It is enacted by the General Assembly as follows:

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

CHAPTER 28.11

KRATOM CONSUMER PROTECTION ACT


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


As used in this chapter:

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

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

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

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

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

(6) “Retailer” means any person that sells, distributes, advertises, represents, or holds itself out as selling or maintaining kratom products.


A processor shall not prepare, distribute, sell, or expose for sale any of the following:

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

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

(3) A Kratom extract that contains levels of residual solvents higher than is allowed in USP 467.

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

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

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

21-28.11-4. Age Limits.

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


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

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

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

SECTION 2. This act shall take effect September 1, 2021.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO FOOD AND DRUGS – KRATOM CONSUMER PROTECTION ACT

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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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