



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4737

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 642/Act rep.

Creates the Illinois Kratom Consumer Protection Act. Prohibits preparing, distributing, selling, or offering for sale kratom products intended for ingestion if they meet certain specifications, with a civil penalty of \$5,000 for a first violation, \$10,000 for a second or subsequent violation, and a 2-year ban on distributing or selling a kratom product for a third violation. Requires labeling of retail packages containing kratom products, preparing, distributing, selling, or offering for sale kratom products intended for ingestion if they meet certain specifications. Prohibits selling kratom products to a person under 21 years of age, with a Class B or Class A misdemeanor for a knowing and willful violation. Prohibits manufacturing, delivering, holding, offering for sale, distributing, or selling a product that contains kratom and a controlled substance, with a Class 4 felony for knowing and willful violation. Prohibits manufacturing, delivering, holding, offering for sale, distributing, or selling a product that contains a synthetically derived compound of the plant *Mitragyna speciosa*, with a Class B misdemeanor for knowing and willful violation. Provides an affirmative defense for a retailer for reliance upon the representations of a manufacturer, processor, packer, or distributor of food represented to be a kratom product. Requires the Department of Revenue to adopt rules to implement and administer the Act. Limits home rule powers and functions. Defines terms. Repeals the Kratom Control Act. Effective January 1, 2027.

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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. As used in this Act:

7 "Department" means the Department of Revenue.

8 "Kratom" means the plant *Mitragyna speciosa* or any part of
9 that plant.

10 "Kratom extract" means a substance or compound that is
11 obtained by extraction of the *Mitragyna speciosa* leaf, is
12 intended for ingestion, and contains more than trace amounts
13 of *Mitragyna speciosa* and other alkaloids of the kratom plant.

14 "Kratom processor" means (i) a person who manufactures,
15 distributes, maintains, or sells a kratom product or (ii) a
16 person who advertises, represents, or holds oneself out as
17 selling, preparing, or maintaining a kratom product.

18 "Kratom product" means a product containing (i) any part
19 of a leaf of the plant *Mitragyna speciosa* in fresh,
20 dehydrated, or dried form or (ii) a kratom extract.

21 "Product that is attractive to children" means (i) a
22 product that is in the shape of a cartoon or animal or (ii) a
23 product that is in a form that bears reasonable resemblance to

1 an existing candy product and that could be mistaken by a child
2 for a widely distributed, branded food product.

3 "Retailer" means any person that sells, distributes,
4 advertises, represents, or holds oneself out as selling a
5 kratom product. "Synthesized material" means an alkaloid,
6 metabolite, or alkaloid derivative that has been created by
7 chemical synthesis or biosynthetic means, including, but not
8 limited to, fermentation, recombinant techniques, yeast
9 derivation, or enzymatic techniques, rather than by heating,
10 extracting, or any other traditional food preparation
11 techniques that synthetically alter the composition of the
12 kratom alkaloid or constituent.

13 Section 10. Kratom-containing product limitations. A
14 person may not prepare, distribute, sell, or offer for sale a
15 kratom product that is intended for ingestion if:

16 (1) the product contains a concentration of
17 7-hydroxymitragynine in the alkaloid fraction that is
18 greater than 2% of the alkaloid composition of the
19 product;

20 (2) the product contains synthesized material;

21 (3) the product contains a poisonous or otherwise
22 deleterious non-kratom ingredient, including, but not
23 limited to, a substance identified as a controlled
24 substance under State or federal law;

25 (4) the product is in a form that is combustible,

1 injectable, or intended to be used for vaporization;

2 (5) the product is a product that is attractive to
3 children; or

4 (6) the product contains residual solvents in
5 concentrations that are greater than the concentration
6 that is allowed under the U.S. Pharmacopeia General
7 Chapter <467>, "Residual Solvents".

8 Section 15. Labeling. Each retail package containing a
9 kratom product that is produced, manufactured, distributed,
10 sold, or offered for sale in the State shall have a label
11 affixed to it that clearly and conspicuously provides all of
12 the following information:

13 (1) a statement discouraging use of the product by
14 individuals who are under 21 years of age, who are
15 pregnant, or who are breastfeeding;

16 (2) a recommendation to consult a health care
17 professional before using the product;

18 (3) a statement that the product may be habit forming;

19 (4) the following statement: "These statements have
20 not been evaluated by the Food and Drug Administration.
21 This product is not intended to diagnose, treat, cure, or
22 prevent any disease.";

23 (5) the name and the address for the place of business
24 of the manufacturer;

25 (6) directions for use that include the following:

1 (A) a recommended amount of the kratom product per
2 serving that is (i) clearly described on the label for
3 product forms, such as capsules, gummies, prepackaged
4 single serving units, and similar product forms; or
5 (ii) for beverages, liquids, or loose powders, a clear
6 instruction or a mark on the package or container that
7 clearly informs the consumer of the recommended
8 serving size;

9 (B) a recommended number of servings that can be
10 safely consumed in a 24-hour period;

11 (C) a listing of the servings per container; and

12 (D) a listing of kratom alkaloids and other
13 ingredients in the product, including quantitative
14 data not to exceed declarations of the amount per
15 serving of each of the following:

16 (i) mitragynine; and

17 (ii) 7-hydroxymitragynine.

18 Section 20. Enforcement.

19 (a) A person may not distribute, offer for sale, or sell in
20 this State a kratom product that does not comply with the
21 limitations set forth in Section 10 of this Act.

22 (b) A person who knowingly violates subsection (a) of this
23 Section is subject to the following penalties:

24 (1) a civil penalty of \$5,000 for a first violation;

25 (2) a civil penalty of \$10,000 for a second or

1 subsequent violation; and

2 (3) upon a third or subsequent violation of subsection
3 (a), a person may not, for a period of 2 years, distribute,
4 offer for sale, or sell in this State a kratom product.

5 (c) Kratom products that are intended for human ingestion
6 may not be sold in this State to a person who is under 21 years
7 of age. A person who knowingly and willfully violates this
8 subsection (c) commits a Class B misdemeanor. A person who
9 knowingly and willfully commits a second or subsequent
10 violation of this subsection (c) within one year after the
11 initial violation commits a Class A misdemeanor.

12 (d) A person that knowingly and willfully manufactures,
13 delivers, holds, offers for sale, distributes, or sells a
14 product that contains kratom and a controlled substance
15 regulated under State or federal law commits a Class 4 felony.

16 (e) A person that knowingly and willfully manufactures,
17 delivers, holds, offers for sale, distributes, or sells a
18 product that contains synthetic mitragynine, synthetic
19 7-hydroxymitragynine, or any other synthetically derived
20 compound of the plant *Mitragyna speciosa* commits a Class B
21 misdemeanor.

22 (g) A retailer does not violate this Section if it is shown
23 by a preponderance of the evidence that the retailer relied in
24 good faith upon the representations of a manufacturer,
25 processor, packer, or distributor of food represented to be a
26 kratom product.

1 Section 25. Rulemaking. The Department shall adopt rules
2 to implement and administer this Act. The rules must, at a
3 minimum:

4 (1) set forth the requirements for enforcing the
5 restriction on the sale of any kratom product to a person
6 under the age of 21; and

7 (2) require proof of appropriate quality testing from
8 an ISO 17025 laboratory in the form of a certificate of
9 analysis demonstrating that the product does not contain
10 unsafe or otherwise impermissible levels of residual
11 solvents, biological contaminants, or heavy metals.

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

21 (720 ILCS 642/Act rep.)

22 Section 35. The Kratom Control Act is repealed.

23 Section 99. Effective date. This Act takes effect January

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