Session of 2025

HOUSE BILL No. 2230

By Representative Reavis

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AN ACT concerning food products; regulating the preparation, distribution and sale of kratom products; prohibiting the preparation, distribution and sale of adulterated or contaminated kratom products; establishing fines and penalties; enacting the kratom consumer protection act; requiring the secretary of agriculture to adopt rules and regulations to administer the act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 6, and amendments thereto, shall be known and may be cited as the kratom consumer protection act.

Sec. 2. As used in sections 1 through 6, and amendments thereto:

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

(b) "kratom extract" means a food product or dietary ingredient containing any part of the leaf of the plant mitragyna speciosa that has been extracted or concentrated in order to provide more standardized product content;

(c) "kratom product" means a food product or dietary ingredient containing any part of the leaf of the plant mitragyna speciosa or an extract thereof and is manufactured as a powder, capsule, tablet, beverage or other edible form;

(d) "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 kratom products;

(e) "retailer" means any person that sells, distributes, advertises, represents or holds itself out as selling or maintaining kratom products; and

(f) "secretary" means the secretary of agriculture.

Sec. 3. A processor shall not prepare, distribute, sell or expose for sale any of the following:

(a) 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;

(b) 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 in K.S.A. 65-4101 et. seq., and amendments thereto, and analogs (cf. 65-4101) of those substances;

(c) a kratom extract that contains levels of residual solvents higher than is allowed in United States pharmacopeia chapter 467;

(d) a kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 1% of the overall alkaloid composition of the product;

(e) a kratom product containing any synthetic alkaloids, including synthetic mitragynine, synthetic 7-hydroxymitragynine or any other synthetically derived compounds of the kratom plant; or

(f) a kratom product that does not provide labeling directions necessary for safe use by consumers, including a recommended serving size, and the name and address of the manufacturer. Each kratom product label shall contain the following: WARNING: The U.S. Food and Drug Administration has not approved kratom for medical use. If you are pregnant or nursing a baby, seek the advice of a health care professional before using this product.

Sec. 4. A processor shall not distribute, sell or expose for sale a kratom product to an individual under 21 years of age.

Sec. 5. (a) A processor that violates section 3 or 4, and amendments thereto, shall be subject to a fine for a first offense of not more than $1,000 and for a second or subsequent offense of not more than $2,000. Upon the request of a person to whom an administrative fine is issued, the director shall conduct a hearing in accordance with K.S.A. 77-501 et seq, and amendments thereto.

(b) A retailer does not violate section 3, and amendments thereto, 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.

Sec. 6. The secretary of agriculture shall adopt rules and regulations to administer sections 1 through 6, and amendments thereto.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.