HB 861

1	A bill to be entitled			
2	An act relating to the Florida Kratom Consumer			
3	Protection Act; amending s. 500.92, F.S.; defining the			
4	terms "kratom extract" and "processor"; prohibiting			
5	processors from selling, preparing, distributing, or			
6	exposing for sale certain kratom products; prohibiting			
7	processors from selling, delivering, bartering,			
8	furnishing, or giving a kratom product to an			
9	individual under 21 years of age; revising penalties;			
10	providing an exception; providing an effective date.			
11				
12	Be It Enacted by the Legislature of the State of Florida:			
13				
14	Section 1. Section 500.92, Florida Statutes, is amended to			
15	read:			
16	500.92 Florida Kratom Consumer Protection Act			
17	(1) This section may be cited as the "Florida Kratom			
18	Consumer Protection Act."			
19	(2) As used in this section, the term:			
20	(a) "Kratom extract" means a food product or dietary			
21	ingredient that contains any part of the leaf of the plant			
22	Mitragyna speciosa which has been extracted and concentrated to			
23	provide more standardized dosing.			
24	(b) "Kratom product" means a food product, food			
25	ingredient, dietary ingredient, dietary supplement, or beverage			
	Page 1 of 3			

CODING: Words stricken are deletions; words underlined are additions.

2024

HB 861

50

26 intended for human consumption which contains any part of the 27 leaf of the plant Mitragyna speciosa or an extract, synthetic 28 alkaloid, or synthetically derived compound of such plant and is 29 manufactured as a powder, capsule, pill, beverage, or other 30 edible form. (c) "Processor" means a person who sells, prepares, 31 32 manufactures, distributes, or maintains kratom products. (3) A processor may not sell, prepare, distribute, or 33 34 expose for sale a kratom product that: (a) Does not include directions for the safe and effective 35 use of the product, including, but not limited to, a suggested 36 serving size, on the product's packaging or label. 37 (b) Has a label that contains any claim that the product 38 39 is intended to diagnose, treat, cure, or prevent any medical 40 condition or disease. 41 (4) (3) It is unlawful for a processor to sell, deliver, 42 barter, furnish, or give, directly or indirectly, any kratom 43 product to a person who is under 21 years of age. (5) (4) A processor who violates subsection (3) is subject 44 45 to an administrative fine of not more than \$500 for the first 46 offense and not more than \$1,000 for the second or subsequent 47 offense. A processor selling kratom products at retail does not 48 violate subsection (3) if it is shown by a preponderance of the 49 evidence that the processor relied in good faith upon the

Page 2 of 3

representations of a manufacturer, processor, packer, or

CODING: Words stricken are deletions; words underlined are additions.

2024

FLORIDA	HOUSE	OF REP	RESENTA	ATIVES
---------	-------	--------	---------	--------

HB 861

51	distributor of the kratom product A violation of subsection (3)
52	is a misdemeanor of the second degree, punishable as provided in
53	s. 775.082 or s. 775.083 .
54	(6)-(5) The department shall adopt rules to administer this
55	section.
56	Section 2. This act shall take effect July 1, 2024.
	Page 3 of 3

CODING: Words stricken are deletions; words underlined are additions.