

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning the regulation of Kratom.

PETITION OF:

NAME:

Jacob R. Oliveira

DISTRICT/ADDRESS:

Hampden, Hampshire and Worcester

SENATE No.

By Mr. Oliveira, a petition (accompanied by bill) (subject to Joint Rule 12) of Jacob R. Oliveira for legislation relative to the regulation of Kratom. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act concerning the regulation of Kratom.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 270 of the General Laws is hereby amended by adding the
2 following section:-

3 Section 30. (a) For the purposes of this section, the following words shall, unless the
4 context clearly requires otherwise, have the following meanings:

5 "Food", a food, food product, food ingredient, dietary ingredient, dietary supplement or
6 beverage for human consumption.

7 "Kratom extract", a food product or dietary ingredient containing any part of the leaf of
8 the plant *Mitragyna speciosa* that has been extracted or concentrated in order to provide more
9 standardized product content.

10 "Kratom product", a food product or dietary ingredient containing any part of the leaf of
11 the plant *Mitragyna speciosa* or an extract of it that is manufactured as a powder, capsule, tablet,
12 beverage or other edible form.

13 "Processor", a person that sells, prepares, manufactures, distributes or maintains kratom
14 products, or advertises, represents, or holds itself out as selling, preparing or maintaining kratom
15 products.

16 "Retailer", a person that sells, distributes, advertises, represents, or holds itself out as
17 selling or maintaining kratom products.

18 (b) A processor shall not prepare, distribute, sell or expose for sale:

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

23 (ii) a kratom product that is contaminated with a dangerous non-kratom substance. A
24 kratom product is contaminated with a dangerous non-kratom substance if the kratom product
25 contains a poisonous or otherwise deleterious non-kratom ingredient, including, but not limited
26 to, the substances listed in section 31 and analogues of those substances;

27 (iii) a kratom extract that contains levels of residual solvents higher than is allowed in
28 USP-NF chapter 467, as published by the United States Pharmacopeia;

29 (iv) a kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction
30 that is greater than 1 per cent of the overall alkaloid composition of the product;

31 (v) a kratom product containing any synthetic alkaloids including synthetic mitragynine,
32 synthetic 7-hydroxymitragynine or any other synthetically-derived compounds of the kratom
33 plant.

34 (vi) a kratom product that does not provide labeling directions necessary for safe use by
35 consumers, including a recommended serving size, and the name and address of the
36 manufacturer.

37 (c) A processor shall not distribute, sell or expose for sale a kratom product to an
38 individual under 21 years of age.

39 (d) (1) A person who violates subsection (b) shall subject to an administrative fine of not
40 more than \$500 for the first offense and not more than \$1,000 for subsequent offenses. Upon the
41 request of a person to whom an administrative fine is issued, the department shall conduct a
42 hearing in accordance with chapter 30A.

43 (2) A retailer does not violate subsection (b) if they can show by a preponderance of the
44 evidence that the retailer relied in good faith upon the representations of a manufacturer,
45 processor, packer or distributor of food represented to be a kratom product.

46 (e) A person who violates subsection (c) shall be punished by a fine of \$1,000 for the first
47 offense, \$2,000 for a second offense and \$5,000 for a third or subsequent offense.

48 SECTION 2. This act shall take effect 180 days following its passage.