 Administration if a processor or the department
269 receives a certain notice; authorizing the department
270 to conduct an independent third-party test of a kratom
271 product if probable cause exists that the product is
272 adulterated; requiring the processor to pay the
273 testing cost; authorizing the department to revoke the
274 processor's product registration if the processor

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275 fails to pay for such test within a specified
276 timeframe; providing prohibitions; providing criminal
277 penalties; providing that certain kratom products are
278 subject to a stop-sale order; authorizing the
279 department to revoke a processor's finished kratom
280 product registration under certain circumstances;
281 providing that a processor whose kratom product
282 contains a controlled substance or other prohibited
283 substances is in violation of the act; authorizing the
284 levying of administrative fines for laboratories that
285 fail to comply with certain requirements; providing an
286 appropriation; providing an effective date.