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

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

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

500.92 Kratom products.—
(1) This section may be cited as the "Kratom Consumer
Protection Act."
(2) As used in this section, the term:
(a) "Kratom product" means a food, food ingredient, food
product, dietary ingredient, dietary supplement, or beverage for
human consumption that contains any part of the leaf of the
plant Mitragyna speciosa, including any extracts, derivatives,
or compounds thereof, which is manufactured as a powder, capsule, pill, beverage, or other edible form.

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

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

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

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

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

(c) A kratom extract that contains levels of residual solvents which exceed the levels under chapter 467 of the United States Pharmacopeia.
(d) A kratom product that contains a level of 7-
hydroxymitragynine in the alkaloid fraction which is greater
than 2 percent of the overall alkaloid composition of the
product.

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

(f) A kratom product that does not adhere to the labeling
directions necessary for safe and effective consumption by
consumers, including a recommended serving size, under the

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

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

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

(6) A retailer is not liable for the sale of an unlawful
kratom product if it is shown by a preponderance of the evidence
that the retailer relied in good faith upon the representation
of a manufacturer that the product is a lawful kratom product.

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

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