

1 AN ACT relating to kratom.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 6 of this Act:*

6 *(1) "Department" means the Department for Public Health;*

7 *(2) "Food" has the same meaning as in KRS 217.015 and includes any beverage,*
8 *dietary ingredient, dietary supplement, or food additive as defined in KRS*
9 *217.015 intended for human consumption;*

10 *(3) "Kratom" means any part of the plant *Mitragyna speciosa*;*

11 *(4) "Kratom extract" means any food, food product, or dietary ingredient containing*
12 *any part of the leaf of the plant *Mitragyna speciosa* that has been extracted and*
13 *concentrated in order to provide more standardized dosing;*

14 *(5) "Kratom processor" means any person or entity that prepares, manufactures,*
15 *distributes, or maintains kratom extracts or kratom products or advertises,*
16 *represents, or claims to sell, prepare, or maintain kratom extracts or kratom*
17 *products;*

18 *(6) "Kratom product" means a food, powder, capsule, pill, or any other product*
19 *intended for oral consumption that contains any part of the leaf of the plant*
20 **Mitragyna speciosa* or any extract thereof; and*

21 *(7) "Kratom retailer" means any person or entity that sells or advertises, represents,*
22 *or claims to sell kratom extracts or kratom products.*

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
24 READ AS FOLLOWS:

25 *A kratom processor or kratom retailer shall not:*

26 *(1) Distribute, dispense, sell, or make available for sale any kratom extract or kratom*
27 *product to an individual who is under twenty-one (21) years of age; or*

1 (2) Prepare, manufacture, distribute, dispense, sell, or make available for sale any
 2 kratom extract or kratom product that:

3 (a) Is adulterated with a dangerous nonkratom substance that affects the
 4 quality or strength of the kratom extract or kratom product to such a degree
 5 that it may injure a consumer;

6 (b) Contains a poisonous or otherwise harmful nonkratom ingredient,
 7 including but not limited to any controlled substance as defined in KRS
 8 Chapter 218A;

9 (c) Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is
 10 greater than two percent (2%) of the overall alkaloid composition of the
 11 product;

12 (d) Contains any synthetic alkaloid, including synthetic mitragynine, synthetic
 13 7-hydroxymitragynine, or any other synthetically derived compound of the
 14 plant *Mitragyna speciosa*;

15 (e) Contains levels of residual solvents higher than those permitted under the
 16 United States Pharmacopeia Chapter 467; or

17 (f) Does not meet the labeling requirements established pursuant to Section 3
 18 of this Act or any administrative regulation promulgated thereunder.

19 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
 20 READ AS FOLLOWS:

21 All kratom extracts and kratom products sold or otherwise distributed in the
 22 Commonwealth shall be accompanied by a clear label that provides adequate
 23 information for safe and effective use by consumers that includes but is not limited to:

24 (1) A list of the ingredients used in the manufacturing of the kratom extract or
 25 kratom product;

26 (2) The amount of mitragynine and 7-hydroxymitragynine contained in the kratom
 27 extract or kratom product;

- 1 **(3) The recommended serving size of the kratom extract or kratom product;**
2 **(4) The number of servings per container of the kratom extract or kratom product;**
3 **(5) The name and principle street address of the vendor or person responsible for**
4 **distributing the kratom extract or kratom product;**
5 **(6) Any precautionary statements as to the safety and effectiveness of the kratom**
6 **extract or kratom product; and**
7 **(7) A disclaimer that the kratom extract or kratom product is not intended to**
8 **diagnose, treat, cure, or prevent any medical condition or disease.**

9 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
10 READ AS FOLLOWS:

11 **The department may promulgate administrative regulations in accordance with KRS**
12 **Chapter 13A to implement Sections 2, 3, and 5 of this Act.**

13 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
14 READ AS FOLLOWS:

15 **A kratom processor or kratom retailer who violates Section 2 or 3 of this Act or any**
16 **administrative regulation promulgated thereunder shall be subject to a civil penalty of**
17 **not more than five hundred dollars (\$500) for a first offense and not more than one**
18 **thousand dollars (\$1,000) for a second or subsequent offense.**

19 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
20 READ AS FOLLOWS:

21 **If at any time on or after the effective date of this Act, the federal government or any**
22 **department or agency thereof, including but not limited to the federal Drug**
23 **Enforcement Agency or Food and Drug Administration, regulates kratom, kratom**
24 **extracts, kratom products, any other derivative of the plant *Mitragyna speciosa*, kratom**
25 **processors, or kratom retailers, those federal regulations shall supersede and take**
26 **precedence over any provision of Section 1, 2, 3, 4, or 5 of this Act and any**
27 **administrative regulation promulgated thereunder to the contrary.**