

1 AN ACT relating to kratom products.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 217.2202 is amended to read as follows:

4 A kratom processor or kratom retailer shall not:

- 5 (1) Distribute, dispense, sell, or make available for sale any kratom extract or kratom
6 product to an individual who is under twenty-one (21) years of age; or
- 7 (2) Prepare, manufacture, distribute, dispense, sell, or make available for sale any
8 kratom extract or kratom product that:
- 9 (a) Is adulterated with a dangerous nonkratom substance that affects the quality
10 or strength of the kratom extract or kratom product to such a degree that it
11 may injure a consumer;
- 12 (b) Contains a poisonous or otherwise harmful nonkratom ingredient, including
13 but not limited to any controlled substance as defined in KRS Chapter 218A;
- 14 (c) ~~[Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is~~
15 ~~greater than two percent (2%) of the overall alkaloid composition of the~~
16 ~~product;~~
- 17 ~~(d) [Contains any synthetic alkaloid, including synthetic mitragynine, synthetic 7-~~
18 ~~hydroxymitragynine, or any other synthetically derived compound of the plant~~
19 ~~Mitragyna speciosa;~~
- 20 (d)~~(e)~~ Contains levels of residual solvents higher than those permitted under
21 the United States Pharmacopeia Chapter 467; or
- 22 (e)~~(f)~~ Does not meet the labeling requirements established pursuant to KRS
23 217.2203 or any administrative regulation promulgated thereunder.

24 ➔Section 2. KRS 217.2203 is amended to read as follows:

- 25 (1) All kratom extracts and kratom products sold or otherwise distributed in the
26 Commonwealth shall be accompanied by a clear label that provides adequate
27 information for safe and effective use by consumers that includes but is not limited

1 to:

2 ~~(a)~~~~(1)~~ A list of the ingredients used in the manufacturing of the kratom extract
3 or kratom product;

4 ~~(b)~~~~(2)~~ The amount of mitragynine and 7-hydroxymitragynine contained in the
5 kratom extract or kratom product;

6 ~~(c)~~~~(3)~~ The recommended serving size of the kratom extract or kratom product;

7 ~~(d)~~~~(4)~~ The number of servings per container of the kratom extract or kratom
8 product;

9 ~~(e)~~~~(5)~~ The name and principle street address of the vendor or person
10 responsible for distributing the kratom extract or kratom product;

11 ~~(f)~~~~(6)~~ Any precautionary statements as to the safety and effectiveness of the
12 kratom extract or kratom product; and

13 ~~(g)~~~~(7)~~ A disclaimer that the kratom extract or kratom product is not intended to
14 diagnose, treat, cure, or prevent any medical condition or disease.

15 **(2) Any product that contains a level of 7-hydroxymitragynine in the alkaloid**
16 **fraction that is greater than two percent (2%) of the overall alkaloid composition**
17 **of the product shall comply with the labeling requirements established in**
18 **subsection (1) of this section but shall not be labeled or marketed as a kratom**
19 **product or contain any reference or indication on its packaging that it is a kratom**
20 **product.**

21 **(3) Processors and retailers of any product described in subsection (2) of this section**
22 **shall comply with Section 1 of this Act.**

23 ➔Section 3. KRS 217.2205 is amended to read as follows:

24 **(1)** The department may promulgate administrative regulations in accordance with
25 KRS Chapter 13A to implement KRS 217.2202, 217.2203, and 217.2207.

26 **(2) Administrative regulations promulgated pursuant to this section shall apply to**
27 **products that contain a level of 7-hydroxymitragynine in the alkaloid fraction**

1 that is greater than two percent (2%) of the overall alkaloid composition of the
2 product except that those administrative regulations shall not require those
3 products to be labeled as a kratom product or as containing kratom extracts.