

**HOUSE . . . . . No. 2454**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Daniel J. Hunt*

*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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/14/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/8/2025</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/18/2025</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>7/28/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>8/11/2025</i>
<i>Michelle L. Badger</i>	<i>1st Plymouth</i>	<i>11/12/2025</i>

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By Representative Hunt of Boston, a petition (accompanied by bill, House, No. 2454) of Daniel J. Hunt, Jacob R. Oliveira and Colleen M. Garry relative to establishing a penalty for the sale, preparation, manufacturing, or distribution of kratom products that are contaminated with dangerous non-kratom substances. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4985 OF 2023-2024.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
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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 product", a food product or dietary ingredient containing any part of the leaf of  
8 the *Mitragyna speciosa* plant, or a kratom extract, manufactured as a food, powder, capsule, pill,

9 beverage or other edible product including any material, compound, mixture or preparation  
10 containing kratom.

11 “Kratom retailer”, a person or entity who sells maintains or distributes kratom or  
12 advertises, represents, or holds itself out as selling. maintaining or distributing kratom products.

13 “Manufacture” means the production, preparation, compounding, or processing of  
14 kratom, either directly or indirectly or by extraction from substances of natural origin, or  
15 independently by means of chemical synthesis or by a combination of extraction and chemical  
16 synthesis, and includes, but is not limited to, any packaging or repackaging of such substance or  
17 labeling or relabeling of its container.

18 (b) A kratom retailer shall not sell, distribute or offer for sale a kratom product without a  
19 label clearly stating: (i) the name and address of its manufacturer; (ii) a full list of its ingredients;  
20 and (iii) directions for its safe and effective use including the recommended serving size.

21 (c) A kratom retailer shall not distribute, advertise, sell or offer for sale:

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

26 (ii) a kratom product that is contaminated with a dangerous non-kratom substance. A  
27 kratom product is contaminated with a dangerous non-kratom substance if the kratom product  
28 contains a poisonous or otherwise deleterious non-kratom ingredient, including, but not limited

29 to, a controlled substance or controlled substance analogue as both are defined in section 1 of  
30 chapter 94C;

31 (iii) a kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction  
32 that is greater than 2 per cent of the overall alkaloid composition of the product; or

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

36 (d) A kratom retailer shall not knowingly distribute, sell or offer for sale any kratom  
37 product to an individual under 18 years of age. (e) A kratom retailer who violates  
38 subsection (b) or subsection (c) shall subject to an administrative fine of not more than \$500 for  
39 the first offense and not more than \$1,000 for subsequent offenses. Upon the request of a person  
40 to whom an administrative fine is issued, the department shall conduct a hearing in accordance  
41 with chapter 30A.

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

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

48 (g) The department of public health shall promulgate rules and regulations for the  
49 administration and enforcement of this section including standards for accurate labeling and for  
50 testing kratom products for safety.

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