HOUSE . . . . . No. 4394

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 18, 2025.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 1631) of Mark J. Cusack and Colleen M. Garry for legislation to categorize kratom as a Class A substance, reports recommending that the accompanying bill (House, No. 4394) ought to pass.

For the committee,

MICHAEL S. DAY.

FILED ON: 8/2/2025

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to kratom sales in the Commonwealth.

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

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

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

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

"Kratom product", a food product or dietary ingredient containing any part of the leaf of the Mitragyna speciosa plant, or a kratom extract, manufactured as a food, powder, capsule, pill, beverage or other edible product including any material, compound, mixture or preparation containing kratom.

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

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

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

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

(i) 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 renders the kratom product injurious to a consumer;

(ii) 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, a controlled substance or controlled substance analogue as both are defined in section 1 of chapter 94C;

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

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

(d) A kratom retailer shall not knowingly distribute, sell or offer for sale any kratom product to an individual under 21 years of age.

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

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

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

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

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