

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 994

INTRODUCER: Senator Gruters

SUBJECT: Florida Kratom Consumer Protection Act

DATE: January 20, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Pre-meeting
2.			AEG	
3.			FP	

I. Summary:

SB 994 amends the Florida Kratom Consumer Protection Act to create requirements for kratom products manufactured, delivered, offered for sale, distributed, or sold by processors in this state. The bill sets out requirements for processors for state and federal registration, proof of testing and analysis for kratom products, and reporting of adverse health events. The bill also creates penalties for violations of s. 500.92, F.S.

The bill takes effect July 1, 2026.

II. Present Situation:

Kratom

Kratom is a tropical tree native to Southeast Asia that contains mitragynine and 7-hydroxymitragynine in its leaves, which are two major psychoactive ingredients.¹ The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.² Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.³

Some research finds that kratom can be used as a substitute for opiate users to combat withdrawal symptoms, as well as to treat muscle ache, fatigue, and other conditions.⁴ Low doses of kratom are said to produce a stimulant effect, while higher doses may produce an opioid-like

¹ Drug Enforcement Administration, *Kratom* (April 2020), available at https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf (last visited Jan. 20, 2026).

² *Id.*

³ *Id.*

⁴ See Dimy Fluyau and Neelambika Revedigar, *Biochemical Benefits, Diagnosis, and Clinical Risks Evaluation of Kratom*, FRONTIERS IN PSYCH. J. VOL. 8 (April 24, 2017) available at <https://www.frontiersin.org/articles/10.3389/fpsy.2017.00062/full> (last visited Jan. 20, 2025).

effect.⁵ Additionally, research points to the potential for further development of mitragynine and the use of kratom as a harm reduction agent.⁶ Even so, the toxicity of kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.⁷ While research on kratom is in early stages, kratom itself has the potential to be addictive and has not been shown to be safe or effective for any medical use.⁸

Currently, kratom is not listed as a controlled substance under federal law or Florida law. However, in 2014, Sarasota County banned kratom, labeling it as a designer drug.⁹ With the exception of Sarasota County, in Florida, all parts of the plant and its extracts are legal to cultivate, buy, possess, and distribute without a license or prescription. Kratom is considered a controlled substance in Alabama,¹⁰ Arkansas,¹¹ Indiana,¹² Rhode Island,¹³ Vermont,¹⁴ and Wisconsin.¹⁵ In 12 other states the possession, sale, manufacture, and distribution of kratom products is regulated.¹⁶

Moreover, in 2025, the FDA recommended scheduling certain 7-OH products as controlled substances.¹⁷ 7-OH occurs naturally in trace amounts in kratom plants.¹⁸ In the same year, the FDA seized around 73,000 units of 7-hydroxymitragynine (7-OH) products worth \$1 million in Missouri from three firms.¹⁹ As the FDA is concerned that “concentrated 7-OH is increasingly recognized as having potential for abuse because of its ability to bind to opioid receptors,” 7-OH cannot legally be added to dietary supplements.²⁰ To further protect consumers, the FDA has issued warning letters to firms marketing products containing 7-hydroxymitragynine.²¹

⁵ Fluyau and Neelambika, *supra* note 6.

⁶ See Charles Veltri and Oliver Grundmann, *Current Perspectives on the Impact of Kratom Use*, SUBSTANCE ABUSE AND REHAB. J. VOL. 10, 23-31 (July 1, 2019) available at <https://pubmed.ncbi.nlm.nih.gov/31308789/> (last visited Jan. 20, 2026).

⁷ *Id.*; see also FLORIDA DEPT. LAW ENF'T, *Drugs Identified in Deceased Persons by Florida Medical Examiners* (July 2024), available at <https://www.fdle.state.fl.us/getContentAsset/e532a8a9-dc3a-4537-a7e6-760e41b582c2/73aabf56-e6e5-4330-95a3-5f2a270a1d2b/2023-Interim-Drug-Report-FINAL.pdf?language=en> (last visited Jan. 20, 2026).

⁸ NAT'L CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH, *Kratom*, available at <https://www.nccih.nih.gov/health/kratom> (last visited Jan. 20, 2026).

⁹ See Carter Weinhofer, MIAMI HERALD, *A Florida area may crack down on kratom. What to know about the designer drug*, available at <https://www.miamiherald.com/news/state/florida/article312018147.html> (last visited Jan. 20, 2026).

¹⁰ ALA. CODE § 20-2-23.

¹¹ ARK. ADMIN. CODE § 007.07.2.

¹² IND. CODE § 35-48-2-4; IND. CODE § 35-31.5-22-321.

¹³ See RHODE ISLAND DEPT. OF HEALTH, *Notice of Designation of Controlled Substance* (May 31, 2017), available at https://docs.wixstatic.com/ugd/9ba5da_9836aee2b9f04a30b55fe480fe3c6ff4.pdf. (last visited Jan. 20, 2026).

