

1 A bill to be entitled
 2 An act relating to kratom products; creating s.
 3 500.92, F.S.; providing a short title; providing
 4 definitions; prohibiting manufacturers from preparing,
 5 packaging, distributing, selling, or exposing for sale
 6 certain kratom products; providing a limitation on the
 7 sale of kratom products; providing penalties;
 8 providing that retailers are not liable for the sale
 9 of unlawful kratom products under certain
 10 circumstances; requiring the Department of Agriculture
 11 and Consumer Services to adopt rules; providing an
 12 effective date.

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

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 16 Section 1. Section 500.92, Florida Statutes, is created to
 17 read:

18 500.92 Kratom products.—

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

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

22 (a) "Kratom product" means a food, food ingredient, food
 23 product, dietary ingredient, dietary supplement, or beverage for
 24 human consumption that contains any part of the leaf of the
 25 plant Mitragyna speciosa, including any extracts, derivatives,

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26 or compounds thereof, which is manufactured as a powder,
27 capsule, pill, beverage, or other edible form.

28 (b) "Manufacturer" means a person who is engaged in
29 preparing, propagating, compounding, processing, packaging,
30 repackaging, or labeling of kratom products, and who advertises,
31 represents, or holds himself or herself out as distributing,
32 selling, or exposing for sale kratom products.

33 (c) "Retailer" means a person who sells, distributes,
34 advertises, represents, or holds himself or herself out as
35 maintaining, selling, or exposing for sale kratom products.

36 (3) A manufacturer may not prepare, package, distribute,
37 sell, or expose for sale any of the following:

38 (a) A kratom product that is not manufactured in
39 compliance with requirements for current good manufacturing
40 practices under the Federal Food, Drug, and Cosmetics Act.

41 (b) A kratom product that is adulterated with a
42 deleterious nonkratom substance. A kratom product is adulterated
43 with a deleterious nonkratom substance if it is mixed or packed
44 with any substance, including, but not limited to, the
45 substances listed in s. 893.03, which affects the quality or
46 strength of the kratom product to such a degree as to render it
47 injurious to a consumer.

48 (c) A kratom extract that contains levels of residual
49 solvents which exceed the levels under chapter 467 of the United
50 States Pharmacopeia.

51 (d) A kratom product that contains a level of 7-
52 hydroxymitragynine in the alkaloid fraction which is greater
53 than 2 percent of the overall alkaloid composition of the
54 product.

55 (e) A kratom product that contains any synthetic alkaloid,
56 including, but not limited to, synthetic mitragynine, synthetic
57 7-hydroxymitragynine, or any other synthetically derived
58 compounds of the kratom plant.

59 (f) A kratom product that does not adhere to the labeling
60 directions necessary for safe and effective consumption by
61 consumers, including a recommended serving size, under the
62 Federal Food, Drug, and Cosmetics Act.

63 (4) Kratom products may not be distributed, sold, or
64 exposed for sale in the state to a person who is younger than 18
65 years of age.

66 (5) (a) A manufacturer who violates subsection (3) is
67 subject to an administrative fine of not more than \$500 for the
68 first offense and not more than \$1,000 for a second or
69 subsequent offense.

70 (b) A manufacturer or retailer who violates subsection (4)
71 is subject to an administrative fine of not more than \$500 for
72 the first offense and not more than \$1,000 for a second or
73 subsequent offense.

74 (6) A retailer is not liable for the sale of an unlawful
75 kratom product if it is shown by a preponderance of the evidence

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76 | that the retailer relied in good faith upon the representation
77 | of a manufacturer that the product is a lawful kratom product.

78 | (7) The department shall adopt rules to administer and
79 | enforce this section.

80 | Section 2. This act shall take effect July 1, 2022.