



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3127

Introduced 2/18/2025, by Rep. William E Hauter

SYNOPSIS AS INTRODUCED:

See Index

Creates the Kratom Consumer Protection Act. Establishes safety requirements for the preparation, distribution, sale, and offer for sale of Kratom products and extracts. Prohibits the preparation, distribution, sale, and offer for sale of adulterated Kratom products and extracts. Provides that a processor of Kratom products that violates the Act is subject to an administrative penalty of not more than \$5,000 for the first offense and not more than \$10,000 for the second or subsequent offense. Provides that the penalty shall be collected by the Department of Public Health and paid into the Food and Drug Safety Fund. Requires, upon the request of a person to whom an administrative penalty is issued, the Director of Public Health to conduct a hearing in accordance with the Illinois Administrative Procedure Act. Provides that a processor shall not knowingly distribute, sell, or offer for sale a Kratom product to a person under 21 years of age. Provides that a person who violates the age restrictions shall be punished as provided in the Kratom Control Act. Provides that a processor does not violate the Act if it is shown by a preponderance of the evidence that the processor relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of food represented to be a Kratom product. Amends the Kratom Control Act. Changes the age in which a person may not purchase and possess and to whom Kratom may not be sold, bought for, distributed samples of, or furnished from under 18 years of age to under 21 years of age. Provides that no person or entity shall advertise a product containing any quantity of Kratom, in any form or medium, within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade that admits persons under 21 years of age. Provides that no person or entity shall sell a product containing any quantity of Kratom, in any form or through any medium, within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade that admits persons under 21 years of age. Provides that a violation is a business offense punishable by a fine not to exceed \$5,000.

LRB104 08035 RLC 18081 b

A BILL FOR

1 AN ACT concerning Kratom.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Kratom
5 Consumer Protection Act.

6 Section 5. Definitions.

7 (a) As used in this Act:

8 "Director" means the Director of Public Health.

9 "Food" means a food, food product, food ingredient,
10 dietary ingredient, dietary supplement, or beverage for human
11 consumption. "Food" includes a Kratom product.

12 "Kratom extract" means a food product or dietary
13 ingredient containing any part of the leaf of the plant
14 *Mitragyna speciosa* that has been extracted and concentrated in
15 order to provide more standardized dosing.

16 "Kratom product" means a food product or dietary
17 ingredient containing any part of the leaf of the plant
18 *Mitragyna speciosa*, or an extract of it, that is manufactured
19 as a powder, capsule, pill, beverage, or other edible product.

20 "Processor" means a person who sells, prepares,
21 manufactures, distributes, or maintains Kratom products or who
22 advertises, represents, or holds himself or herself out as
23 selling, preparing, or maintaining Kratom products.

1 Section 10. Kratom product limitations. A processor shall
2 not knowingly prepare, distribute, sell, or offer for sale any
3 of the following:

4 (1) A Kratom product that is adulterated with a
5 dangerous non-Kratom substance. For purposes of this Act,
6 a Kratom product is adulterated with a dangerous
7 non-Kratom substance if the Kratom product is mixed or
8 packed with a non-Kratom substance and that substance
9 affects the quality or strength of the Kratom product to
10 such a degree as to render the Kratom product injurious to
11 a consumer.

12 (2) A Kratom product that is contaminated with a
13 dangerous non-Kratom substance. For purposes of this Act,
14 a Kratom product is contaminated with a dangerous
15 non-Kratom substance if the Kratom product contains a
16 poisonous or otherwise deleterious non-Kratom ingredient,
17 including, but not limited to, the substances listed in
18 Section 204, 206, 208, 210, or 212 of the Illinois
19 Controlled Substances Act.

20 (3) A Kratom extract that contains levels of residual
21 solvents higher than is allowed by United States
22 Pharmacopeia (USP) 467.

23 (4) A Kratom product containing a level of
24 7-hydroxymitragynine in the alkaloid fraction that is
25 greater than 1.5% of the overall alkaloid composition of

1 the product.

2 (5) A Kratom product containing any synthetic
3 alkaloid, including, but not limited to, synthetic
4 mitragynine, synthetic 7-hydroxymitragynine, or any other
5 synthetically derived compound of the Kratom plant.

