STATE OF NEW YORK

9443

IN ASSEMBLY

January 6, 2026

Introduced by M. of A. STECK -- read once and referred to the Committee on Consumer Affairs and Protection

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:

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

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

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

~~(b) "All natural" means a product that contains no artificial ingredients or added colors and is minimally processed.~~] **whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of such plant or synthesized or semi-synthesized preparations of mitragynine or 7-hydroxymitragynine, their derivatives, salts, esters, and isomers.**

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

~~"WARNING This product has not been approved by the FDA. Side effects may include nausea, agitation, hallucinations, difficulty breathing, liver damage, and death"~~] **No person, firm, partnership, association, or corporation shall manufacture, distribute, sell or offer for sale at 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.

LBD09239-04-6

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

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

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

(c) the following disclosures:

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

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

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

(iv) that kratom may be addictive;

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

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

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

(d) the following statements, clearly and conspicuously:

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

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

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

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

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