

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 the number of servings in the
20 package; or

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

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

25 (b) Does not provide adequate labeling directions necessary for safe and
26 effective use by consumers, including the number of servings in the
27 package.

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

3 *(1) A kratom processor or retailer who violates Section 2 of this Act shall be subject*
4 *to an administrative fine of not more than one thousand dollars (\$1,000) per*
5 *violation.*

6 *(2) A kratom processor or retailer who is subjected to an administrative fine*
7 *pursuant to this section may, within thirty (30) days after receiving notice of an*
8 *administrative fine from the cabinet, file a written request for an administrative*
9 *hearing to appeal the fine. The hearing shall be conducted in compliance with*
10 *the requirements of KRS Chapter 13B.*

11 *(3) A kratom retailer does not violate Section 2 of this Act if it can be shown through*
12 *a preponderance of evidence that the retailer relied in good faith upon the*
13 *representations of a manufacturer, processor, packer, or distributor of food*
14 *presented as a kratom product.*

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

17 *If at any time on or after the effective date of this Act, the federal government or any*
18 *federal agency, including but not limited to the federal Drug Enforcement Agency or*
19 *the federal Food and Drug Administration, regulates kratom, kratom extracts, kratom*
20 *products, or any other derivative of the plant *Mitragyna speciose*, those regulations*
21 *shall supersede and take precedence over any provision of Sections 1 to 3 of this Act to*
22 *the contrary.*