

HB 1205

2026

A bill to be entitled
An act relating to kratom; amending s. 500.92, F.S.; providing and revising definitions; providing certain requirements for the sale of kratom products at specified establishments, stores, and bars; requiring kratom product processors to hold a specified permit; providing an exception; providing kratom product processors must meet specified requirements; requiring kratom product processors to submit to the Department of Agriculture and Consumer Services a specified certificate of analysis from a laboratory; requiring such laboratory to maintain a specific accreditation; prohibiting processors from have a financial economic interest in such laboratory or accrediting body; requiring processors to retain certificate of analysis for a certain time period; requiring a specified demonstration in each certificate of analysis; requiring the department to assess an administrative fine against a laboratory in certain circumstances; requiring the department to revoke a permit held by a processor in certain circumstances; requiring processors to submit to the department an adverse event report in certain circumstances; requiring the department to revoke a processor's permit for failure to report such an event; authorizing the department to

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26 require an independent third-party test of kratom
27 products in certain circumstances; requiring
28 processors to pay all costs associated with such
29 testing; requiring the department to revoke a
30 processor's permit if the processor does not pay such
31 costs within a certain time period; providing
32 specified penalties; requiring the department to issue
33 a stop-sale or stop-use order in certain
34 circumstances; providing applicability; providing an
35 appropriation; providing an effective date.
36

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

38

39 **Section 1. Section 500.92, Florida Statutes, is amended to**
40 **read:**

41 500.92 Florida Kratom Consumer Protection Act.—

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

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

45 (a) "Attractive to children" means a product manufactured:
46 1. In a shape that resembles a human, a cartoon character,
47 or an animal; or
48 2. In a form that resembles an existing candy product that
49 is a widely distributed, branded food item.

50 (b) "Finished kratom product" means a kratom product that

51 is ready for sale to an end user. For purposes of registration,
52 a finished kratom product is differentiated by its ingredients,
53 not by its weight, volume, or size.

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

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

59 (e) "Kratom food service establishment" means any public
60 food service establishment licensed under chapter 509 which
61 sells finished kratom products.

62 (f) "Kratom product" means a food product, food
63 ingredient, dietary ingredient, dietary supplement, or beverage
64 intended for human consumption which contains any part of the
65 leaf of the plant *Mitragyna speciosa* or an extract, synthetic
66 alkaloid, or synthetically derived compound of such plant and is
67 manufactured as a powder, capsule, pill, beverage, or other
68 consumable edible form.

69 (g) "Processor" means an individual or business entity
70 that:

71 1. Refines kratom into ingredients used for the purpose of
72 manufacturing a finished kratom product;
73 2. Manufactures finished kratom products; or
74 3. Packages finished kratom products for resale.

75 (3) Finished kratom products sold in this state to a

76 consumer at a retail establishment, including a food
77 establishment as defined in s. 500.03(1), a convenience store,
78 or a kava or kratom bar, must:

79 (a) Be in one of the following delivery forms:

80 1. Dried leaf;

81 2. Kratom beverage;

82 3. Powder;

83 4. Pill;

84 5. Liquid dietary supplement;

85 6. Gummy or food that are not attractive to children; or

86 7. Capsule.

87 (b) Submit a certificate of analysis pursuant to paragraph

88 (4) (c).

89 (c) Hold a permit pursuant to paragraph (4) (a).

90 (d) Include directions for consumption on the product's
91 label, including, but not limited to:

92 1. Maximum dosage of 100 milligrams of kratom alkaloids
93 per serving.

94 2. Number of servings per package.

95 3. Milligrams of 7-hydroxymitragynine and mitragynine per
96 serving.

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

99 5. A warning prohibiting use by individuals who are under
100 21 years of age.

101 6. A warning advising against use by individuals who are
102 pregnant or breastfeeding.

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

106 8. A warning stating the following:

107
108 THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE UNITED STATES
109 FOOD AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO
110 DIAGNOSE, TREAT, CURE, OR PREVENT ANY DISEASE.

111
112 9. The expiration date.

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

114 (e) Not be attractive to children.

115 (f) Be in a container that:

116 1. Is suitable to contain products for human consumption;

117 2. Is compliant with the United States Poison Prevention

118 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.; or

119 3. Contains a graduated measuring device, if applicable.

120 (g) Not be adulterated or mixed with any other ingredient,
121 including, but not limited to, metals, pesticides, or pathogens,
122 in excess of the limits set forth this section or by department
123 rule.

124 (h) Only be sold in establishments that restrict entry to
125 individuals who are under the age of 21 years and require age

126 verification.

127 (i) Not be served in a form that combines or mixes
128 finished kratom products with psychoactive substances that
129 impact the central nervous system, including, but not limited
130 to, alcohol, caffeine, kava, cannabinoids, and nicotine.

131 (4) (a) 1. Finished kratom products may only be manufactured
132 or distributed by a processor who holds a permit issued under s.
133 500.12 to operate as a food establishment as defined in s.
134 500.03(1). A kratom food service establishment may not operate a
135 cottage food operation pursuant to s. 500.80.

