



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1183

Introduced 1/24/2025, by Sen. Javier L. Cervantes

#### SYNOPSIS AS INTRODUCED:

New Act  
720 ILCS 642/Act rep.

Creates the Kratom Consumer Protection Act. Provides that no person shall sell, offer for sale, provide, or distribute kratom leaf or a kratom product to a person under 21 years of age, with requirements for online age verification. Provides that no person shall sell, offer for sale, provide, or distribute a kratom product that contains certain chemical compositions. Provides that an individual, business, or other entity shall not produce, sell, or distribute a kratom product that is attractive to children. Provides that no person shall sell, offer for sale, provide, or distribute a kratom product that is adulterated with a dangerous non-kratom substance. Provides that no person shall offer for sale any kratom product that contains synthesized or semi-synthesized kratom alkaloids or kratom constituents. Requires federal compliance for kratom products and processors. Imposes a tax of 5% on the retail sale of kratom products. Requires quarterly returns for the tax. Provides that a person who knowingly files a false or incomplete return is guilty of a Class A misdemeanor. Provides for rulemaking and other powers for the Department of Revenue. Incorporates certain provisions of the Retailers' Occupation Tax Act and the Uniform Penalty and Interest Act. Provides that any person who sells a kratom product in violation of this Act shall be subject to a civil penalty up to \$5,000 for the first violation, and up to \$10,000 for a second violation. Provides that, for a third violation and each subsequent violation, the person shall be fined a minimum of \$10,000, up to a maximum of \$20,000, and shall be prohibited from selling kratom products in this State for 3 years. Defines terms. Limits home rule powers. Repeals the Kratom Control Act.

LRB104 08364 BDA 18415 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 Kratom  
5 Consumer Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Attractive to children" means:

8 (1) manufactured in the shape of humans, cartoons, or  
9 animals; or

10 (2) manufactured in a form that bears any reasonable  
11 resemblance to an existing candy product that is familiar  
12 to the public as a widely distributed, branded food  
13 product, such that the product could be mistaken for the  
14 branded product, especially by children.

15 "Kratom leaf" means the leaf of the kratom plant, also  
16 known as *Mitragyna speciosa*, in fresh, dehydrated, or dried  
17 form that has been subjected to no post-harvest processing  
18 other than:

19 (1) drying or size reduction by cutting, milling, or  
20 another procedure; and

21 (2) cleaning or sterilization through application of  
22 heat, steam, pressurization, irradiation, or other  
23 standard treatments applied to food ingredients.

1 "Kratom leaf extract" means the material extracted from  
2 kratom leaves through application of a solvent consisting of  
3 water, ethanol, or food grade carbon dioxide, or any other  
4 solvent allowed by federal or State rule or regulation to be  
5 used in the manufacturing of a food ingredient.

6 "Kratom product" means a food or dietary supplement that  
7 consists of or contains kratom leaf or kratom leaf extract.

8 "Processor" means a person that manufactures, packages,  
9 labels, or distributes kratom products or advertises,  
10 represents, or holds itself out as manufacturing, preparing,  
11 packaging, or labeling kratom products.

12 "Semi-synthesized kratom alkaloids or kratom constituents"  
13 means a kratom extract that has been further exposed to  
14 chemicals, processes, or a combination of chemicals and  
15 processes that would confer a structural change in the  
16 alkaloids contained within the extract, such as with  
17 oxidation, reduction, ring opening, or ring closing, resulting  
18 in material that has been chemically altered.

19 "Synthesized kratom alkaloids or kratom constituents"  
20 means an alkaloid or alkaloid derivative that has been created  
21 by chemical synthesis or biosynthetic means, including, but  
22 not limited to, fermentation, recombinant techniques, yeast  
23 derived, or enzymatic techniques, rather than traditional food  
24 preparation techniques, such as heating or extracting.

25 Section 10. Restrictions.

1 (a) No person shall sell, offer for sale, provide, or  
2 distribute kratom leaf or a kratom product to a person under 21  
3 years of age.

4 (b) An online retailer or marketplace of kratom leaf or  
5 kratom products shall implement an age-verification system to  
6 ensure compliance with subsection (a).

7 (c) No person shall sell, offer for sale, provide, or  
8 distribute a kratom product that contains a level of  
9 7-hydroxymitragynine in the alkaloid fraction that is greater  
10 than 2% of the alkaloid composition of the kratom product.

