

2021 -- H 5909

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO FOOD AND DRUGS -- KRATOM CONSUMER PROTECTION ACT

Introduced By: Representatives Kennedy, Diaz, and Edwards

Date Introduced: February 24, 2021

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 28.11

4 KRATOM CONSUMER PROTECTION ACT

5 **21-28.11-1. Short title.**

6 This chapter shall be known and may be cited as the "Kratom Consumer Protection Act."

7 **21-28.11-2. Definitions.**

8 As used in this chapter:

9 (1) "Director" means the director of the department of health.

10 (2) "Food" means a food, food product, food ingredient, dietary ingredient, dietary
11 supplement, or beverage for human consumption.

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

15 (4) "Kratom product" means a food product or dietary ingredient containing any part of the
16 leaf of the plant *Mitragyna speciosa* or an extract of it; is manufactured as a powder, capsule, pill,
17 beverage, or other edible form; and all kratom products are foods.

18 (5) "Processor" means a person that sells, prepares, manufactures, distributes, or maintains
19 kratom products, or advertises, represents, or holds itself out as selling, preparing, or maintaining

1 [kratom products.](#)

2 [\(6\) "Retailer" means any person that sells, distributes, advertises, represents, or holds itself](#)
3 [out as selling or maintaining kratom products.](#)

4 **21-28.11-3. Kratom product limitations.**

5 [A processor shall not prepare, distribute, sell, or expose for sale any of the following:](#)

6 [\(1\) A kratom product that is adulterated with a dangerous non-kratom substance. A kratom](#)
7 [product is adulterated with a dangerous non-kratom substance if the kratom product is mixed or](#)
8 [packed with a non-kratom substance and that substance affects the quality or strength of the kratom](#)
9 [product to such a degree as to render the kratom product injurious to a consumer.](#)

10 [\(2\) A kratom product that is contaminated with a dangerous non-kratom substance. A](#)
11 [kratom product is contaminated with a dangerous non-kratom substance if the kratom product](#)
12 [contains a poisonous or otherwise deleterious non-kratom ingredient, including, but not limited to,](#)
13 [the substances listed § 21-28-2.08.](#)

14 [\(3\) A Kratom extract that contains levels of residual solvents higher than is allowed in USP](#)
15 [467.](#)

16 [\(4\) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction](#)
17 [that is greater than two percent \(2%\) of the overall alkaloid composition of the product.](#)

18 [\(5\) A kratom product containing any synthetic alkaloids including synthetic mitragynine,](#)
19 [synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the kratom plant.](#)

20 [\(6\) That does not provide adequate labeling directions necessary for safe and effective use](#)
21 [by consumers, including a recommended serving size.](#)

22 **21-28.11-4. Age Limits.**

23 [A processor shall not distribute, sell, or expose for sale a kratom product to an individual](#)
24 [under eighteen \(18\) years of age.](#)

25 **21-28.11-5. Violations.**

26 [\(a\) A processor that violates § 21-28.11-3 is subject to an administrative fine of not more](#)
27 [than five hundred dollars \(\\$500\) for the first offense and not more than one thousand dollars](#)
28 [\(\\$1,000\) for a second or subsequent offense. Upon the request of a person to whom an](#)
29 [administrative fine is issued, the director shall conduct a hearing in accordance with the procedures](#)
30 [as set forth in chapter 35 of title 42 \(the "administrative procedures act"\).](#)

31 [\(b\) A retailer does not violate § 21-28.11-3 if it is shown by a preponderance of the](#)
32 [evidence that the retailer relied in good faith upon the representations of a manufacturer, processor,](#)
33 [packer, or distributor of food represented to be a kratom product.](#)

34 **21-28.11-6. Financial transactions.**

1 No financial institution, service, or entity including, but not limited to, a bank, credit union,
2 credit card network, or credit card processing company shall refuse or terminate service to a dealer
3 because the dealer engages in the preparation, distribution, or sale of kratom products. If a financial
4 institution, service, or entity refuses or terminates service to a dealer because the dealer engages in
5 the preparation, distribution, or sale of kratom products, the financial institution, service, or entity
6 shall reestablish or accept service with the dealer upon the request of the dealer, regardless of
7 whether the dealer appears on any report generated by a financial institution data match program
8 or system.

9 SECTION 2. This act shall take effect September 1, 2021.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS -- KRATOM CONSUMER PROTECTION ACT

1 This act would regulate the distribution of food products containing the drug kratom, a
2 drug of concern for its stimulant and sedative effects, to consumers by the department of health.

3 This act would take effect on September 1, 2021.

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