

HB 2850 -- KRATOM CONSUMER PROTECTION ACT

SPONSOR: Ealy

This bill establishes the "Kratom Consumer Protection Act", which requires dealers who prepare, distribute, sell, or expose for sale kratom, as defined in the bill, to disclose the factual basis on which this representation is made. A dealer who violates these provisions will be guilty of an infraction.

Dealers are prohibited from preparing, distributing, selling, or exposing for sale kratom and any product marketed or sold as kratom that:

- (1) Is adulterated with a dangerous non-kratom substance, as specified in the bill;
- (2) Is contaminated with a dangerous non-kratom substance, as specified in the bill;
- (3) Is marketed or sold as kratom that contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% composition of the product;
- (4) Contains any synthetic alkaloids, as specified in the bill;
or
- (5) Does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained therein.

A dealer who violates these provisions will be guilty of a Class D misdemeanor.

The bill also states that a dealer is prohibited from distributing, selling, or exposing for sale kratom to anyone under 21 years of age. A dealer who violates these provisions will be guilty of a Class D misdemeanor.

The bill allows for a person who is aggrieved by a violation of the labeling requirements and provisions to bring a cause of action for damages including, but not limited to, economic, non-economic, and consequential damages. A dealer will not be held in violation of these provisions if a preponderance of the evidence shows that the dealer relied in good faith upon the representations of a manufacturer, processor, packer, or distributor.

This bill is similar to HB 504 (2025).