

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 899 Session of  
2025

INTRODUCED BY PENNYCUICK, KANE, DUSH, FONTANA, BROWN, HAYWOOD,  
STEFANO AND J. WARD, JUNE 30, 2025

REFERRED TO HEALTH AND HUMAN SERVICES, JUNE 30, 2025

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled  
2 "An act relating to the manufacture, sale and possession of  
3 controlled substances, other drugs, devices and cosmetics;  
4 conferring powers on the courts and the secretary and  
5 Department of Health, and a newly created Pennsylvania Drug,  
6 Device and Cosmetic Board; establishing schedules of  
7 controlled substances; providing penalties; requiring  
8 registration of persons engaged in the drug trade and for the  
9 revocation or suspension of certain licenses and  
10 registrations; and repealing an act," further providing for  
11 prohibited acts and penalties.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 13(a) of the act of April 14, 1972  
15 (P.L.233, No.64), known as The Controlled Substance, Drug,  
16 Device and Cosmetic Act, is amended by adding a clause and the  
17 section is amended by adding a subsection to read:

18 Section 13. Prohibited Acts; Penalties.--(a) The following  
19 acts and the causing thereof within the Commonwealth are hereby  
20 prohibited:

21 \* \* \*

22 (41) (i) The preparation, manufacture, sale or distribution

of a kratom product to a minor that meets any of the following  
criteria:

(A) The kratom product is mixed or packed with a nonkratom  
substance and the substance affects the quality or strength of  
the kratom product to a degree that renders the kratom product  
injurious to a consumer of the kratom product.

(B) The kratom product contains a poisonous or otherwise  
deleterious nonkratom ingredient, including, but not limited to,  
any of the following:

(I) A controlled substance listed under section 4.

(II) A controlled substance listed under 28 Pa. Code Ch. 25  
Subch. A (relating to controlled substances, drugs, devices and  
cosmetics).

(III) A substance that is temporarily scheduled as a  
controlled substance by the secretary under section 3(d).

(C) The kratom product contains a kratom extract with levels  
of residual solvents higher than the standards specified in the  
current edition of the United States Pharmacopeia/National  
Formulary (USP/NF) 467 on the effective date of this clause.

(D) The kratom product contains a level of 7-  
hydroxymitragynine in the alkaloid fraction that is greater than  
2% of the overall alkaloid composition of the kratom product.

(E) The kratom product contains a synthetic alkaloid,  
including a synthetic mitragynine, a synthetic 7-  
hydroxymitragynine or any other synthetically derived compounds  
of the kratom plant.

(F) The kratom product does not include adequate labeling  
directions necessary for the safe and effective use by a  
consumer of the kratom product, including a recommended serving  
size.

1     (ii) A retailer shall not be subject to criminal liability  
2     under this clause if, by a preponderance of the evidence, the  
3     retailer acted in good faith reliance upon a processor that the  
4     kratom product was not in violation of this clause.

5     (iii) The following words and phrases when used in this  
6     clause shall have the meanings given to them in this subclause  
7     unless the context clearly indicates otherwise:

8     "Food product" means a food, food ingredient, dietary  
9     ingredient, dietary supplement or beverage for human  
10    consumption.

11    "Kratom extract" means a food product that contains any part  
12    of a leaf from mitragyna speciosa, commonly known as kratom,  
13    which has been extracted and concentrated to provide more  
14    standardized dosing.

15    "Kratom product" means a food product that contains any part  
16    of a leaf from mitragyna speciosa, commonly known as kratom, or  
17    a kratom extract, and is manufactured as a powder, capsule,  
18    pill, beverage or any other edible form.

19    "Processor" means a person who prepares or manufactures a  
20    kratom product or who advertises, represents or holds oneself  
21    out as preparing or manufacturing a kratom product. The term  
22    does not include a retailer.

23    "Retailer" means a person who sells or distributes a kratom  
24    product or who advertises, represents or holds oneself out as  
25    selling or distributing a kratom product. The term does not  
26    include a processor.

27    \* \* \*

28    (q) (1) Any person who knowingly or intentionally violates  
29    subsection (a)(41) and is a processor is guilty of a misdemeanor  
30    of the first degree.

1     (2) Any person who knowingly or intentionally violates  
2     subsection (a) (41) and is not a processor is guilty of a  
3     misdemeanor of the second degree.

4     Section 2. This act shall take effect in 60 days.