

1 AN ACT relating to consumer protections.

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 4 of this Act:*

6 *(1) "Cabinet" means the Cabinet for Health and Family Services;*

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

10 *(3) "Kratom extract" means a food containing any part of the leaf of the plant*  
11 *Mitragyna speciosa that has been extracted and concentrated in order to provide*  
12 *more standardized dosing;*

13 *(4) "Kratom product" means a food, powder, capsule, pill, or any other product*  
14 *intended for oral consumption that contains any part of the leaf of the plant*  
15 *Mitragyna speciosa or any extract thereof;*

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

20 *(6) "Kratom retailer" means a person or entity that sells or dispenses or advertises,*  
21 *represents, or claims to sell or dispense kratom extracts or kratom products.*

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

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

25 *(1) Dispense, distribute, sell, or expose for sale any kratom extract or kratom product*  
26 *to an individual who is under twenty-one (21) years of age;*

27 *(2) Prepare, manufacture, distribute, dispense, sell, or make available for sale a*

1 *kratom product that:*

2 *(a) Is adulterated with a dangerous non-kratom substance. A kratom product is*  
3 *adulterated with a dangerous non-kratom substance if the kratom product*  
4 *is mixed or packaged with a non-kratom substance and that substance*  
5 *affects the quality or strength of the kratom product to such a degree as to*  
6 *render the kratom product injurious to a consumer;*

7 *(b) Is contaminated with a dangerous non-kratom substance. A kratom product*  
8 *is contaminated with a dangerous non-kratom substance if the kratom*  
9 *product contains a poisonous or otherwise deleterious non-kratom*  
10 *ingredient, including but not limited to a Schedule I, II, III, IV, or V*  
11 *controlled substance as defined in KRS Chapter 218A;*

12 *(c) Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is*  
13 *greater than two percent (2%) of the overall alkaloid composition of the*  
14 *product;*

15 *(d) Contains any synthetic alkaloids including synthetic mitragynine, synthetic*  
16 *7-hydroxymitragynine, or any other synthetically derived compounds of the*  
17 *plant *Mitragyna speciosa*; or*

18 *(e) Does not provide adequate labeling directions necessary for safe and*  
19 *effective use by consumers, including a recommended serving size; or*

20 *(3) Prepare, manufacture, distribute, dispense, sell, or make available for sale a*  
21 *kratom extract that:*

22 *(a) Contains levels of residual solvents higher than those permitted under the*  
23 *United States Pharmacopeia Chapter 467; or*

24 *(b) Does not provide adequate labeling directions necessary for safe and*  
25 *effective use by consumers, including a recommended serving size.*

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

- 1 (1) A kratom processor or retailer who violates Section 2 of this Act shall be subject  
2 to an administrative fine of not more than one thousand dollars (\$1,000) per  
3 violation.
- 4 (2) A kratom processor or retailer who is subjected to an administrative fine  
5 pursuant to this section may, within thirty (30) days after receiving notice of an  
6 administrative fine from the cabinet, file a written request for an administrative  
7 hearing to appeal the fine. The hearing shall be conducted in compliance with  
8 the requirements of KRS Chapter 13B.
- 9 (3) A kratom retailer does not violate Section 2 of this Act if it can be shown through  
10 a preponderance of evidence that the retailer relied in good faith upon the  
11 representations of a manufacturer, processor, packer, or distributor of food  
12 presented as a kratom product.