

Article - Health - General

[\[Previous\]](#)[\[Next\]](#)

§21-2E-02.

(a) (1) A retailer that prepares, distributes, sells, or exposes for sale a kratom product shall disclose on the product label the factual basis on which the representation is made.

(2) A retailer may not prepare, distribute, sell, or expose for sale a kratom product that:

(i) Does not comply with the disclosure requirement established under paragraph (1) of this subsection; or

(ii) Has not been recognized as a dietary ingredient or approved drug by the U.S. Food and Drug Administration.

(b) (1) Subject to paragraph (2) of this subsection, a retailer may not prepare, distribute, sell, or expose for sale any of the following:

(i) A kratom product that is adulterated with a dangerous substance other than kratom;

(ii) A kratom product that is contaminated with a dangerous substance other than kratom;

(iii) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% of the alkaloid composition of the product;

(iv) A kratom product containing a synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant; or

(v) A product containing kratom that does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the product.

(2) (i) For the purpose of paragraph (1)(i) of this subsection, a kratom product is adulterated with a dangerous substance other than kratom if:

1. The kratom product is mixed or packed with a substance other than kratom; and

2. That substance affects the quality or strength of the kratom product to a degree as to render the kratom product injurious to a consumer.

(ii) For the purpose of paragraph (1)(ii) of this subsection, a kratom product is contaminated with a dangerous substance other than kratom if the kratom product contains a poisonous or otherwise deleterious ingredient other than kratom, including a drug that is designated as a controlled dangerous substance under Title 5 of the Criminal Law Article.

(c) A retailer may not distribute, sell, or expose for sale a kratom product to an individual under the age of 21 years.

(d) In a prosecution for a violation of this section, it is a defense that the defendant relied in good faith on the representations of a manufacturer, processor, packer, or distributor of a kratom product.

(e) A retailer that violates subsection (a)(1) of this section is subject to a civil penalty not exceeding:

(1) \$1,000 for a first violation; and

(2) \$2,000 for each subsequent violation.

(f) A retailer that violates subsection (a)(2), (b), or (c) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000, imprisonment for not more than 90 days, or both.

(g) In addition to any other penalties specified in this section, a retailer who violates this section is liable for any civil damages sustained by the individual resulting from the violation.

[\[Previous\]](#)[\[Next\]](#)