



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5242

Introduced 2/10/2026, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Kratom Consumer Protection Act. Regulates the manufacture, processing, packaging, labeling, and retail sale of kratom products. Requires registration with the Department of Public Health and compliance with federal food safety laws. Sets standards for finished kratom products, including permitted delivery forms, age restrictions, packaging requirements, and warnings on labels. Requires certificates of analysis for each batch from accredited laboratories and mandates product liability insurance. Prohibits products attractive to children and mixing kratom with psychoactive substances. Provides reporting requirements for adverse health events and authorizes independent testing by the Department. Establishes enforcement provisions, including stop-sale orders, detention and destruction of products, civil penalties, and criminal offenses. Grants rulemaking authority to the Department.

LRB104 18064 BDA 31503 b

1 AN ACT concerning health.

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
5 Illinois Kratom Consumer Protection Act.

6 Section 5. Definitions. In this Act:

7 "Attractive to children" means a product manufactured:

8 (1) in a shape that resembles a human, a cartoon
9 character, or an animal; or

10 (2) in a form that resembles an existing candy product
11 that is a widely distributed, branded food item.

12 "Department" means the Department of Public Health.

13 "Finished kratom product" means a kratom product that is
14 ready for sale to the end user. For purposes of registration, a
15 finished kratom product is differentiated by its ingredients,
16 not by its weight, volume, or size.

17 "Kratom" means the plant or any part of the plant
18 *Mitragyna speciosa* in any form.

19 "Kratom beverage" means a prepackaged liquid kratom
20 product in the form of tea, seltzer or tonic water, or
21 tincture.

22 "Kratom product" means a food product, food ingredient,
23 dietary ingredient, dietary supplement, or beverage intended

1 for human consumption that contains any part of the leaf of the
2 plant *Mitragyna speciosa* or an extract, synthetic alkaloid, or
3 synthetically derived compound of such plant and is
4 manufactured as a powder, capsule, pill, beverage, or other
5 consumable edible form.

6 "Processor" means an entity that:

- 7 (1) refines kratom into input ingredients for the
8 purpose of manufacturing a finished kratom product;
9 (2) manufactures finished kratom products; or
10 (3) packages finished kratom products for resale.

11 Section 10. Finished kratom product retail sale
12 requirements. A finished kratom product sold to consumers at a
13 retail establishment, including a food service establishment,
14 convenience store, or kava or kratom bar, must:

15 (1) be in one of the following delivery forms:

- 16 (A) a dried leaf;
17 (B) a kratom beverage;
18 (C) a powder;
19 (D) a pill;
20 (E) a liquid dietary supplement;
21 (F) a gummy or food that is not attractive to
22 children; or
23 (G) a capsule;

24 (2) have a certificate of analysis submitted to the
25 Department as required by this Act;

- 1 (3) be registered with the Department under this Act;
- 2 (4) include directions for consumption on the product
3 label, including:
- 4 (A) the maximum dosage of 100 milligrams of kratom
5 alkaloids per serving;
- 6 (B) the number of servings per package;
- 7 (C) a warning advising consumers of the number of
8 servings that may be safely consumed in a 24-hour period;
- 9 (D) a warning advising against use by individuals who
10 are pregnant or breastfeeding;
- 11 (E) a warning advising the consumer to consult a
12 health care professional before use, that the product may
13 be habit-forming, and that it may cause adverse health
14 effects;
- 15 (F) a warning stating: "These statements have not been
16 evaluated by the United States Food and Drug
17 Administration. This product is not intended to diagnose,
18 treat, cure, or prevent any disease.";
- 19 (G) the expiration date; and
- 20 (H) the name and place of business of the registrant;
- 21 (5) comply with packaging and labeling requirements set
22 forth in this Act and rules adopted under it;
- 23 (6) not be attractive to children;
- 24 (7) be in a container that:
- 25 (A) is suitable to contain products for human
26 consumption;

1 (B) complies with the United States Poison Prevention
2 Packaging Act of 1970; or

3 (C) contains a graduated measuring device, if
4 applicable;

5 (8) not be adulterated, including containing metals,
6 pesticides, or pathogens in excess of limits set by this Act or
7 Department rule;

8 (9) only be sold in establishments that restrict entry to
9 persons 21 years of age or older and require age verification;
10 and

11 (10) not be served in a form that combines or mixes
12 finished kratom products with psychoactive substances that
13 impact the central nervous system, including alcohol,
14 caffeine, kava, cannabinoids, or nicotine.

15 Section 15. Permit and registration requirements for
16 processors.

17 (a) Kratom products may be manufactured or distributed in
18 Illinois only by a processor that holds a permit to operate as
19 a food service establishment.

20 (b) A processor must be registered with the United States
21 Food and Drug Administration and comply with Current Good
22 Manufacturing Practices under 21 CFR Part 210.

23 (c) A processor must maintain product liability insurance
24 with an occurrence limit of \$3,000,000.

25 (d) For each batch of a registered finished kratom

1 product, the processor shall retain and submit, upon request,
2 a certificate of analysis from an accredited laboratory. The
3 certificate must demonstrate compliance with statutory and
4 rule limits for alkaloids, residual solvents, heavy metals,
5 and pesticides.

6 (e) A finished kratom product served by a kratom food
7 service establishment must comply with this Act; however, a
8 separate registration is not required when a kratom beverage
9 is combined with another food or beverage for on-premises
10 consumption. Serving kratom beverages combined with alcohol,
11 drugs, or other kratom products is prohibited.

12 Section 20. Reporting and testing.

13 (a) If a processor or the Department receives notice of an
14 adverse health event suspected to be related to a kratom
15 product, the processor or the Department must submit an
16 adverse event report under 21 U.S.C. 379aa-1(b)(1) to the
17 United States Food and Drug Administration.

18 (b) If probable cause exists that a kratom product may be
19 adulterated, the Department may require an independent
20 third-party test by a laboratory of the Department's choice,
21 and the processor must pay the cost of the test.

22 Section 25. Violations; enforcement.

23 (a) A violation of Section 15 is a Class C misdemeanor.

24 (b) A processor that manufactures, delivers, offers for

1 sale, distributes, or sells a finished kratom product that
2 violates paragraph (2) or (3) of Section 10 commits a Class C
3 misdemeanor.

4 (c) A kratom product possessed, manufactured, delivered,
5 offered for sale, distributed, or sold in violation of this
6 Act by an entity regulated under this Act is subject to
7 detention and destruction of the product or related processing
8 equipment and to an immediate stop-sale order. The entity is
9 subject to a civil penalty of \$1,000 or an administrative fine
10 as provided by Department rule. The Department may not
11 authorize removal or use of finished kratom products subject
12 to a stop-sale order, except for disposal, if the products are
13 attractive to children, until the products comply with this
14 Act.

15 (d) The State's Attorney of the county where the violation
16 occurred or the Attorney General may bring an action to
17 recover civil penalties and obtain relief under this Act. This
18 Section does not limit any damages or relief available under
19 common law or statute.

20 Section 30. Rules. The Department shall adopt rules to
21 implement and administer this Act.