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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO FOOD AND DRUGS -- KRATOM CONSUMER PROTECTION ACT

Introduced By: Representatives Edwards, Kennedy, Azzinaro, and Diaz

Date Introduced: March 02, 2022

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 in § 21-28-2.08.

14 (3) A Kratom extract that contains levels of residual solvents higher than is allowed in the  
15 U.S. Pharmacopeia 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.

1 SECTION 2. This act shall take effect September 1, 2022.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FOOD AND DRUGS -- KRATOM CONSUMER PROTECTION ACT

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1           This act would regulate the distribution of the product known as "kratom" and would ban  
2 the adulteration of kratom with a dangerous non-kratom substance as to render the product injurious  
3 to a consumer. Any kratom product must contain adequate labeling directions necessary for safe  
4 and effective use by consumers.

5           This act would take effect on September 1, 2022.

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