

STATE OF NEW YORK

8780

IN SENATE

January 8, 2026

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to regulating the sale of kratom products

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 398-g of the general business law, as added by a
2 chapter of the laws of 2025 amending the general business law relating
3 to regulating the sale of kratom products, as proposed in legislative
4 bills numbers S. 8285 and A. 5852-A, is amended to read as follows:

5 § 398-g. Kratom package labeling. 1. For the purposes of this section,
6 ~~[the following terms shall have the following meanings:~~

7 ~~(a)] "Kratom" means [both] any part of the plant *Mitragyna speciosa*,~~
8 ~~[a tree native to Southeast Asia, and the products derived from its~~
9 ~~leaves that are marketed as herbal supplements.~~

10 ~~(b) "All natural" means a product that contains no artificial ingredi-~~
11 ~~ents or added colors and is minimally processed.] whether growing or~~
12 ~~not, and any compound, manufacture, salt, derivative, mixture, or prepa-~~
13 ~~ration of such plant or synthesized or semi-synthesized preparations of~~
14 ~~mitragynine or 7-hydroxymitragynine, their derivatives, salts, esters,~~
15 ~~and isomers.~~

16 2. ~~[On each package of any kratom product sold or delivered by a~~
17 ~~manufacturer within this state on or after January first, two thousand~~
18 ~~twenty-six, there shall be printed thereon or attached thereto a warning~~
19 ~~of such product's lack of federal food and drug administration approval~~
20 ~~and such kratom products' known side effects. Such warning shall be in~~
21 ~~a font not less than twelve-point type and in a color in contrast with~~
22 ~~the package containing such kratom product, and shall contain the~~
23 ~~following statement:~~

24 ~~"WARNING This product has not been approved by the FDA. Side effects~~
25 ~~may include nausea, agitation, hallucinations, difficulty breathing,~~
26 ~~liver damage, and death"] No person, firm, partnership, association, or~~
27 ~~corporation shall manufacture, distribute, sell or offer for sale at~~
28 ~~retail within the state any product containing kratom unless there is~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 printed thereon such packaging or attached thereto a label disclosing
2 the following:

3 (a) the name and address for the place of business of the manufacturer
4 or distributor of the kratom product;

5 (b) the full list of ingredients in the kratom product;

6 (c) the following disclosures:

7 (i) that sale or distribution by individuals who are under twenty-one
8 years of age is prohibited under the public health law;

9 (ii) that use by individuals who are pregnant or breastfeeding is not
10 advised;

11 (iii) to consult a healthcare professional prior to use;

12 (iv) that kratom may be addictive;

13 (v) that kratom may interact with certain medications, drugs, and
14 controlled substances;

15 (vi) whether the product includes a semi-synthesized chemical or
16 compound or synthesized chemical or compound of kratom. For the purposes
17 of this subparagraph the term "semi-synthesized chemical or compound"
18 shall mean a chemical or compound contained in a kratom extract that has
19 been exposed to chemicals or processes that would confer a structural
20 change in the chemical or compound, such as oxidation, reduction, and
21 ring opening and closing, resulting in material that has been chemically
22 altered. For the purposes of this subparagraph the term "synthesized
23 chemical or compound" shall mean a chemical or compound of kratom that
24 has been created by chemical synthesis or biosynthetic means, including
25 fermentation, recombinant techniques, and enzymatic techniques, rather
26 than by traditional food preparation techniques such as heating or
27 extracting; and

28 (vii) quantitative declarations of the amount of mitragynine and the
29 amount of 7-hydroxymitragynine by part, weight or volume of the kratom
30 product; and

31 (d) the following statements, clearly and conspicuously:

32 (i) "These statements have not been evaluated by the food and drug
33 administration. This product is not intended to diagnose, treat, cure,
34 or prevent any disease."; and

35 (ii) "Keep out of reach of children."

36 ~~3. [No kratom product shall be advertised as nor shall the packaging~~
37 ~~of such kratom product suggest, state, or imply that such kratom product~~
38 ~~is all natural.~~

39 ~~4.]~~ Any ~~manufacturer~~ person, firm, partnership, association, or
40 corporation in violation of this section shall be subject to a civil
41 penalty of not more than five hundred dollars for a first violation and
42 not more than one thousand dollars for a second or subsequent violation.

43 § 2. This act shall take effect on the same date and in the same
44 manner as a chapter of the laws of 2025 amending the general business
45 law relating to regulating the sale of kratom products, as proposed in
46 legislative bills numbers S. 8285 and A. 5852-A, takes effect.