11 (d) An individual, business, or other entity shall not  
12 produce, sell, or distribute a kratom product that is  
13 attractive to children.

14 (e) No person shall sell, offer for sale, provide, or  
15 distribute a kratom product that is adulterated with a  
16 dangerous non-kratom substance. A kratom product is  
17 adulterated with a dangerous non-kratom substance if the  
18 kratom product contains a poisonous or otherwise deleterious  
19 non-kratom ingredient, including, but not limited to, the  
20 substances listed as controlled substances under State or  
21 federal law.

22 (f) No person shall offer for sale any kratom product that  
23 contains or is adulterated with synthesized or  
24 semi-synthesized kratom alkaloids or kratom constituents.

25 Section 15. Manufacturing.

1           (a) A kratom product sold, offered for sale, or introduced  
2 into commerce in this State shall be manufactured, packaged,  
3 labeled, and held in compliance with federal laws and  
4 regulations for current good manufacturing practices in  
5 manufacturing, packaging, labeling, or holding operations for  
6 dietary supplements, as codified at 21 CFR Part 111.

7           (b) A processor that manufactures, processes, packages, or  
8 holds kratom products out for sale in this State must be  
9 properly registered with the U.S. Food and Drug  
10 Administration.

11           Section 20. Tax.

12           (a) A tax is imposed upon the privilege of engaging or  
13 continuing within this State in the business of the retail  
14 sale of kratom products. The applicable tax rate is equal to 5%  
15 of the retail sales price of the kratom or kratom products sold  
16 during the reporting period. Such tax is imposed in addition  
17 to all other applicable taxes.

18           (b) On or before the 25th day of the first month following  
19 the end of the calendar quarter, a person in the business of  
20 the retail sale of kratom products shall file with the  
21 Department of Revenue a return on a form prescribed by the  
22 Department of Revenue. Each person in the business of the  
23 retail sale of kratom products in this State shall pay to the  
24 Department of Revenue the amount of the tax at the time when  
25 the person is required to file the person's return for the

1 period during which the tax was collected.

2 (c) A person required to file a return under this Section  
3 who knowingly files a false or incomplete return is guilty of a  
4 Class A misdemeanor.

5 (d) The Department of Revenue has full power to: (i)  
6 administer and enforce this Law; (ii) collect all taxes,  
7 penalties, and interest due under this Section; (iii) dispose  
8 of taxes, penalties, and interest so collected; and (iv)  
9 determine all rights to credit memoranda or refunds arising on  
10 account of the erroneous payment of tax, penalty, or interest  
11 under this Law.

12 (e) All of the provisions of Sections 5a, 5b, 5c, 5d, 5e,  
13 5f, 5g, 5i and 5j of the Retailers' Occupation Tax Act, which  
14 are not inconsistent with this Act, and Section 3-7 of the  
15 Uniform Penalty and Interest Act shall apply, as far as  
16 practicable, to the subject matter of this Act to the same  
17 extent as if such provisions were included herein.

18 (f) The tax imposed in this Section shall be administered  
19 by the Department of Revenue under rules adopted by the  
20 Department of Revenue. The Department of Revenue shall adopt  
21 rules as necessary to implement this Section.

22 Section 25. Penalties.

23 (a) Any person who sells a kratom product in violation of  
24 this Act shall be subject to a civil penalty up to \$5,000 for  
25 the first violation, and up to \$10,000 for the second

1 violation.

2 (b) Any person who sells a kratom product in violation of  
3 this Act shall be guilty of a business offense for the third  
4 violation and each subsequent violation, shall be subject to a  
5 fine of at least \$10,000, up to a maximum of \$20,000, and shall  
6 be prohibited from selling kratom products in this State for 3  
7 years.

8 Section 30. Home rule limitation. The regulation of the  
9 manufacturing, packaging, labeling, distribution, and sale of  
10 kratom leaves, kratom leaf extracts, and kratom products is an  
11 exclusive power and function of the State. A home rule unit may  
12 not regulate the manufacturing, packaging, labeling,  
13 distribution, and sale of kratom leaves, kratom leaf extracts,  
14 and kratom products. This Section is a denial and limitation  
15 of home rule powers and functions under subsection (h) of  
16 Section 6 of Article VII of the Illinois Constitution.

17 (720 ILCS 642/Act rep.)

18 Section 90. The Kratom Control Act is repealed.