¹⁴ VT. ADMIN. CODE 12-5-23:7.0.

¹⁵ Wis. Stat. § 961.14.

¹⁶ See LEGIS. ANALYSIS AND PUB. POL'Y ASS'N, *Regulation of Kratom in America: Update* (September 2022), available at <https://legislativeanalysis.org/wp-content/uploads/2022/10/Kratom-Fact-Sheet-FINAL.pdf> (last visited Jan. 20, 2026).

¹⁷ Press Release, *FDA Seizes 7-OH Opioids to Protect American Consumers*, available at <https://www.fda.gov/news-events/press-announcements/fda-seizes-7-oh-opioids-protect-american-consumers> (last visited Jan. 20, 2026).

¹⁸ U.S. FDA, *Products Containing 7-OH Can Cause Serious Harm*, available at <https://www.fda.gov/consumers/consumer-updates/products-containing-7-oh-can-cause-serious-harm> (last visited Jan. 20, 2026).

¹⁹ Press Release, *supra* note 17.

²⁰ Press Release, *supra* note 17.

²¹ Press Release, *FDA Issues Warning Letters to Firms Marketing Products Containing 7-Hydroxymitragynine*, available at <https://www.fda.gov/news-events/press-announcements/fda-issues-warning-letters-firms-marketing-products-containing-7-hydroxymitragynine> (last visited Jan. 20, 2026).

Kratom in Florida

In 2023, the Legislature enacted the Florida Kratom Consumer Protection Act,²² which made it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. The Florida Department of Agriculture and Consumer Services (FDACS) adopted rules to implement the act.²³

Continuing concern over chemical compounds found in kratom led Florida's Attorney General to implement an emergency rule in August 2025 making it illegal to sell, possess, or distribute any isolated or concentrate form of 7-OH (of more than 400 parts per million) in the state.²⁴ Following this emergency rule, FDACS has coordinated the removal over 17,000 packages containing 7-OH from retail shelves.²⁵

III. Effect of Proposed Changes:

Kratom Product Requirements

Section 1 amends s. 500.92, F.S., the "Florida Kratom Consumer Protection Act."

Under the bill, finished kratom products²⁶ sold at retail stores, including food establishments under s. 500.03, F.S.,²⁷ convenience stores, or kava or kratom²⁸ bar, must be in one of the following delivery forms: dried leaf, kratom beverage,²⁹ powder, pill, liquid dietary supplement, gummy or food, or capsule. Additionally, the finished kratom product must:

- Possess a certificate of analysis.
- Be registered with FDACS.

²² Section 500.92, F.S.

²³ Fla. Admin. Code R. 5K-4.030.

²⁴ Fla. Admin. Code R. 2ER25-2 (2025); Press Release, *Attorney General James Uthmeier Files Emergency Rule; Immediately Removing Dangerous 7-OH from Store Shelves*, available at <https://www.myfloridalegal.com/newsrelease/attorney-general-james-uthmeier-files-emergency-rule-immediately-removing-dangerous-7> (last visited Jan. 20, 2026) ("7-OH is a chemical compound found naturally in the kratom plant. While naturally occurring, levels are low in whole kratom leaves and isolated or concentrated forms of 7-OH—often found in extracts, shots, powders, or capsules—are much more potent. These products are frequently marketed as natural or wellness supplements but can lead to addiction, overdose, and other serious health effects. The Florida Department of Health and local agencies have reported a recent increase in emergency room visits and adverse health incidents linked to kratom, particularly among individuals under the age of 25. The products are often sold in gas stations, vape shops, and convenience stores, sometimes in packaging designed to appeal to teens and young adults.").

²⁵ Press Release, *Commissioner Wilton Simpson Announces Over 17,000 Dangerous 7-OH Packages Removed from Florida Stores Following Emergency Ban*, available at <https://www.fdacs.gov/News-Events/Press-Releases/2025-Press-Releases/Commissioner-Wilton-Simpson-Announces-Over-17-000-Dangerous-7-OH-Packages-Removed-from-Florida-Stores-Following-Emergency-Ban> (last visited Jan. 20, 2026).

²⁶ "Finished kratom product" means a kratom product that is ready for sale to the end user. For purposes of registration, a finished kratom product is differentiated by its ingredients, not by its weight, volume, or size.

²⁷ "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, storing, or preparing food or selling food at wholesale or retail. The term does not include a business or activity regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

²⁸ "Kratom" means the plant or any part of the plant *Mitragyna speciosa* in any form.

²⁹ "Kratom beverage" means a prepackaged liquid kratom product in the form of a tea, a seltzer or tonic water, or a tincture.