136 2. A kratom food service establishment is not required to
137 hold a permit pursuant to subparagraph 1. if a kratom beverage
138 is sold with another food or beverage for consumption on the
139 premises of the food establishment. However, such establishment
140 may not sell a kratom beverage with alcohol, drugs, or another
141 finished kratom product.

142 (b) A processor that refines, manufactures, packages, or
143 offers for sale kratom, kratom products, or finished kratom
144 products must:

145 1. Be properly registered with the United States Food and
146 Drug Administration.

147 2. Adhere to the applicable current good manufacturing
148 practices pursuant to the Federal Food, Drug, and Cosmetic Act,
149 21 U.S.C. ss. 301 et seq.; 21 C.F.R. part 210.

150 3. Maintain product liability insurance with an occurrence

151 limit of \$3 million.

152 (c)1. For each batch of a finished kratom product, the
153 processor shall submit to the department, upon request, a
154 certificate of analysis from an accredited laboratory. The
155 laboratory must be accredited by a third-party accrediting body
156 as a competent testing laboratory pursuant to ISO/IEC 17025 of
157 the International Organization for Standardization. The
158 processor may not have any direct or indirect financial or
159 economic interest in the laboratory or third-party accrediting
160 body. The processor shall retain each certificate of analysis
161 for at least 1 year after the expiration of the relevant batch
162 of finished kratom product.

163 2. Each certificate of analysis required pursuant to
164 subparagraph 1. must demonstrate that the finished kratom
165 product complies with the concentration limits for:

166 a. Alkaloid and alkaloid metabolites.
167 b. Residual solvents.
168 c. Heavy metals, including cadmium, arsenic, mercury, and
169 lead.

170 d. Pesticides.
171 e. Any other substance limited by department rule.

172 3. If a laboratory fails to ensure the accuracy of its
173 certificates of analysis issued pursuant to this paragraph, the
174 laboratory shall be assessed an administrative fine in an amount
175 as prescribed by department rule.

176 4. If a processor fails to provide the department with a
177 certificate of analysis within 7 days after receiving a request
178 from the department pursuant to subparagraph 1., the department
179 shall revoke the processor's permit.

180 (5) (a) If a processor becomes aware of an adverse health
181 event suspected of being associated with the use or consumption
182 of a finished kratom product pursuant to this section, the
183 processor must submit to the department an adverse event report
184 pursuant to chapter IX of the Food and Drug Administration's
185 Food, Drug, and Cosmetic Act. If a processor fails to report
186 such an event to the department pursuant to this paragraph, the
187 department shall revoke the processor's permit.

188 (b) If probable cause exists that a finished kratom
189 product is adulterated in violation of this section, the
190 department may require an independent third-party test of the
191 product by a laboratory of the department's own choosing, and
192 the processor must pay all costs associated with the test. If
193 the processor does not pay such costs within 30 days after
194 receiving an invoice for the test, the department shall revoke
195 the processor's permit. (3) It is unlawful to sell, deliver,
196 barter, furnish, or give, directly or indirectly, any kratom
197 product to a person who is under 21 years of age.

198 (6) (a) (4) A violation of subsection (4) (3) is a
199 misdemeanor of the second degree, punishable as provided in s.
200 775.082 or s. 775.083.

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201 (b) The department shall exercise its authority under s.
202 500.172 and issue a stop-sale or stop-use order for any finished
203 kratom product sold, distributed, manufactured, delivered, or
204 offered for sale in violation of this section. The department
205 may impose penalties as provided in s. 500.121. The department
206 may not grant permission to remove or use, except for disposal,
207 any finished kratom product subject to a stop-sale or stop-use
208 order which is attractive to children until the finished kratom
209 product complies with this section.

210 (c) A processor that sells, distributes, manufactures,
211 delivers, or offers for sale a kratom product that contains a
212 controlled substance or adulterants violates this section.

213 (7) This section does not apply to finished kratom
214 products that are refined, manufactured, or packaged in this
215 state, shipped or transported outside of this state for sale or
216 use. However, such products:

217 (a) May not be sold, shipped, or transported to a consumer
218 in this state, a retail establishment in this state, or an
219 individual who sells or intends to sell such products to a
220 consumer in this state.

221 (b) Must be in a package which contains the following
222 message in capitalized text of at least 36 bold font:

224 NOT FOR USE OR RETAIL SALE IN FLORIDA.

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226 (c) Must be physically separated from finished kratom
227 products that are, or intended to be, sold or used in this
228 state.

229 (8)+(5) The department shall adopt rules to administer this
230 section.

231 **Section 2.** For the 2026-2027 fiscal year, the sums of
232 \$1,920,141.22 in recurring funds and \$1,791,608 in nonrecurring
233 funds from the General Inspection Trust Fund are appropriated to
234 the Department of Agriculture and Consumer Services, and 24
235 full-time equivalent positions with associated salary rate of
236 1,508,152.18 are authorized, for the purpose of implementing
237 this act.

238 **Section 3.** This act shall take effect July 1, 2026.