6 (6) A Kratom product that does not provide adequate
7 labeling directions necessary for safe and effective use
8 by consumers, including, but not limited to, a recommended
9 serving size.

10 Section 15. Age limits. A processor shall not knowingly
11 distribute, sell, or offer for sale a Kratom product to a
12 person under 21 years of age. A person who violates this
13 Section shall be punished as provided in paragraph (2) of
14 subsection (e) of Section 5 of the Kratom Control Act. A person
15 who advertises or sells a Kratom product in a place described
16 in subsections (b) and (c) of Section 10 of the Kratom Control
17 Act shall be punished as provided in subsection (d) of Section
18 10 of the Kratom Control Act.

19 Section 20. Violations.

20 (a) A processor who violates Section 10 is subject to an
21 administrative penalty of not more than \$5,000 for a first
22 offense and not more than \$10,000 for a second or subsequent
23 offense. The penalty shall be collected by the Department of
24 Public Health and deposited into the Food and Drug Safety

1 Fund. Upon the request of a person to whom an administrative
2 penalty is issued, the Director shall conduct a hearing in
3 accordance with the Illinois Administrative Procedure Act.

4 (b) A processor does not violate Section 10 if it is shown
5 by a preponderance of the evidence that the processor relied
6 in good faith upon the representations of a manufacturer,
7 processor, packer, or distributor of food represented to be a
8 Kratom product.

9 Section 90. The Kratom Control Act is amended by changing
10 Section 5 and by adding Section 10 as follows:

11 (720 ILCS 642/5)

12 Sec. 5. Kratom sale to or possession by minors prohibited.

13 (a) As used in this Act, "Kratom" means any parts of the
14 plant *Mitragyna speciosa*, whether growing or not, and any
15 compound, manufacture, salt, derivative, mixture, or
16 preparation of that plant, including but not limited to
17 mitragynine and 7-hydroxymitragynine.

18 (b) A person ~~minor~~ under 21 ~~18~~ years of age shall not
19 knowingly purchase or possess any product containing any
20 quantity of Kratom.

21 (c) A person ~~minor~~ under 21 ~~18~~ years of age in the
22 furtherance or facilitation of obtaining any product
23 containing Kratom shall not knowingly display or use a false
24 or forged identification card or transfer, alter, or deface an

1 identification card.

2 (d) A person shall not knowingly sell, buy for, distribute
3 samples of, or furnish any product containing any quantity of
4 Kratom to any person ~~minor~~ under 21 ~~18~~ years of age.

5 (e) Sentence.

6 (1) Violation of subsection (b) or (c) of this
7 Section is a Class B misdemeanor.

8 (2) Violation of subsection (d) of this Section is a
9 Class B misdemeanor for which the offender shall be fined
10 an amount of not less than \$500.

11 (Source: P.A. 98-981, eff. 1-1-15.)

12 (720 ILCS 642/10 new)

13 Sec. 10. Kratom sales and advertisements within 1,000 feet
14 of certain areas prohibited.

15 (a) In this Section, "advertise" means to engage in
16 promotional activities on behalf of a product, including, but
17 not limited to:

18 (1) billboard, newspaper, radio, Internet, electronic
19 media, or television advertising;

20 (2) the distribution of fliers or circulars; or

21 (3) the display of window or interior signs.

22 "Advertise" does not mean to post exterior signs
23 displaying only the name of a business.

24 (b) No person or entity shall advertise a product
25 containing any quantity of Kratom, in any form or medium,

1 within 1,000 feet of the perimeter of school grounds, a
2 playground, a recreation center or facility, a child care
3 center, a public park or public library, or a game arcade that
4 admits persons under 21 years of age.

5 (c) No person or entity shall sell a product containing
6 any quantity of Kratom, in any form or medium, within 1,000
7 feet of the perimeter of school grounds, a playground, a
8 recreation center or facility, a child care center, a public
9 park or public library, or a game arcade that admits persons
10 under 21 years of age.

11 (d) A violation of this Section is a business offense
12 punishable by a fine not to exceed \$5,000.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 720 ILCS 642/5

5 720 ILCS 642/10 new