- Include directions for consumption on the product’s label, including but not limited to specified warnings, servings per package, amount of certain substances in the product, expiration date, and the name and business of the registrant.
- Comply with the packaging and labeling requirements in ch. 500, F.S., and rules adopted pursuant to this chapter.
- Not be attractive to children.³⁰
- Be packaged in a container that is suitable for consumption, in compliance with the U.S. Poison Prevention Packaging Act, 15 U.S.C. ss. 1471, and contain a graduated measuring device if applicable.
- Not be adulterated, including metals, pesticides, or pathogens exceeding limits set under this section or FDACS rule.
- Not be served in a form that combines or mixes finished kratom products with psychoactive substances that impact the central nervous system.

Pursuant to subsection (4), the aforementioned requirements do not apply to finished kratom products processed/manufactured in Florida but subsequently transported for sale out of state.

Federal and State Registration Requirements

Subsection (4) adds requirements to s. 500.92, F.S., mandating that kratom products³¹ be manufactured or distributed only by processors³² permitted to operate as a food establishment under s. 500.03, F.S. Processors that manufacturer, process, pack, or offer for sale kratom, kratom products, or finished kratom products must be registered with the U.S. FDA. Additionally, processors must comply with 21 C.F.R. part 210³³ and maintain product liability insurance with an occurrence limit of \$3 million.

Under the bill, for each batch of a registered, finished kratom product, the processor must retain, and upon request, submit a certificate of analysis to FDACS from an accredited laboratory. Additionally, the bill requires that:

- The laboratory be accredited under the International Organization for Standardization/International Electrotechnical Commission requirements and by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.
- The processor not have financial or economic interest in the laboratory or accrediting body.
- The processor maintain the certificate of analysis for at least a year after the finished kratom product’s expiration date.
- The certificate of analysis demonstrate the finished kratom product is in compliance with statutory and rule concentration limits for:
 - Alkaloid and alkaloid metabolites;

³⁰ “Attractive to children” means a product manufactured: 1. In a shape that resembles a human, a cartoon character, or an animal; or 2. In a form that resembles an existing candy product that is widely distributed or branded.

³¹ “Kratom product” means a food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption which contains any part of the leaf of the plant *Mitragyna speciosa* and is manufactured as a powder, capsule, pill, beverage, or other consumable form.

³² “Processor” means an entity that: 1. Refines kratom into input ingredients for the purpose of manufacturing a finished kratom product; 2. Manufactures finished kratom products; or 3. Packages finished kratom products for resale.

³³ Part 210 sets forth federal regulations on the manufacturing of drugs and other goods.

- Residual solvents;
- Heavy metals, including cadmium, arsenic, mercury, and lead; and
- Pesticides and any other substance limited by FDACS rule.

Despite the requirements in this section, the bill provides that separate registration is not necessary for kratom beverages combined with other food or beverage by the kratom food service establishment³⁴ to be consumed on the premises.

Furthermore, finished kratom products produced in this state and transported for sale out of state:

- May not be sold or transported to a consumer or retailer in Florida.
- Must be in a package marked “not for us or retail sale in Florida” in specified font and size.
- Must be physically separated from finished kratom products that will be sold/used in Florida.

Reporting and Testing

Next, subsection (5) of the bill provides that if a processor or FDACS receives notice of any adverse health event suspected to be related to the kratom product, the processor or FDACS must submit an adverse event report to the FDA. If probable cause exists that a kratom product may be adulterated, FDACS may require third-party testing at the processor’s expense. If the processor does not pay FDACS for this testing within thirty days of receiving an invoice, FDACS must revoke the processor’s registration for that product.

Prohibitions and Violations

Subsection (6) of the bill makes it unlawful to serve kratom beverages combined with alcohol, drugs, or other kratom products.

The bill expands violations under subsection (7), outlining that processors that manufacture, deliver, offer for sale, distribute, or sell finished kratom products that are not registered and maintaining a certificate of analysis pursuant to subsection (3) are committing a second degree misdemeanor. If a kratom product is possessed, manufactured, delivered, offered for sale, distributed or sold in violation of this section, the entity at fault is subject to a stop-sale order and specified penalties. If a kratom product is considered attractive to children and subject to a stop-sale order, FDACS may not grant permission to remove or use the products until they comply with this s. 500.92, F.S.

Additionally, a processor that manufactures, delivers, offers for sale, distributes, or sells a kratom product that contains any controlled substances or adulterants is in violation of this section. Last, subsection (7) provides that a laboratory that fails to ensure the accuracy of its certificates of analysis will be subject to an administrative fine (as set out in FDACS rule).

³⁴ “Kratom food service establishment” means any public food service establishment licensed as provided in chapter 509 which sells finished kratom products.

Funding

Section 2 appropriates sums of \$1,920,141.22 in recurring funds and \$1,791,608 in nonrecurring funds to FDACS, with twenty-four full-time positions and an associated salary rate of \$1,508,152.18, to implement this act.

Effective Date

Section 3 sets out an effective date of October 1, 2026.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill appropriates funds and positions to FDACS to implement the bill's enforcement requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 500.92 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
